

**AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: JULY 20, 2022

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: ELBEZE HAIRVOLUTION II, LLC - OWNER:  
FAEC HOLDINGS WIRRULLA, LLC**\*\* STAFF RECOMMENDATION(S) \*\***

<b>CASE NUMBER</b>	<b>RECOMMENDATION</b>	<b>REQUIRED FOR APPROVAL</b>
<b>22-0213-SUP1</b>	Staff recommends APPROVAL, subject to conditions:	
<b>22-0213-SDR1</b>	Staff recommends APPROVAL, subject to conditions:	

**\*\* NOTIFICATION \*\*****NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 32**NOTICES MAILED** 559 (by City Clerk)**PROTESTS** 0**APPROVALS** 0

**\*\* CONDITIONS \*\***

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**22-0213-SUP1 CONDITIONS**

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**Planning**

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Alcohol, On-Premise Full use.
2. Approval of and conformance to the conditions of approval for Site Development Plan Review (22-0213-SDR1) shall be required, if approved.
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. 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.

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## 22-0213-SDR1 CONDITIONS

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### **Planning**

1. Approval of and conformance to the conditions of approval for Special Use Permit (22-0213-SUP1) 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 and building elevations, date stamped 04/27/2022, except as amended by conditions herein.
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.
6. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
7. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

### **Public Works**

8. Coordinate with the Environmental Compliance & Enforcement staff of the Department of Public Works to locate any required grease interceptor and sand/oil interceptors in acceptable locations prior to submittal of sewer-related plans. Comply with the recommendations and requirements of the Environmental Compliance & Enforcement staff prior to issuance of permits. The team may be contacted at 702-229-2338 or emailed at [ece@lasvegasnevada.gov](mailto:ece@lasvegasnevada.gov).

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The applicant is proposing an Alcohol, On-Premise Full use at the Neonopolis located at 450 Fremont Street, Suite 270. A companion Site Development Plan Review is also requested for an outdoor patio area proposed as part of the Alcohol, On-Premise Full use.

**ISSUES**

- A Special Use Permit is requested for the Alcohol, On-Premise Full use in the C-2 (General Commercial) zoning district. Staff support this request.
- The subject suite will operate as a Nightclub use and a portion of the proposed Night Club use will be not in an enclosed portion of a building. Per Title 19.12 for a Nightclub use, outdoor activities are required to be reviewed through a Site Development Review. Staff support this request.
- The Nightclub use is a Conditional use within the C-2 zoning district, which the subject site meets.
- The subject tenant space was previously operated as an art gallery.

**ANALYSIS**

Neonopolis is a three level entertainment center at the eastern end of the Fremont Street Experience. The entertainment center features 264,210 square feet of retail, dining, and bar/nightclub uses. The building sits atop a two level underground parking garage containing 555 parking stalls. The City Council approved the Site Development Plan Review (SD-0003-98) for Neonopolis in 1998. Some of Neonopolis' tenants include the Heart Attack Grill, Dirt Dog Fremont, Cat's Meow, Fat Tuesday Neonopolis, and The Nerd.

The applicant is proposing to remodel 15,526 square feet of tenant space for a Night Club and Alcohol, On-Premise Full use. The tenant space was previously occupied by the Metropolitan Gallery Las Vegas. As stated by the applicant in the justification letter the proposed hours of operation for the Night Club use are 8:00 p.m. through the early morning hours. Parking for employees and customers is available at the parking garage under Neonopolis, as well as City of Las Vegas' Red Garage. There are also two RTC bus stops in the immediate vicinity.

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The Nightclub land use is a Conditional use within the C-2 zoning district, which the proposed meets. The proposed outdoor balcony in conjunction with a Nightclub use requires an approved Site Development Plan Review, which the applicant is requesting. The proposed Alcohol, On-Premise Full use is a permitted use within the C-2 zoning district with an approved Special Use Permit, which the applicant is also requesting.

Intense commercial and residential uses are desired in the downtown area. The broader area contains a variety of retail, gaming, hotel, and alcohol related uses. The proposed balcony area is located interior to the site and opens to a courtyard area. Due to this, it is not expected to create unusual noise pollution in the surrounding areas. Due to the walkable nature of the area, multiple transportation options, and 555 parking spaces on site, the existing parking is deemed sufficient to serve the proposed uses. The proposed use is appropriate for the C-2 zoning district and the specific site, and is compatible with surrounding land uses. Therefore staff is recommending approval of both the Special Use Permit and the companion Site Development Plan Review for the balcony.

The Alcohol, On-Premise Full use is defined as follows: "An establishment licensed to sell alcoholic beverages, not limited to the sale of beer, wine and coolers, for consumption on the premises where the same are sold." The proposed use meets the definition, because they plan to sell liquor and beer as a part of the Night Club use, and the alcohol sold will remain on premises at all times. An approved Special Use Permit is required for any establishment proposing an Alcohol, On-Premise Full use.

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 a minimum distance separation between an Alcohol, On-Premise Full establishment and certain other uses that should be protected from the impacts associated with that establishment. Therefore, except as otherwise provided in these Requirements, no Alcohol, On-Premise Full establishment may be located within 400 feet of any of the following uses:
  - a. Church/house of worship;
  - b. School;
  - c. Individual care center licensed for more than 12 children; or
  - d. City park.

*The proposed Alcohol, On-Premise Full establishment meets this requirement as it is not within 400 feet of any of the uses listed above.*

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2. The distance separation requirement set forth in Requirement 1 does not apply to the following:

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 Any Alcohol, On-Premise Full use located on property within the Pedestrian Mall, as defined in LVMC Chapter 11.68; the Downtown Entertainment Overlay District, as described in LVMC 19.10.120; or the 18b Arts District, as described in Appendix F to this Title. The Special Use Permit approval may include conditions designed to mitigate any impacts related to distance separation.

*The requirement is not applicable.*

Staff recommends approval of the request for a Special Use Permit for Alcohol, On-Premise Full use and the associated Site Development Review for the proposed balcony as the activity can be conducted in a manner that is harmonious and compatible with the surrounding area. There are currently two other establishments on the same floor in the Neonopolis with alcohol uses; The Cat's Meow and The Nerd. Additionally, the impacts of the balcony and alcohol use are mitigated by the enclosed nature of the building; ingress/egress for the balcony goes onto a shared walkway that opens to a fully enclosed courtyard.

## **FINDINGS (22-0213-SUP1)**

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 land use complies with Title 19 requirements for the Night Club use and Alcohol, On-Premise Full uses. The proposed uses are permitted in the C-2 (General Commercial) zoning district with an approved Special Use Permit. The proposed uses are compatible with the General Plan and the existing development pattern in the Downtown Casino Overlay.

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

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The subject site, known as The Neonopolis, is physically suitable for the type and intensity of the proposed uses and the size of the tenant space is able to accommodate the use.

- 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 property is served by Las Vegas Boulevard and Fremont Street which are both adequate in size to meet the requirements of the proposed land uses.

- 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 use will accompany other existing Night Clubs and alcohol related uses in the immediate area and will not compromise the public health, safety, and welfare or the overall objectives of the plan.

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

The use meets all applicable conditions per Title 19.12, including the distance separation requirements from protected uses.

## **FINDINGS (22-0213-SDR1)**

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 development is compatible with development in the surrounding area. The balcony is entirely interior to the site and fronts to an enclosed courtyard. Therefore it is not expected to pose a nuisance to neighboring properties.

- 2. The proposed development is consistent with the General Plan, this Title, and other duly-adopted city plans, policies and standards;**

The proposed development is consistent with the General Plan, Title 19, and the Downtown Casino Overlay, and Appendix F: Interim Downtown Las Vegas Development Standards.

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

Site access remains as constructed and will not negatively impact adjacent roadways or neighboring traffic.

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

The interior and balcony building materials are appropriate for the area.

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;**

Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance.

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

Access shall be limited to the doorways and not over or through the guard rails of the balcony. Steps shall be taken to limit access outside of the balcony area.



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**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by Planning, Fire, Code Enforcement, etc.</i></b>	
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.
12/14/21	The Planning Commission approved a request for a Special Use Permit for a proposed 12,445 square-foot Tavern-Limited Establishment use at 450 Fremont Street.
06/21/22	<p>The Planning Commission (6-0 vote) recommends APPROVAL on the following Land Use Entitlement project requests on 2.75 acres at 450 Fremont Street, Suite #270 (APN 139-34-513-002), C-2 (General Commercial) Zone, Ward 5 (Crear)</p> <ul style="list-style-type: none"> <li>• 22-0213-SUP1 - SPECIAL USE PERMIT - FOR A PROPOSED 15,526 SQUARE-FOOT ALCOHOL, ON-PREMISE FULL USE</li> <li>• 22-0213-SDR1 - SITE DEVELOPMENT PLAN REVIEW - FOR A PROPOSED 15,526 SQUARE-FOOT NIGHT CLUB WITH OUTDOOR PATIO</li> </ul>

<b><i>Related Building Permits/Business Licenses</i></b>	
02/13/14	A business license (N31-99890) was issued to the Southern Nevada Museum of Fine Art to exhibit artwork of US and international artists and to operate a museum gift shop at 450 Fremont Street, Suite 270. The license was placed into inactive status on April 11, 2017.
04/26/17	A business license (G65-02643) was issued to Metropolitan Gallery Inc. to operate a public fine art gallery at 450 Fremont Street, Suite 270. The license was placed into inactive status on February 22, 2022.

<b><i>Pre-Application Meeting</i></b>	
04/25/22	A meeting was held with the applicants and attendees from other city departments.

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

<b><i>Field Check</i></b>	
05/10/22	Staff completed a routine field check and found the tenant space and property to be well-maintained.

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<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	2.75

<b>Surrounding Property</b>	<b>Existing Land Use Per Title 19.12</b>	<b>Planned or Special Land Use Designation</b>	<b>Existing Zoning District</b>
Subject Property	Shopping Center	C (Commercial)	C-2 (General Commercial)
North	Hotel & Casino	C (Commercial)	C-2 (General Commercial)
South	Parking Garage	C (Commercial)	C-2 (General Commercial)
	Liquor Establishment (Tavern)		
	General Retail Store		
	Restaurant		
East	Multi-Family Residential	FBC (Form-Based Code)	T6-UC (T6 Urban Core)
	Restaurant		
	Tavern-Limited Establishment		
West	General Retail Store	C (Commercial)	C-2 (General Commercial)
	Restaurant		
	Parking Garage		

<b>Master and Neighborhood Plan Areas</b>	<b>Compliance</b>
Vision 2045 Downtown Las Vegas Masterplan	Y
<b>Special Area and Overlay Districts</b>	<b>Compliance</b>
A-O (Airport Overlay) District	Y
DC-O (Downtown Casino Overlay) District	Y
DTLV-O (Downtown Las Vegas Overlay) District – Area 1	Y
LW-O (Live/Work Overlay) District	Y
SB-O (Las Vegas Boulevard Scenic Byway Overlay) District	Y
DDRC (Downtown Design Review Committee)	Y

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<b><i>Other Plans or Special Requirements</i></b>	<b><i>Compliance</i></b>
Trails – Scenic Byway	N/A
Las Vegas Redevelopment Plan Area 1	Y
Interlocal Agreement (Planning Area A1/A2/B)	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							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	264,210 SF	1:250 SF	1,057				
TOTAL SPACES REQUIRED			1,057		555		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.