



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: FEBRUARY 14, 2017

DEPARTMENT: PLANNING

ITEM DESCRIPTION: PPLICANT: IMAGINE ADVENTURES LAS VEGAS, LLC -

OWNER: FAEC HOLDINGS WIRRULLA, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
SUP-68386	Staff recommends APPROVAL, subject to conditions:	
SUP-68387	Staff recommends APPROVAL, subject to conditions:	SUP-68386

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 30

NOTICES MAILED 608

APPROVALS 0

PROTESTS 2

**** CONDITIONS ****

SUP-68386 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Tavern-Limited Establishment 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.

SUP-68387 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Night Club use.
2. Conformance and approval of all conditions for Special Use Permit (SUP-68387).

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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. A Waiver from Title 19.12 is hereby approved, to allow a 1,214-foot distance separation from religious facility.
5. A Waiver from Title 19.12 is hereby approved, to allow a 1,340-foot distance separation from a school.
6. 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.
7. 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.
8. 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

The request is for two Special Use Permits for a Tavern-Limited Establishment and a Night Club. These uses will be located at 450 Fremont Street, Suite #250.

ISSUES

- The Tavern-Limited Establishment use is permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit. Staff recommends approval of the application.
- The Night Club use is permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit. Staff recommends approval of the application.
- Distance separation waivers are being requested to allow the proposed Night Club use within 1,500 feet of a church and a school. Staff recommends approval of the waiver requests.

ANALYSIS

The proposal is for a 19,665 square-foot Tavern Limited Establishment and Night Club at 450 Fremont Street, Suite #250. The previous business at this location was a Liquor Establishment (Tavern). The subject site is located within the Downtown Casino Core District of the Downtown Centennial Plan, the Las Vegas Redevelopment Area, the Live-Work Overlay District, and the Airport Overlay District.

Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. The proposed use normally requires 1,057 parking spaces, while this facility provides 680 spaces in the two level basement parking garage. In addition, the site is located on a major mass transit route and there are other parking garages in the immediate vicinity.

There are two distance separation waivers being requested with the proposed Nightclub use. Title 19.12 requires a Nightclub to be at least 1,500 feet from a church, synagogue, school, child care facility licensed for more than 12 children, or City park. The waivers being requested are to allow 1,214 feet from a church and 1,340 feet from a school where 1,500 feet is required. Title 19.12 allows waivers of the distance

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separation requirements for locations within the Downtown Casino Overlay Districts. Both waiver requests are recommended for approval as there are no detrimental effects on the protected uses, and the site's location within the Downtown Casino Overlay makes a nightclub appropriate for the area.

A Tavern-Limited Establishment and a Night Club are both uses permitted in the C-2 (General Commercial) zoning district with the approval of Special Use Permit applications. Additionally, the following analyses are required:

The Tavern-Limited Establishment use is defined as "An establishment that is license with a tavern-limited license in accordance with LVMC Chapter 6.50." The proposed use meets the definition as stated in the justification letter date stamped 01/10/17; the establishment will be licensed and operate as a Tavern-Limited.

There are no Minimum Special Use Permit Requirements for this use.

The Night Club use is defined as:

A. An establishment, other than a teen dance center, where its primary operations are that of preparing and serving alcoholic beverages for immediate on-premises consumption and the provision of live entertainment, generally operated primarily in the late evening/early morning hours. An establishment shall be considered a nightclub if it exhibits the following characteristics;

1. Live entertainment is provided in an area that exceeds fifty square feet, and the following spaces shall be included in the calculation of such area: stage space, disc jockey space, dance floor(s), and any space primarily dedicated to the viewing of the live entertainment provided by the licensee; and
2. Its primary operating hours are generally between the hours of nine p.m. and five a.m. the following day, or "afterhours" between four a.m. and 10 a.m. on the same day.

B. For purposes of this description, live entertainment includes live music (with or without dancing), recorded or digital music played for patrons by a live disc jockey or electronic device, or karaoke entertainment or other stage shows, such as a magician, comedian other similar type of performance artist."

The proposed use meets the definition as stated in the justification letter date stamped 01/10/17; the Night Club use will have a disc jockey and will be providing live entertainment at least three times per week.

The Minimum Special Use Permit Requirements for this use include:

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- *1. Because the primary operations of a nightclub are that of preparing and serving alcoholic beverages for immediate on-premises consumption and the provision of live entertainment, 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 separation between a nightclub and other uses that should be protected from the impacts associated with a nightclub. Therefore, except as otherwise provided below, no nightclub may be located within 1500 feet of a church, synagogue, school, child care facility licensed for more than 12 children or City park.

The subject site is located within the Downtown Casino Overlay District, and waivers have been requested to allow the proposed nightclub within 1,500 feet of an existing church and school in accordance with LVMC 19.12.050(C). Staff recommends approval of the waiver requests.

- *2. A person that desires to operate a nightclub shall obtain both a nightclub land use entitlement as well as any necessary land use entitlement for the service of alcohol for on-premises consumption. A person lawfully operating a nightclub as defined by this section and LVMC 6.39, prior to December 1, 2014, is not required to obtain a special use permit for the continued operation of such nightclub use. Real property entitled for a nightclub pursuant to this Code shall have no specific spacing requirements between other nightclubs. However, as the nightclub entitlement is a separate and distinct from any land use entitlement permitting the service of alcohol for on-premises consumption, this provision shall not act to waive or otherwise diminish the specific spacing requirements between uses entitled for the service of alcohol for on-premises consumption.

The proposed Night Club use will be in conjunction with the Tavern-Limited Establishment use under Special Use Permit (SUP-68386).

- *3. The distance separation referred to in Requirement 1, above, and Requirement 8, below, shall be measured with reference to the shortest distance between two property lines, one being the property line of the proposed nightclub which is closest to the existing use which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed nightclub. The distance shall be measured in a straight line without regard to intervening obstacles.

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The subject site is located within the Downtown Casino Overlay District, and waivers have been requested to allow the proposed nightclub within 1,500 feet of an existing church and school in accordance with LVMC 19.12.050(C). Staff recommends approval of the waiver requests.

*4. 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 nightclub 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 nightclub 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 nightclub will be located;
 - C. All parking spaces required by this Section 19.12.070 for the nightclub 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.

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The subject site is located within the Downtown Casino Overlay District, and waivers have been requested to allow the proposed nightclub within 1,500 feet of an existing church and school in accordance with LVMC 19.12.050(C). Staff recommends approval of the waiver requests.

5. 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 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.

Not applicable; the proposed establishment's location does not contain any hotel with non-restricted gaming license.

6. The distance separation requirement set forth in Requirement 1 may be waived in accordance with the provisions of LVMC 19.12.050(C) under the following circumstances:
 - a. in connection with a proposed nightclub that 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, the Fremont East Entertainment District, the 18b Arts District or the Downtown Casino Overlay District; or
 - b. in connection with a proposed nightclub that will be located within an establishment which has a non-restricted gaming license and is not exempted pursuant to paragraph 5;

The subject site is located within the Downtown Casino Overlay District, and waivers have been requested to allow the proposed nightclub within 1,500 feet of an existing church and school in accordance with LVMC 19.12.050(C). Staff recommends approval of the waiver requests.

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

The proposed use will be subject to all business licensing requirements outlined in LVMC 6.50, if approved.

- *8. No nightclub may be located within 500 feet of any single-family dwelling.

There are no single family dwellings within 500 feet of the proposed Night Club.

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- *9. Alcohol service is only permitted in conjunction with the following Title 6 alcoholic beverage licenses: Beer and Wine Room, Tavern, Tavern-Limited and Urban Lounge.

The proposed Night Club use will meet this requirement, as the use will be in conjunction with Tavern-Limited Establishment use under SUP-68386, if approved.

The subject site is located within the Downtown Casino Overlay District, where the location of entertainment and music venues is encouraged. The proposed Tavern-Limited Establishment and Night Club uses can be conducted in a manner that is harmonious and compatible with the existing land uses; therefore, staff recommends approval with conditions.

FINDINGS (SUP-68386)

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 located within the Downtown Casino Overlay District of the, where the location of entertainment and music venues is encouraged. The proposed Tavern-Limited Establishment use 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 subject site is physically suitable for the proposed Tavern-Limited Establishment use. There are onsite parking facilities and numerous parking garages, surface parking lots, and on-street parking spaces in the immediate vicinity of the venue. The site's location along Fremont Street provides excellent pedestrian access, and several mass transit options to further alleviate traffic and parking concerns.

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.

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Vehicular traffic will utilize the on-site parking garage, which is accessed from 4th Street, and will be adequate for traffic generated by the proposed Tavern-Limited Establishment 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.

A Tavern-Limited Establishment use will be subject to regular City and County inspections for licensing; therefore, public health, safety, and welfare will not be compromised.

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

The proposed Tavern-Limited use meets all applicable conditions of Title 19.12.

FINDINGS (SUP-68387)

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 located within the Downtown Casino Overlay District, where the location of entertainment and music venues is encouraged. The proposed Night Club use 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 subject site is physically suitable for the proposed Night Club use. There are onsite parking facilities and numerous parking garages, surface parking lots, and on-street parking spaces in the immediate vicinity of the venue. The site's location along Fremont Street provides excellent pedestrian access, and several mass transit options to further alleviate traffic and parking concerns.

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.

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Vehicular traffic will utilize the on-site parking garage, which is accessed from 4th Street, and will be adequate for traffic generated by the proposed Night Club 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.

A Night Club use will be subject to regular City and County inspections for licensing; therefore, public health, safety, and welfare will not be compromised.

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

With approval of the requested waivers, the use will meet all applicable conditions per Title 19.12 for the Nightclub use.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/16/64	The City Council approved a Rezoning (Z-0100-64) from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial), C-2 (General Commercial) and C-V (Civic) to C-2 (General Commercial) for approximately 230 Acres generally located on property bounded by Main Street to the west, Bonanza Road on the north, Las Vegas Boulevard on the east, and Charleston Boulevard on the south. The Planning Commission approved Reclassification of this property.
03/23/98	The City Council approved a Site Development Plan (SD-0003-98) on property bounded by Fremont Street, 4th Street, Ogden Avenue, and Las Vegas Boulevard South for a proposed 264,210 square-foot Retail/Entertainment Complex. The Planning Commission and staff recommended approval.
01/16/02	The City Council approved a Master Sign Plan (MSP-0014-01) for a Retail/Entertainment Complex at 450 Fremont Street. The Planning Commission and staff recommended approval.
12/07/11	The City Council approved a Special Use Permit (SUP-43357) for a Liquor Establishment (Tavern) at 450 Fremont Street, Suite #130 and #250 with Waivers of the minimum 1,500-foot distance separation requirement from a Liquor Establishment (Tavern), a religious facility and a school. The Planning Commission and staff recommended approval.

<i>Most Recent Change of Ownership</i>	
04/01/13	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
01/03/01	A building permit (#01000109) was issued for a retail mall/cinema at 450 Fremont Street. The permit was finalized on 03/19/02.
01/10/13	A business license (L16-91302) was issued for a tavern at 450 Fremont Street, Suite #250. The license was marked out of business on 01/10/14.

<i>Pre-Application Meeting</i>	
12/21/16	A pre-application meeting was held with the applicant to discuss the requirements for a Special Use Permit (SUP) for a Tavern-Limited Establishment use at 450 Fremont Street, Suite #250. A Night Club use was also discussed, since the Tavern use will also include live entertainment with disc jockey on site; therefore, a second application for SUP application for a Night Club use.

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

<i>Field Check</i>	
01/05/17	Staff conducted a field check and found a vacant suite. The subject site was clean and well maintained.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	2.75

<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	Shopping Center	C (Commercial)	C-2 (General Commercial)
North	Hotel	C (Commercial)	C-2 (General Commercial)

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Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
South	Parking/Restaurant/Taverns	C (Commercial)	C-2 (General Commercial)
East	Parking, Retail	C (Commercial)	C-2 (General Commercial)
West	Retail	C (Commercial)	C-2 (General Commercial)

Master Plan Areas	Compliance
Downtown Centennial Plan	Y
Special Purpose and Overlay Districts	Compliance
Downtown Centennial Plan Overlay District	Y
A-O (Airport Overlay) District	Y
Downtown Casino Overlay District	Y
Live/Work Overlay District	Y
Las Vegas Boulevard Scenic Byway Overlay District	Y
Other Plans or Special Requirements	Compliance
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 Parking		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	264,210 SF	1:250 SF	1,057				
TOTAL SPACES REQUIRED			1,057		680		Y

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<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
1,500 feet from a Church/House of Worship.	1,214-foot distance separation from a Church/House of Worship.	Approval
1,500 feet from a school.	1,340-foot distance separation from a school.	Approval