



## **AGENDA MEMO**

**CITY COUNCIL MEETING DATE: OCTOBER 1, 2008**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-29006 - APPLICANT: MINH T. PHAM - OWNER: T-BREO II, LLC**

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

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

#### **Planning and Development**

1. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City of Las Vegas.
2. Approval of this Special Use Permit does not constitute approval of a liquor license.
3. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
4. Restricted Gaming shall be prohibited within this establishment pursuant to Title 6.40.155.
5. Conformance to all Minimum Requirements of Title 19.06.120 and Title 6.50.
6. All City Code requirements and design standards of all City departments must be satisfied.

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

### PROJECT DESCRIPTION

This is a request for a Special Use Permit for a Tavern Limited at 517 Fremont Street, Suite #110 in the East Fremont Entertainment District. The project consists of a bar, piano platform, two lounge areas, a dressing room, an office, a storage room and restrooms within an existing 1760 square-foot commercial space. This proposed use is compatible with the area; therefore staff recommends approval.

### BACKGROUND INFORMATION

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b> |                                                                                                                                                                                                                                           |
|---------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/12/68                                                                  | Approximately 230 Acres in the downtown area was Rezoned (Z-0100-64) from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial), C-2 (General Commercial) and C-V (Civic) to C-2 (General Commercial) |
| 05/13/05                                                                  | Temporary Commercial Permit approved for a Grand opening of the Beauty Bar (TCP-6526) @ 517 Fremont Street, Suite# 150 from 9pm to 1am with an outside bar and stage located in rear off of alley.                                        |
| 06/28/05                                                                  | Temporary Commercial Permit approved for First Friday Events & Magic Convention Events (TCP-6893) - Live outside band and dance area at the rear of 517 Fremont Street Suite# 150 (The Beauty Bar).                                       |
| 11/15/04                                                                  | The City Council approved a Special Use Permit (SUP-5386) for a proposed Tavern-Limited Establishment at 517 Fremont Street (Beauty Bar). The Planning Commission recommended approval.                                                   |
| 01/09/07                                                                  | The Downtown Entertainment Overlay District Design Review Committee approved a Master Sign Plan (ARC-18950) for an existing Tavern-Limited Establishment at 517 Fremont Street, Suite# 150.                                               |
| 08/28/08                                                                  | <a href="#">The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #12/dh).</a>                                                                                                                                          |
| <b><i>Related Building Permits/Business Licenses</i></b>                  |                                                                                                                                                                                                                                           |
| 06/13/05                                                                  | A business license (B08-01058) was issued for Beauty and Cosmetic Sales at 517 Fremont Street, Suite # 150.                                                                                                                               |
| 10/20/05                                                                  | A business license (C05-02429) was issued for Tobacco Sales at 517 Fremont Street, Suite # 150.                                                                                                                                           |
| 10/01/86                                                                  | A business license (C21-00015) was issued for Fremont Street Check Cashing at 517 Fremont Street, Suite# 110. The business was marked out of business on 01/09/08.                                                                        |
| <b><i>Pre-Application Meeting</i></b>                                     |                                                                                                                                                                                                                                           |
| 07/09/08                                                                  | A pre-application meeting was held with the applicant and the requirements for submitting a Special Use Permit for a Tavern-Limited Establishment were                                                                                    |

|  |           |
|--|-----------|
|  | reviewed. |
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| <b><i>Neighborhood Meeting</i></b>                        |  |
|-----------------------------------------------------------|--|
| A neighborhood meeting is not required, nor was one held. |  |

| <b><i>Field Check</i></b> |                                                                                                                                                     |
|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| 07/18/08                  | A site visit revealed a vacant commercial space at 517 Fremont Street, Suite #110. However, the Beauty Bar tavern is open in Suite # 150 next door. |

| <b><i>Details of Application Request</i></b> |      |
|----------------------------------------------|------|
| <b><i>Site Area</i></b>                      |      |
| Net Acres                                    | 0.14 |

| <b>Surrounding Property</b> | <b>Existing Land Use</b>    | <b>Planned Land Use</b> | <b>Existing Zoning</b>   |
|-----------------------------|-----------------------------|-------------------------|--------------------------|
| Subject Property            | Vacant Tenant Space/ Tavern | C (Commercial)          | C-2 (General Commercial) |
| North                       | Retail, Offices             | C (Commercial)          | C-2 (General Commercial) |
| South                       | Office                      | C (Commercial)          | C-2 (General Commercial) |
| East                        | Retail, Restaurant          | C (Commercial)          | C-2 (General Commercial) |
| West                        | Tavern/Vacant Building      | C (Commercial)          | C-2 (General Commercial) |

| <b><i>Special Districts/Zones</i></b>             | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
|---------------------------------------------------|-------------------|------------------|--------------------------|
| <b>Special Area Plan</b>                          |                   |                  |                          |
| Downtown Centennial Plan                          | X                 |                  | Y                        |
| <b><i>Special Districts/Zones</i></b>             | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
| <b>Special Purpose and Overlay Districts</b>      |                   |                  |                          |
| Downtown Entertainment Overlay District           | X                 |                  | Y                        |
| Live/Work Overlay District                        | X                 |                  | N/A                      |
| <b>Trails</b>                                     | N/A               |                  | 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                      |

#### **Downtown Centennial Plan**

The subject parcel is within the Las Vegas Downtown Centennial Plan boundaries, and is located within the East Fremont Entertainment District. The goals of the district include preserving and enhancing the appearance of Glitter Gulch, as well as encouraging entertainment uses.

### **Downtown Entertainment Overlay District**

The subject property is located within the Downtown Entertainment Overlay District, which 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.

### **DEVELOPMENT STANDARDS**

*Pursuant to Title 19.10, the following parking standards apply:*

| <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>Provided</i></b> |                       | <b><i>Compliance</i></b> |    |
|                                                 |                                                   | <b><i>Parking Ratio</i></b>            | <b><i>Parking</i></b> |                        | <b><i>Parking</i></b> |                          |    |
|                                                 |                                                   |                                        | Regular               | Handi-capped           | Regular               | Handi-capped             |    |
| <b>Tavern (Public seating and Waiting area)</b> | 1134 SF                                           | 1/50                                   | 23                    |                        |                       |                          |    |
| <b>Tavern (Gross Floor Area)</b>                | 544 SF                                            | 1/200                                  | 3                     |                        |                       |                          |    |
| <b>TOTAL</b>                                    | 1,760 SF                                          |                                        | 26                    | 2                      | 0                     | 0                        | *N |

\* Pursuant to Title 19.06, properties located within the Downtown Overlay District are exempt from the automatic application of standard parking requirements. There are over 2,000 public parking spaces at Fremont Street Experience and Neonopolis parking garages within 500 feet of the site. In addition, Las Vegas Boulevard is served by numerous public transit routes. Staff has concluded that the parking needs for this project will be served by the existing options in the area.

### **ANALYSIS\**

- **Zoning**

The subject property is zoned C-2 (General Commercial), and is in conformance with the C (Commercial) General Plan designation as denoted by the Downtown Redevelopment Plan Area. As well as it is located with the Fremont East District of the Downtown Centennial Plan. Tavern-Limited Establishments are a permitted use with a Special Use Permit within the Downtown Centennial Plan.

- **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-Limited Establishment within a 1,760 square-foot tenant space located at 517 Fremont Street, Suite# 110. Required entertainment will be satisfied by a live piano player. No changes are proposed for the exterior of the building, other than signage. The signage will be considered for approval by the Downtown Entertainment Overlay District Design Review Committee (DEOD-DRC) in accordance with the provisions of Title 19.06.120.

Outdoor seating is proposed and the applicant will adhere to the Downtown Centennial Plan development standards for outdoor dining and entertainment on public sidewalk areas.

- **Conditions**

Signage and any façade improvements for a Tavern-Limited Establishment are subject to review and approval by the Downtown Entertainment Overlay District Design Review Committee. The Tavern-Limited Establishment also needs to comply with the regulations for a Tavern-Limited License in accordance with LVMC Chapter 6.50 and those provisions governing the Downtown Entertainment Overlay District.

## **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 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 and can be conducted in a harmonious and compatible manner with the surrounding land uses and those projected by the General Plan.

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

The existing building is suitable for the proposed Tavern-Limited Establishment. Limited on-site parking is available; however, the proposed tavern will depend on additional on-street parking and nearby parking garages to meet the expected demand.

- 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 provided by Fremont Street, an 80-foot Secondary Collector, and an alley connecting Las Vegas Boulevard and Sixth Street. Much of the expected traffic for this use will be by pedestrians. These rights-of-way are of an adequate size to support the proposed Tavern-Limited Establishment.

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

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

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 in accordance with LVMC Chapter 6.50 and those provisions governing the Downtown Entertainment Overlay District

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 16

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 3

**NOTICES MAILED** 204 by City Clerk

**APPROVALS** 2

**PROTESTS** 1