



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: SEPTEMBER 11, 2018

DEPARTMENT: PLANNING

**ITEM DESCRIPTION: APPLICANT: CAT'S MEOW - OWNER: FAEC HOLDINGS
WIRRULLA, LLC**

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
SUP-74075	Staff recommends APPROVAL, subject to conditions:	
SUP-74076	Staff recommends APPROVAL, subject to conditions:	
SUP-74077	Staff recommends APPROVAL, subject to conditions:	
SUP-74078	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 32

NOTICES MAILED 601 - SUP-74075 and SUP-74076
601 - SUP-74077 and SUP-74078

PROTESTS 0 - SUP-74075 and SUP-74076
0 - SUP-74077 and SUP-74078

APPROVALS 0 - SUP-74075 and SUP-74076
0 - SUP-74077 and SUP-74078

**** CONDITIONS ****

SUP-74075 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-74076 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Nightclub use.

2. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-74075) shall be required.
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 1,220-foot distance separation from a Church/House of Worship where 1,500 feet is required.
5. A Waiver from Title 19.12 is hereby approved, to allow a 1,340-foot distance separation from a School where 1,500 feet is required.
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-74077 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-74078 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Nightclub use.
2. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-74077) shall be required.
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 1,220-foot distance separation from a Church/House of Worship where 1,500 feet is required.
5. A Waiver from Title 19.12 is hereby approved, to allow a 1,340-foot distance separation from a School where 1,500 feet is required.
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.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting Special Use Permits for two Tavern Limited Establishment's with Night Club uses that will operate side-by-side within the Neonopolis retail and entertainment complex at 450 Fremont Street, Suite's #201 and #225.

ISSUES

- A Tavern-Limited Establishment use is permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.
- A Night Club use is permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.
- A Waiver of distance separation requirements from a church and school is requested with both Special Use Permit requests for a Night Club. Staff recommends approval of the Waivers requested.

ANALYSIS

The subject site is an entertainment complex that offers a variety of restaurants, drinks, and entertainment located 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.

Both the Tavern-Limited Establishment and Night Club uses are permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit. As this is a change of use and there are no exterior changes to the existing building, no Site Development Plan Review is required pursuant to Appendix F, Interim Downtown Las Vegas Development Standards.

The Tavern-Limited Establishment use is defined as “an establishment that is licensed with a tavern-limited license in accordance with LVMC Chapter 6.50.” The proposed use meets the definition in that the criteria for a tavern-limited business license are achieved, namely, the site is located entirely within the Downtown Centennial Plan Overlay District and that live entertainment is being provided at least two nights per week.

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

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.”

Minimum Special Use Permit Requirements for this use include the following:

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 use does not meet this requirement, as it is proposed to be located 1,220 feet from a church and 1,340 feet from a school. The applicant is requesting a Waiver of these distance separation requirements, which staff supports.

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 applicant has requested a Special Use Permit for a Tavern-Limited Establishment in conjunction with the Night Club use.

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.

Distance separation has been measured from the property line of the subject site to a school and church.

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 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 property line of the Night Club use is defined by the boundary of Lot 1 of the subdivision map recorded in Book 87, Page 35 of Plats.

- 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.

This requirement does not apply, as neither exemption criterion applies to the proposed establishment.

- 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;
 - 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 Subparagraph a. of this requirement as the property is located within the Downtown Casino Overlay District, and therefore the distance separation between the proposed Night Club use and protected uses may be waived. The applicant has requested a waiver to allow distance separations of 1,220 feet from a church and 1,340 from a school where 1,500 feet is required for both.

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

A standard condition of approval requires conformance to this section of Las Vegas Municipal Code.

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 there are no single-family residential dwellings within 500 feet of the proposed use, as measured pursuant to Requirement 4.

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 there are no single-family residential dwellings within 500 feet of the proposed use, as measured pursuant to Requirement 4.

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 the applicant intends to apply for a Tavern-Limited Establishment license.

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 Waivers being requested are to allow 1,220 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 separation requirements for locations within the Downtown Casino Overlay District. Staff recommends that both waivers be approved, as the use will be located within a large retail and entertainment complex [Neonopolis] along the Pedestrian Mall [Fremont Street], where such uses are encouraged. Furthermore, the protected uses are 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 uses.

The subject site is located within the Resort & Casino District of the Downtown Las Vegas Overlay adjacent to the Pedestrian Mall, where the location of entertainment and music venues is encouraged. The proposed Tavern-Limited Establishment use and Nightclub use further the goals of the Resort & Casino District for “continuous improvement of the Fremont Street Experience.” In addition, the proposed Tavern-Limited Establishment and Night Club uses 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, business licenses for the sale of alcohol and a night club could not be issued.

FINDINGS (SUP-74075, SUP-74076, SUP-74077 and SUP-74078)

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 Tavern-Limited Establishment use and Night Club use are 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 existing suite can physically accommodate both the proposed Tavern-Limited Establishment use and Night Club use. The area is located along the Pedestrian Mall and is designed to attract pedestrians. Parking can be accommodated in an underground parking garage as well as at other Downtown locations.

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.

Vehicular traffic will utilize the on-site parking garage, which is accessed from 4th Street. Pedestrians may access the site from Las Vegas Boulevard or 4th Street at Fremont Street. This access will be adequate for traffic generated by the proposed Tavern-Limited Establishment and 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.

The Tavern-Limited Establishment use and Night Club use are both 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.

The proposed Night Club use requires a Waiver of distance separation requirements from a church and school, which staff supports. There are no Minimum Special Use Permit Requirements for a Tavern-Limited Establishment use.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
03/23/98	The City Council approved a Site Development Plan Review (SD-0003-98) for a proposed 264,210 square-foot Retail/Entertainment Complex at 450 Fremont Street. 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.

<i>Most Recent Change of Ownership</i>	
01/06/17	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
08/30/00	A building permit (#00016211) was issued for a retail development/cinema for Certificate of Completion at 450 Fremont Street.
01/03/01	A building permit (#01000109) was issued for a retail development/cinema at 450 Fremont Street. The permit received its final inspection on 03/19/02.

<i>Pre-Application Meeting</i>	
07/19/18	Staff conducted a pre-application meeting to discuss the application process for the proposed land uses at the Neonopolis.

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

<i>Field Check</i>	
08/02/18	Staff observed the subject suite during a routine field check. Nothing of concern was noted by staff.

<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 & Casino	C (Commercial)	C-2 (General Commercial)

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District	
				Parking, Commercial
				Liquor Establishment (Tavern)
				General Retail Store
				Restaurant
East		Multi-Family Residential	C (Commercial)	
		Restaurant		
		Tavern-Limited Establishment		
West		General Retail Store	C (Commercial)	
		Pawn Shop		
		Parking, Commercial		

Master and Neighborhood Plan Areas	Compliance
Downtown Master Plan – Resort & Casino District	Y
Special Area and Overlay Districts	Compliance

NE

SUP-74075, SUP-74076, SUP-74077 and SUP-74078 [PRJ-74006]

Appendix F Interim Downtown Las Vegas Development Standards	Y
DTLV-O (Downtown Las Vegas Overlay)	Y
A-O (Airport Overlay) District - 200 Feet	Y
DC-O (Downtown Casino Overlay) District	Y
DDRC (Downtown Design Review Committee)	Y
LW-O (Live/Work Overlay) District	Y
SB-O (Las Vegas Boulevard Scenic Byway Overlay) District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails (Tortoise Trail)	Y
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

Pursuant to Title 19.08 and 19.12, the following parking standards apply:

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	264,210 SF	1 Space Per 250 SF GFA	1,057				
TOTAL SPACES REQUIRED			1,057		680		Y

Projects located within the Downtown Las Vegas Overlay - Area 1 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.

Las Vegas Valley Water District Comments	
Parcel Number	Comments
139-34-513-003	This parcel is currently served by LVVWD for a combination fire and domestic service but the service does not have the required backflow prevention per NAC 445A.67195. Civil and plumbing plans will need to be submitted to LVVWD for verification of meter sizing for fire and domestic and for backflow retrofit.

Waivers		
Requirement	Request	Staff Recommendation
A night club may not 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 1,220-foot distance separation from a church and a 1,340-foot distance separation from a school.	Approval