

**AGENDA MEMO - PLANNING**

PLANNING COMMISSION MEETING DATE: JUNE 13, 2017

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: CIM BG LAS VEGAS, LLC, ET AL

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
VAR-70397	Staff recommends DENIAL, if approved subject to conditions:	
SUP-70395	Staff recommends APPROVAL, subject to conditions:	
SUP-70396	Staff recommends APPROVAL, subject to conditions:	SUP-70395
SDR-70398	Staff recommends APPROVAL, subject to conditions:	VAR-70397 SUP-70395 SUP-70396

**** NOTIFICATION ******NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 26

NOTICES MAILED 535 - VAR-70397 and SUP-70395
535 - SUP-70396 and SDR-70398

PROTESTS 0 - VAR-70397 and SUP-70395
0 - SUP-70396 and SDR-70398

APPROVALS 0 - VAR-70397 and SUP-70395
0 - SUP-70396 and SDR-70398

**** CONDITIONS ****

VAR-70397 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-70395), Special Use Permit (SUP-70396) and Site Development Plan Review (SDR-70398) shall be required.
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.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-70395 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Liquor Establishment (Tavern) use.
2. All signage shall be permitted and meet minimum code requirements within 30 days of final approval.
3. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-70398) shall be required.

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4. 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.
5. A Waiver from Title 19.12 is hereby approved, to allow a distance separation of 20 feet from an existing Liquor Establishment (Tavern).
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. Approval of this Special Use Permit does not constitute approval of a liquor license.
9. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
10. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-70396 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Night Club use.
2. All signage shall be permitted and meet minimum code requirements within 30 days of final approval.
3. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-70395) and Site Development Plan Review (SDR-70398) shall be required.
4. 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.

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5. 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.
6. 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.
7. Approval of this Special Use Permit does not constitute approval of a liquor license.
8. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
9. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SDR-70398 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-70397), Special Use Permit (SUP-70395), Special Use Permit (SUP-70396) shall be required, if approved.
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 development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 05/08/17 except as amended by conditions herein.
4. All utility or mechanical equipment shall comply with the provisions of the Downtown Centennial Plan, unless approved by a separate Waiver.
5. 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.

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6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
7. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device.
8. The applicant shall coordinate with the City Surveyor and other city staff to determine the most appropriate mapping action necessary to consolidate the existing lots. The mapping action shall be completed and recorded prior to the issuance of any building permits.
9. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

10. Dedicate a 10-foot radius the southeast corner of Casino Center Boulevard and Stewart Avenue and at the northeast corner of Casino Center Boulevard and Ogden Avenue prior to the issuance of any permits as required by the Department of Public Works.
11. In accordance with code requirements of Title 13.56, remove all substandard offsite improvements and unused driveways and replace with new improvements meeting Downtown Centennial Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
12. This site must be designed so that grease interceptors are completely on private property. Grease interceptors are not allowed in the public right-of-way or alleys adjacent to this site.
13. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

14. Submit a License Agreement for landscaping and private improvements in the Casino Center Boulevard and Ogden Avenue public rights-of-way, prior to the issuance of permits for these improvements. The applicant must carry an insurance policy for the term of the License Agreement and add the City of Las Vegas as an additionally insured entity on this insurance policy. If requested by the City, the applicant shall remove property within the public right-of-way at the applicant's expense pursuant to the terms of the City's License Agreement. The installation and maintenance of all private improvements in the public right-of-way shall be the responsibility of the applicant and any successors in interest to the property and assigns pursuant to the terms of the License Agreement. Coordinate all requirements for the License Agreement with the Land Development Section of the Department of Building and Safety (229-4836).
15. One onsite parking spot shall be designated as a pick up and drop off spot for Transportation Service Providers (TSP).
16. A Traffic Impact Analysis or other information acceptable to the Traffic Engineering Division must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits.
17. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits, or the submittal of a map for this site, whichever may occur first. Provide and improve all drainage ways as recommended.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing to convert an existing one-story building into a tavern, a surface parking lot into an outdoor entertainment venue and the first floor of an existing parking garage into meeting rooms and amenity space for the Downtown Grand Hotel and Casino.

ISSUES

- A Variance to allow a 10-foot-tall wall where 5 feet is allowed in the front setback area, with the top 3 feet being 50% open. Staff does not support the variance request.
- A Tavern Establishment is a permitted use in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit). The applicant has also requested a waiver to allow a 20-foot distance separation from an existing tavern where 1,500 feet is required. Staff supports the waiver request.
- A Night Club is a permitted use in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit).

ANALYSIS

The subject site is composed of four parcels totaling 1.28 acres on the northeast corner of Ogden Avenue and Casino Center Boulevard. It is zoned C-2 (General Commercial) and has a C (Commercial) general plan land use designation. The site is within the Downtown Casino Overlay District, the Airport Overlay District, the Live Work Overlay District, and the Downtown Centennial Plan Overlay District. The project conforms to the requirements of those districts.

The site is currently developed with a parking garage that will remain with the first floor being remodeled as part of this project, and a surface parking lot that will be converted into an outdoor entertainment venue that will double as amenity space for the Downtown Grand hotel resort/casino.

The first floor renovation includes minimal exterior work to the exiting parking garage, focused on providing a pedestrian entrance to the facility on the east façade which will also create a visual link to the rest of the Downtown Grand complex. The single story segment that will house the main tavern space will have minimal exterior improvements

focused on creating a connection to the outdoor entertainment venue space with some architectural embellishments on the south façade facing Ogden Avenue that are repeated elsewhere in the project.

The proposed outdoor entrainment venue will be contained by a combination of block wall and wrought iron fencing on the Ogden Avenue and Casino Center Boulevard street frontages, with the block wall being solid along the Casino Center Boulevard and the western eight feet of the Ogden Avenue frontage. From there it transitions to a raised landscape planter at the back of the sidewalk with concrete walls delineating the landscape planter areas and the interior seating pods. The applicant has requested a Variance (VAR-70397) to allow a 10-foot-tall wall in the front setback where five feet with the top three feet being 50% open is the maximum allowed. Findings made by staff do not support the increased height. The applicant is providing a landscaped, five-foot setback and architectural embellishments on the exterior of the solid wall behind on the Casino Center Boulevard frontage.

Within the proposed outdoor entertainment venue, the applicant is proposing to include a stage on the west side facing east towards the tavern portion of the facility. Additionally, a rock climbing wall that would be mounted to the south wall of the existing parking garage and be accessed only from within the outdoor entertainment venue area.

The private fitness center for hotel guests and meeting/venue space for hotel events and conferences are permitted uses as they are ancillary and secondary to the hotel resort/casino complex use. The Liquor Establishment (Tavern) and Night Club proposed for the entirety of the site require individual Special Use Permits (SUP-70395 & SUP-70396).

SUP-70395 – Liquor Establishment (Tavern)

The Liquor Establishment (Tavern) use is defined 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 as described in the applicant's justification letter dated 05/08/17, the business will function as a tavern establishment upon approval of a business license.

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 general 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 1500 feet of any other liquor establishment (tavern), church/house of worship, school, individual care center licensed for more than 12 children, or City park.

The applicant has requested a waiver to the distance separation requirements to allow a Tavern 20 feet from an existing liquor establishment where 1,500 feet is required. This waiver is allowed under requirement number 5 as this site is within the Downtown Casino Overlay District. Staff supports the waiver as the use is proposed within the downtown tourism and entertainment core of the city and is therefore surrounded by similar uses.

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 distance separation of 20 feet from an existing liquor establishment (tavern) was measured in accordance with requirement 2.

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:

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- 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;
- 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 distance separation of 20 feet from an existing liquor establishment (tavern) was measured in accordance with requirement 3.

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 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.

The proposed Liquor Establishment (Tavern) will be operated by the Downtown Grand with has a non-restricted gaming license and a hotel of 200 or more guest rooms. However, this requirement does not release them from requirement 1 because it is not on the same parcel as the Downtown Grand.

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

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Overlay District, or the Downtown Casino Overlay District;

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- 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;

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- 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 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

The subject site is within the Downtown Casino Overlay District and the applicant has requested a waiver to the distance separation included in requirement 1 to allow a Tavern 20 feet from an existing liquor establishment where 1,500 feet is required. Staff supports the waiver as the use is proposed within the downtown tourism and entertainment core of the city and is therefore surrounded by similar uses.

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

The Liquor Establishment (Tavern) will be required to obtain a business license and operate in conformance with the requirements of Title 6.

The proposed Liquor Establishment (Tavern) use will be located in the Downtown Casino Overlay District which is the main tourist and entertainment center for the city. The area is developed with many such establishments, therefore this use is compatible with surrounding uses and appropriate for the neighborhood. The site itself provides both internal and external space for the business, with adequate controls to guarantee compliance with LVMC Chapter 6.50.

SUP-70396 – Night Club

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;

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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 there will be a liquor establishment (tavern) on site (upon approval of a business license), and they will be providing live entertainment and events in both the proposed outdoor entertainment venue and the meeting spaces inside the renovated parking structure. Hours of operation will be established in conformance with these requirements through the licensing process.

The Minimum Special Use Permit Requirements for this use include:

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 proposed Night Club use is not within 1500 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City park.

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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.

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The proposed Night Club use will be operated in conjunction with the Liquor Establishment (Tavern) use under Special Use Permit (SUP-70395).

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 to 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.

The proposed Night Club use is not within 1500 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City park.

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

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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 the nightclub parcel, sign an agreement, satisfactory to the City Attorney, that provides for perpetual, reciprocal cross-access, ingress

The proposed Night Club use is not within 1500 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City park.

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.

The proposed Night Club use is not within 1500 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City park.

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 or the Office Core District within the Downtown Centennial Plan Overlay District, 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 proposed Night Club use is not within 1500 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City park. So no waiver is necessary.

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

The proposed Night Club use includes a staff recommended condition to obtain a license for the use and to operate in conformance with LVMC Chapter 6.50.

8. No nightclub may be located within 500 feet of any single family dwelling unless:
 - a. The parcel on which the nightclub will be located is adjacent to Las Vegas Boulevard between Charleston Boulevard and Fremont Street;
 - b. The parcel has a minimum net site area of 0.25 acres; and
 - c. The nightclub use will be located within a building that has a minimum of 5000 square feet of gross floor area dedicated to the use.
 - d.

The proposed Night Club use is not within 500 feet of any single family dwellings.

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 includes a staff recommended condition to obtain a license for the use and to operate in conformance with LVMC Chapter 6.50.

The proposed Night Club use will be located in the Downtown Casino Overlay District which is the main tourist and entertainment center for the city. The area is developed with many such establishments, therefore this use is compatible with surrounding uses and appropriate for the neighborhood. The site itself provides both internal and external space for the business, with adequate controls to guarantee compliance with LVMC Chapter 6.50.

The proposed project meets the requirements of the Downtown Centennial Plan and with the exception of the Variance for wall height, it also meets the requirements of Title 19. Staff is recommending denial of the Variance (VAR-70397) but approval of the Special Use Permits (SUP-70395 & SUP-70396) and the Site Development Plan Review (SDR-70398).

FINDINGS (VAR-70397)

In accordance with the provisions of Title 19.16.140(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.16.140(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to construct a wall/fence that exceeds the height limits of Title 19.08. Limiting the wall to five feet with the top three feet being 50% open would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

FINDINGS (SUP-70395)

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) will be located in the Downtown Casino Overlay District, which is also the tourism and entertainment core of the city. The area is developed with many similar uses and this proposal is therefore compatible with the area.

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

The proposed Liquor Establishment (Tavern) will be located in the Downtown Casino Overlay District, which is also the tourism and entertainment core of the city. The area is developed with many similar uses and this proposal is therefore compatible with the area.

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 located in close proximity to Highway 95 and Interstate 15, and is surrounded by major collector streets; therefore, the street facilities are more than adequate for 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.

The proposed Liquor Establishment (Tavern) will be located in the Downtown Casino Overlay District and entertainment core of the city and will be subject to licensing and regular inspection.

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

The proposed Liquor Establishment (Tavern) is in conformance with the Special Use Permit requirements with the approval of a waiver to the distance separation from a similar use which is supported by staff and allowed because of the property's location within the Downtown Casino Overlay District.

FINDINGS (SUP-70396)

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 Night Club use will be located in the Downtown Casino Overlay District, which is also the tourism and entertainment core of the city. The area is developed with many similar uses and this proposal is therefore compatible with the area.

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

The proposed Night Club use will be located in the Downtown Casino Overlay District, which is also the tourism and entertainment core of the city. The area is developed with many similar uses and this proposal is therefore compatible with the area.

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 located in close proximity to Highway 95 and Interstate 15, and is surrounded by major collector streets; therefore, the street facilities are more than adequate for 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.

The proposed Night Club use will be located in the Downtown Casino Overlay District and entertainment core of the city and will be subject to licensing and regular inspection.

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

The proposed Night Club use is in conformance with the Special Use Permit requirements for the use.

FINDINGS (SDR-70398)

In order to approve a Site Development Plan Review application, per Title 19.16.100(E) the Planning Commission and/or City Council must affirm the following:

1.The proposed development is compatible with adjacent development and development in the area;

The proposed tavern, outdoor entertainment venue, and hotel/casino amenities are to be developed in the Downtown Casino Overlay District and the entertainment/tourism core of the city. Therefore, the development will be compatible with the surrounding area.

2.The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;

With the exception of the Variance (VAR-70397) the proposed development is in conformance with the requirements of Title 19.

3.Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;

The only site access will be for the existing parking garage, the first floor of which will be converted to amenity space for the Downtown Grand. The access will continue as it operates today and does not negatively impact the surrounding traffic patterns.

4.Building and landscape materials are appropriate for the area and for the City;

The materials proposed for the project are in conformance with the architectural and landscaping development standards included in Title 19.

5.Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

The proposed project has been designed to be a positive addition to the aesthetics of the neighborhood and includes the addition of architectural details on the existing parking garage that will increase the visual interest of the structure.

6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

The proposed project will be subject to business licensing, building permit review and construction inspection to assure that it will not have a negative impact on the public health, safety and general welfare.

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 C-2 (General Commercial) on the subject site as part of a larger request.
05/14/13	A Site Development Plan Review (SDR-48857) for the conversion of the first floor of the existing parking garage was withdrawn without prejudice.

<i>Most Recent Change of Ownership</i>	
12/01/13	A deed was recorded for a change in ownership on APN 139-34-510-004
11/03/78	A deed was recorded for a change in ownership on APN 139-34-510-002
01/01/11	A deed was recorded for a change in ownership on APN 139-34-510-001 and 003

<i>Related Building Permits/Business Licenses</i>	
c. 1980	The existing building was constructed at 200 North Casino Center Boulevard

<i>Pre-Application Meeting</i>	
04/19/17	Staff met with the applicant to discuss the proposal and the submittal requirements for a Variance, Special Use Permits and a Site Development Plan Review. The applicant was asked to provide a landscaped setback on Casino Center Boulevard to soften the solid block wall which was provided on the submitted plans.

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

Field Check	
05/04/17	Staff completed a routine site visit and noted a well maintained site with an existing parking garage, surface parking lot and one-story building.

Details of Application Request	
Site Area	
Net Acres	1.28

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Parking Garage	C (Commercial)	C-2 (General Commercial)
North	Mass Transit Facility (Vacant)	MXU (Mixed Use)	C-2 (General Commercial)
South	Parking Garage	C (Commercial)	C-2 (General Commercial)
East	Hotel & Retail	C (Commercial)	C-2 (General Commercial)
West	Parking Garage	C (Commercial)	C-2 (General Commercial)

Master and Neighborhood Plan Areas	Compliance
Downtown Centennial Plan	Y
Special Purpose and Overlay Districts	Compliance
Downtown Centennial Plan Overlay District	Y
Downtown Casino Overlay District	Y
Live/Work Overlay District	Y
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area	Y
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08 and the Downtown Centennial Plan, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	56,000 SF	Y
Min. Lot Width	100 Feet	139 Feet	Y
Min. Setbacks • Front • Side • Corner • Rear	0 Feet 0 Feet 0 Feet 0 Feet	10 Feet 0 Feet 5 Feet 0 Feet	Y Y Y Y
Min. Distance Between Buildings	N/A	N/A	Y
Max. Lot Coverage	N/A	65 %	Y

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Ogden Avenue	Major Collector	Planned Streets and Highways Map	80	Y
Stewart Avenue	Major Collector	Planned Streets and Highways Map	80	Y
Casino Center Boulevard	Major 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	
Tavern	1,258 s.f. public areas	1 per 50 s.f.	26				
	660 s.f. remaining	1 per 200 s.f.	4				
Venue / Meeting Space	376 Seats	1 per 4 Seats	94				
	15,274 s.f.	1 per 100 s.f.	16				

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	
Fitness Facility	7,259 s.f.	N/A	0				
TOTAL SPACES REQUIRED			140		654		Y
Regular and Handicap Spaces Required			135	5	642	12	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.

Waivers		
Requirement	Request	Staff Recommendation
No liquor establishment (tavern) may be located within 1500 feet of any other liquor establishment (tavern), church/house of worship, school, individual care center licensed for more than 12 children, or City park.	To allow a liquor establishment (tavern) to be 20 feet from an existing liquor establishment (tavern).	Approval