

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 19, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-26246 - APPLICANT: THE HIVE - OWNER: MELE PONO
HOLDING COMPANY

**** CONDITIONS ****

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

Planning and Development

1. Special Use Permits SUP-10530 and SUP-10534 are hereby expunged.
2. This approval shall be void two years 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. Restricted Gaming shall be prohibited within this establishment pursuant to Title 6.40.155.
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

This request is for a Major Amendment of an approved Special Use Permit (SUP-10534) to increase the square footage from 5,235 square feet to 8,855 square feet, for a Tavern-Limited Establishment at 501 and 503 Fremont Street. Located within the Downtown Centennial Entertainment Overlay District the proposed use as a Nightclub / Discotheque will occupy a currently vacant building and add to the entertainment offered along the extending east side of the Fremont Street Experience.

Originally, two Special Use Permits for Tavern-Limited Establishment were approved on February 16, 2006, for separate portions of the building. Neither Special Use Permit was exercised. This Major Amendment of the approved Special Use Permit (SUP-10534) is to allow the Tavern-Limited Establishment to encompass an additional 3,620 square feet of floor space along with the original 5,235 square feet of floor area at 501 and 503 Fremont Street. The proposed use is consistent with development in the Entertainment District, therefore, staff recommends approval of the Major Amendment to allow a Tavern Limited Establishment in 8,855 square feet at this location.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/16/64	The City Council approved a Rezoning (Z-0100-64) to reclassify property in the area generally bounded by Main Street, Bonanza Road, Las Vegas Boulevard and Charleston Boulevard from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial) and C-V (Civic) to C-2 (General Commercial).
10/02/02	The City Council approved Ordinance 5521 that created the Downtown Overlay District.
04/20/05	The City Council approved a request for a Special Use Permit (SUP-6143) for a propose 3,040 square foot Tavern Limited Establishment at 111 Las Vegas Boulevard South. The Planning Commission and Staff recommended approval.
08/17/05	The City Council approved a request for a Special Use Permit (SUP-6944) for a proposed tavern and a waiver of the 1500 foot separation requirement from a similar use at 511 Fremont Street. The Planning Commission and Staff recommended approval.

11/08/05	The Downtown Entertainment Overlay District Design Review Committee (DEOD-DRC) approved (ARC-9826) a request for an exterior façade and signage project for an existing 3,700 s.f. building located at 111 Las Vegas Boulevard south to be known as downtown, located in the south one-third of the 7-11 building on the southeast corner of Fremont Street and Las Vegas Boulevard.
12/13/05	The Downtown Entertainment Overlay District Design Review Committee (DEOD-DRC) approved (ARC-10405) a request for an exterior façade and signage project for an existing 3,500 s.f. building located at 509 East Fremont Street to be known as Las Vegas Tattoo & Souvenir with amended conditions.
02/15/06	The City Council approved a request for a Special Use Permit (SUP-10530) for a Tavern Limited at 111 Las Vegas Boulevard. The Planning Commission and Staff recommended approval.
02/15/06	The City Council approved a Request for a Special Use Permit (SUP-10534) for a Tavern Limited at 501 and 503 East Fremont Street. The Planning Commission and Staff recommended approval.
02/14/08	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #8/lhm).
<i>Related Building Permits/Business Licenses</i>	
12/29/95	Pipe Line to A/C on Roof - Permit 95884842 Completed
01/09/97	Re Test for New Tag Permit 97000362 Completed
06/08/07	Draft Stopping in Ceiling
Business Licenses	
01/01/51 Out of Business	7-Eleven Food Store 27183A / 501 Fremont St / Convenience Store
01/01/51 Out of Business	7-Eleven Food Store 27183B / 501 Fremont St / Tobacco Retailer
01/01/51 Out of Business	7-Eleven Food Store 27183B / 501 Fremont St / Convenience Store
01/01/51 Out of Business	7-Eleven Food Store 27183A / 501 Fremont St / Beer Wine Cooler Off Sale
04/07/00 Out of Business	7-Eleven Food Store 27183A / 501 Fremont St / Convention Hall Tax
04/07/00 Out of Business	7-Eleven Food Store 27183A / 501 Fremont St / Restricted Gaming
05/03/05 Out of Business	United Coin Machine Company / 501 Fremont St / Convention Hall Tax
05/03/05 Out of Business	United Coin Machine Company / 501 Fremont St / Restricted Gaming
08/24/07 Out of Business	Streamline Towers / 501 Fremont St / Food Caterer
08/30/07 Out of Business	Mayor Goodman VIP Lounge / 501 Fremont St / Fremont East Grand
02/23/96 Out of Business	Vegas Souvenirs / 503 Fremont St / Clothing and Gifts

08/20/07 Out of Business	Creative Nightlife Concepts / 503 Fremont St / Special Event General
09/07/07 Out of Business	Fremont East Launch /503 Fremont St/Marketing Redevelopment Temporary Event
Pre-Application Meeting	
2007	Pre application as per David Bratcher in Office of Business Development.
Neighborhood Meeting	
A neighborhood meeting is not required for this application nor was one held.	
Field Check	
01/17/08	This portion of the building is vacant.

Details of Application Request	
Site Area	
Net Acres	.45

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant	C (Commercial)	C-2 (General Commercial)
North	Parking Lot / Retail	C (Commercial)	C-2 (General Commercial)
South	Office Use	C (Commercial)	C-2 (General Commercial)
East	Retail	C (Commercial)	C-2 (General Commercial)
West	Fremont Street / Garage	C (Commercial)	C-2 (General Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan			
Downtown Centennial Plan	X		Y or N
Redevelopment Plan Area	X		Y or N
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O Airport Overlay District (200)	X		Y
Downtown Entertainment Overlay District	X		Y
Live/Work Overlay District	X		Y
Las Vegas Boulevard Scenic Byway Overlay District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

Downtown Centennial Plan

The parcel is within the Las Vegas Downtown Centennial Plan boundaries, and is located in the Casino Center District. The goals of the district include preserving and enhancing the appearance of Glitter Gulch, as well as encouraging supporting entertainment uses, and maintaining the presence of public facilities.

Redevelopment Plan Area

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

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 and restaurant service bar separation requirements.

Las Vegas Boulevard Scenic Byway

The property is also located within the boundaries of the Las Vegas Boulevard Scenic Byway Overlay, which is intended to preserve the character of Las Vegas Boulevard as a nighttime urban scenic byway. The Overlay requires the use of neon or animation for all signage, and prohibits new off-premise signage.

DEVELOPMENT STANDARDS

<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 Public Area	6,532 GFA	1/50	126	5	N/A	N/A	N/A
Remaining Area	2,323 GFA	1/200	12				
SubTotal	8,855 GFA		138	5			
TOTAL (including handicap)	8,855 GFA		143		N/A	N/A	N/A

Pursuant to Title 19.06.120, any banquet facility, restaurant, café, tavern, bar, supper club, billiard parlor, nightclub/discotheque, general retail store or video arcade that is approved by means of Special Use Permit or otherwise for a parcel located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of on-site parking requirements. The Special Use Permit or other approval may include conditions designed to mitigate any impacts related to parking.

However, Title 19.04 would require a total of 143 parking spaces for this use outside the boundaries of the Downtown Centennial Plan area. Parking for the proposed use can be accommodated in the Fremont Street Experience parking garage which is adjacent to the building. No on-site parking is available on the site.

ANALYSIS

- **Zoning**

The subject property is zoned C-2 (General Commercial). A Tavern-Limited Establishment is a permitted use within the Downtown Entertainment Overlay District upon approval of a Special Use Permit. The proposed use will be established within an existing commercial space. The interior of the building will be renovated to provide an interior suitable for a nightclub/discotheque.

Signage for the use in the existing building will be subject to the requirements of the Las Vegas Boulevard Scenic Byway Overlay District, in addition to other standards that apply. Signage and any façade improvements are subject to review and approval by the Downtown Entertainment Overlay District Design Review Committee (DEOD-DRC).

- **Use**

A Tavern-Limited Establishment, as defined by Title 19.20, is an establishment that is licensed with a tavern-limited business license in accordance with Title 6.50. This type of license:

- (1) Authorizes the sale of alcoholic beverages only for consumption on the premises where the same are sold.
- (2) May only be issued for premises located in the Downtown Entertainment Overlay District.
- (3) Is not transferable, except to a location within the same entertainment district and to an operator who has been approved by the City Council.

In addition, no Restricted Gaming (consisting of not more than fifteen slot machines, incidental to the primary business at the establishment, and no other game or gaming device at the establishment) shall be conducted, maintained, or operated within the Downtown Entertainment Overlay District, per Title 6.40.155.

The proposal is for a Tavern with entertainment to be located within an existing 8,855 square-foot commercial space. Changes to the exterior of the building are shown on the submitted elevations. All signage and façade improvements will need to be reviewed and approved by the Downtown Entertainment Overlay District Design Review Committee in accordance with the provisions of Title 19.06.120. In addition, the signage will be subject to the requirements of the Las Vegas Boulevard Scenic Byway Overlay District.

No parking is available on the site; patrons will have to use available spaces along Fremont and Sixth Streets or at the nearby parking garages for a fee. No valet parking is proposed. Live entertainment will be offered at least four nights per week in conformance to the Downtown Entertainment Overlay District standards.

The property would typically be subject to the streetscape standards of the Downtown Centennial Plan, which require an 11 foot wide sidewalk and palm trees at 30 foot intervals. Completed in August 2007, the Fremont East District Streetscape Improvement Project includes construction of a new Fremont Street featuring three blocks of streetscape between Las Vegas Boulevard and Eighth Street. Neon lighted gateways, neon elements placed in new median islands, decorative signage, expanded sidewalks, landscaping, lighting, banners and bronze medallions embedded in the sidewalks make up this project by the city of Las Vegas Department of Public Works.

- **Conditions**

There are no base conditions for approval of a Tavern Limited Establishment. The establishment need only comply with the regulations for a tavern-limited license and those provisions governing the Downtown Entertainment Overlay District.

FINDINGS

The following findings must be made for a Special Use Permit:

- 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 Tavern-Limited Establishment is a permitted use in the C-2 (General Commercial) zoning district and is the type of use encouraged in the Downtown Entertainment Overlay District. Parcels in the surrounding area are zoned for entertainment uses. No gaming machines will be incorporated into the use as per Title 6.50

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

The building proposed for the Tavern-Limited Establishment is suitable. The proposed tavern will depend on off-site parking to support the use; on street parking and nearby parking garages will be more than adequate to provide parking for patrons of the establishment.

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 is from Las Vegas Boulevard, Primary (100 foot) Arterial, and Fremont Street. Much of the traffic for this use will be by pedestrians.

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 Tavern-Limited Establishment will be subject to inspections for compliance with business licensing requirements and will not compromise the public health, safety and welfare.

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

The proposed use is consistent with the redevelopment objectives of the Downtown Centennial Plan, Las Vegas Redevelopment Area, and the Downtown Entertainment Overlay District.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 176 by City Clerk

APPROVALS 0

PROTESTS 0