



Planning Commission Agenda Item

Date: September 14,
2022

Item No: 3.

TO: Planning Commission

FROM: Marc Jordan, Director Land Development & Community Services
Prepared By: Robert Eastman

SUBJECT: GED-01-2022 LOSEE STATION RESORT & CASINO (Public Hearing).
Applicant: SC SP 3 LLC. Request: A petition to establish a Gaming Enterprise District (GED) in a C-2 MPC (General Commercial Master Planned Community District), and an RZ13 MPC (Residential Zone up to 13 du/ac Master Plan Community District), proposed C / RC PCD (Commercial / Resort Casino Planned Community District). Location: Northwest corner of Clark County 215 and Losee Road. (APNs 124-14-810-003, 124-14-810-004, 124-14-810-005 and 124-23-510-001) Ward 4. (For Possible Action)

RECOMMENDATION: APPROVAL

PROJECT DESCRIPTION: (APNs 124-14-810-003, 124-14-810-004, 124-14-810-005 and 124-23-510-001).

The applicant is requesting Planning Commission consideration to establish a new gaming enterprise district (GED) as required by NRS 463.3086 for the subject property. The subject property is 66.86± acres and is currently zoned C-2 MPC, General Commercial Master Planned Community District and RZ13 MPC, Residential Zone up to 13 du/ac District. In addition to this GED application, the applicant has filed a zone change (ZN-22-2022) request for the property to C/RC PCD, Commercial / Resort Casino Planned Community District; a special use permit (SUP-40-2022) to allow a casino/hotel on the site, and a site plan review (SPR-05-2022) for the entire commercial site plan. The subject property, is considered Parcel 2.21 in the Villages at Tule Springs Master Planned Community. The Villages at Tule Springs Land Use designation for the parcel is Commercial / Resort Casino.

BACKGROUND INFORMATION:

| Previous Action |
|---|
| A neighborhood meeting was held on July 25, 2022 at 5:30 p.m. at the Aliante Library located at 2400 Deer Springs Way, North Las Vegas, NV. The sign in sheet from the meeting indicated there were 33 people in attendance. The meeting summary further stated that the attendees expressed concerns with Station Casinos business practices, and the closures of the Texas Station and Fiesta Casinos. |
| On June 3, 2015, City Council approved the Second Amended and Restated Development Agreement for The Villages at Tule Springs (formerly known as Park Highlands East). The amended development agreement proposed a casino in Parcel 2.21 (the subject site). It also acknowledged the need for any future developer to obtain a Gaming Enterprise District and required special use permit. |
| On July 14, 2022, a Task Force Meeting (TF-59-2022) was held between the applicant and City Staff. At the meeting staff explained the process for a new GED within the master planned community and the other required entitlements for the development of the site. The applicant was informed at this meeting, that any proposed residential component to the site would require a major modification to the land use plan and development agreement as Parcel 2.21 currently is not proposed with any residential units. |
| On June 11, 2008, Planning Commission approved GED-02-08, to allow a Gaming Enterprise District on the subject site. |
| On September 2, 2015, City Council approved GED-02-08, to allow a Gaming Enterprise District on the subject site. |
| On June 11, 2008, Planning Commission approved ZN-13-08, to reclassify the subject site to PUD/ MPC, Planned Unit Development Master Planned Community. The rezoning was later withdrawn during the September 2, 2015 City Council meeting. |
| On June 11, 2008, Planning Commission approved UN-50-08, a special use permit to allow a hotel and casino on the subject site. |

RELATED APPLICATIONS:

| Application # | Application Request |
|----------------------|---|
| ZN-22-2022 | A property reclassification from C-2 MPC, General Commercial Planned Community District & RZ13 MPC, Residential Zone (up to 13 du/ac) Master Planned Community to C/RC PCD, Commercial / Resort Casino Planned Community District |
| SUP-40-2022 | A special use permit to allow a hotel and casino on the subject site. |
| SPR-05-2022 | A site plan review to develop a hotel and casino on the subject site. |

GENERAL INFORMATION:

| | Land Use | Zoning | Existing Use |
|-------------------------|---|--|---|
| Subject Property | Master Planned Community | C-2 MPC, General Commercial Master Planned Community District and RZ13 MPC, Residential Zone up to 13 du/ac Master Plan Community District | Undeveloped |
| North | Master Planned Community | RZ13 MPC, Residential Zone up to 13 du/ac Master Plan Community District | Undeveloped |
| South | Single-Family Medium (up to 13 du/ac) Residential | PUD, Planned Unit Development and R-CL, Single Family Compact Lots Residential District | Clark County 215 and Existing Single Family Homes |
| East | Master Planned Community | R-E, Ranch Estates Residential District | Undeveloped |
| West | Master Planned Community | RZ13 MPC, Residential Zone up to 13 du/ac Master Plan Community District | Undeveloped |

DEPARTMENT COMMENTS:

| Department | Comments |
|--------------------------------------|-----------------|
| Public Works: | No Comment. |
| Police: | No Comment. |
| Fire: | No Comment. |
| Clark County School District: | No Comment. |
| Clark County Department of Aviation: | No Comment. |

ANALYSIS:

The site plan submitted with the applications depicts a casino/hotel with one additional retail/commercial pad site (tavern) to be developed in two (2) phases. Phase 1 includes a total gross floor area of approximately 255,897 square feet of casino/hotel and uses that are accessory to the casino/hotel. Accessory uses within Phase 1 include a

bowling alley, restaurants (3), food hall (6), bar/music lounges (4), and banquet and meeting areas. Phase 2 of the development includes an additional 299,174 square feet of gross floor area for the casino/hotel and accessory uses. The second phase of the proposed casino/hotel includes additional casino floor area, one additional restaurant, two additional restaurants in the food hall, one additional bar, kids quest, movie theater, additional non-gaming entertainment (not specified) and more banquet and meeting facilities.

The hotel component of the casino/hotel will provide 600 guest rooms in three (3) towers. The first phase will contain one tower with 200 guest rooms. Phase two will contain two additional towers (17,678 square feet each) with 200 additional rooms per tower. The proposed hotel tower height is 106 feet with a 20 foot parapet. Under the Development Standards for the Villages at Tule Springs, the C/RC, Commercial / Resort Casino District (proposed zoning) allows for a maximum building height of 120 feet.

The subject property is located on the northwest corner of the 215 Beltway and Losee Road. The proposed development will have four (4) access points: two commercial driveways along Severance Lane, and two commercial driveways along Losee Road.

The purpose of the Gaming Enterprise District (GED) is to establish specific criteria (Section 17.12.070.M) for identifying areas suitable for the potential expansion of gaming activities and resort hotel uses as well as areas needing additional protection and buffering from the associated impacts of such activities and uses, including but not limited to residential, schools and churches (religious institutions). The Gaming Enterprise District (GED) is also intended to comply with Chapter 463 of NRS, as amended, by seeking to ensure adequate roads, water, sanitation, utilities, and related services are provided to areas where non-restricted gaming establishments are proposed.

In accordance with the provisions of Nevada Revised Statutes, the City may from time-to-time amend the official map for Gaming Enterprise Districts to either add new gaming districts or remove expired gaming districts within the municipality. The applicant is requesting approval to establish a gaming enterprise district for the subject site. NRS and Title 17 provide guidance on the review and approval of all Gaming Enterprise Districts within the City of North Las Vegas. The following is an excerpt from NRS 463.3086, which provides guidance on establishing a new gaming enterprise district:

(NOTE: The Municipal Code specifically, Chapter 17.12.070.M essentially mirrors the requirements in NRS 463.3086)

1. If the location of a proposed establishment:
 - a. Is not within the Las Vegas Boulevard gaming corridor or the rural Clark County gaming zone; and

b. Is not within a gaming enterprise district,

the commission shall not approve a nonrestricted license for the establishment unless the location of the establishment is designated a gaming enterprise district pursuant to this section.

2. If a person is proposing to operate an establishment with a nonrestricted license and the location of the proposed establishment:

a. Is not within the Las Vegas Boulevard gaming corridor or the rural Clark County gaming zone; and

b. Is not within a gaming enterprise district,

the person may petition the county, city or town having jurisdiction over the location of the proposed establishment to designate the location of the proposed establishment a gaming enterprise district pursuant to this section.

3. If a person files a petition pursuant to subsection 2, the county, city or town shall, at least 10 days before the date of the hearing on the petition, mail a notice of the hearing to:

a. Each owner of real property whose property line is less than 2,500 feet from the property line of the proposed establishment;

b. The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest the proposed establishment, to the extent this notice does not duplicate the notice given pursuant to paragraph (a);

c. Each tenant of a mobile home park whose property line is less than 2,500 feet from the property line of the proposed establishment; and

d. Any advisory board that represents one or more owners of real property or tenants of a mobile home park whose property line is less than 2,500 feet from the property line of the proposed establishment.

the notice must be written in language that is easy to understand and must set forth the date, time, place and purpose of the hearing and contain a physical description or map of the location of the proposed establishment. The petitioner shall pay the costs of providing the notice that is required by this subsection.

4. Any interested person is entitled to be heard at the hearing on the petition.

5. The county, city or town shall cause the hearing on the petition to be reported by a court reporter who is certified pursuant to chapter 656 of NRS. The petitioner shall pay the costs of having the hearing reported.
6. At the hearing, the petitioner must prove by clear and convincing evidence that:
 - a. The roads, water, sanitation, utilities and related services to the location are adequate;
 - b. The proposed establishment will not unduly impact public services, consumption of natural resources and the quality of life enjoyed by residents of the surrounding neighborhoods;
 - c. The proposed establishment will enhance, expand and stabilize employment and the local economy;
 - d. The proposed establishment will be located in an area planned or zoned for that purpose pursuant to NRS 278.010 to 278.630, inclusive;
 - e. The proposed establishment will not be detrimental to the health, safety or general welfare of the community or be incompatible with the surrounding area;
 - f. On the date that the petition was filed, the property line of the proposed establishment was not less than:
 - i. Five hundred feet from the property line of a developed residential district; and
 - ii. Fifteen hundred feet from the property line of a public school, private school or structure used primarily for religious services or worship; and
 - g. The proposed establishment will not adversely affect:
 - i. A developed residential district; or
 - ii. A public school, private school or structure used primarily for religious services,
whose property line is within 2,500 feet from the property line of the proposed establishment.

7. A three-fourths vote of the governing body of the county, city or town is required to grant the petition to designate the location of the proposed establishment a gaming enterprise district pursuant to this section.
8. A county, city or town that denies a petition submitted pursuant to this section shall not consider another petition concerning the same location or any portion thereof for 1 year after the date of the denial.
9. As used in this section:
 - a. “Developed residential district” means a parcel of land zoned primarily for residential use in which at least one completed residential unit has been constructed on the date that the petitioner files a petition pursuant to this section.
 - b. “Private school” has the meaning ascribed to it in NRS 394.103.
 - c. “Public school” has the meaning ascribed to it in NRS 385.007.

If approved the requested Gaming Enterprise District is valid for two years and is tied to the approval of the related use permit (SUP-40-2022). See 17.12.070.M.7 below.

7. Unless extended, an application for a GED shall expire two years from the date of approval, with the following exceptions:
 - a. The project for which the GED was approved has begun construction or is complete.
 - b. Existing GED’s approved prior to the effective date of this ordinance and where no construction has begun shall run concurrently with the associated special use permit. Should the special use permit expire, then the GED associated with the special use permit shall also expire.
 - c. The GED runs with the land and automatically transfers to subsequent property owners as long as there is no change in the development plan.

The petitioner is required to prove that the proposed gaming enterprise district would comply with the requirements outlined above. It should be demonstrated to the Planning Commission and/or City Council that the proposed gaming enterprise district would have a positive affect and not adversely affect the City and the surrounding community, including any schools or churches within 2,500 feet. It should also be demonstrated to the Planning Commission and/or City Council that the proposed gaming enterprise district would be compatible with the surrounding area.

The applicant has submitted an impact statement and distance separation exhibits which address the items the applicant is required to prove for the establishment of a gaming enterprise district; however, it was not possible to provide copies as part of this staff report. Nonetheless, the impact statement is available in the Planning and Zoning Department for review, if so desired. The applicant has included a site plan, landscape plan, floor plans, and elevations as exhibits. All issues and concerns pertaining to the site plan, landscape plan, floor plans, and elevations will be reviewed and addressed with the special use permit, SUP-40-2022 and site plan review, SPR-05-2022.

None of the reviewing departments have expressed any concerns with the impact statement and there do not appear to be any items of concern at this time. The proposed Gaming Enterprise District is was anticipated at this location within the Villages at Tule Springs and creation of a new gaming enterprise district is warranted.

ATTACHMENTS:

Letter of Intent
Boundary Map
Site Plan
Landscape Plan
Building Elevations
Clark County Assessor's Map
Location & Zoning Map