

## AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 20, 2006  
DEPARTMENT: PLANNING AND DEVELOPMENT  
ITEM DESCRIPTION: SUP-17310 - APPLICANT: V'S CHOC'LET CITY, INC. -  
OWNER: 7TH STREET PROPERTIES, LLC

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### **\*\* CONDITIONS \*\***

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

#### **Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Tavern-Limited Establishment use.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Approval of this Special Use Permit does not constitute approval of a liquor license.
4. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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

**PROJECT DESCRIPTION**

This is a request for a Special Use permit for a proposed tavern-limited establishment at 115 North 7th Street. The proposed project is a 9,000 square-foot restaurant, nightclub, and internet café. Parking for this project is available in the public parking garage located in a casino across Seventh Street. Previous uses of the building were a print shop and warehouse. Modifications to the building are primarily interior with minor exterior changes to the facade.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
12/16/64	The City Council approved a Rezoning to C-2 (General Commercial) on the subject site as part of a larger request (Z-0100-64).
11/16/06	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #4/jm).
<b><i>Related Building Permits/Business Licenses</i></b>	
No building permits pertain to this site.	
<b><i>Pre-Application Meeting</i></b>	
8/18/06	The applicant was informed at the pre-application meeting that their proposed project would require a Special Use Permit for liquor sales as a tavern-limited establishment use. Staff then outlined for the applicant the various items required for a submittal.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required, nor was one held.	

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	0.16

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Commercial	C (Commercial)	C-2 (General Commercial)
North	Vacant	C (Commercial)	C-2 (General Commercial)
South	Motel	C (Commercial)	C-2 (General Commercial)
East	Motel	C (Commercial)	C-2 (General Commercial)
West	Hotel & Casino	C (Commercial)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>	X		Y
Redevelopment Plan Area	X		Y
Downtown Centennial Plan East Fremont	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>	X		Y
Downtown Entertainment Overlay District	X		Y
Downtown Overlay District	X		Y
<b>Trails</b>		X	Y
<b>Rural Preservation Overlay District</b>		X	Y
<b>Development Impact Notification Assessment</b>		X	Y
<b>Project of Regional Significance</b>		X	Y

<i>Parking Requirement - Downtown</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Base Parking Requirement</i>			<i>Provided</i>		<i>Compliance</i>
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Tavern Limited Establishment	5,040 SF	1:50 (Seating)	101				
	3,960 SF	1:200 (Other)	20				
<b>SubTotal</b>	9,000 SF		121	5			
<b>TOTAL</b>			121		0		Y

The proposed use would typically require 121 parking spaces. The applicant intimates in their justification letter that there is available public parking garage located in a casino across Seventh Street and at the northwest corner of Las Vegas Boulevard and Carson. 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**

- Zoning

Redevelopment Plan Area

The parcel is within the boundaries of the Las Vegas Redevelopment Area, with a C (Commercial) land use designation. The proposed uses are in conformance with the Redevelopment Plan.

*Downtown Centennial Plan Area (East Fremont)*

The parcel is within the Downtown Centennial Plan boundaries, and is located in the East Fremont District. The East Fremont District is the logical extension of the Fremont Street Experience eastward and includes the El Cortez Hotel and Casino, other small casinos, and supporting commercial, motel, and residential uses. This transitional district is bound by the centerline of Las Vegas Boulevard on the west, the centerline of Ogden Avenue on the north, the centerline crossing of Eastern Avenue and Charleston Boulevard on the east and the centerline of Carson Avenue on the south. The East Fremont District will present future opportunities for new commercial ventures and the integration of medium density mixed-income residential neighborhoods. The potential for open space to center these new neighborhoods should be investigated in the area of Fremont Street and Maryland Parkway.

*Downtown Overlay District*

In order to encourage the development of a complex, visually interesting and urbane walkable mixed-use environment, and to encourage transit-oriented development as future transit routes and stations develop within the Downtown area, properties within the Downtown Overlay District are exempt from the automatic application of the mandatory maximum building height, required building setback, maximum lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements in Section 19.08.040, Section 19.08.050, Section 19.08.060, Chapter 19.10, and Chapter 19.12.

*Downtown Entertainment Overlay District*

The subject property is located within the Downtown Entertainment Overlay District, which sets forth sign requirements and allows waivers from the liquor establishment separation distance requirements.

- Use

A Tavern-Limited Establishment is a permitted use in this zoning district with the approval of a Special Use Permit.

- Site Plan

The applicant is requesting a Special Use Permit for a tavern-limited establishment on the site. The proposed project is a 9,000 square-foot restaurant, nightclub, and internet café. Parking for this project is available in the public parking garage located in a casino across Seventh Street. Previous uses of the building were a print shop and warehouse. Changes to the building are primarily interior with minor exterior changes to the facade.

- Conditions

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.**

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** 222 by City Clerk

**APPROVALS** 0

**PROTESTS** 1