



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 5, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-22875 - APPLICANT/OWNER: 4 CHARLESTON, LLC

**** CONDITIONS ****

The Planning Commission (5-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 6.
2. Conformance to the conditions for Special Use Permits (SUP-22264, SUP-22265, SUP-22266, SUP-22874 and SUP-22876) if approved.
3. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-22267) shall be required.
4. 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.
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 Gaming Establishment, General Business Related in the Las Vegas Arts District, one of three within the proposed building at 4 Charleston Boulevard. For clarity, this report refers to the central tenant space within the building. It is marked on the submitted colored floor plan as Urban Lounge 2.

The proposed establishment meets all Title 6 and Title 19 requirements for gaming. Staff therefore recommends approval of the Special Use Permit.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
|--|---|
| 04/05/00 | The City Council approved a Special Use Permit (U-0009-00) for a proposed Thrift Shop at 4 East Charleston Boulevard. The Planning Commission and staff recommended approval. The Special Use Permit will expire 08/04/07. |
| 05/27/03 | Business Licensing Enforcement responded to a complaint (#15590) regarding trash and debris in the alley behind the subject property. The case was resolved 05/27/03. |
| 01/04/06 | The City Council adopted Ordinance No. 5807, establishing the means for allowing the use Urban Lounge in certain commercial and industrial districts. This ordinance also required approval of a Special Use Permit for any general business gaming activity at an establishment qualifying as an urban lounge. |
| 05/04/06 | Business Licensing Enforcement responded to a complaint (#168052) regarding portable signage within the public right-of-way in front of the building on the subject site. The case was resolved 05/04/06. |
| 06/23/06 | Business Licensing Enforcement responded to a complaint (#184053) regarding graffiti on the subject property. The case was resolved 06/23/06. |
| 01/31/07 | Business Licensing Enforcement responded to complaints (#246569-246580) regarding graffiti in the area bounded by Charleston Boulevard, Casino Center Boulevard, Oakey Boulevard and Main Street, including the alleys in between these streets. The case was resolved 01/31/07. |
| 07/26/07 | The Planning Commission recommended approval of companion items SUP-22264, SUP-22265, SUP-22266, SUP-22874, SUP-22876 and SDR-22267 concurrently with this application. The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #44/ss). |

| Related Building Permits/Business Licenses | |
|--|--|
| 04/10/00 | A business license (N36-00014) was issued for a Thrift Shop at 4 East Charleston Boulevard. The license was marked out of business on 08/04/06. |
| 12/06/00 | A business license (D08-01662) was issued for an Upholstery business at 8 East Charleston Boulevard, Suite #B. The license remains active. |
| 04/22/03 | A business license (F07-01773) was issued for a Furniture Store at 8 East Charleston Boulevard, Suite #A. The license remains active. |
| 10/27/03 | A business license (C07-03120) was issued for a Clothing Store at 6 East Charleston Boulevard. The license was marked out of business on 05/04/04. |
| 04/29/04 | A building permit (#04010153) was issued for a non-work Certificate of Occupancy at 6 East Charleston Boulevard for a Furniture Store. The permit had a final inspection on 07/15/04. |
| 05/06/04 | A business license (F07-01830) was issued for a Furniture Store at 6 East Charleston Boulevard. The license was marked out of business on 04/08/05. |
| Pre-Application Meeting | |
| 05/09/07 | At the meeting, it was determined that a reversionary map would be required prior to permits and that waivers of the Downtown Centennial Plan would be needed. Although Title 19 parking requirements are not automatically applied, the number of spaces proposed was discussed in relation to the types of uses proposed (i.e., taverns and restaurant). Signs cannot encroach into the public sidewalk area. |
| Neighborhood Meeting | |
| A neighborhood meeting is not required for this application, nor was one held. | |
| Field Check | |
| 06/05/07 | The subject site contains a structure with a stone façade and metal siding on the awning. There are no front or side yard setbacks. The building contains four doors, two of which are blocked from entry. A bus stop is adjacent to the site on Charleston. Parking is in the rear and contains 12 spaces. A used car lot is adjacent, with a billboard just to the west of the subject building. This billboard does not have sign copy on the east face. The third address at the building contains two suites. |

| Details of Application Request | |
|---------------------------------------|------|
| Site Area | |
| Net Acres | 0.27 |

| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning |
|----------------------|----------------------------------|------------------|--------------------------|
| Subject Property | Furniture store/upholstery store | C (Commercial) | C-2 (General Commercial) |

| | | | |
|-------|--|----------------|--------------------------------|
| North | Art galleries, studios, offices, theater, restaurant | C (Commercial) | C-2 (General Commercial) |
| South | Motor Vehicle Sales (Used) | C (Commercial) | C-M (Commercial/Manufacturing) |
| East | Retail Commercial | C (Commercial) | C-2 (General Commercial) |
| West | Motor Vehicle Sales (Used) | C (Commercial) | C-2 (General Commercial) |

| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|--|------------|-----------|-------------------|
| Special Area Plan | | | |
| Downtown Centennial Plan | | | N* |
| Redevelopment Plan Area | | | Y |
| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| Special Purpose and Overlay Districts | | | |
| Downtown Overlay District (18bLas Vegas Arts District) | X | | Y |
| Live/Work Overlay District | X | | N/A |
| Trails (Tortoise Trail) | X | | Y |
| Rural Preservation Overlay District | | X | N/A |
| Development Impact Notification Assessment | | X | N/A |
| Project of Regional Significance | | X | N/A |

*Waivers of the Downtown Centennial Plan Standards are requested as part of companion SDR-22267.

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

| Parking Requirement | | | | | | | |
|----------------------------|--|---|----------------|--------------|-----------------|--------------|-------------------|
| <i>Use</i> | <i>Gross Floor Area or Number of Units</i> | <i>Required</i> | | | <i>Provided</i> | | <i>Compliance</i> |
| | | <i>Parking Ratio</i> | <i>Parking</i> | | <i>Parking</i> | | |
| | | | Regular | Handi-capped | Regular | Handi-capped | |
| Urban Lounge #1 | 1,149 SF | N/A | N/A | | | | |
| Urban Lounge #3 | 1,086 SF | N/A | N/A | | | | |
| Urban Lounge #2/Restaurant | 3,076 SF (1,167 seating/waiting) | 1/50 SF seating/waiting + 1/200 SF remaining area | 34 | | | | |

| | | | | | | | |
|-------------------|----------|---------------------|-----------|-----|----------|-----|----------|
| Office | 2,730 SF | 1/300 SF GFA | 10 | | | | |
| SubTotal | 8,041 SF | | 42 | 2 | 7 | 1 | |
| TOTAL | | | 44 | | 8 | | Y |
| Loading Spaces | 8,041 SF | 1: <10,000 SF | 1 | N/A | 1 | N/A | Y |

Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, the above table illustrates the requirements of an analogous project in other areas in the City. Parking for Urban Lounges is determined on a case-by-case basis. General Business-Related Gaming does not require any additional parking beyond what is required by the principal uses on the site. Parking area onsite is limited; uses at this site will rely heavily on offsite parking and walk-up traffic.

Per Title 19.04.010 and Title 6.40, the following standards apply:

| Urban Lounge Requirements | Bar Seats | Lounge Seats (Required: 2 per bar seat) | Ratio Lounge Seats to Bar Seats | Slot Machines (Max. 5 machines) |
|---------------------------|-----------|---|---------------------------------------|---------------------------------------|
| Urban Lounge #1 | 13 | 29 | 2.23 | 5 |
| Urban Lounge #2 | 12 | 46 | 3.83 | 5 |
| Urban Lounge #3 | 15 | 32 | 2.13 | 5 |

ANALYSIS

Title 6.40.140 allows establishments licensed as urban lounges to operate no more than five slot machines, but only if the slot machines have been approved by means of a Special Use Permit for a General Business-Related Gaming Establishment. This term is defined in Title 19 as a building or structure which is primarily used for some business other than gaming but in which restricted gaming is permitted pursuant to Title 6. There are no base requirements for approval of a Special Use Permit; rather, requests are considered on a case-by-case basis.

The gaming establishment that is the subject of this request is a proposed urban lounge within a proposed building containing two additional urban lounges. The proposal is for each lounge to operate five bar-top slot machines. The three lounges are not connected directly to each other, but are linked by a common hallway at the rear of the tenant spaces; this hallway leads to shared restroom facilities. The Department of Building and Safety has no objections to the proposed buildings exiting plan and shared ADA restrooms in concept. Full conformance to the 2006 International Building Code will be determined at the time of plan check for permits. Each lounge will be treated as a separate leasehold and will at no time together be considered as one establishment.

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 Gaming Establishment, General Business-Related use is compatible with the three urban lounges proposed within the subject building and with other uses on surrounding properties zoned C-2 (General Commercial) and C-M (Commercial/Industrial). The project is located within the Las Vegas Arts District, where uses such as these are encouraged.

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

The existing building will be demolished to make way for a proposed building that will accommodate three urban lounges, a restaurant and offices. Parking meets code requirements, but may not be adequate to address the needs of all potential customers.

- 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 site is accessed from a 20-foot wide alley with access to Main Street (a 100-foot Primary Arterial) on the west and Casino Center Boulevard (an 80-foot Secondary Collector) on the east. These facilities are adequate in size to meet the requirements of the proposed Gaming Establishment, General Business-Related 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.**

The proposed Gaming Establishment, General Business-Related will be subject to regular inspection for licensing purposes and will not compromise the public health, safety and welfare.

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

There are no conditions applicable to the Gaming Establishment, General Business-Related use in Title 19.04. The proposed establishment proposes five slot bar-top slot machines, the maximum allowable for urban lounges per Title 6.40.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 8

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 121 by City Clerk

APPROVALS 3

PROTESTS 2