



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: MARCH 20, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: EFRAIM ZAKEN - OWNER: VINTAGE VEGAS GAMBLING, INC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0565-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 28

NOTICES MAILED 139 (by City Clerk)

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0565-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Automobile Rental use.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Division.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

6. No sales, display, or storage of rental vehicles shall take place in the public right-of-way.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Special Use Permit to allow the rental of vehicles from Binion's Gambling Hall and Hotel located at 128 Fremont Street in a 5,721 square-foot tenant space within the building.

ISSUES

- The Automobile Rental use is a conditional use in the C-2 (General Commercial) zoning district. The applicant does not meet Conditional Use Regulation #1, which states, "the minimum site area designated for rental services shall be 25,000 square feet." Therefore, the applicant is requesting a Special Use Permit to allow the use in a 5,721 square-foot tenant space within the casino. Staff supports this request.

ANALYSIS

The applicant is requesting to have an Automobile Rental business out of the Binion's Gambling Hall & Hotel located at 128 Fremont Street. The subject site has frontage along the Fremont Street Experience pedestrian mall, North 1st Street, North Casino Center Boulevard, East Ogden Avenue, and Stewart Avenue. The subject site is with the Downtown Las Vegas Overlay Area 1 and is subject to Appendix F Interim Downtown Las Vegas Development Standards. This project is within the Downtown Casino Overlay, the Gaming Enterprise Overlay, and the Resort and Casino District of Downtown Las Vegas in the 2050 Masterplan.

The subject site is within the C-2 (General Commercial) zoning district. The Automobile Rental use is a conditional use in the C-2 (General Commercial) zoning district. A Special Use Permit is required due to the proposed use not meeting Conditional Use Regulation #1, which states, "the minimum site area designated for rental services shall be 25,000 square feet." The subject tenant space is 5,721 square feet in floor area. The rental vehicles shall be stored within the parking garage. The site currently meets Title 19.12 parking requirements, providing 1,209 stalls where 912 are the minimum required, and this application will not remove required parking.

The Automobile Rental use is defined as "[a] facility for the rental of new or used automobiles or other passenger vehicles. For purposes of the limitations of this Title on outside storage, vehicles kept on a lot for rental purposes are not considered to be outside storage." The proposed use meets the definition as they seek to rent vehicles. The Minimum Conditional Use Regulations for this use include:

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1. The minimum site area designated for rental services shall be 25,000 square feet.

The proposed use does not meet this requirement as it will only occupy a 5,721 square-foot space within the property. The applicant has requested a Special Use Permit to allow a 5,721 square-foot site area designated to the use.

2. The installation and use of an outside public address or bell system is prohibited.

The applicant has indicated that no public address or bell system will be use with the proposed use.

3. No used or discarded automotive parts or equipment shall be located or stored in any open area outside of an enclosed building.

The applicant has indicated that no used or discarded automotive parts or equipment shall be located or stored in any open area outside of an enclosed building. The applicant has indicated that no washing, cleaning, or fueling of the vehicles shall be performed on-site.

4. All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel of land.

The proposed use meets this requirement as no changes to the exterior lighting are proposed for this site.

The subject site is located along the Fremont Street Experience, and will have a sales desk within the Casino, facing onto the Fremont Street Experience Pedestrian Mall, as defined in LVMC Chapter 11.68. The Pedestrian Mall's principal purpose is to serve as an economic and entertainment venue that will enhance the historical central business district. The subject site is adjacent to multiple Non-Restricted Gaming Establishments and resort hotels.

The intention of development within the Downtown Casino Overlay, the Gaming Enterprise Overlay, and the Resort and Casino District of Downtown Las Vegas in the 2050 Masterplan is to drive tourism and entertainment within the Las Vegas Downtown area. The application will not reduce the provided parking at the hotel casino below the minimum required parking under Title 19.12, which is not automatically applied in the Downtown Las Vegas Overlay Area 1.

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This proposed use can be conducted in harmony with the surrounding land uses. The applicant has indicated that no used or discarded automotive parts or equipment shall be located or stored in any open area outside of an enclosed building. Additionally, the applicant has indicated that no washing, cleaning, or fueling of the vehicles shall be performed on-site. With those concerns accounted for, the proposed use is harmonious with surrounding land uses. Therefore, staff recommends approval of the Special Use Permit.

FINDINGS (23-0565-SUP1)

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

- 1. The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

The subject site is adjacent to several gaming establishments, resort hotels, and parking facilities. The proposed addition of an Automobile Rental use at 128 Fremont Street is appropriate in the proposed location. The subject site is surrounded by the C-2 (General Commercial) zoning district. Therefore, the use can be conducted in a manner that is harmonious with the existing surrounding land uses and with future surrounding land uses.

- 2. The subject site is physically suitable for the type and intensity of land use proposed.**

A minimum 25,000 square-foot area dedicated to the Automobile Rental use is required as a Conditional Land Use Regulation. The subject site and tenant space are too small for accommodating a traditional model of Automobile Rental use, however there is additional parking and storage areas located across the site which should allow for the utilization of the site as a rental location without washing or fueling taking place on-site.

- 3. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

Fremont Street is a 98 foot-wide Pedestrian Mall and is subject to the Fremont Street Experience Design Manual. Casino Center Boulevard and Ogden Avenue are major collector street and are subject to the Master Plan of Streets and Highways. 1st Street is a Local Street and is subject to Title 13 standards. The proposed use can be conducted without having a negative impact on adjacent properties or neighborhood traffic.

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4. **Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

Approval of this proposed Special Use Permit will not compromise the public health, safety, and general welfare of the public, as the use will be subject to regular inspections and licensing restrictions.

5. **The use meets all of the applicable conditions per Title 19.12.**

The proposed use does not meet Condition #1 listed in Title 19.12; which requires a minimum area of 25,000 square feet dedicated to the proposed use. The applicant has requested a Special Use Permit to allow 5,721 square feet dedicated to the use where the minimum required is 25,000 square feet.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Code Enforcement, etc.</i>	
09/11/18	The Planning Commission approved a Special Use Permit (SUP-74170) for a Nightclub at 100 and 128 Fremont Street.
02/12/14	A Code Enforcement Case (#CE-137840) was processed for a Garage at Binion's Gambling Hall & Hotel not providing handicap accessible parking as required at 128 Fremont Street. This case was resolved on 03/12/14.
01/09/24	The Planning Commission abeyed a Special Use Permit (23-0565-SUP1) for Automobile Rental at 128 Fremont Street to 2/13/24 Planning Commission meeting.
02/13/24	The Planning Commission voted (7-0) to recommend APPROVAL for possible action on a Land Use Entitlement project request FOR A PROPOSED 5,721 SQUARE-FOOT AUTOMOBILE RENTAL USE at 128 Fremont Street (APNs 139-34-111-014, 021, 022, and 024), C-2 (General Commercial) Zone, Ward 5 (Crear).

<i>Most Recent Change of Ownership</i>	
03/11/04	A deed was recorded for a change in ownership.

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Related Building Permits/Business Licenses	
Pre-1991	A business license (#G50-03216) was processed in for a gift shop at 128 Fremont Street. This license is active.
	A business license (#C05-00493) was processed in for tobacco sales at 128 Fremont Street. This license is active.
	A business license (#G50-01636) was processed in for clothing sales at 128 Fremont Street. This license is active.
	A business license (#R09-00012) was processed in for a snack bar at 128 Fremont Street. This license is active.
	A business license (#H05-01040) was processed in for a hotel at 128 Fremont Street. This license is active.
	A business license (#P02-00225) was processed in for a parking garage at 128 Fremont Street. This license is active.

Related Building Permits/Business Licenses	
11/30/06	A business license (#G08-00072) was processed in for a Gaming Establishment, Non-restricted at 128 Fremont Street. This license went out of business on 09/20/12.
02/14/08	A business license (#G08-00075) was processed in for a Gaming Establishment, Non-restricted at 128 Fremont Street. This license is active.
12/01/15	A business license (#X64-00010) was processed in for Race Book and Sports Book at 128 Fremont Street. This license is active.

Related Building Permits/Business Licenses	
09/18/19	A business license (#L68-00021) was processed in for Alcohol, On-Premise Full at 128 Fremont Street. This license is active.
5/11/21	A business license (#G69-02971) was processed in for general retail for temporary tattoos and body jewelry at 128 Fremont Street. This license is active.
05/24/16	A business license (#G64-03587) for an Automated Teller Operator (ATM) at 128 Fremont Street. This license is active.

Pre-Application Meeting	
10/19/23	A pre-application meeting was held and the submittal requirements for a Special Use Permit were discussed.

Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

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Field Check	
11/30/23	During a routine site visit, staff observed a bustling casino and a valet parking area along North 1 st Street with no code violation concerns of note.

Details of Application Request	
Site Area	
Gross Acres	2.07

	Land Use per Title 19.12	General Plan	Zoning District
Subject Property	Resort Hotel, Non-restricted Gaming	C (Commercial)	C-2 (General Commercial)
North	Parking Facility	C (Commercial)	C-2 (General Commercial)
South	Resort Hotel, Non-restricted Gaming & Pedestrian Mall	C (Commercial)	C-2 (General Commercial)
East	Resort Hotel, Non-restricted Gaming	C (Commercial)	C-2 (General Commercial)
West	Resort Hotel, Non-restricted Gaming	C (Commercial)	C-2 (General Commercial)

Master and Neighborhood Plan Areas	Compliance
Master Plan 2050 Area: Downtown Las Vegas	Y
Vision 2045 Downtown Master Plan (Resort & Casino District)	
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District (200 ft.)	Y
DC-O (Downtown Casino Overlay) District	Y
DTLV-O (Downtown Las Vegas Overlay) District – Area 1 (Resort & Casino District)	Y
G-O (Gaming Enterprise Overlay) District	Y
DDRC (Downtown Design Review Committee) Area	Y
LW-O (Live/Work Overlay) District	Y

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<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Appendix F Interim Downtown Las Vegas Development Standards	Y
Trails (Fremont Street Pedestrian Mall)	Y
Las Vegas Redevelopment Plan (Area 1)	Y
Interlocal Agreement	N/A
Project of Significant Impact	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Non-Restricted Gaming	42,150 square feet	1:90 square feet	469				
Restau-rant	16,639 square feet	1:50 Seating/ Waiting areas 1:200 other area	333				
Hotel	81 Guest Rooms	One space per guest room.	81				
Auto-mobile Rental	5,721 square feet	1:200 square feet	29				
TOTAL SPACES REQUIRED			912		1,209		Y*
REGULAR AND HANDICAP			893	19	1,152	57	
*Projects located within the Downtown Las Vegas Overlay - Area 1 are not subject to the automatic application of parking requirements. However, the above table should be used to illustrate the requirements of an analogous project in another location in the City.							

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Mixed-Use Alternative Parking Requirement							
Use	Required Parking	Weekdays			Weekends		
		Mid – 7AM	7AM – 6 PM	6PM – Mid	Mid – 7AM	7AM – 6PM	6PM - Mid
Retail [Auto Rental]	29	0	100	80	0	100	60
Restaurant	333	50	70	100	45	70	100
Hotel	81	100	65	90	100	65	80
Theaters/ Entertainment & Amusement	469	0	70	100	5	70	100
Total Spaces Required		248	644	899	231	286	398
Total Spaces Provided		899					

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Fremont Street	Pedestrian Mall	Fremont Street Experience Design Manual	98	Y
Casino Center Boulevard	Collector	Master Plan of Streets and Highways	70	Y
1 st Street	Local Street	Title 13	80	Y
Ogden Avenue	Collector	Master Plan of Streets and Highways	80	Y