



# AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: NOVEMBER 16, 2022

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: SHORT LINE GAMING, LLC - OWNER: 300  
DECATUR, LLC

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## **\*\* STAFF RECOMMENDATION(S) \*\***

<b>CASE NUMBER</b>	<b>RECOMMENDATION</b>	<b>REQUIRED FOR APPROVAL</b>
<b>22-0481-SUP1</b>	Staff recommends APPROVAL, subject to conditions:	

## **\*\* NOTIFICATION \*\***

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 20

**NOTICES MAILED** 114 (by City Clerk)

**PROTESTS** 1

**APPROVALS** 0

**\*\* CONDITIONS \*\***

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**22-0481-SUP1 CONDITIONS**

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**Planning**

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Gaming Establishment, Restricted use.
2. Conformance to the approved conditions for Site Development Plan Review (SDR-78085).
3. 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.
4. 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 Department of Building and Safety.
5. 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.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a Special Use Permit request for a Gaming Establishment, Restricted use (1 to 5 machines) in conjunction with a previously approved Convenience Store at 300 South Decatur Boulevard.

**ISSUES**

- A Gaming Establishment, Restricted use (1 to 5 Machines) is permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit. Staff supports the request.

**ANALYSIS**

The subject site is zoned C-2 (General Commercial) with a TOD-1 (Transit Oriented Development – High) land use designation where it is subject to Title 19 development standards.

On January 30<sup>th</sup>, 2020, the Planning Department administratively approved a Minor Site Development Plan Review (SDR-78085) for a proposed 3,046 square-foot convenience store with fuel pumps and canopy. The subject site would operate primarily as a convenience store where the proposed Gaming Establishment, Restricted use (1 to 5 machines), if approved, would run incidentally to the primary use. As an ancillary use, no additional parking is required beyond that which is required for the principal use(s) on the site. The applicant has proposed to install five slot machines within the under-construction convenience store.

Per Title 19, the Gaming Establishment, Restricted use is defined as “An establishment which is primarily used for some business other than gaming but in which restricted gaming is permitted pursuant to Title 6. For informational purposes, this description refers to an establishment whose gaming operations are limited to not more than 15 slot machines, and no other game or gaming device.” The proposed use meets the definition as the proposed Gaming Establishment, Restricted use would be ancillary to the primary

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The Minimum Special Use Permit Requirements for this use include:

1. Pursuant to its general authority to regulate gaming, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring a minimum distance separation between a Gaming Establishment, Restricted use and certain other uses that should be protected from the impacts associated with that establishment, or that otherwise should be separated so as to minimize impacts on surrounding areas. Therefore, except as otherwise provided in these Requirements, the following distance separation requirements apply:
  - a. For one to five gaming machines, no less than 400 feet to the nearest:
    - i. Church/house of worship;
    - ii. School;
    - iii. Individual care center licensed for more than 12 children; or
    - iv. City Park.

*The proposed use meets this requirement as no protected use is within 400 feet of the proposed Gaming Establishment, Restricted use.*

- \*b. For six to fifteen gaming machines, no less than 1500 feet to the nearest:

- i. Church/house of worship;
- ii. School;
- iii. Individual care center licensed for more than 12 children; or
- iv. City park;
- v. Gaming Establishment, Restricted use with six to fifteen gaming machines; or
- vi. Gaming Establishment, Non-restricted use.

*This requirement is not applicable as only 1-5 machines are requested.*

- \*c. For one to fifteen gaming machines, and operating independently of Requirement 1.b. above, no less than 1500 feet to the nearest Gaming Establishment, Restricted use or Gaming Establishment, Non-restricted use located within the Resort & Casino District, as described in LVMC Title 19, Appendix F.

*The proposed use meets this requirement, as the applicant has requested one to five machines and there are no protected land uses within 1500 feet of the subject site.*

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2. The distance separation requirement set forth in Requirement 1.b. may be waived in accordance with the provisions of LVMC 19.12.050(C) for the following:

- a) An establishment located on property within one or more of the following Special Area and Overlay Districts:
  - I. The Civic District, as described in LVMC 19.10.010;
  - II. The Market District or the Symphony Park District within the Downtown Las Vegas Overlay District, as described in LVMC Title 19, Appendix F; or
  - III. The Gaming Enterprise Overlay District, as described in LVMC 19.10.130, except for any portion of the Gaming Enterprise Overlay District that falls entirely within the Resort & Casino District, as described in LVMC Title 19, Appendix F.
- b) An establishment located within a Regional Mall, as defined by LVMC 19.18.020;
- c) An establishment located within a Mixed-Use development, as defined by LVMC 19.18.020;
- d) An establishment that will be separated from an existing protected use by a street or highway with a minimum right-of-way width of 100 feet; or
- e) An establishment that is located on a site, or within a building or structure, that is designated on the City of Las Vegas Historic Property Register.

*The applicant is not within any Special Area or Overlay District has described in Title 19.*

3. The use shall conform to, and is subject to, the provisions of LVMC Chapter 6.40.

*The proposed use will be subject to all business licensing requirements outlined in LVMC Chapter 6.40 if approved.*

Staff finds that the proposed Gaming Establishment, Restricted use (1 to 5 machines) can be conducted in a manner that is harmonious and compatible with the existing surrounding land uses and with future surrounding land uses as there are similar uses to the north and west of the subject site. Therefore, staff recommends approval of the Special Use Permit, subject to conditions.

### **FINDINGS (22-0481-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.**

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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.

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

The Gaming Establishment, Restricted land use would be located within a convenience store, which is physically suitable for the type and intensity of the proposed land use.

- 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.**

The subject site is accessed by Meadows Lane, an 80-foot Collector street and Decatur Boulevard, a 100-foot primary arterial, as defined by the Master Plan of Streets and Highways and is adequate in size to meet the requirements of the proposed use.

- 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.**

If approved, this Special Use Permit will be subject to conditions of approval, business license approval, and compliance inspections to ensure it will not compromise the public health, safety and welfare.

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

The proposed Gaming Establishment, Restricted use meets all of the applicable conditions per Title 19.12.

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**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i></b>	
09/15/04	The City Council accepted a request to Withdraw Without Prejudice of the Appeal filed by the applicant from the Denial of the Planning Commission of a request for a Special Use Permit (SUP-4172) for a proposed off-premise advertising (Billboard) sign at 300 South Decatur Boulevard.
06/02/21	The City Council voted to approve to adopt the City of Las Vegas 2050 Master Plan and amend the City of Las Vegas General Plan from: Various Categories to: TOD-1 (Transit Oriented Development-1), TOD-2 (Transit Oriented Development -2), Transit Oriented Corridor -1), TOC-2 (Transit Oriented Corridor -2) or NMUX (Neighborhood Center Mixed Use) within the City of Las Vegas.
01/30/22	The Planning Department administratively approved a Minor Site Development Plan Review (SDR-78085) for a proposed 3,046 square-foot convenience store with fuel pumps and canopy on 0.52 acres at the southwest corner of Meadows Lane and Decatur Boulevard.
01/15/22	The Planning Department administratively approved an Extension of Time (22-0220-EOT1) for a previously approved Site Development Plan Review (SDR-78085) for a proposed 3,046 square-foot convenience store with fuel pumps and canopy at the southwest corner of Meadows Lane and Decatur Boulevard.
10/11/22	The Planning Commission voted (7-0) to recommend APPROVAL of a request FOR A PROPOSED GAMING ESTABLISHMENT, RESTRICTED USE (1 TO 5 MACHINES) at 300 South Decatur Boulevard (APN 138-36-601-004), C-2 (General Commercial) Zone, Ward 1 (Knudsen).

<b><i>Most Recent Change of Ownership</i></b>	
04/08/20	A deed was recorded for a change in ownership.

<b><i>Related Building Permits/Business Licenses</i></b>	
05/26/20	A building permit (C20-01591) was finalized for the complete demolition and removal of a 5,293 square-foot building.
06/13/22	A Building Permit (L20-01060) was issued for Civil improvements for a proposed 7-11 store.
06/14/22	A Business License (P70-00144) was submitted for a slot route operator for a convenience store. The license is currently in review.

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<b>Related Building Permits/Business Licenses</b>	
06/14/22	A Business License (G70-04869) was submitted for a Convenience store with sundry items, off sale beer/wine tobacco and gasoline that is open 24 hours/7 days a week. The license is currently under review.
07/05/22	A Building Permit (PRC22-00001) was issued for the construction of a new 3,000 square-foot shell for a future convenience store with gasoline sale (shell, trash enclosure and hardscapes).

<b>Pre-Application Meeting</b>	
08/17/22	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Special Use Permit.

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

<b>Field Check</b>	
08/31/22	Staff conducted a field check of the subject site and observed construction activity relating to a previously approved Site Development Plan Review (SDR-78085) for a convenience store with fuel pumps and canopy. Nothing of concern was noted.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Gross Acres	0.52

<b>Surrounding Property</b>	<b>Existing Land Use Per Title 19.12</b>	<b>Planned or Special Land Use Designation</b>	<b>Existing Zoning District</b>
Subject Property	Undeveloped	TOD-1 (Transit Oriented Development – High)	C-2 (General Commercial)
North	General Retail, Other than Listed	TOD-1 (Transit Oriented Development – High)	C-2 (General Commercial)
	Alcohol, Off-Premise Beer/Wine		



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<b><i>Surrounding Property</i></b>	<b><i>Existing Land Use Per Title 19.12</i></b>	<b><i>Planned or Special Land Use Designation</i></b>	<b><i>Existing Zoning District</i></b>
South	Shopping Center	TOD-1 (Transit Oriented Development – High)	C-2 (General Commercial)
East	Alcohol, On-Premise Beer/Wine	TOD-1 (Transit Oriented Development – High)	C-2 (General Commercial)
	Restaurant		
West	Shopping Center	TOD-1 (Transit Oriented Development – High)	C-2 (General Commercial)

<b><i>Master and Neighborhood Plan Areas</i></b>	<b><i>Compliance</i></b>
Master Plan 2050 Area: Charleston	Y
<b><i>Special Area and Overlay Districts</i></b>	<b><i>Compliance</i></b>
A-O (Airport Overlay) District (140 Feet)	Y
<b><i>Other Plans or Special Requirements</i></b>	<b><i>Compliance</i></b>
Trails	N/A
Las Vegas Redevelopment Plan Area – Area 2	Y
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

## DEVELOPMENT STANDARDS

<b><i>Street Name</i></b>	<b><i>Functional Classification of Street(s)</i></b>	<b><i>Governing Document</i></b>	<b><i>Actual Street Width (Feet)</i></b>	<b><i>Compliance with Street Section</i></b>
Meadows Lane	Collector	Master Plan of Streets and Highways Map	80 Feet	Y
Decatur Boulevard	Primary Arterial	Master Plan of Streets and Highways Map	100 Feet	Y