



## **AGENDA MEMO**

**CITY COUNCIL MEETING DATE: NOVEMBER 5, 2008**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: SUP-29607 - APPLICANT: JOSE MORALES - OWNER: FAEC HOLDINGS WIRRULLA, LLC**

---

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

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

#### **Planning and Development**

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for Beer/Wine/Cooler On-Sale Establishment use, including parking requirements.
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. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.
5. The sale of individual containers of any size of beer, or wine coolers is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted.
6. 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.

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

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit for a proposed Beer, Wine, and Coolers On-Sale Establishment within an existing 3,000 square-foot Restaurant located 450 Fremont Street Suite # 117. There are no churches, synagogues, schools, child care facilities licensed for more than 12 children, or City parks within 400-feet the subject parcel.

The proposed Beer, Wine, and Coolers On-Sale Establishment meets the minimum Downtown Centennial Plan and Title 19 standards for this use. Staff recommends approval, as the proposed facility is located in a designated entertainment venue and will not negatively impact these neighboring uses.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
12/16/64	The City Council approved a Rezoning (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) for approximately 230 Acres generally located on property bounded by Main Street to the west, Bonanza Road on the north, Las Vegas Boulevard on the east, and Charleston Boulevard on the south. The Planning Commission approved Reclassification of this property.
03/23/98	The City Council approved a Site Development Plan (SD-0003-98) on property bounded by Fremont Street, 4th Street, Ogden Avenue, and Las Vegas Boulevard South for a Proposed 264,210 square-foot Retail / Entertainment Complex (Neonopolis). The Planning Commission recommended approval.
03/23/98	The City Council approved a Vacation (VAC-0002-98) to vacate Public Alleys generally located south of Ogden Avenue, between 4th Street and Las Vegas Boulevard. Planning Commission recommended approval.
10/08/98	The Planning Commission approved a Final Map (FM-0088-98) on property located between Fremont Street and Ogden Avenue, and between 4th Street and 5th Street, for a proposed Retail/Entertainment Complex (Neonopolis).
10/08/98	The Planning Commission approved a Reversionary Map (RM-0005-98) on property located between Fremont Street and Ogden Avenue, and between 4th Street and 5th Street, for a proposed Retail/Entertainment Complex (Neonopolis).
10/08/98	The Planning Commission approved a Tentative Map for Property (TM-0052-98) located between Fremont Street, Ogden Avenue, 4th Street, and 5th Street, for a proposed Retail/Entertainment Complex (Neonopolis).

08/15/01	The City Council approved and Encroachment Agreement (L-ENCR-20891) for two Grease Interceptors at Fourth Street and Fremont Street (NEC) and also Ogden Avenue and Las Vegas Boulevard (SWC)
01/16/02	The City Council approved a Master Sign Plan (MSP-0014-01) for Neonopolis at 450 Fremont Street. The Planning Commission recommended approval.
11/20/02	The City Council approved a Special Use Permit (U-0124-02) for a Tavern (The In The Groove Lounge) at 450 Fremont Street (Neonopolis); and for a Waiver of the minimum 1,500-foot distance separation requirement from Religious Facilities, Taverns and a School. The Planning Commission recommended approval.
01/22/03	The City Council approved a Special Use Permit (SUP-1207) for a Psychic Arts Business within Neonopolis at 450 Fremont Street. The Planning Commission recommended approval.
10/09/08	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #10/dh).
<b><i>Related Building Permits/Business Licenses</i></b>	
05/15/02	A business license (#G04-04919) was issued for Viva Vegas Gifts at 450 Fremont Street, Suite #117. The business license is no longer active as of 5/05/06
<b><i>Pre-Application Meeting</i></b>	
08/12/08	A pre-application meeting with the applicant was held and the requirements for a Special Use Permit were reviewed and discussed.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required, nor was one held.	
<b><i>Field Check</i></b>	
09/09/08	A field check was conducted and the subject tenant space was vacant with retail businesses operating around the site.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	2.75

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Retail	C (Commercial)	C-2 (General Commercial)
North	Hotel, Parking	C (Commercial)	C-2 (General Commercial)
South	Parking/Restaurant Taverns	C (Commercial)	C-2 (General Commercial)
East	Retail	C (Commercial)	C-2 (General Commercial)
West	Retail, Parking	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>			
Downtown Centennial Plan	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
A-O Airport Overlay District (200 Feet)	X		Y
Live/Work Overlay District	X		N/A
Las Vegas Boulevard Scenic Byway 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

**Downtown Centennial Plan** - The parcel is within the Las Vegas Downtown Centennial Plan boundary, and is located in the Las Vegas Boulevard District. The proposed project is consistent with the goals and objectives of the Downtown Centennial Plan.

**A-O Airport Overlay District (200-Feet)** -The subject property is located within the North Las Vegas Airport Overlay within the 200-foot height limitation contour. There are no structures or buildings on site, which will encroach within this height limitation.

**Live/Work Overlay District** - This site is within the Live/Work Overlay district. The proposed development will not offer any housing options and therefore the project is not impacted by the Live/Work standards as outlined in Title 19.06.130

**Las Vegas Boulevard Scenic Byway Overlay District-** This project is adjacent to the Las Vegas Boulevard Scenic Byway, which governs sign standards for signage on Las Vegas Boulevard.

**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	
Restaurant with Beer, Wine, and Coolers On-Sale(Public seating and Waiting area)	1,770 SF	1/50	35				

Remaining Gross Floor Area	1,230 SF	1/200	6				
Sub-total	3,000 SF		39	2	0	0	N*
<b>Total</b>	3,000 SF		41		0	0	N*

\* Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of standard parking requirements. The parking needs for the proposed Liquor Establishment (Tavern) will be met by the Neonopolis Parking Garage, which is located underground of the subject site and The Fremont Street Public Parking Garage located directly across the street; both will provide more than 2,000 parking spaces combined.

## ANALYSIS

- Zoning

The property is zoned C-2 (General Commercial) and within the Redevelopment Plan Area. A Beer, Wine, and Coolers On-Sale Establishment is permitted with the approval of a Special Use Permit. The proposed Beer, Wine, and Coolers On-Sale Establishment will be part of the Neonopolis project and is within the Las Vegas Boulevard District of the Downtown Centennial Plan.

- Use

A Beer, Wine, and Coolers On-Sale Establishment is defined by Title 19.04.010, as an establishment whose license to sell alcoholic beverages is limited to the sale of beer, wine and coolers for consumption only in connection with a meal on the premises where the same is sold, and is operated in connection with a restaurant in which 45 or more people may be served with meals at any one time at tables or stools. The proposed 3,000 square-foot Beer, Wine, and Coolers On-Sale Establishment will sell alcohol as an amenity in conjunction with their restaurant.

- Floor Plan

The floor plan submitted by the applicant calls for a dining area consisting of 1,770 square-feet with 118 required accessible seating  $*5\% = 6$  accessible seating. The applicant has also proposed an outdoor dining area adjacent to the interior mall area of Neonopolis with 37 required accessible seating  $* 5\% = 2$  accessible seating.

Staff finds that the proposed beer, wine, and coolers establishment use within Neonopolis is an appropriate use for the high-intensity retail and entertainment center and can be conducted in a manner that is compatible with the surroundings land uses and those projected by the General Plan.

•Minimum Special Use Permit Requirements:

- (1) Except as otherwise provided, no beer, wine, and coolers off-sale establishment (hereinafter establishment) shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City park.
- (2) Except as otherwise provided in Requirement 3 below, the distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that measurement, the term property line refers to property lines of fee interest parcels and does not include the property line of:
  - a. Any leasehold parcel; or
  - b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Requirement 1.
- (3) In the case of an establishment proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:
  - a. From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or
  - b. In the case of a proposed establishment which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.
- (4) When considering a Special Use Permit application for an establishment which also requires a waiver of the distance limitation in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.
- (5) The minimum distance requirements in Requirement 1 do not apply to:

- a. An establishment which has a nonrestricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992; or
- b. A proposed establishment having more than 50,000 square feet of retail floor space.

(6) All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50

The proposed 3,000 square-foot Beer/Wine/Cooler On-Sale Establishment meets all of the minimum Special Use Permit requirements that will be an amenity to the El Nopal Mexican Grill restaurant.

## **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 use can be conducted in a manner that is harmonious and compatible with the existing adjacent land uses.

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

The existing building is physically suitable for the type and intensity of land use proposed by the Beer, Wine, and Coolers On-Sale Establishment. It will be located within Neonopolis, which is an intense retail/entertainment venue in the Las Vegas Boulevard District.

- 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.**

Staff finds vehicular traffic will utilize the Fremont Street Experience parking garage, which is accessed from Fourth Street, an 80-foot Secondary Collector and the underground parking garage of Neonopolis, which is accessed from 4th Street, and will be adequate for traffic generated by the proposed Beer, Wine, and Coolers On-Sale Establishment within the El Nopal Mexican Grill Restaurant.

**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.**

A Beer, Wine, and Coolers On-Sale Establishment within a Retail /Entertainment Complex will be subject to regular City and County inspections for licensing; therefore, public health, safety, and welfare will not be compromised.

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

The proposed use meets all applicable conditions per Title 19.04.010.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 16

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 3

**NOTICES MAILED** 217 by City Clerk

**APPROVALS** 2

**PROTESTS** 1