



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 6, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-32171 - APPLICANT: FRANCISCO LARA - OWNER: 7TH STREET PROPERTIES, LLC

**** CONDITIONS ****

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

Planning and Development

1. There will be no outside music after 2:00 a.m.
2. There will be a review in one year after issuance of a business license at a public hearing of the Planning Commission.
3. Conformance to the conditions for Site Development Plan Review (SDR-33426) if approved.
4. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for Tavern-Limited Establishment use.
5. 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.
6. Approval of this Special Use Permit does not constitute approval of a liquor license.
7. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
8. All commercial signage shall receive approval from the Downtown Design Review Committee (DDRC) prior to the issuance of sign permits.
9. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed Tavern-Limited establishment at 115 North 7th Street. The proposed project is a 7,219 square-foot Tavern-Limited with an accessory Commercial Recreation/Amusement Facility (Outdoor) use that serves as an outdoor performance venue. Parking for this project is available in the public parking garage located in a casino across 7th Street.

An associated Site Development Plan Review (SDR-33426) for the proposed modifications to the existing building and the proposed addition of the outdoor performance area will be heard with this request concurrently.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/16/64	The City Council approved a Rezoning to C-2 (General Commercial) on the subject site as part of a larger request (Z-0100-64).
12/20/06	The City Council approved a request for a Special Use Permit (SUP-17310) for a proposed Tavern-Limited Establishment at 115 North 7th Street. The Planning Commission and staff recommended approval. NOTE: This entitlement expired on 12/20/07.
03/02/09	A Final Map (FMP-33456) technical review was approved and an action letter was sent for a reversion to acreage of approximately 0.32 acres at the Southeast corner of 7th Street and East Ogden Street. This map has not yet recorded.
03/26/09	The Planning Commission recommended approval of companion item SDR-33426 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #19/mh).
<i>Related Building Permits/Business Licenses</i>	
03/06/07	Plan check #L-0833-07 was created for a tenant improvement to 115 North 7 th Street but no building permits have been issued against this property.
03/28/07	Civil improvement plans (#CLV-18158) were issued for a fire riser addition to 115 North 7 th Street. The plans were finalized on 04/09/07 and will expire on 04/09/09.
<i>Pre-Application Meeting</i>	
11/05/09	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Site Development Plan Review for a proposed Tavern-Limited with an accessory outdoor performance area located in the Entertainment Overlay. The pre-application requirements for a Special Use Permit were revisited to ensure coordination between both application requests.

<i>Neighborhood Meeting</i>
A neighborhood meeting is not required nor was one held.

Field Check	
02/12/09	A field check was made by staff with the following observations: - Existing two story building currently unoccupied and in generally good condition. - Undeveloped northern portion of lot is fenced off from public access. - Alleyway in suitable condition. - There are 10 metered on-street parking spaces in front of subject property.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.32 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial	C (Commercial)	C-2 (General Commercial)
North	Vacant	C (Commercial)	C-2 (General Commercial)
South	Motel	C (Commercial)	C-2 (General Commercial)
East	Motel	C (Commercial)	C-2 (General Commercial)
West	Hotel & Casino	C (Commercial)	C-2 (General Commercial)

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

DEVELOPMENT STANDARDS

Pursuant to the Downtown Centennial Plan, this project is exempt from the automatic application of Title 19.10 parking requirements. The table provided below shows the potential parking loads that may be generated by this proposal.

Use	Gross Floor Area or Number of Units	Base Parking Requirement		Provided	
		Parking Ratio	Parking		Parking
			Regular	Handi-capped	
Tavern Limited Establishment	4,000 SF	1:50 (Public Seating and Waiting Area)	80		
	1,845 SF	1:200 (Remaining GFA)	10		
Office	1,374 SF	1:300	5		
Commercial Recreation/A musement Facility (Outdoor)	5,352 SF	1:200	27		
			117	5	
TOTAL			122		0*

*The proposed use would typically require 122 parking spaces. The justification letter states that parking for this proposal is available in three public parking garages all located within a short walking distance. There are also 10 metered parking spaces located in front of the property, with additional on-street metered parking spaces available throughout the Downtown Entertainment Overlay District.

ANALYSIS

- **Land Use and Zoning**

Redevelopment Plan Area

The parcel is within the boundaries of the Las Vegas Redevelopment Area, with a C (Commercial) land use designation. The C (Commercial) land use designation accommodates the proposed uses, which are also in conformance with the Redevelopment Plan.

Downtown Overlay District

Properties within the Downtown Overlay District are encouraged to develop complex, visually interesting and urbane walkable mixed-use environments. Therefore, proposals located within this overlay are exempt from the automatic application of the mandatory maximum building height, required building setback, maximum lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements in Section 19.08.040, Section 19.08.050, Section 19.08.060, Chapter 19.10, and Chapter 19.12.

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. Creation of the district is also intended to adjust the zoning and licensing restrictions to encourage non-gaming blues and jazz nightclubs, comedy clubs, and other musical entertainment venues and sets forth signage requirements per the Downtown Design Review Committee (DDRC).

- **Use**

A Tavern-Limited Establishment with an accessory Commercial Recreation/Amusement Facility (Outdoor) that provides an outdoor performance venue is a permitted use in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit. Specifically, the use complies with the intent of the Downtown Entertainment Overlay District of encouraging musical entertainment venues.

- **Site Plan**

The site is located on a 0.32 acre parcel, adjacent to the east side of 7th Street, approximately 50 feet south of Ogden Drive. The proposal consists of the addition of a 5,352 square-foot outdoor performance area enclosed by ten-foot high wall to an existing two-story building. Direct access is provided to the site from 7th Street, where 10 on-street metered parking spaces are provided with service access provided from a rear alley. The applicant is seeking to accommodate the parking requirements with the public parking garages located in the immediate area. The provided site plans show a 10-foot wide sidewalk along the front of the building with a five-foot wide amenity area showing shade trees planted at 30-foot intervals along 7th Street.

- **Floor Plan**

The submitted floor plans depict an open floor plan, with the exception of the two restroom located near the front entry. A bar service area is located at the rear of the building and a stage is shown at the center of the building. A second floor provides space for two offices, a small conference room, some storage area, and two restrooms. Three rolling doors are proposed between the enclosed Tavern area and the outdoor performance area. There are additional access doors located at the front and rear of the existing building with emergency egress for the outdoor performance area located at streetside and into the alleyway

- **Conditions**

The use shall conform to, and is subject to, the provisions of Title 19.04.010 for the Tavern -Limited Use. It is important to note that, pursuant to Title 19.06.120, the distance separation requirements shall not apply for any liquor establishment (tavern), supper club, restaurant service bar, or other liquor-serving establishment that is approved by means of a Special Use Permit.

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 land use can be conducted in a manner that is harmonious and compatible with the surrounding land uses. This area is intended for this and other similar type uses that offer food, drink, and entertainment. The proposal is in compliance with the area and the General Plan.

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

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

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.**

The subject property is primarily accessed via 7th Street pedestrian. Parking is provided from surrounding public parking. Service access is adequately provided from an existing alley located at the rear of the proposal. this type of development.

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.**

This Special Use Permit request is in compliance with all applicable plans and policies and will not adversely affect the public health or the general welfare.

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

This Special Use Permit request is in compliance with all the conditions of Title 19.04.

PLANNING COMMISSION ACTION

The Planning Commission added conditions 1 and 2 and amended condition #5 at the Planning Commission meeting. The applicant did not agree to all the conditions.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 239 by City Clerk

APPROVALS 2

PROTESTS 0