

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JUNE 24, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
TXT-38337	Staff has NO RECOMMENDATION.	



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** PROPOSED AMENDMENT **

1. Table 2 of Title 19.04.010 is hereby amended by revising the "Hotel Lounge Bar" use as follows:

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL			
Hotel-Ancillary Lounge Bar	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M	
																	S	S	S	S	S	
	Description: A bar located in a lounge area of a hotel which has a minimum of 150 rooms, unless the City Council determines that public health, safety and welfare are not compromised by a lesser number of rooms, wherein: 1. Alcoholic beverages are served and consumed only at tables and booths located within the lounge bar area of the hotel, within a pool area, or within hotel rooms as incident to room service; 2. Persons are not permitted to purchase or obtain alcoholic beverages directly from such lounge bar; 3. No other business, trade, profession or entertainment that requires a license under Title 6 is conducted or performed in the lounge bar area; and 4. The maximum available customer seating in the lounge bar area does not exceed 75 seats. The use does not include a bar that is ancillary to a "Non-Restricted Gaming Establishment," as defined in this Title. A bar located within a building or structure whose primary use is: 1. A hotel with a minimum of 150 rooms; or 2. An approved mixed-use building with a minimum of 150 residential units. The use does not include a bar that is ancillary to a "Non-Restricted Gaming Establishment," as defined in this title.																					
Minimum Special Use Permit Requirements: 1. No hotel ancillary lounge bar business shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children or City park. 2. Except as otherwise provided in Requirement 3 below, the minimum distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed hotel ancillary lounge bar which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed hotel ancillary lounge bar. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines of fee interest parcels and does not include the property line of: a. Any leasehold parcel; or b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Requirement 1. 3. In the case of a proposed hotel ancillary lounge bar located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line from the nearest property line of the existing use to the nearest portion of the structure in which the hotel ancillary lounge bar will be located, without regard to intervening obstacles. 4. When considering a Special Use Permit application for a hotel ancillary lounge bar which also requires a waiver of the distance limitation in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision. 5. The minimum distance requirement in Requirement 1 does not apply to an establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992. 6. Where associated with a hotel use, alcoholic beverages shall only be served and consumed within the lounge bar area of the hotel, within a pool area, or within hotel rooms as incidental to room service. Where associated with a mixed-use residential building, alcoholic beverages shall only be served and consumed within the designated lounge bar area. 7. The maximum available customer seating in the lounge bar area shall not exceed 50 seats. *8. No gaming related use may be allowed in conjunction with an ancillary lounge bar.. *69.All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.																						
On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.																						

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2. Title 19.20.020, “Words and Terms Defined,” is hereby amended as follows:

Hotel Ancillary Lounge Bar. ~~A bar located in a lounge area of a hotel which has a minimum of 150 rooms, unless the City Council determines that public health, safety and welfare are not compromised by a lesser number of rooms, wherein;~~

- ~~1. Alcoholic beverages are served and consumed only at tables and booths located within the lounge bar area of the hotel, within a pool area, or within hotel rooms as an incident to room service;~~
- ~~2. Persons are not permitted to purchase or obtain alcoholic beverages directly from such lounge bar;~~
- ~~3. No other business, trade, profession or entertainment that requires a license under Title 6 is conducted or performed in the lounge bar area; and~~
- ~~4. The maximum available customer seating in the lounge bar area does not exceed seventy-five seats.~~

A bar located within a building or structure whose primary use is:

1. A hotel with a minimum of 150 rooms; or
2. An approved mixed-use building with a minimum of 150 residential units.

The use does not include a bar that is ancillary to a “Non-Restricted Gaming Establishment” as defined in this title.

3. LVMC Title 6 shall be amended as necessary to reflect the revisions to the Hotel Lounge Bar use.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request to amend Title 19.04 and Title 19.20 to revise and expand the definition and standards for the Hotel Lounge Bar use. The requested amendment would extend the lounge bar use to mixed-use buildings with 150 or more residential units.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
09/01/04	The City Council adopted Ordinance #5720 (TXT-3262), which modified the distance separation standards for the Hotel Lounge Bar use. The Planning Commission recommended approval of the text amendment at their 11/20/03 meeting.
10/15/08	The City Council adopted Ordinance #6008 (TXT-28053), which clarified that the Lounge Bar use and standards were not applicable to facilities associated with Non-Restricted Gaming Establishments. The Planning Commission recommended approval of the amendment at their meeting of 06/26/08.

The current use category limits the lounge bar use to non-gaming hotel facilities with a minimum of 150 rooms. As the lounge bar is intended to be secondary to the hotel use, there is a limitation of 75 seats maximum, and no gaming or entertainment are permitted. A separation distance requirement of 400 feet applies to the lounge bar use, so as to maintain adequate separation from protected uses.

ANALYSIS

The proposed amendment is intended to address a void in the range of alcohol-related uses for small-scale lounge facilities in mixed-use developments. The existing category that most closely resembles this type of facility is the Hotel Lounge Bar use. To avoid creating an additional use and license category, it is proposed that the existing Hotel Lounge Bar use category be expanded to include mixed-use buildings. The name of the use will be changed to "Ancillary Lounge Bar" to clearly identify that these types of facilities are intended to be secondary to the principal use on the site.

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The Ancillary Lounge Bar use will continue to be permitted in non-gaming hotels with a minimum of 150 guest rooms, and will also be allowed in the commercial portion of mixed-use buildings with a minimum of 150 residential units. It is proposed that the maximum number of seats be reduced from 75 to 50 seats, so as to maintain an appropriately-scaled facility. Gaming will continue to be prohibited.

The 400-foot separation distance that is currently in place for the Hotel Lounge Bar use will continue to apply. The protected uses to which the separation distance applies include worship facilities, schools, day care facilities for 12 or more children, and city parks. No gaming will be permitted in conjunction with the Ancillary Lounge Bar use.

As a point of comparison, the table below offers a comparison of the existing tavern/lounge uses with the revised Ancillary Lounge Bar use:

Use	Where Permitted	Separation	Gaming
Tavern	• Citywide	• 1500'	• 15 machines
Tavern Limited	• Entertainment District	• None	• None
Urban Lounge	• Arts District	• None	• 5 machines
Ancillary Lounge Bar	• Citywide	• 400'	• None

The following table summarizes the proposed changes to the lounge bar use:

Code Requirements	Existing Regulations	Proposed Regulations
Hotel Lounge Bar Use	• Limited to non-gaming hotels with a minimum of 150 rooms	• Expanded to include mixed-use buildings with a minimum of 150 residential units • Name changed to "Ancillary Lounge Bar"
Separation Requirements	• 400' from any church, synagogue, school, childcare facility licensed for more than 12 children, City park (may be waived)	• No change
Maximum # of Seats	• Maximum of 75 seats	• Reduce to maximum of 50 seats
Gaming	• Not permitted	• No change

FINDINGS

The proposed text amendment will achieve the following:

- Allow small-scale lounge facilities in conjunction with hotel or mixed-use developments;
- Expand the allowable commercial tenant base for mixed-use buildings; and

- Maintain a separation requirement so as to protect public welfare.

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<u>NOTICES MAILED</u>	NEWSPAPER ONLY
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<u>APPROVALS</u>	0
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<u>PROTESTS</u>	0
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