



## AGENDA MEMO

**CITY COUNCIL MEETING DATE: JULY 7, 2010**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: APPLICANT: VANGUARD LOUNGE, LLC - OWNER: A.W. HAM III TRUST**

### \*\* STAFF RECOMMENDATION(S) \*\*

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

| <i>CASE<br/>NUMBER</i> | <i>RECOMMENDATION</i>                             | <i>REQUIRED FOR<br/>APPROVAL</i> |
|------------------------|---------------------------------------------------|----------------------------------|
| <b>SUP-37885</b>       | Staff recommends APPROVAL, subject to conditions: |                                  |

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

## SUP-37885 CONDITIONS

### *Planning and Development*

1. Live entertainment shall be provided at least four nights per week in accordance with Title 6.50.250.
2. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Tavern-Limited Establishment use.
3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
5. These Conditions of Approval shall be affixed to the cover sheet of the plan set submitted for building permit.
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 City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**Staff Report Page One**  
**July 7, 2010 - City Council Meeting**

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

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit for a proposed Tavern-Limited Establishment located within the Fremont East District of the Downtown Centennial Plan at 516 Fremont Street. Outdoor seating is also indicated at the proposed establishment. The proposed use meets all Title 19.04 standards for a Tavern-Limited Establishment, and can be conducted in a manner that is harmonious and compatible with existing surrounding land uses; therefore, staff recommends approval. If this request is denied, the proposed use will not be permitted at this location.

**ISSUES**

- The building will accommodate approximately 97 people.

**BACKGROUND INFORMATION**

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|--------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 04/27/98                                                                 | The City Council approved a request for a Special Use Permit (U-0023-98) on property located at 516 east Fremont Street for the Off-Premise Sale of Beer and wine in conjunction with a proposed 1,649 square foot convenience store. The Planning Commission recommended approval.                                                                                                                                                                                                |
| 12/16/64                                                                 | The City Council approved a request for 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 recommended approval. |
| 05/27/10                                                                 | The Planning Commission (7-0 vote) recommended APPROVAL (PC Agenda Item #42/ao).                                                                                                                                                                                                                                                                                                                                                                                                   |

| <b><i>Most Recent Change of Ownership</i></b> |                                                |
|-----------------------------------------------|------------------------------------------------|
| 07/28/99                                      | A deed was recorded for a change in ownership. |

| <b><i>Related Building Permits/Business Licenses</i></b> |                                                                                                                                             |
|----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| 04/17/08                                                 | A Building Permit (#113195) was issued for a non work certificate of occupancy at 516 Fremont Street. The permit was finalized on 04/23/08. |
| 04/25/08                                                 | A Business License (S20-00515) was issued for guitar sales at 516 Fremont Street. The license was marked out of business on 12/01/09.       |

**Staff Report Page Two**  
**July 7, 2010 - City Council Meeting**

|          |                                                                                                                                                 |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| 05/24/94 | A Business License (Q01-00142) was issued for a real estate business at 516 Fremont Street. The license is still active.                        |
| 06/23/99 | A Business License (J01-01554) was issued for costume jewelry/ gifts at 516 Fremont Street. The license was marked out of business on 02/05/08. |
| 04/21/10 | A Business License application (C05-95514) was submitted for tobacco sales at 516 Fremont Street. The license is pending approval.              |
| 04/21/10 | A Business License application (L38-95513) was submitted for a tavern limited at 516 Fremont Street. The license is pending approval.           |
| 04/30/10 | A Business License application (M06-95723) was submitted for miscellaneous sales at 516 Fremont Street. The license is pending approval.        |

***Pre-Application Meeting***

|          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 04/13/10 | <p>A pre-application meeting was held and the submittal requirements of a Special Use Permit application were discussed:</p> <ol style="list-style-type: none"> <li>1. The total occupancy less than 100 does not need to be sprinklered. The maximum capacity of this space will be 97.</li> <li>2. There will be no onsite parking. Parking will be available on nearby lots and in area parking structures.</li> <li>3. The outdoor seating shall require approval of a Minor Site Development Plan Review and an encroachment agreement if in the right-of-way. May occupy up to 2/3 of the total width of the sidewalk, with minimum pedestrian clearance of five feet.</li> <li>4. The tavern-limited license is subject to requirements of Title 6.50.250. Live entertainment will be provided four nights per week and there will be no gaming.</li> </ol> |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

***Neighborhood Meeting***

A neighborhood meeting was not required, nor was one held.

***Field Check***

|          |                                                                                                                                                                                                                        |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 04/22/10 | <p>A site inspection was required conducted by staff with the following observations:</p> <ul style="list-style-type: none"> <li>• The subject property was noted as a well maintained commercial building.</li> </ul> |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

***Details of Application Request***

***Site Area***

|             |      |
|-------------|------|
| Gross Acres | 0.13 |
|-------------|------|

Staff Report Page Three  
July 7, 2010 - City Council Meeting

| <i>Surrounding Property</i> | <i>Existing Land Use Per Title 19.04</i> | <i>Planned or Special Land Use Designation</i> | <i>Existing Zoning District</i> |
|-----------------------------|------------------------------------------|------------------------------------------------|---------------------------------|
| Subject Property            | Vacant                                   | C (Commercial)                                 | C-2 (General Commercial)        |
| North                       | Condominiums                             | C (Commercial)                                 | C-2 (General Commercial)        |
| South                       | Tavern                                   | C (Commercial)                                 | C-2 (General Commercial)        |
| East                        | Art Gallery and Retail Establishment     | C (Commercial)                                 | C-2 (General Commercial)        |
| West                        | Vacant                                   | C (Commercial)                                 | C-2 (General Commercial)        |

| <i>Master Plan Areas</i>                                                 | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|--------------------------------------------------------------------------|------------|-----------|-------------------|
| <b>Master Plan Area</b>                                                  |            |           |                   |
| Downtown Centennial Plan (Fremont East District)                         | X          |           | Y                 |
| Downtown Redevelopment Area                                              | X          |           | Y                 |
| <b>Special Purpose and Overlay Districts</b>                             | <b>Yes</b> | <b>No</b> | <b>Compliance</b> |
| <b>Special Purpose and Overlay Districts</b>                             |            |           |                   |
| A-O (Airport Overlay) District (200 ft)                                  | X          |           | Y                 |
| Downtown Entertainment Overlay District (Entertainment Overlay District) | X          |           | Y                 |
| Live/Work Overlay District                                               | X          |           | Y                 |
| <b>Trails</b>                                                            |            | X         | N/A               |
| <b>Rural Preservation Overlay District</b>                               |            | X         | N/A               |
| <b>Las Vegas Redevelopment Plan Area</b>                                 | X          |           | Y                 |
| <b>Development Impact Notification Assessment</b>                        |            | X         | N/A               |
| <b>Project of Regional Significance</b>                                  |            | X         | N/A               |

## 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          | 2,597 SF                                   | 1:50 plus 1:200 with a minimum of 10 spaces | 45             |                 | Zero           |                   |  |
| <b>TOTAL SPACES REQUIRED</b>          |                                            |                                             | 45             |                 | Zero           |                   |  |
| <b>TOTAL (With Handicapped)</b>       |                                            |                                             | 43             | 2               | Zero           | Zero              |  |

**Staff Report Page Four**  
**July 7, 2010 - City Council Meeting**

Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, the above table should be used to illustrate the requirements of an analogous project in another location in the City. The analysis should take a number of factors into consideration when discussing parking availability, including pedestrian access, nearby parking structures, on-street parking, etc.

## **ANALYSIS**

The applicant is proposing a Tavern-Limited Establishment use within an existing 2,597 square foot building. The proposed use will feature indoor and outdoor seating. The outdoor seating will be 41% of the total occupancy, and per the submitted plans, the patio area does not encroach into the public right-of-way. The additional seating provided by the outdoor patio also does not interfere with the building egress and ingress.

The subject site is within the Fremont East District in the Downtown Centennial Plan, which is the only district that this type of proposed use is allowed. Pursuant to Title 19.06.120, any liquor-serving establishment approved by means of a Special Use Permit for a parcel located within the Downtown Entertainment Overlay District shall not be subject to the distance separation requirements set forth in Title 19.04. Staff is recommending approval of this Special Use Permit request, as it is compatible with the existing and future land uses of surrounding properties and meets Title 19.04 requirements for the use.

## **FINDINGS (SUP-37885)**

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 will be located within the Fremont East District of the Downtown Centennial Plan. The proposed use can be conducted in a harmonious and compatible manner with the existing and future development within the surrounding area.

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

The subject site is currently a vacant retail space. Similar alcohol related uses are common in this area of the City. The subject site is physically suitable to accommodate the proposed use.

**Staff Report Page Five**  
**July 7, 2010 - City Council Meeting**

**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 proposed Tavern Limited Establishment use is located on Fremont Street and 6<sup>th</sup> Street, which are both defined as 80-foot Secondary Collectors, as defined by the Master Plan of Streets and Highways. The site will be accessed primarily by pedestrian traffic.

**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 Special Use Permit request will not be inconsistent with or compromise the public health, safety, and welfare or overall objectives of the General Plan.

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

The proposed Tavern Limited Establishment use meets all of the applicable conditions per Title 19.04.

**PLANNING COMMISSION ACTION**

The applicant agreed to all conditions.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

21

**NOTICES MAILED**

206 (By City Clerk)

**APPROVALS**

2

**PROTESTS**

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