

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: OCTOBER 25, 2007****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SDR-24527 - APPLICANT: VICTOR PERILLO - OWNER: 750 FREEMONT, LLC**

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**\*\* CONDITIONS \*\*****STAFF RECOMMENDATION: APPROVAL, subject to:*****Planning and Development***

1. 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.
2. All development shall be in conformance with the site plan date stamped 09/21/07 and landscape plan and building elevations date stamped 09/11/07, except as amended by conditions herein.
3. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
4. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
5. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
6. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
7. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

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8. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
9. 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.
10. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

11. Coordinate with the Department of Building and Safety to determine if existing property lines have any impact to development of this site.
12. Dedicate a 10 foot radius on the northwest corner of Fremont Street and 8th Street prior to the issuance of any permits.
13. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All new improvements shall be constructed to the Downtown Centennial Plan Standards, unless specifically allowed otherwise through waivers approved by City Council.
14. Submit an application to the Land Development section of the Department of Public Works for a deviation from Standard Drawing #222a for the driveway accessing this site from 8<sup>th</sup> Street.
15. Landscape and maintain all unimproved rights-of-way, if any, on Fremont Street and 8th Street adjacent to this site. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
16. Submit an Encroachment Agreement for all landscaping, if any, located in the public rights-of-way adjacent to this site prior to occupancy of this site.
17. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.

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18. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rightsofway required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of onsite development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rightsofway are not required and Traffic Control devices are or may be proposed at this site outside of the public rightofway, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

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

**PROJECT DESCRIPTION**

This is a request for a Site Development Plan Review for a 43,000 square foot tavern, with night club and banquet facility on 0.64 acres at 760 Fremont Street. A companion Special Use Permit (SUP-24529) for a Tavern-Limited Establishment will be heard with this item. The proposed development meets the intent of the Entertainment District and on-going development in this area; therefore, staff is recommending approval of this request.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
05/17/06	The City Council approved a Site Development Plan Review (SDR-12093) for a proposed 20-story mixed use development containing 76 residential units and 6,370 square feet of commercial area and a 55-story mixed use development containing 157 residential units, 372 hotel/residential units and 55,000 square feet of commercial area and Waivers of the Downtown Centennial Plan setback and streetscape requirements on 0.85 acre at 760 and 800 Fremont Street.
<b><i>Related Building Permits/Business Licenses</i></b>	
There are no building permits or business licenses that pertain to this site.	
<b><i>Pre-Application Meeting</i></b>	
08/30/07	A pre-application meeting was held with the applicant. The applicant proposed to demolish the existing building and build a 43,000 square foot Tavern, Night Club and Banquet Facility. The applicant was informed that the property was in the Downtown Entertainment District and was exempt from the automatic application of building height limitations, setbacks, lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements. The applicant was informed that this proposal would require a site development plan review and a special use permit. The submittal requirements were then discussed.
<b><i>Field Check</i></b>	
09/21/07	A field check was made on site. A building that the applicant prepares to demolish sits on the site. The area is surrounded by vacant buildings, hotels and motels.

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<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	0.64

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Vacant	C (Commercial)	C-2 (General Commercial)
North	Motel	C (Commercial)	C-2 (General Commercial)
South	Retail, Cash Loan	C (Commercial)	C-2 (General Commercial)
East	Used Car Lot	C (Commercial)	C-2 (General Commercial)
West	Motel	C (Commercial)	C-2 (General Commercial)

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

## **DEVELOPMENT STANDARDS**

*Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of building height limitations, setbacks, lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements. The Downtown Centennial Plan addresses certain site development standards, which are detailed below:*

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***Pursuant to the Downtown Centennial Plan, the following development standards apply to the subject proposal:***

<b><i>Standard</i></b>	<b><i>Required/Allowed</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
Min. Lot Size	N/A	27,978 SF	N/A
Min. Lot Width	N/A	150 Feet	N/A
Min. Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Corner</li> <li>• Rear</li> </ul>	0 Feet for Min. 70% N/A 0 Feet for Min. 70% N/A	Zero Feet Zero Feet Zero Feet 48 Feet	Y N/A Y N/A
Max. Lot Coverage	100%	76%	N/A
Max. Building Height	N/A	68 Feet	N/A
Mech. Equipment	Screened	Screened	Y

***Pursuant to the Downtown Centennial Plan, the following streetscape standards apply:***

<b><i>Streetscape Standards</i></b>	<b><i>Required</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
North/South Street (8 <sup>th</sup> Street)	1 Palm Trees @ 30 O.C. Maximum (min. 25 height) 6 Palm Trees	6 Palm Trees	Y
East/West (Fremont)	1 Shade Tree/ 30 O.C. (Min. 25 height) 2 Shade Trees	2 Shade Trees	Y
Right-of Way Improvements	Sidewalk and Amenity Zones (Per Graphics 11 & 12, Downtown Centennial Plan)	5-foot Amenity Zone and 10-foot Sidewalk	Y

<b><i>Parking Requirement - Downtown</i></b>							
<b><i>Use</i></b>	<b><i>Gross Floor Area or Number of Units</i></b>	<b><i>Base Parking Requirement</i></b>	<b><i>Required</i></b>		<b><i>Provided</i></b>		<b><i>Compliance</i></b>
			<b><i>Parking</i></b>		<b><i>Parking</i></b>		
			<b><i>Parking Ratio</i></b>	<b><i>Regular</i></b>	<b><i>Handi-capped</i></b>	<b><i>Regular</i></b>	
Tavern Limited Establishment	43,000 SF	1:50 SF public seating, 1:200 SF of remaining SF, min 10 required.	346	8	8	2	Y
<b>TOTAL</b>			346	8	8	2	Y

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*Projects located within the Las Vegas Downtown Centennial Plan area 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.*

## **ANALYSIS**

- **Zoning**

The subject property is located within the boundaries of the Las Vegas Redevelopment District of the Southeast Sector Plan of the General Plan, and has a C (Commercial) land use designation. The C (Commercial) designation allows uses comparable to the following land use categories: O (Office), SC (Service Commercial), and GC (General Commercial).

The parcel is zoned C-2 (General Commercial). The C-2 District is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as mixed-use developments. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The C-2 District is also appropriate along commercial corridors. The C-2 District is consistent with the General Commercial category of the General Plan.

In addition to this Site Development Plan Review application, the applicant has requested a Special Use Permit (SUP-24529) for a Tavern-Limited Establishment use.

- **Entertainment Overlay District**

The parcel is within the Las Vegas Downtown Centennial Plan boundaries, and is located in the Entertainment Overlay District. The creation of the District is intended to further the City's downtown redevelopment plans in the spirit of restoring downtown Las Vegas as a dynamic, vibrant center for the entire Las Vegas Valley. Signage and any façade improvements are subject to the requirements of the Entertainment District Overlay, which are subject to review and approval by the Downtown Entertainment Overlay District Design Review Committee.

- **Site Plan**

Pursuant to Title 19.06.060 properties within the Downtown Centennial Plan area are exempt from the automatic application of development standards for building height limitations, setbacks, lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements. The proposed development conforms to the applicable setbacks and lot coverage requirements specified by the Downtown Centennial Plan; height limits and parking requirements are not automatically applied.

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The site plan for the proposed Tavern-Limited Establishment, Night Club and Banquet Facility is in compliance with the standards of the Downtown Centennial Plans Entertainment District. The existing building will be demolished and replaced with a new two-story, 43,000 square foot building. The new building will be built to the property lines and the parking shall be accessed from the alley way to the west and 8<sup>th</sup> Street to the east.

The site plan shows a total of eight parking spaces to be provided at the rear of the development. Two of the eight parking spaces are handicap accessible. The typical parking requirement for a 43,000 square-foot Tavern-Limited Establishment, Night Club and Banquet Facility is 346 parking spaces; however, as mentioned above the Downtown Centennial Plan does not require the automatic application of the parking standards. The applicant maintains that the 1,472 parking spaces in the Fremont Experience parking garage, 680 parking spaces in the Neonopolis parking garage and 22 on-street spaces on Fremont Street will be adequate for this development. Staff finds that due to the proximity to alternative parking location within the downtown area, the eight parking spaces provided are appropriate.

- **Landscape Plan**

The applicant provides five Palm Trees along 8th Street and two Shade Trees along Fremont Street, which is the adequate amount of streetscape landscaping for the site.

- **Floor/Elevation Plan**

The applicant proposes a Spanish and Andalusian (French Quarter, New Orleans) old world feel to the exterior façade and the interior theme. The exterior is a mixture of veneers, stucco, metal work, tile roof and cornices. The interior of the first floor of the buildings depicts a 5,764 square-foot main dining area in the center with 1,425 square-foot bar and lounge to the southeast. Two stages are proposed on the first floor with one north of the large main dining area and another to the southwest. On the second floor, the applicant proposes three banquet facilities ranging from 756 square feet to 1,608 square feet in size.

## FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 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 adjacent development and will assist in achieving the intent of the Entertainment District.

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

The proposed development is consistent with the General Plan and the Downtown Centennial Plan.

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

Access to the site is provided at the rear of the site by an alley to the west and 8<sup>th</sup> Street to the east. Much of the expected traffic for this use will be by pedestrians. Loading zones have been proposed at the rear of the site.

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

The proposed building materials are appropriate for the area and the City.

- 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;**

Adequate care has gone into the aesthetic features of this site to make it desirable and appealing in appearance.

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

The proposed development is subject to the International Building Code, and therefore the development will not compromise the public health, safety or welfare.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 3

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**NOTICES MAILED**            278

**APPROVALS**                    4

**PROTESTS**                      0