



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: FEBRUARY 14, 2017

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: ECLIPSE THEATER LV, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
ROC-68407	Staff recommends APPROVAL, with conditions	

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 33

NOTICES MAILED 1048

APPROVALS 0

PROTESTS 0

ROC-68407 CONDITIONS

Planning

1. Conformance to the approved conditions for Special Use Permit (SUP-52105) and (SUP-53030), except as amended by conditions herein.
2. Condition number six of Special Use Permit (SUP-52105) shall be deleted.
3. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The Planning Commission approved Special Use Permit (SUP-52105) which allowed a Tavern Limited Establishment on January 14, 2014, subject to conditions. This allowed alcoholic beverage sales in conjunction with a movie theatre at 814 S. 3rd Street. The movie theatre was constructed and opened for business in late 2016. The movie theatre only allowed those 21 years or over to attend, but the applicant is seeking to allow minors to attend movies at the theatre. The applicant is requesting to have condition number six of the Special Use Permit removed. Condition number six states, "Minors shall only be permitted in such areas wherein spirituous, malt or fermented liquor or wines are served only in conjunction with regular meals and where dining tables or booths are provided separate from the bar in conformance with title 6.50."

ISSUES

- A Review of Condition was requested to remove Special Use Permit (SUP-52105) Condition of Approval number six which states, "Minors shall only be permitted in such areas wherein spirituous, malt or fermented liquor or wines are served only in conjunction with regular meals and where dining tables or booths are provided separate from the bar in conformance with title 6.50."
- The applicant is working with Business Licensing staff to develop a security plan that will assure the business operates in conformance with Title 6.5.
- The alcohol service in the cinema seating spaces will be limited to one drink served by the server to the seated patron and the patron would be limited to no more than one drink at a time, which is in keeping with Title 6.5 and is how other similar businesses currently operate in dining room settings.

ANALYSIS

The applicant is proposing to eliminate condition number six of the approved Special Use Permit (SUP-52105) which states: "Minors shall only be permitted in such areas wherein spirituous, malt or fermented liquor or wines are served only in conjunction with regular meals and where dining tables or booths are provided separate from the bar in conformance with title 6.50." This condition was placed on this approval to ensure conformance with title 6.5, which regulates liquor control.

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The applicant proposes to allow minors to attend movies and be seated only in the cinema seating areas, which operate as dining rooms with food service during the movies. In the cinema seating area servers respond to call buttons to serve alcoholic beverages along with food items. All servers will be trained to monitor service and consumption inside the cinema seating areas to ensure that no minors are served or consume alcohol, and will only serve a single alcoholic beverage per appropriate aged patron.

The applicant's justification letter states that the restaurant, lounge, patio, bar seating and bar will all have permanent signage prohibiting minors in those areas.

Business Licensing will work with the applicant to develop a security plan that allows them to comply with the requirements of Title 6.5 prior to making any changes to the business license or theatre operations. As such, staff recommends approval of this request with conditions.

FINDINGS (ROC-68407)

The Special Use Permit (SUP-52105) for a tavern limited establishment was approved by the Planning Commission on January 14, 2014, subject to conditions. Removing the condition will not allow the business to operate in a way that does not conform with Title 6.5. The applicant is working with Business Licensing to develop a security plan that will satisfy Title 6.5 requirements for this type of business. Other similar businesses already operate as is being proposed by the applicant.

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) to reclassify property, including the subject parcel, in the area generally bounded by Main Street, Bonanza Road, Las Vegas Boulevard and Charleston Boulevard from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial) and C-V (Civic) to C-2 (General Commercial).
10/19/05	The City Council approved a request for a Special Use Permit (SUP-8578) for a proposed mixed-use development at 814 South 3rd Street. The Planning Commission and staff recommended approval.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
	The City Council approved a request for a Site Development Plan Review (SDR-8577) for a 65-story mixed-use development consisting of 22,000 square feet of commercial space and 425 residential units and a waiver of the Centennial Plan Building Stepback requirement on 0.80 acres at 814 South 3rd Street. The Planning Commission and staff recommended approval.
	The City Council approved a request for Special Use Permit (SUP-8579) for a proposed 760-foot tall building where 200 feet is the maximum building height allowed in the airport overlay district at 814 South 3rd Street. The Planning Commission and staff recommended approval.
12/05/07	The City Council approved a request for an Extension of Time (EOT-25160) of an approved Special Use Permit (SUP-8578) for a proposed Mixed-Use Development at 814 South 3rd Street.
	The City Council approved a request for an Extension of Time (EOT-25161) of an approved Site Development Plan Review (SDR-8577) for a 65-story mixed-use development consisting of 22,000 square feet of commercial space and 425 residential units; and a waiver of the Centennial Plan Building Stepback requirement on 0.80 acres at 814 South 3rd Street
	The City Council approved a request for an Extension of Time (EOT-25163) of an approved Special Use Permit (SUP-8579) for a proposed 760-foot tall building where 200 feet is the maximum building height allowed in the airport overlay district at 814 South 3rd Street.
01/27/09	A technical review of a submitted Parcel Map (PMP-33178) was completed. This map has not recorded.
01/14/14	The Planning Commission approved a request for a Special Use Permit (SUP-52105) for a proposed Tavern-Limited Establishment use at 814 South 3 rd Street.
	The Planning Commission approved a request for a Site Development Plan Review (SDR-52106) for a proposed 53,885 square-foot, three-story commercial recreation/amusement (indoor) facility (walk-in theater) with a Tavern-Limited Establishment and Restaurant at 814 South 3 rd Street.
04/18/14	The Department of Planning approved a request for a minor amendment Special Use Permit (SUP-53030) of an approved Special Use Permit (SUP-52105) for a proposed Tavern-Limited use at 814 South 3 rd Street.

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Related Relevant City Actions by P&D, Fire, Bldg., etc	
	The Department of Planning approved a request for a minor amendment Site Development Plan Review (SDR-53029) of an approved Site Development Plan Review (SDR-52106) for a proposed 55,329 square-foot, three-story commercial Recreation/Amusement (Indoor) Facility (walk-in theater) and Restaurant at 814 South 3 rd Street.

Most Recent Change of Ownership	
03/06/14	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
10/27/2015	A building permit (#254989) was issued for the Eclipse Theatre, occupancy was granted on 10/30/2016.
10/16/2016	A business license (G64-07354) was issued for valet parking
10/31/2016	A business license (G64-07567) was issued for the movie theatre
10/31/2016	A business license (P64-00269) was issued for a tavern limited

Pre-Application Meeting	
12/23/16	A pre-application meeting was held where the submittal requirements and deadlines were discussed.

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

Field Check	
1/5/217	Staff conducted a routine site visit and found an active Movie Theatre business.

Details of Application Request	
Site Area	
Net Acres	0.79

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<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	Commercial Recreation/Amusement (Indoor)	MXU (Mixed Use)	C-2 (General Commercial)
North	Multi-Family Residential	MXU (Mixed Use)	R-4 (High Density Residential) with a Resolution of Intent to C-2 (General Commercial)
South	Multi-Family Residential	MXU (Mixed Use)	C-2 (General Commercial)
East	Multi-Family Residential	MXU (Mixed Use)	R-4 (High Density Residential) with a Resolution of Intent to C-2 (General Commercial)
West	Undeveloped Office, Other Than Listed	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>
Downtown Centennial Plan Overlay - Downtown South District	Y
A-O (Airport Overlay) District – 200 Feet	Y
Live Work Overlay District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	Y
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

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Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
3 rd Street	Local Street	N/A	80	Y
Gass Avenue	Secondary Collector	Planned Streets and Highways Map	80	Y

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	
Shopping Center [Commercial Recreation/A musement (Indoor), Tavern-Limited Establishment, Restaurant, Office, and Retail]	55,329 SF	1: 250 SF	222				
TOTAL SPACES REQUIRED			222		44		
Regular and Handicap Spaces Required			215	7	41	3	Y*
Loading Spaces	55,329 SF		3		1		Y

**Projects located within the Las Vegas Downtown Centennial Plan area 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.*