



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: JANUARY 22, 2014

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: THE MOB MUSEUM - OWNER: CITY OF LAS VEGAS

**** STAFF RECOMMENDATION ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-51788	Staff recommends APPROVAL, subject to conditions:	N/A

**** CONDITIONS ****

SUP-51788 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Liquor Establishment (Tavern) 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 Department of Building and Safety.
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. Approval of this Special Use Permit does not constitute approval of a liquor license.
6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for a Special Use Permit for a proposed Liquor Establishment (Tavern) use within an existing Museum facility located at 300 Stewart Avenue. The applicant is seeking a change from the current entitlement for a Beer/Wine/Cooler On-Sale Cultural Establishment use to the Liquor Establishment (Tavern) use, in order to expand the current alcohol service to include on-on-premise liquor sales. This Special Use Permit will apply to the entire site, to include the existing Museum facility and the pedestrian plaza approved by the recent Site Development Plan Review (SDR-47221), in order to allow for maximum flexibility in the placement of alcohol service during special Museum events. The proposed Liquor Establishment (Tavern) use requires a Waiver to allow an 80-foot separation where a 1,500-foot separation is required from similar uses located to the south of the subject site. Staff supports this waiver request, which is allowed for such uses within the C-V Civic Overlay District. Staff also recommends approval of the requested Special Use Permit for the proposed Liquor Establishment (Tavern) use, as the use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses. If denied, the proposed Liquor Establishment (Tavern) use may not operate on the subject site; however, the current Beer/Wine/Cooler On-Sale Cultural Establishment use may continue..

ISSUES

- The Liquor Establishment (Tavern) use is permitted in the C-V (Civic) zoning district with the approval of a Special Use Permit.
- A Waiver has been requested to allow an 80-foot separation from a similar use where a 1,500-foot separation is required. The proposed use is located within the C-V Civic Overlay District and may request a Waiver, as allowed by Title 19.12.
- The subject site is currently entitled by Special Use Permit (SUP-47222) for the Beer/Wine/Cooler Cultural Establishment.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
02/11/08	The City of Las Vegas approved a Capital Improvement Project (CIP-26498) agreement for the historic rehabilitation of the downtown Post Office/Courthouse at 300 Stewart Avenue into a museum and cultural center.
03/27/08	A Site Development Plan Review (SDR-27014) was administratively by the Department of Planning and Development for proposed on-site improvements and a mechanical room approved addition at 300 Stewart Avenue.

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12/09/09	The Las Vegas Historic Preservation Commission approved a Certificate of Appropriateness (HPC-36661) for new construction at the U.S. Post Office and Courthouse, located at 300 Stewart Avenue.
09/22/10	The Las Vegas Historic Preservation Commission (HPC-39602) approved a Certificate of Appropriateness for exterior signage at the U.S. Post Office and Courthouse, at 300 Stewart Avenue.
01/10/12	The Planning Commission approved a Master Sign Plan (MSP-44034) for a museum at 300 Stewart Avenue. Staff recommended approval.
01/17/12	The Downtown Design Review Commission approved an Architectural Review Commission application (ARC-44067) for a proposed exterior signage plan at the U.S. Post Office and Courthouse at 300 Stewart Avenue.
12/11/12	The Planning Commission approved a Major Amendment (SDR-47221) to an approved Site Development Plan Review (SDR-27014) to convert a parking lot into a plaza and a related Special Use Permit (SUP-47222) for a proposed Beer/Wine/Cooler Cultural Establishment with a Waiver to allow the use outside of the 18b Las Vegas Arts District at 300 Stewart Avenue. Staff recommended approval.
12/10/13	The Planning Commission voted (7-0) to recommend APPROVAL of SUP-51788 [PRJ-51917]. (PC Agenda Item 20/mh)

Most Recent Change of Ownership

05/14/02	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

01/26/12	A business license (N31-00336) was issued for a Non-Profit Museum at 300 Stewart Avenue. The license is still active.
02/13/12	A business license (B23-00075) was issued for a Banquet Hall at 300 Stewart Avenue. The license is still active.
05/03/12	A business license (M18-05491) was issued for a Management Company at 300 Stewart Avenue. The license is still active.
08/30/12	A business license (P02-01075) was issued for a Parking Lot at 300 Stewart Avenue. The license is still active.
12/27/12	A business license (L29-92168) was issued for Beer/Wine/Cooler On-Sale at 300 Stewart Avenue.
05/13/13	A business license (R10-93860) was issued for an Indoor Food Cart at 300 Stewart Avenue.

Pre-Application Meeting

10/28/13	Staff met with the applicant and reviewed the requirements for a Special Use Permit for the proposed Liquor Establishment (Tavern) use at 300 Stewart Avenue.
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<i>Neighborhood Meeting</i>
A neighborhood meeting is not required, nor was one held.

Field Check	
10/31/13	During a routine field check conducted by staff the subject site was found to be a well maintained Museum with adequate parking provided onsite and nearby parking structures. An existing Liquor Establishment (Tavern) affiliated with the existing Gaming, Non-restricted use across Stewart Avenue to the south was noted.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.98

<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	Museum, Art Display, or Art Sales (Private)	PF (Public Facilities)	C-V (Civic)
North	Shopping Center (Proposed)	MXU (Mixed Use)	C-2 (General Commercial)
South	Gaming Establishment, Non-restricted	C (Commercial)	C-2 (General Commercial)
East	Shopping Center (Proposed)	MXU (Mixed Use)	C-2 (General Commercial)
West	Shopping Center (Proposed)	MXU (Mixed Use)	C-2 (General Commercial)

<i>Master Plan Areas</i>	<i>Compliance</i>
Downtown Centennial Plan	Y
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
C-V (Civic) District	Y
Downtown Centennial Plan Overlay District	Y
A-O (Airport Overlay) District – 200 Feet	Y
H (Historic Designation)	Y
Live/Work Overlay District	Y

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<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	Y
Las Vegas Redevelopment Plan Area	Y
Project of Significant Impact (Development Impact Notification Assessment)	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	
Museum, Art Display, or Art Sales (Private)	45,000 SF	1:300 SF	145				
TOTAL SPACES REQUIRED			145		44		
Regular and Handicap Spaces Required			140	5	40	4	Y*

**Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements and the parking has been approved by Site Development Plan Review (SDR-47221) to allow for no onsite parking during scheduled outdoor special events. This proposal will not change the current parking provision.*

ANALYSIS

The Liquor Establishment (Tavern) use is defined by Title 19.18 as,

“A facility which sells alcoholic beverages for consumption on the premises where the same are sold and authorizes the sale, to consumers only and not for resale, of alcoholic beverages in original sealed or corked containers, for consumption off the premises where the same are sold.”

The proposed use meets the definition.

The Minimum Special Use Permit Requirements for this use include:

1. Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and welfare of the City are best promoted and protected by generally requiring both a minimum separation between liquor establishments (tavern), and a minimum separation between a liquor establishment (tavern) and certain other uses that should be protected from the impacts associated with a liquor establishment (tavern). Therefore, except as otherwise provided below, no liquor establishment (tavern) may be located within 1,500 feet of any other liquor establishment (tavern), church, synagogue, school, child care facility licensed for more than 12 children, or City park.

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The proposed use is located within 80 feet of another Liquor Establishment (Tavern) to the south. The applicant has requested a waiver of this requirement and may do so pursuant to Requirement Five. Staff supports this requested waiver, as the use will be located within a museum that will adequately restrict access by minors and provide security and control over the administration of alcohol sales and consumption.

2. The distance separation referred to in Requirement 1 shall be measured with reference to the shortest distance between two property lines, one being the property line of the proposed liquor establishment (tavern) 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 liquor establishment (tavern). The distance shall be measured in a straight line without regard to intervening obstacles.

The proposed use meets this requirement, as the measurement to the protected uses was determined using the specified method in Requirement Two.

3. For the purpose of Requirement 2, and for that purpose only:

- a. The “property line” of a protected use refers to the property line of a fee interest parcel that has been created by an approved and recorded parcel map or subdivision map, and does not include the property line of a leasehold parcel; and
- b. The “property line” of a liquor establishment (tavern) refers to:
 - i. The property line of a parcel that has been created by an approved and recorded parcel map or commercial subdivision map; or
 - ii. The property line of a parcel that is located within an approved and recorded commercial subdivision and that has been created by a record of survey or legal description, if:
 - A. Using the property line of that parcel for the purpose of measuring the distance separation referred to in Requirement 1 would qualify the parcel under the distance separation requirement;
 - B. The proposed liquor establishment (tavern) will have direct access (both ingress and egress) from a street having a minimum right-of-way width of 100 feet. The required access may be shared with a larger development but must be located within the property lines of the parcel on which the proposed liquor establishment (tavern) will be located;

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- C. All parking spaces required by this Subchapter 19.12.070 for the liquor establishment (tavern) use will be located on the same parcel as the use; and
- D. The owners of all parcels within the commercial subdivision, including the owner of agreement, satisfactory to the City Attorney, that provides for perpetual, reciprocal cross-access, ingress and egress throughout the commercial subdivision.

The proposed use meets this requirement, as the measurement to the protected uses was determined using the specified method in Requirement Three. The distance to the protected uses was taken from the property line of the subject site.

4. The distance separation requirement set forth in Requirement 1 does not apply to an establishment which has a non-restricted gaming license in connection with a hotel having more 200 or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of 200 rooms after July 1, 1992.

This requirement is not applicable, as this proposed Special Use application is not in connection with non-restricted gaming or a resort hotel having in excess of 200 guest rooms.

5. The distance separation requirement set forth in Requirement 1 may be waived in accordance with the provisions of LVMC 19.12.050(C), but only in connection with a proposed liquor establishment (tavern) that:

- a. Will be located on a parcel within the C-V District, the Parkway Center District, within the Downtown Centennial Plan, the Gaming Enterprise Overlay District, or the Downtown Casino Overlay District;
- b. Will be located on a parcel or within a building that, pursuant to State law or City ordinance, has been designated as an historic property, historic building, or landmark;
- c. Will be located within a regional mall; or
- d. Will be located within a mixed-use development
 - i. That has been approved by means of a Special Use Permit pursuant to LVMC Chapters 19.12 and 19.16;
 - ii. That has a minimum net site area of 15 acres; and
 - iii. Whose gross floor area of nonresidential space is a minimum of 250,000 square feet; or
- e. Will be separated from the existing use by a street or highway with a minimum right-of-way width of 100 feet.

The proposed use is located within the C-V Civic Overlay District and is therefore eligible for a waiver of Requirement 1 to be within 80 feet of another Liquor Establishment (Tavern) to the south of this proposal.

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6. The use shall conform to, and is subject to, the provisions of LVMC Chapter 6.40 and 6.50.

The proposed use meets this requirement, as a condition of approval requires the conformance to Chapter 6.50 of the City of Las Vegas Municipal Code and cannot be waived.

The applicant is seeking approval of a Special Use Permit for the Liquor Establishment (Tavern) use in order to increase alcohol service from the existing Beer/Wine/Cooler On-Sale Establishment entitlement to allow for liquor service. The Liquor Establishment (Tavern) use is allowed within the C-V (Civic) zoning district with a Special Use Permit and will operate as an ancillary use to the existing Museum use. This Special Use Permit is accompanied by a requested Waiver to allow an 80-foot distance separation from a similar use to the south where a 1,500-foot distance separation is required. Staff recommends approval of the requested Special Use Permit and Waiver, as the use will operate within an established Museum and will have the necessary controls, through the associated conditions of approval, to mitigate potential issues typically associated from liquor service. If denied, the proposed Liquor Establishment (Tavern) use may not operate within the existing museum; however, the existing Beer/Wine/Cooler On-Sale Cultural Establishment use may continue on site.

FINDINGS (SUP-51788)

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 proposed Liquor Establishment (Tavern) use is compatible with the existing Museum and the surrounding commercial establishments. Staff finds that the use can be conducted in a harmonious manner.

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

The site is physically suitable for a Liquor Establishment (Tavern) use with the approval of the requested Waiver to allow an 80-foot distance separation from a similar use where a 1,500-foot minimum separation is required. The proposed use will operate in conjunction with the existing museum and will not have an ancillary gaming component.

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 site is located on Stewart Avenue, a Secondary Collector Street, which can adequately handle the traffic generated by the existing museum use. There is no anticipated change to the required parking, as this will operate as an ancillary use to the existing Museum use.

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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 for a proposed Liquor Establishment (Tavern) use will not compromise the public health, safety and general welfare of the public. The use will be subject to regular inspections and is subject to licensing restrictions.

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

The proposed Liquor Establishment (Tavern) use does not meet conditions of Title 19.12; however, a waiver to allow an 80-foot distance separation where a 1,500 foot separation from a similar use is required has been requested. A waiver may be requested, as the use is located within the C-V Civic Overlay District and staff supports this request as the proposal seeks to establish the Liquor Establishment (Tavern) use within an existing Museum use.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

33

NOTICES MAILED

197 by the City Clerk

APPROVALS

2

PROTESTS

1