

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: AUGUST 17, 2022

DEPARTMENT: PLANNING

**ITEM DESCRIPTION: APPLICANT: BH GROUP CORP – OWNER: HS FAMILY
LIMITED PARTNERSHIP**

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
22-0249-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 31

NOTICES MAILED 497 (by City Clerk)

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

22-0249-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Alcohol, On-Premise Full 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. Design approval shall be obtained from the Fremont Street Experience prior to any changes to the façade and/or signage.
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.

Public Works

9. 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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a project request for a 7,456 square-foot Alcohol, On-Premise Full establishment in conjunction with a Commercial Recreation/Amusement (Indoor) establishment located on 0.22 acres at 310 Fremont Street. The project application meets the minimum Special Use Permit requirements for an Alcohol, On-Premise Full use, specifically as distance separation requirements do not apply for projects located within the Pedestrian Mall.

ISSUES

- The Alcohol, On-Premise Full use is allowed in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.
- A Condition of Approval has been added requiring design approval by the Fremont Street Experience prior to any changes to the façade and/or signage.

ANALYSIS

The applicant is requesting to convert the subject site into an arcade with counter food service and alcohol for on premise consumption that would total 7,456 square feet. In the C-2 (General Commercial) zoning district, the Commercial Recreation/Amusement (Indoor) use is permitted by right. Per the submitted justification letter and floor plans, dated May 19, 2022, the applicant would place amusement machines towards the Fremont Street entrance while a physical bar with bar-stool seating long the length of the west wall. Counter service and family style table seating will also be available in the proposed establishment.

The Alcohol, On-Premise Full use is defined as, “An establishment licensed to sell alcohol 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 as indicated in the applicant’s justification letter, as the proposed use would allow for on premise alcohol consumption. While no parking is provided, it is expected that visitors will utilize nearby parking garages throughout the Fremont Street Experience.

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The subject site is located within the Downtown Las Vegas planning area as defined by the City of Las Vegas 2050 Master Plan, which presents a series of ideas and recommendations for achieving a compact, vibrant urban environment. This plan identifies key land use tools like historic preservation and adaptive reuse to achieve these goals. The proposed Special Use Permit, if approved, would include façade improvements that would preserve the existing/historical projecting signage structures and Juliet balconies of the property. Design approval shall be obtained from the Fremont Street Experience prior to any changes to the façade and/or signage. The proposed special use permit would fulfill the goals outlined by the City of Las Vegas 2050 Master Plan.

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 use meets this requirement, as the proposed Alcohol, On-Premise Full use is not located within 400 feet of the above protected uses.

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

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The proposed use is within the Pedestrian Mall, as defined in LVMC Chapter 11.68; therefore, the minimum Special Use Permit requirements do not apply.

Staff finds that the proposed Alcohol, On-Premise Full use can be conducted in a compatible and harmonious manner with the surrounding area; therefore, staff recommends approval of the Special Use Permit subject to conditions. If denied, the applicant would not be allowed to open an Alcohol, On-Premise Full establishment at this property.

FINDINGS (22-0249-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 Alcohol, On-Premise Full establishment is located in the Downtown Las Vegas overlay and will provide entertainment options, food service, and on premise alcohol sale and consumption that is harmonious and compatible with the 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 can physically accommodate the proposed Alcohol, On-Premise Full use and is in close proximity to other similar land uses in 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.**

Access to the site will not change. There is no vehicle access to the subject site. The site is accessed by the Pedestrian Mall under the canopy controlled by the Fremont Street Experience. Fremont Street is an 80-foot Major Collector, as classified by the Master Plan of Streets and Highways. This street is sufficient in size to accommodate the needs of the proposed use.

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- 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.**

Approval of this proposed Special Use Permit will not compromise the public health, safety and general welfare of the public. The use will be subject to regular inspections and is subject to licensing restrictions.

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

The proposed use meets all applicable conditions for an Alcohol, On-Premise Full Use per Title 19.12.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
12/16/64	The City Council approved Rezoning (Z-0100-64) from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial), C-2 (General Commercial) and C-V (Civic) to C-2 (General Commercial) for approximately 230 Acres generally located on property bounded by Main Street to the west, Bonanza Road on the north, Las Vegas Boulevard on the east, and Charleston Boulevard on the south, Wards 1 and 3. The Planning Commission recommended approval on 12/10/64.
06/13/17	The Planning Commission approved a request for a Special Use Permit (SUP-69672) for a proposed 3,015 square-foot Tavern-Limited Use at 310 Fremont Street.
	The Planning Commission approved a request for a Special Use Permit (SUP-69674) for a proposed 6,869 square-foot liquor establishment (Tavern) use with waivers to allow an 80-foot distance separation from an existing liquor establishment (Tavern) and a 1,158-foot distance separation from an existing church/house of worship where 1,500 feet is required at 310 Fremont Street.
07/19/17	The City Council voted to approve a request for a Site Development Plan (SDR-69675) Review to add 6,869 square-feet of floor area to an existing 7,488 square-foot commercial space with façade improvements at 310 Fremont Street.
07/20/17	The City Council accepted the applicant's request to withdraw without prejudice a request for a Special Use Permit (SUP-69672) for a proposed 3,015 square-foot Tavern-Limited Use at 310 Fremont Street.
07/12/22	The Planning Commission (6-0 vote) recommends APPROVAL on a Land Use Entitlement project request FOR A PROPOSED 7,456 SQUARE-FOOT ALCOHOL, ON PREMISE FULL USE at 310 Fremont Street (APN 139-34-510-024), C-2 (General Commercial) Zone, Ward 5 (Crear)

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<i>Most Recent Change of Ownership</i>	
11/21/02	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
06/18/15	A Business License (G63-04534) was issued for one Coin Amusement Machine placed inside 310 Fremont Street. The license is active as of 06/22/22 and is awaiting renewal.
06/18/15	A Business License (G64-04302) was issued for the retail sale of cosmetic products located at 308 Fremont Street. The license is active as of 06/22/22 and is awaiting renewal.
03/13/21	A Business License (G69-01036) was issued for the general retail sale of Hemp and CBD products at 316 Fremont Street. The license is active as of 06/22/22 and is awaiting renewal.

<i>Pre-Application Meeting</i>	
04/27/22	A pre-application meeting was held to discuss the submittal requirements for a Special Use Permit.

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

<i>Field Check</i>	
06/02/22	A field check was conducted by staff and noted nothing of concern.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.22

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<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	General Retail Store, Other Than Listed	C (Commercial)	C-2 (General Commercial)
North	General Retail Store, Other Than Listed	C (Commercial)	C-2 (General Commercial)
South	Pedestrian Mall (Right-of-Way)	Pedestrian Mall (Right-of-Way)	C-2 (General Commercial)
East	General Retail Store, Other Than Listed	C (Commercial)	C-2 (General Commercial)
West	General Retail Store, Other Than Listed	C (Commercial)	C-2 (General Commercial)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Master Plan 2050 Area: Downtown Las Vegas	Y
2045 Downtown Las Vegas Master Plan (Resort and Casino District)	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District 200 Feet	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
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails (Fremont Street [Pedestrian Mall])	Y
Las Vegas Redevelopment Plan Area – Area 1	Y
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Fremont Street	Major Collector	Master Plan of Streets and Highways Map	80 Feet	Y

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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	
Commercial Recreation/Amusement (Indoor)	2,120 SF /207 OCC.	1 space for each 200 SF of GFA, plus 1 space per 3 persons that the facility is designed to accommodate at maximum capacity.	79				
Alcohol, On-Premise Full	7,456 SF	One space for each 50 square feet of public seating and waiting area (including outdoor areas for seating and waiting), plus one space for each 200 square feet of the total remaining gross floor area	45				
TOTAL SPACES REQUIRED			124		0		Y*
Regular and Handicap Spaces Required			119	5	0	0	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.