

**AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: JANUARY 8, 2014

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: FIFTH STREET GAMING, LLC - OWNER: 899
FREMONT, LLC

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
EOT-52274	Staff recommends APPROVAL, subject to conditions:	N/A

**** CONDITIONS ****

EOT-52274 CONDITIONS

Planning

1. This request for an Extension of Time for a nonconforming Gaming Establishment, Non-restricted located at 899 Fremont Street shall expire on January 08, 2015 unless another Extension of Time is approved by the City Council.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for an Extension of Time of a nonconforming Gaming Establishment, Non-restricted at 899 Fremont Street. On January 03, 2013 business license G08-00100 for a Gaming Establishment, Non-restricted was classified as inactive with no subsequent licenses applied for at the subject site. On October 6, 2010, the City Council adopted Bill 2010-40, Ordinance 6114 that allowed the owner of property deemed abandoned for a period of time greater than the applicable abandonment period to request the abandonment period extended through an Extension of Time application. If approved, the Extension of Time request is not to exceed the duration of the applicable abandonment period, which is one year.

The applicant is requesting an extension of time due to the economic climate in Las Vegas, making it difficult to secure a new tenant for the subject site. The Gaming Establishment, Non-restricted is located on Fremont Street, which accommodates a variety of commercial uses, including other similar uses, and will not negatively impact the existing synagogues, schools or gaming establishments. As the request does not jeopardize public health, safety and welfare and falls within the intent of Bill 2010-40, staff is recommending approval with a one-year time limit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
06/27/62	The Board of City Commissioners approved a request for Rezoning (Z-0056-62) from R-4 (Apartment Residence) to C-2 (General Commercial) on property generally located on the west side of Ninth Street Between Carson Avenue and Fremont Street.
12/16/64	The Board of City Commissioners approved a request for Rezoning (Z-0100-64) under Resolution of Intent from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial), C-2 (General Commercial) and C-V (Civic) to C-2 (General Commercial) for approximately 230 Acres generally located on property bounded by Main Street to the west, Bonanza Road on the north, Las Vegas Boulevard on the east, and Charleston Boulevard on the south.
07/16/69	The Board of City Commissioners approved a request for Rezoning (Z-0046-69) from R-4 (Apartment Residence) to C-2 (General Commercial) on property generally located on the northwest corner of Carson Avenue and Ninth Street.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
06/13/96	The Planning Commission approved a request for an Aesthetic Review (AR-0007-96) for a 7,502 square-foot addition to the Western Hotel and Casino at 899 Fremont Street.
07/03/96	The City Council approved a request to Vacate (VAC-0025-96) a 20-foot wide north/south alley located within the block occupied by the hotel/casino.
04/17/13	The City Council approved a request for an Extension of Time (EOT-47829) for a nonconforming Liquor Establishment (Tavern) at 899 Fremont Street.
12/04/13	The City Council approved a request for an Extension of Time (EOT-51700) for a nonconforming Liquor Establishment (Tavern) at 899 Fremont Street.

<i>Most Recent Change of Ownership</i>	
03/14/13	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
c.1970	The building at 899 Fremont Street was constructed.
12/01/87	A business license (R09-00079) was issued for a restaurant at 899 Fremont Street. The license was marked out of business on 02/02/12.
12/21/87	A business license (F50-00007) was issued for a food wholesale at 899 Fremont Street. The license was marked out of business on 02/17/10.
07/06/93	A business license (L16-00049) was issued for a tavern 899 Fremont Street. The license was marked inactive on 02/02/12.
12/23/97	A building permit (97025237) was issued for a Certificate of Occupancy for a 4,916 square-foot addition at 899 Fremont Street. The permit was finalized on 10/05/98.
	A building permit (97025238) was issued for on-site improvements at 899 Fremont Street. The permit was finalized on 12/03/98.
08/03/99	A business license (C05-00763) was issued for a Tobacco Dealer at 899 Fremont Street. The license was marked out of business on 02/02/12.
04/01/04	A business license (C30-01004) was issued for Convention Hall Gaming Tax at 899 Fremont Street. The license was marked out of business on 05/30/12.
	A business license (G08-00059) was issued for Non-Restricted Gaming at 899 Fremont Street. The license was marked out of business on 02/02/12.
05/06/09	A business license (W10-00295) was issued for a Wire Service at 899 Fremont Street. The license was marked out of business on 02/02/12.
11/30/09	A business license (C08-01915) was issued for a Juke Box at 899 Fremont Street. The license was marked out of business on 02/02/12.
06/28/12	A business license (G08-00096) was issued for a Non-Restricted Gaming two day opening at 899 Fremont Street. The license was marked out of business on 07/02/12.
	A business license (C30-01041) was issued for Convention Hall Gaming Tax at 899 Fremont Street. The license was marked out of business on 07/02/12.

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<i>Related Building Permits/Business Licenses</i>	
12/27/12	A business license (G08-00100) was issued was issued for a Non-Restricted Gaming two day opening at 899 Fremont Street. The license was marked out of business on 01/03/13.
09/12/13	A building permit (242997) was issued for the demolition of a three-story motel at 115 South 8 th Street. The permit has not been finalized.

<i>Pre-Application Meeting</i>
A pre-application meeting was not required, nor was one held.

<i>Neighborhood Meeting</i>
A neighborhood meeting was not required, nor was one held.

Field Check	
11/12/13	Staff conducted a field check of the subject site and noted a Vacant Hotel/Casino, in the process of demolition with construction fencing around the perimeter of the property.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.87

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Vacant Hotel/Casino	C (Commercial)	C-2 (General Commercial)
North	Parking Lot	C (Commercial)	C-2 (General Commercial)
South	Parking Garage	MXU (Mixed Use)	C-2 (General Commercial)
East	Retail, Parking and Duplexes	C (Commercial)	C-2 (General Commercial), C-1 (Limited Commercial) and R-4 (High Density Residential)
West	Parking Lot	C (Commercial)	C-2 (General Commercial)

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<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area			
Downtown Centennial Plan (East Village)	X		Y
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Downtown Centennial Plan Overlay District	X		Y
Live/Work Overlay District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

As of January 03, 2013 business license G08-00100 for a Gaming Establishment, Non-restricted was classified as inactive with no subsequent licenses applied for at the subject site. The Gaming Establishment, Non-restricted is considered a non-conforming use as it is not located in a Gaming Overlay District. The Gaming Establishment, Non-restricted use is located on Fremont Street, which accommodates a variety of commercial uses, including other similar uses, and will not negatively impact the existing synagogues, schools or gaming establishments.

FINDINGS

The applicant is requesting an extension of time due to the economic climate in Las Vegas, making it difficult to secure a new tenant for the subject site. Bill 2010-40, Ordinance 6114 allows for an Extension of Time when the request is due to an economic hardship based on market conditions or other circumstances beyond the applicant's control. As the request does not jeopardize public health, safety and welfare and falls within the intent of Bill 2010-40, staff is recommending approval with a one-year time limit.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED

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APPROVALS 0

PROTESTS 0