

AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 15, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-16515 - APPLICANT: HENNESSEY'S TAVERN, INC. -

OWNER: FREMONT STREET EXPERIENCE PARKING CORPORATION

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Liquor Establishment (Tavern) use.
2. Conformance to the conditions for Special Use Permit (SUP-16518), if approved.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The proposal is for two Liquor Establishments (Taverns) to be located on the second floor of the subject property. This will be developed in two phases. This Special Use Permit is for the first phase. The related Special Use Permit (SUP-16518) is for the second phase. Each will have a separate entrance. The first phase will be located in the northeast portion of the site. The project is in compliance with all applicable plans and policies and approval is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
07/06/94	The City Council approved an Aesthetic Review (AR-0009-94) for the construction of a parking structure and retail shops on the subject property. The Planning Commission recommended approval on 06/23/94.
10/06/99	The City Council approved a Special Use Permit (U-0096-00) for a proposed tavern on the subject property. The Planning Commission recommended approval of the request on 09/23/99.
01/19/05	The City Council held the request for a Special Use Permit (SUP-5466) in abeyance on 12/01/04 at the applicants request. The City Council tabled a request for a Special Use Permit (SUP-5466) for a proposed Liquor Establishment (Tavern) and a Waiver of the separation distance requirement on 01/19/05. The Planning Commission recommended approval on 11/18/04.
08/17/05	The City Council approved a request for a Site Development Plan Review (SDR-6914) for two Taverns and two Special Use Permits (SUP-6915 and SUP-6916) at this location. The Planning Commission and staff recommended approval.
10/19/06	A companion Special Use Permit (SUP-16518) for a Liquor Establishment (Tavern) will be heard concurrently with this item.
10/19/06	The Planning Commission recommended approval of companion item SUP-16518 concurrently with this application. The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #5/ng).
<i>Related Building Permits/Business Licenses</i>	
There are no business licenses or building permits related to this Special Use Permit.	
<i>Pre-Application Meeting</i>	
08/25/06	A pre-application meeting was held. It was noted that waivers would be required and that each phase would be handled as a separate Special Use Permit. Submittal requirements were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for a Special Use Permit, nor was one held.	

Details of Application Request	
Site Area	
Gross Acres	2.59

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Liquor Establishment (Taverns)/Parking	C (Commercial)	C-2 (General Commercial)
North	Neonopolis	C (Commercial)	C-2 (General Commercial)
South	Bank	C (Commercial)	C-2 (General Commercial)
East	Retail Shops	C (Commercial)	C-2 (General Commercial)
West	Retail Shops	C (Commercial)	C-2 (General Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan	X		
Downtown Centennial Plan	X		Y
Redevelopment Plan Area	X		Y
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts	X		
Downtown Overlay District	X		Y
A-O Airport Overlay District	X		Y
Downtown Casino Overlay District	X		Y
Las Vegas Boulevard Scenic Byway Overlay District	X		Y
Trails		X	Y
Rural Preservation Overlay District		X	Y
Development Impact Notification Assessment		X	Y
Project of Regional Significance		X	Y

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	
Liquor Establishment (Tavern)	2,351 SF	1:50 (Seating)	47				
Phase I	3,068 SF	1:200 (Other)	15				

Phase II	4,847 SF	1:50 (Seating)	97				
	704 SF	1:200 (Other)	4				
SubTotal	10,970 SF		163	6			
TOTAL			163		1,293		Y

The proposed use would typically require 163 parking spaces. This includes both phases of the project. A total of 1,293 spaces are provided in the attached parking structure. Other alternatives are available for parking in the immediate area. As this project is located in the Downtown Centennial Plan Area it is exempt from the automatic application of Title 19.10 parking requirements.

ANALYSIS

This phase of the project includes a circular bar, a patio, a piano lounge, and additional seating area. The site is located in several special plan areas, as noted in the chart above, and is in compliance with all of them. Parking for this site is available from the Fremont Street Experience Garage that is part of this structure. Several other options are available for parking in the surrounding area. This type of development is compatible with the area and will add to the entertainment options available to the downtown area and the Fremont Street Experience. Approval of this request is recommended.

LIQUOR ESTABLISHMENT (TAVERN)

19.04.050 (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 both a minimum separation between liquor establishments (taverns), and a minimum separation between a liquor establishment (tavern) and certain other uses that should be protected from the impacts associated with a liquor establishment (tavern). Therefore, except as otherwise provided below, no liquor establishment (tavern) may be located within fifteen hundred feet of any other liquor establishment (tavern), church, synagogue, school, child care facility licensed for more than twelve children, or City park.

(2) The distance separation referred to in Paragraph (1) shall be measured with reference to the shortest distance between two property lines, one being the property line of the proposed liquor establishment (tavern) 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 liquor establishment (tavern). The distance shall be measured in a straight line without regard to intervening obstacles.

- (3) For the purpose of Paragraph (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 liquor establishment (tavern) 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 Paragraph (1) would qualify the parcel under the distance separation requirement;
 - B. The proposed liquor establishment (tavern) will have direct access (both ingress and egress) from a street having a minimum right-of-way width of one hundred 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 liquor establishment (tavern) will be located;
 - C. All parking spaces required by LVMC Chapter 19.10 for the liquor establishment (tavern) use 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 parcel on which the liquor establishment (tavern) will be located, execute and record an agreement, satisfactory to the City Attorney, that provides for perpetual, reciprocal cross-access, ingress and egress throughout the commercial subdivision.
- (4) The distance separation requirement set forth in Paragraph (1) does not apply to an establishment which has a non-restricted gaming license in connection with a hotel having two hundred or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of two hundred guest rooms after July 1, 1992.
- (5) The distance separation requirement set forth in Paragraph (1) may be waived in accordance with the provisions of Paragraph 19.04.050(A)(4), but only in connection with a proposed liquor establishment (tavern) that:
- (a) Will be located on a parcel within the C-V District or the Downtown Casino Overlay District;
 - (b) Will be located on a parcel or within a building that, pursuant to State law or City ordinance, has been designated as an historic property, historic building, or landmark;
 - (c) Will be located within a regional mall; or
 - (d) Will be separated from the existing use by a street or highway with a minimum right-of-way width of one hundred feet.
- (6) The use shall conform to the provisions of LVMC Chapter 6.50.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 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 can be conducted in a manner that is harmonious and compatible with the surrounding land uses. This area is intended for this and other similar type uses that offer food, drink, and entertainment. The proposal is in compliance with the area and 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.

- 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 parking garage on the site is available from Fourth Street. Additionally, a large portion of the customers would be pedestrians walking from other areas along Fremont Street. The street and highway facilities providing access to the property are adequate for this type of development.

- 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.**

This Special Use Permit request is in compliance with all applicable plans and policies and will not adversely affect the public health or the general welfare.

- 5. The use meets all of the applicable conditions per Title 19.04.**

This Special Use Permit request is in compliance with all the conditions of Title 19.04.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 19

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 193 by City Clerk

APPROVALS 0

PROTESTS 0