



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: DECEMBER 16, 2020
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT/OWNER: 18 FREMONT STREET ACQUISITIONS

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
20-0277-SUP1	Staff recommends APPROVAL, subject to conditions:	
20-0277-SUP2	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 28

NOTICES MAILED 229 (By City Clerk)

PROTESTS 1

APPROVALS 0

**** CONDITIONS ****

20-0277-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Beer/Wine/Cooler Off-Sale 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. A Waiver from Title 19.12 is hereby approved, to allow Beer/Wine/Cooler Off-Sale Establishment use on or adjacent to the Pedestrian Mall, as defined in LVMC Chapter 11.68.
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. Approval of this Special Use Permit does not constitute approval of a liquor license.
7. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

20-0277-SUP2 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Beer/Wine/Cooler Off-Sale 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. A Waiver from Title 19.12 is hereby approved, to allow Beer/Wine/Cooler Off-Sale Establishment use on or adjacent to the Pedestrian Mall, as defined in LVMC Chapter 11.68,
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6. Approval of this Special Use Permit does not constitute approval of a liquor license.
7. 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 request is for two Beer/Wine/Cooler Off-Sale Establishments within a hotel/casino located at the southeast corner of Main Street and Ogden Avenue.

ISSUES

- The proposed use will occupy a maximum of 50 square feet within two separate leased gift shops inside a hotel/casino.
- Title 19.12 prohibits Beer/Wine/Cooler Off-Sale Establishments within locations that are adjacent to the Pedestrian Mall as defined by Title 11.68. A waiver has been requested to provide relief from this requirement. Staff recommends approval of the waiver request.
- Special Use Permits have been requested to allow two Beer/Wine/Cooler Off-Sale Establishments within two leased gift shops inside of a hotel/casino. Staff recommends approval of the request.

ANALYSIS

The request is for a Beer/Wine/Cooler Off-Sale Establishment use for two separate leased gift shops within a hotel/casino located at the southeast corner of Main Street and Ogden Avenue. It is expected that no more than 50 square feet of floor area within each gift shop will be devoted to the proposed use. The hotel/casino is also located adjacent to the Pedestrian Mall (Fremont Street Experience). Title 19.12 prohibits the Beer/Wine/Cooler Off-Sale use within establishments adjacent to the Pedestrian Mall, and a waiver has been requested to provide relief from this requirement.

The Beer/Wine/Cooler Off-Sale Establishment use requires a Special Use Permit within the C-2 (General Commercial) zoning district. The Beer/Wine/Cooler Off-Sale Establishment use is defined as “An establishment whose license to sell alcoholic beverages is limited to the sale of beer, wine and coolers to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where business is conducted, and is operated in connection with a grocery store, drugstore, convenience store, restaurant, general retail store or ancillary brew pub (as the last is referenced in LVMC 6.50.085).” The proposed use meets the definition Beer/Wine/Cooler Off-Sale Establishment use.

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The Minimum Special Use Permit Requirements for this use includes:

1. Except as otherwise provided, no beer/wine/cooler off-sale establishment (hereinafter “establishment”) shall be located within 400 feet of any church/house of worship, school, individual care center licensed for more than 12 children, or City park

Distance separation requirements are not applicable to this site.

2. When considering a Special Use Permit application for an establishment which also requires a waiver of the distance separation requirement in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance separation requirement should be waived and the reasons in support of the decision

Distance separation requirements are not applicable to this site.

3. The minimum distance separation requirements in Requirement 1 do 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; or
 - b. A proposed establishment having more than 50,000 square feet of retail floor space.

The proposed beer/wine/cooler off-sale uses are to be conducted within two gift shops located within an establishment with a non-restricted gaming license in conjunction with a hotel having 200 or more guest rooms.

4. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

The establishments shall conform to the provisions of LVMC Chapter 6.50.

5. The minimum distance separation requirements set forth in Requirement 1, which are otherwise nonwaivable under the provisions of LVMC 19.12.050(C), may be waived:

In accordance with the provisions of LVMC 19.12.050(C) for any establishment which is proposed to be located on a parcel within the Downtown Casino Overlay District;

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- a. In accordance with the applicable provisions of the “Town Center Development Standards Manual” for any establishment which is proposed to be located within the T-C (Town Center) Zoning District and which is designated MS- TC (Main Street Mixed Use) in the Town Center Land Use Plan;
- b. In connection with a proposed establishment having between 15,000 square feet and 50,000 square feet of retail floor space, if no more than 10 percent of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages; or
- c. In connection with a retail establishment having less than 15,000 square feet of retail floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages and each use to be protected are separated by a highway or a right of way with a width of at least 100 feet.

Distance separation requirements are not applicable to this site.

6. No beer/wine/cooler off-sale establishment shall be permitted on or adjacent to the Pedestrian Mall, as defined in LVMC Chapter 11.68.

A waiver has been requested to allow the proposed use within two gift shops inside of an establishment adjacent to the Pedestrian Mall.

It is expected that the gift shops will be offering a limited selection of beer, wine and coolers on a 24-hour basis within the hotel/casino. Throughout the downtown casino core, it is generally customary for hotel/casino gift shops to offer beer and wine for sale to visitors and guests. The proposed use is appropriate for a gift shop within a hotel/casino, and staff recommends approval of both Special Use Permit requests and associated waivers.

FINDINGS (20-0277-SUP1 and 20-0277-SUP2)

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.**

With approval of the requested waiver, the proposed use can be conducted within both gift shops 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 physically suitable for the type and intensity of land use proposed.

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- 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 street facilities providing access to the property are adequate in size to meet the requirements of 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.**

With approval of the requested waivers, the approval of the Special Use Permits will not be inconsistent or compromise the public health, safety, and the welfare or the overall objectives of the General Plan.

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

With approval of the requested waiver, the use in both interior locations meets all other applicable conditions per Title 19.12

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
07/18/18	The City Council approved a Site Development Plan Review (SDR-73004) for a 1,224,485 square-foot Hotel Casino. Staff and the Planning Commission had recommended approval on 06/12/18.
11/10/20	<p>The Planning Commission voted (5-0-1) to recommend APPROVAL on Land Use Entitlement project requests at 8 Fremont Street (APN 139-34-113-001), C-2 (General Commercial) Zone, Ward 5 (Crear).</p> <ul style="list-style-type: none"> • 20-0277-SUP1 - FOR A BEER/WINE/COOLER OFF-SALE ESTABLISHMENT USE NOT TO EXCEED 50 SQUARE FEET ON THE FIRST FLOOR WITHIN AN EXISTING RESORT HOTEL LEASED GIFT SHOP, WITH A WAIVER TO ALLOW SUCH AN ESTABLISHMENT ADJACENT TO THE PEDESTRIAN MALL, AS DEFINED BY TITLE 11.68, WHERE SUCH IS NOT PERMITTED. • 20-0277-SUP2 - FOR A BEER/WINE/COOLER OFF-SALE ESTABLISHMENT USE NOT TO EXCEED 50 SQUARE FEET ON THE SECOND FLOOR WITHIN AN EXISTING RESORT HOTEL LEASED GIFT SHOP, WITH A WAIVER TO ALLOW SUCH AN ESTABLISHMENT ADJACENT TO THE PEDESTRIAN MALL, AS DEFINED BY TITLE 11.68, WHERE SUCH IS NOT PERMITTED.

<i>Most Recent Change of Ownership</i>	
06/28/16	A deed was recorded for a change in ownership for APN 139-34-113-001.

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Pre-Application Meeting

The pre-application meeting was waived for these applications.

Neighborhood Meeting

A neighborhood meeting was not required, nor was one held.

Field Check

10/20/20	The site is developed with a hotel/casino.
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Details of Application Request**Net Site Area**

2.80 acres

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

Master and Neighborhood Plan Areas

Vision 2045 Downtown Masterplan

Compliance

Y

Special Area and Overlay Districts

Compliance

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

FS

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<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
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

**Special Use Permit to allow the proposed development to exceed the 200-foot height limitation was approved on 07/18/18.*