

**AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: MAY 18, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: G & N, LLC - OWNER: DARIO PINI

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-40837	Staff recommends APPROVAL, subject to conditions:	N/A

**** CONDITIONS ****

SUP-40837 CONDITIONS

Planning

- 1.Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Tavern-Limited Establishment use.
- 2.This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.18. An Extension of Time may be filed for consideration by the City of Las Vegas.
- 3.Approval of this Special Use Permit does not constitute approval of a liquor license.
- 4.This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
- 5.All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request of a Special Use Permit for the proposed Tavern-Limited Establishment use within an existing hotel at 707 Fremont Street. Two previous Special Use Permits were approved allowing the use on this site; however, each of them expired, most recently on 09/05/10 when the Special Use Permit (SUP-33956) was not exercised. As the current request would utilize the same space and amenities as the previously approved facility and can be conducted in a manner that is compatible with the surrounding, staff is recommending approval of this request. If this request is denied, the Tavern-Limited Establishment use cannot operate in this site.

ISSUES

- A Tavern-Limited Establishment use is permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.
- The subject site is located within Downtown Centennial Plan (Fremont East District).

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
12/16/64	The Board of Commissioners 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 subject site was a part of a larger request.
07/07/04	The City Council approved a request for a Special Use Permit (SUP-4366) for a Tavern-Limited Establishment located at 707 Fremont Street. The Planning Commission and staff recommended approval. This Special Use Permit expired on 03/08/09.
01/14/09	A Code Enforcement case (#73719) was processed for having the rear doors open with vagrants inside at 707 Fremont Street. Code Enforcement closed the case on 01/20/09.

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02/04/09	A Code Enforcement case (#74309) was processed for assistance to Fire Prevention, who asked for assistance in checking out the night club and the motel for various code violations and have corrections made in a timely manner at 707 Fremont Street. Code Enforcement closed the case on 02/19/09.
07/01/09	The City Council approved a request for a Special Use Permit (SUP-33956) for a Tavern-Limited Establishment located at 707 Fremont Street. The Planning Commission and staff recommended approval. This Special Use Permit expired on 09/05/10.
04/12/11	The Planning Commission voted (7-0) to recommend APPROVAL (PC Agenda Item 8/rg).

<i>Most Recent Change of Ownership</i>	
12/22/03	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
01/01/51	A business license (H05-01009) was issued for a Hotel (199 rooms or less) at 707 Fremont Street. The license is still active.
10/04/04	A building permit (#4020366) was issued for a non-work certificate of occupancy for a night club at 707 Fremont Street. The permit was finalized on 10/13/04.
10/14/04	A business license (R09-01262) was issued for a Restaurant (45 or more seats) at 707 Fremont Street. The license was marked out of business on 09/09/08.
	A business license (L38-00001) was issued for a Tavern – Limited Establishment at 707 Fremont Street. The license was marked inactive on 09/08/08.
08/14/06	A business license (C05-02474) was issued for a Tobacco Dealer at 707 Fremont Street. The license was marked out of business on 02/11/08.
02/06/09	An application was submitted for a business license (D14-96911) for a Dance Hall at 707 Fremont Street. The application was marked out of business on 03/06/09 when the applicant failed to respond to a Fire denial letter.
03/03/09	An application was submitted for a business license (L38-97367) for a Tavern – Limited Establishment at 707 Fremont Street. The application was marked out of business on 03/05/10 when the application was denied by the City Council on 09/02/09.
04/10/09	A building permit (#136019) was issued for a tenant improvement for a night club at 707 Fremont Street. The building permit expired as of 05/15/09.
04/13/09	A business license (M18-04688) was issued for a Management Consulting Service at 707 Fremont Street. The license was marked out of business on 06/29/09.

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04/15/09	An application was submitted for a business license (D19-98398) for a Nightclub at 707 Fremont Street. The application was marked out of business on 03/05/10 when the application was denied by the City Council on 09/02/09.
04/24/09	A business license (B23-96909) was issued for a Banquet Facility at 707 Fremont Street. The license was marked out of business on 06/29/09.
	A business license (P26-96910) was issued for a Party Planning Service at 707 Fremont Street. The license was marked out of business on 06/26/09

Pre-Application Meeting

01/27/11	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Special Use Permit for a Tavern-Limited Establishment use.
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Neighborhood Meeting

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

Field Check

03/03/11	A site visit conducted by staff noted a well maintained hotel site.
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Details of Application Request

Site Area

Gross Acres	1.28
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<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	Hotel	C (Commercial)	C-2 (General Commercial)
North	Motel	C (Commercial)	C-2 (General Commercial)
South	Retail and Multi-Family Residential	MXU (Mixed Use)	C-2 (General Commercial)
East	Undeveloped	C (Commercial)	C-2 (General Commercial)
West	Retail, Hotel and Parking Lot	C (Commercial)	C-2 (General Commercial)

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

DEVELOPMENT STANDARDS

Pursuant to 19.06, the following standards apply:

Street Name	Functional Classification of Street(s)	Governing Document	Street Width (Feet)	Compliance with Street Section
Fremont Street	Secondary Collector	Master Plan of Streets and Highways	80	Y
7th Street	Local	N/A	80	Y

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Hotel	147 Rooms	1 Space / Room	147				
Tavern-Limited Establishment	8,763 SF (3,560 SF Seating Area, 5,203 SF Remaining Area)	1 Space/50 SF of seating /waiting area, plus 1 space/ 200 SF of remaining GFA	98				
TOTAL SPACES REQUIRED			245		94		N
Regular and Handicap Spaces Required			238	7	92	2	N

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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

A Tavern-Limited Establishment use is defined by Title 19.20.020 as “an establishment that is licensed with a tavern-limited license in accordance with LVMC Chapter 6.50.” The proposed Tavern-Limited Establishment use will occupy the same space as a Tavern-Limited Establishment use previously approved by Special Use Permit (SUP-4366), which expired when the use was discontinued for more than six months. Subsequently, a second Special Use Permit (SUP-33956) for a Tavern-Limited Establishment use was approved, but no business license was issued within one year of the approval, and it also expired.

The proposed Tavern-Limited Establishment is located in the Downtown Centennial Plan (Fremont East District), Live/Work, Las Vegas Redevelopment Area, and Entertainment Overlay District. The proposed use would not have a negative impact relating to the above mentioned Special Area Plans and Districts. The subject property is adjacent to an existing Downtown Entertainment Trail along Fremont Street and an approved Multi-Use Non-Equestrian Trail, which has not been constructed as of this time. No exterior site modifications are proposed as part of this request. Pursuant to Title 19.06.120, a distance separation from a similar use is not required, and on-site parking requirements are not applicable. The submitted site plan indicates a total of 94 parking spaces on the site, including two handicapped accessible spaces. There are 53 additional parking spaces available in a parking lot across the street from the subject site to the west side of 7th Street. The property across the street is under the same ownership as the subject site, but no record of an off-site parking agreement exists. Staff is recommending approval of this request, as the use is appropriate for the Downtown Entertainment Overlay District, and is compatible with the surrounding land uses.

FINDINGS (SUP-40837)

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.**

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The proposed Tavern–Limited Establishment is a permitted use in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit, and is the type of use that is encouraged in the Downtown Overlay District. It can be conducted in a manner that is harmonious and compatible with the surrounding land uses, and with the future surrounding land uses.

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 the proposed Tavern–Limited Establishment. A previously approved Tavern–Limited Establishment was operated on the subject site using the same facilities from 10/14/04 until 09/08/08.

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, and 7th Street. Both of these streets are adequate to meet the requirements of the proposed use.

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 development is subject to permit review and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare.

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

The use meets all applicable conditions of Title 19.04.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED

272 (By City Clerk)

APPROVALS

3

PROTESTS

2