



City of Las Vegas

Agenda Item No.: 19.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: MARCH 26, 2009**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT: SUP-3217 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: FRANCISCO LARA - OWNER: 7TH STREET PROPERTIES, LLC - Request for a Special Use Permit FOR A PROPOSED TAVERN-RESTAURANT ESTABLISHMENT at 115 North 7th Street (APN 139-34-612-086), 540 General Commercial Zone, Ward 5 (Barlow)

C.C. 05/06/2009

PROTESTS RECEIVED BEFORE

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

Planning Commission Mtg.

7

City Council Meeting

0

City Council Meeting

0

RECOMMENDATION:
APPROVAL

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Support Postcards
7. Submitted after Final Agenda Support Postcards

Motion made by BYRON GOYNES to Approve subject to conditions, amending Condition 3 and adding the following conditions as read for the record:

3. 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.

A. There will be no outside music after 2:00 a.m.

B. There will be a review in one year after issuance of a business license at a public hearing of the Planning Commission.

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1

VICKI QUINN, STEVEN EVANS, GLENN TROWBRIDGE, RICHARD TRUESDELL, BYRON GOYNES, KEEN ELLSWORTH; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-MICHAEL E. BUCKLEY)

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Minutes:

CHAIR TROWBRIDGE declared the Public Hearing open for Items 19 and 20.

DOUG RANKIN, Planning and Development, stated staff believes the proposed use is compatible with the Entertainment District and meets Title 19 standards; the recommendation was for approval. He noted that Condition 3 on Item 19 would need to be amended to reflect an approval for two years, if approved.

FRANK ELAM, Owner, appeared and agreed with the conditions after receiving clarification of Conditions 5 and 6 on Item 20. MARGO WHEELER, Director of Planning and Development, confirmed that these two conditions could be deleted, since there is no landscaping on the private property. MR. ELAM confirmed for CHAIR TROWBRIDGE his acceptance of Condition 14 on Item 20.

LAWRENCE INGRAM, 150 Las Vegas Boulevard, asked for clarification of an outdoor recreation facility. MR. ELAM explained that it is a location for concerts. MR. RANKIN added that there is a stage on the north side of the property with a listening/viewing area. MIGUEL GUTIERREZ, Project Manager, Kolar Architecture, 620 Bush Street, added that the desire is to offer outdoor entertainment, such as concerts, similar to nightclubs. He informed CHAIR TROWBRIDGE that they would like the same business hours as other nightclubs, such as 8:00 p.m. to 4:00 a.m. They did not receive any protests or concerns from the surrounding neighbors.

COMMISSIONER EVANS understood the Entertainment District's vision; however, he was concerned about the preferred operating hour and the locale of other nearby residential, motels and entertainment businesses. These nightclubs are self-contained and the noise level is not really a concern; however, with outdoor entertainment, he believed that noise issues could arise.

FRANCISCO LARA, 2728 Topaz Court, Las Vegas, explained they desire to bring the different ambience of Mexico to this area, which does include dance. He reiterated that there has been no opposition from the Entertainment District community, but if the Commission desires, they could accept closing earlier at 2:00 a.m. MR. ELAM added that the Beauty Bar also has outdoor entertainment, and his understanding is that there is no noise ordinance in the Entertainment District.

COMMISSIONER TRUESDELL confirmed that MR. ELAM had spoken with El Cortez representatives, business owners and two board meetings, with full support extended to them. MR. ELAM explained to COMMISSIONER EVANS that if a review is imposed, it would be difficult to do post construction and operation. The Commissioner was still uneasy relative to the noise impact for the residents, particularly those in the nearby high-rise developments. He could not support the project without a review. MR. INGRAM attested to this concern, as he is one of those residents.

MR. ELAM informed COMMISSIONER TRUESDELL that some of the nearby businesses have offered their parking garages to be used as additional parking.

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COMMISSIONER GOYNES visited the site and he understood the outdoor entertaining area to be enclosed with a 10-foot concrete block wall. He wondered about the impact on having an alley across the street from the subject site and if the applicants had obtained written permission from some of the business owners indicating their approval and permission to utilize their garages. MR. GUTIERREZ opined that Streamline will not be affected because the noise would have to travel through the parking garage. The Commissioner was still concerned about the noise issue and the late business hours.

MR. ELAM explained the huge investment in their property and in the upgrades on the streetscape. The lease on the subject property was signed six months ago and is costing monies. He believed that everything has been done to accommodate Sam's requirements and bring a viable project to this area. Discussions continued regarding closing the doors at 2:00 a.m. to the outside area.

MR. LARA spoke on his experience with his other entertainment venue in the Commercial Center. The hours of operation are from 10:00 p.m. to 6:00 a.m., and the typical crowd on weekends is approximately 300 individuals.

CHAIR TROWBRIDGE encourages development in the Entertainment District, as it is beneficial to the revitalization of this area. A well-managed facility such as the subject proposal, is an attractive addition; however, if problems arise, it can ruin the entire area. Some businesses may be slower than others given the economy; however, he did not want to have to question the Commission's decision once the economy is restored. He would be more comfortable with having a joint access agreement and their requests being heard before City Council.

After further discussions regarding the proposed review, maximum number of crowd and fire codes, MS. WHEELER read the amendment to Condition 3 on Item 19 to reflect two years. She also read additional conditions regarding no outside music after 2:00 a.m. and a review in one year after issuance of business license at a Planning Commission public hearing. MR. ELAM concurred with the conditions and amendments.

MR. LARA explained that the reason for the larger venue is to accommodate a larger crowd, as their other business is smaller. There will also be on-site security and will be a business highly spoken of in the community.

With respect to MR. INGRAM'S concern and the applicants not having a written agreement, COMMISSIONER QUINN could not support the request.

TODD FARLOW, 240 North 19th Street, expressed concern regarding noise levels and the impact on those that tend to go to bed before 10:00 p.m.

MR. INGRAM stated that closing the business at 2:00 a.m. is not an acceptable solution. When he attended a homeowners association meeting, the applicants did not consider the residents living in high rise developments. He questioned how the applicants would mitigate the noise issue.

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RON McMANEMY, 330 East Warm Springs Road, attested to MR. LARA'S professional reputation as a tenant and managing one of the finest operations at 953 East Sahara Avenue. He has top security, excellent crowds and awesome food.

COMMISSIONER GOYNES confirmed that MR. ELAM would get written parking agreements, including the motel behind the subject site and to the south of the subject site.

After further discussions regarding parking, a possible review, maximum number of crowd and fire codes, MS. WHEELER read the amendment to Condition 5 on Item 19 to reflect two years. She also read additional conditions regarding no outside music after 2:00 a.m. and a review in one year after issuance of business license at a Planning Commission public hearing. DEPUTY CITY ATTORNEY JAMES LEWIS explained to MR. ELAM that should there be problems within the two-year period, the Commission has the discretion to cease the business from operating. The applicants must decide if that is a risk they are willing to take. MR. ELAM concurred with the conditions and amendments.

COMMISSIONER TRUESDELL emphasized that since the inception of the Entertainment District, the Commission has been committed to welcoming viable development, including this type of venue.

CHAIR TROWBRIDGE declared the Public Hearing closed on Items 19 and 20.

