



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: SEPTEMBER 11, 2018

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: VINTAGE VEGAS GAMING, INC. - OWNER:
VINTAGE VEGAS GAMING, INC., ET AL

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
SUP-74171	Staff recommends APPROVAL, subject to conditions:	N/A

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 29

NOTICES MAILED 528

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

SUP-74171 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Nightclub 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. A Waiver from Title 19.12 is hereby approved, to allow a 1,150-foot distance separation from a church where 1,500 feet is required.
4. 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.
5. 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.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Special Use Permit for a Nightclub use in order to provide a dance floor within a proposed Tavern located within Binion's Gambling Hall and Hotel at 128 Fremont Street.

ISSUES

- A Special Use Permit is required in order to operate a Nightclub use within the C-2 (General Commercial) zoning district.

ANALYSIS

The subject site is an existing hotel and casino with frontage on the pedestrian mall commonly known as the "Fremont Street Experience." The applicant is proposing a tenant improvement within the existing structure for a Liquor Establishment (Tavern) that includes a dance floor.

The Nightclub use is defined by Title 19.12 as "an indoor or outdoor drinking, dancing, or entertainment establishment that conducts its primary business after dark, has a dance floor or open area free of tables and chairs that would allow dancing or assembly occupancies, and has sound equipment to allow live or recorded music played for the purpose of dancing (whether or not dancing actually occurs). The use may (but is not required to) include any of the following: onsite consumption of alcoholic beverages, a bar area, a fee for admittance, a promoter contracted to provide entertainment, and the sale of prepared food. In order to qualify as a nightclub, any sale of prepared food must be accessory to the primary use. The use does not include an erotic dance establishment licensed under LVMC Chapter 6.35 or an establishment that qualifies as a Teen Dance Center."

The Minimum Special Use Permit Requirements for this use include:

1. Requirement 1: Because the primary operations of a nightclub often include 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

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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 use does not meet this requirement as the subject site is 1,150 feet from a protected use (Church), and a Waiver has been requested by the applicant in accordance with Requirement Number Six below.

2. Requirement 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-premise consumption.

The proposed use meets this requirement as the proposed Nightclub use will be operated in conjunction with a Liquor Establishment (Tavern) land use.

3. Requirement 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 use meets this requirement as the distance separation was measured in accordance with this requirement.

4. Requirement 4: For the purpose of Requirement 3, 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:

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- 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 the nightclub parcel, sign an 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 distance separation was measured in accordance with this requirement.

- 5. Requirement 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 use meets this requirement as this requirement is not applicable.

- 6. Requirement 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 Market District or Symphony Park District as shown in Figure 3 of the Development Standards adopted in LVMC 19.10.110(B); the Gaming Enterprise Overlay District; the Fremont East Entertainment District; the 18b Arts District or the Downtown Casino Overlay District;

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- b. In connection with a proposed nightclub to be located on a parcel within that certain area formerly identified as the Office Core District, described as the area bounded on the north by the centerline of Bridger Avenue, on the east by the centerline of 6th Street, on the south by the centerline of Garces Avenue, and on the west by the eastern edge of the Union Pacific Railroad right-of-way line; or
- c. 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 use meets this requirement, as the subject site is within both the Gaming Enterprise Overlay District and the Downtown Casino Overlay District and a Waiver has been requested in accordance with such rule.

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

A Condition of Approval has been added to ensure compliance.

- 8. Requirement 8: Except as otherwise provided in Requirement 9 below, no nightclub may be located within 500 feet of any single-family dwelling.

The proposed use meets this requirement as it is not applicable. The subject site is not within 500 feet of a single family dwelling.

- 9. Requirement 9: The distance separation requirement set forth in Requirement 8 does not apply to:
 - a. 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.
 - b. A nightclub located within the boundaries of the Downtown Entertainment Overlay District or within the boundaries of the Pedestrian Mall as defined by LVMC Chapter 11.68.
 - c. A nightclub that meets all the following criteria:
 - i. Is located on a parcel that is adjacent to Las Vegas Boulevard between Charleston Boulevard and Fremont Street;
 - ii. Is located on a parcel with a minimum net site area of 0.25 acres; and
 - iii. Is located within a building that has a minimum of 5000 square feet of gross floor area dedicated to the nightclub use.

The proposed use meets this requirement as it is not applicable. The subject site is not within 500 feet of a single family dwelling.

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10. Requirement 10: Alcohol service, if any, is permitted only in conjunction with the following Title 6 alcoholic beverage licenses: Beer and Wine Room, Tavern, Tavern-Limited, General On-Sale and Urban Lounge.

The proposed use meets this requirement as it will operate with a Liquor Establishment, Tavern business license.

The subject site is an existing hotel and casino adjacent to Fremont Street within the Resort & Casino District of the Downtown Las Vegas Overlay.

Identified as the City's original gaming district and home to a number of classic Las Vegas hotel-casinos, the Resort and Casino District serves as the activity and entertainment anchor for downtown. Though this district acts as the most mature and intensely developed area, some new opportunities to reinforce the district's identity may be implemented:

- a) A high-profile site on the Main Street Station Casino surface parking lot for accommodating the growing needs of hospitality;
- b) infilling the current site of Downtown Las Vegas Events Center for accommodating new civic and/or office spaces;
- c) continuous improvement of the Fremont Street Experience;
- d) placemaking; and
- e) implementation of the downtown Las Vegas wayfinding system.

Title 19.12 requires a Night Club use 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 Waiver being requested is to allow a 1,150-foot distance separation from a church where 1,500 feet is required. Title 19.12 allows waivers of the distance separation requirements for locations within the Downtown Casino Overlay District. Staff recommends that the Waiver be approved, as the use will be located within a hotel and casino adjacent to the Pedestrian Mall [Fremont Street], where such uses are encouraged. Furthermore, the protected use is located several blocks away from the proposed Night Club and shielded by intervening buildings and streets. There will be minimal, if any, impact to the protected use.

The proposed Nightclub use furthers the goals of the Resort & Casino District for "continuous improvement of the Fremont Street Experience," and can be conducted in a manner that is harmonious and compatible with the existing surrounding land uses. Staff therefore staff recommends approval with conditions. If denied, a business license for the night club use could not be issued and the dance floor will have to be removed from the proposed tavern

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FINDINGS (SUP-71248)

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 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.

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

The subject site is a hotel and casino that is adjacent to the pedestrian mall which encourages entertainment venues such as the proposed tavern with a dance floor, and is physically suited for the type and intensity of the land use proposed.

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.

Street facilities providing access to both the pedestrian mall and the hotel and casino are adequate in size for providing access to the subject site. In addition, both the pedestrian mall and the hotel and casino provide parking garages for patrons of the property.

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 Night Club use is subject to regular inspections by multiple governmental agencies; thus, the public health, safety and welfare will not be compromised.

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

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The subject site does not meet the required distance separation requirement of 1,500 feet from a protected use. In accordance with Requirement Number Six of the Special Use Permit requirements for a Nightclub use, the applicant has requested a Waiver of this distance separation requirement due to its location within the Downtown Casino Overlay District. Staff supports this Waiver request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
There are no related relevant City actions for the subject site.	

<i>Most Recent Change of Ownership</i>	
Month/date/year	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
Pre-1991	A business license (H05-01040) was issued for a hotel at 128 Fremont Street. The license is active as of 08/22/18.
02/14/08	A business license (G08-00075) was issued for non-restricted gaming at 128 Fremont Street. The license is active as of 08/22/18.
	A business license (L15-00138) was issued for packaged liquor at 128 Fremont Street. The license is active as of 08/22/18.

<i>Pre-Application Meeting</i>	
08/13/18	Staff conducted a pre-application meeting via the telephone and email for the requested Nightclub Special Use Permit.

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

<i>Field Check</i>	
A field check was not performed for the proposed interior renovation.	

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Details of Application Request	
Site Area	
Net Acres	2.07

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Hotel & Casino	C (Commercial)	C-2 (General Commercial)
North	Parking Lot/Garage	C (Commercial)	C-2 (General Commercial)
South	Pedestrian Mall	ROW (Right-of-Way)	C-2 (General Commercial)
East	Hotel & Casino	C (Commercial)	C-2 (General Commercial)
West	Undeveloped (Future Hotel & Casino)	C (Commercial)	C-2 (General Commercial)

Master and Neighborhood Plan Areas	Compliance
Vision 2045 Downtown Master Plan	Y
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District – 200 Feet	Y
DC-O (Downtown Casino Overlay) District	Y
G-O (Gaming Enterprise Overlay) District	Y
LW-O (Live/Work Overlay) District	Y
DDRC (Downtown Design Review Committee)	Y
Other Plans or Special Requirements	Compliance
Appendix F Interim Downtown Las Vegas Development Standards	Y
Trails	N/A
Las Vegas Redevelopment Plan Area – Downtown Redevelopment Area	Y
Interlocal Agreement	N/A
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
Fremont Street	Pedestrian Mall	Fremont Street Experience Design Manual	98	Y
Casino Center Boulevard	Collector	Master Plan of Streets and Highways	70	Y
1 st Street	Local Street	Title 13	80	Y
Ogden Avenue	Collector	Master Plan of Streets and Highways	80	Y

Waivers		
Requirement	Request	Staff Recommendation
No nightclub may be located within 1,500 feet of a church, synagogue, school, child care facility licensed for more than 12 children or City park.	To allow a 1,150 square-foot distance separation from a church.	Approval