



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: DECEMBER 7, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: BJC ENTERPRISES, LLC - OWNER: FAEC HOLDINGS WIRRULLA, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-43347	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

SUP-43347 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Beer/Wine/Cooler On-Sale 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 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. The applicant shall meet with staff to develop an address plan for the site prior to the issuance of a business license.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. No Off-Sale of Beer/Wine/Coolers is permitted.
6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
7. 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

The applicant is seeking a Special Use Permit for a Beer/Wine/Cooler On-Sale Establishment in conjunction with a proposed restaurant at 450 Fremont Street, Suite 123 located in the Neonopolis complex. This suite previously housed a similar use in a manner compatible with the surrounding businesses. Neonopolis is located between Fremont Street Experience and the Entertainment District and will not have a negative impact on the surrounding area. The proposed use meets all Title 19.08 requirements; therefore, staff recommends approval, with conditions.

ISSUES

- A Beer/Wine/Cooler On-Sale Establishment use is permitted in the C-2 (General Commercial) zoning district with an approved Special Use Permit.
- The applicant originally applied for a Beer/Wine/Cooler On-and Off-Sale Establishment use. However, via a revised justification letter received October 19, 2011, the applicant removed the Off-Sale portion of the request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&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. The Planning Commission and staff recommended approval.
10/03/01	The City Council approved a Special Use Permit (U-0117-01) for a proposed 2,162 square-foot Liquor Establishment (Tavern) in conjunction with a Retail/Entertainment Complex at 450 Fremont Street, Suite 195. The Planning Commission and staff recommended approval.
01/16/02	The City Council approved a Master Sign Plan (MSP-0014-01) for a Retail/Entertainment Complex at 450 Fremont Street. The Planning Commission and staff recommended approval.

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05/01/02	The City Council approved a Special Use Permit (U-0024-02) for a Liquor Establishment (Tavern) at 450 Fremont Street, Suite 101 with a Waiver of the minimum 1,500-foot separation requirement from religious facilities, Liquor Establishment (Taverns) and a school. The Planning Commission and staff recommended approval.
08/07/02	The City Council approved a Special Use Permit (U-0063-02) for a Liquor Establishment (Tavern) at 450 Fremont Street, Suite 130 with a Waiver of the minimum 1,500-foot separation requirement from religious facilities, Liquor Establishment (Taverns) and a school. The Planning Commission and staff recommended approval. This use expired on 01/25/11.
11/20/02	The City Council approved a Special Use Permit (U-0124-02) for a Liquor Establishment (Tavern) at 450 Fremont Street, Suite 320 with a Waiver of the minimum 1,500-foot distance separation requirement from a Liquor Establishment (Tavern), a religious facility, and a school. The Planning Commission and staff recommended approval.
10/15/08	The City Council approved a Special Use Permit (SUP-29230) for a proposed Liquor Establishment (Tavern) at 450 Fremont Street, Suite 150 with a Waiver of the minimum 1,500-foot distance separation requirement from a religious facility, Liquor Establishment (Tavern) and a school. The Planning Commission and staff recommended approval. This use expired on 10/15/09.
	The City Council approved a Special Use Permit (SUP-29237) for a proposed Liquor Establishment (Tavern) at 450 Fremont Street, Suite 101 with a Waiver of the minimum 1,500-foot distance separation requirement from a Liquor Establishment (Tavern), a religious facility, and a school. The Planning Commission and staff recommended approval. This use expired on 10/15/09.
11/05/08	The City Council approved a Special Use Permit (SUP-29607) for a Beer/Wine/Cooler On-Sale Establishment at 450 Fremont Street, Suite 117. The Planning Commission and staff recommended approval. This use expired on 11/05/10.
8/17/11	The City Council approved a Special Use Permit (SUP-41908) for a Liquor Establishment (Tavern) at 450 Fremont Street, Suite 101 with a Waiver of the minimum 1,500-foot distance separation requirement from a Liquor Establishment (Tavern), a religious facility, and a school. The Planning Commission and staff recommended approval.
09/13/11	The Planning Commission approved a Special Use Permit (SUP-42686) for a Liquor Establishment (Tavern) at 450 Fremont Street, Suite 130 with a Waiver of the minimum 1,500-foot distance separation requirement from a Liquor Establishment (Tavern), a religious facility, and a school. Staff recommended approval.
11/08/11	The Planning Commission voted (7-0) to recommend APPROVAL (PC Agenda Item 31/yk).

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<i>Most Recent Change of Ownership</i>	
06/08/11	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
05/07/08	A Business License (R07-00816) for a restaurant was issued at 450 Fremont Street, Suite 123. The license expired as out-of-business on 11/13/09.
09/14/11	A Business License (R07-00970) for a restaurant was issued at 450 Fremont Street, Suite 123. This license remains active.
08/30/11	A Business License (L09-94418) for a Beer/Wine/Cooler On-Sale Establishment was applied for at 450 Fremont Street, Suite 123. This license is on hold pending the approval of a Special Use Permit. Please note: the applicant has changed the request to a Beer/Wine/Cooler On-and Off-Sale Establishment.

<i>Pre-Application Meeting</i>	
09/20/11	A Pre-Application meeting was held with the applicant to discuss the requirements for a Beer/Wine/Cooler On-and Off-Sale Establishment use at 450 Fremont Street, Suite #123.

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

<i>Field Check</i>	
09/29/11	Staff conducted a field visit to the site and found a vacant suite in the Neonopolis complex. The site was clean and well maintained.

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

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Retail	C (Commercial)	C-2 (General Commercial)
North	Hotel	C (Commercial)	C-2 (General Commercial)

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
South	Parking/Restaurant Taverns	C (Commercial)	C-2 (General Commercial)
East	Parking, Retail	C (Commercial)	C-2 (General Commercial)
West	Retail	C (Commercial)	C-2 (General Commercial)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area			
Downtown Centennial Plan	X		Y
Special Purpose and Overlay Districts	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Downtown Centennial Plan Overlay District	X		Y
A-O (Airport Overlay) District	X		N/A
Downtown Casino Overlay District	X		Y
Downtown Entertainment Overlay District	X		Y
Live/Work Overlay District	X		N/A
Las Vegas Boulevard Scenic Byway Overlay District	X		N/A
Trails	X		N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		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	
Shopping Center	264,210 SF	1:250 SF	1,057				
TOTAL SPACES REQUIRED			1,057		680		Y

Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. Ample parking is provided in the basement parking garage and another parking garage located just to the south of the project. In addition, the site is located on a major mass transit route.

YK

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ANALYSIS

A Beer/Wine/Cooler On-Sale Establishment use is defined per Title 19.18.020 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 thirty or more people may be served with meals at any one time at tables or stools.” The use will be located in a proposed 54-seat restaurant where a similar use operated without incident.

The subject property has 680 parking spaces located within the subterranean parking garage below the existing retail and entertainment development, with additional parking available in other parts of the Casino Core District. This proposal will not increase the intensity of the use within the given suite any more than the alcohol and restaurant uses that were originally approved for the suite.

The applicant originally applied for a Beer/Wine/Cooler On-and Off-Sale Establishment use but decided that an Off-Sale Establishment use was not required. They will not sell alcohol for off-premise consumption. Since the proposed use can be conducted in a manner that is harmonious and compatible with existing uses in the surrounding area, staff recommends approval, with conditions.

FINDINGS (SUP-43357)

In order to approve a Special Use Permit application, per Title 19.16.110(L) 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.

This proposal can be conducted in a manner that is harmonious and compatible with the existing surrounding land uses in the Neonopolis Entertainment Complex.

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

The proposed location has previously operated as a restaurant within a 264,210 square-foot multi-level retail/entertainment venue in the Downtown Casino Overlay District. There are similar types of uses of the same level of intensity; therefore, this proposal will contribute to the entertainment attractions that are supported in this area.

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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.

Vehicular traffic will utilize the Fremont Street Experience parking garage, which is accessed from Carson Avenue and 4th Street, both of which are 80-foot Secondary Collectors and the underground parking garage, which is accessed from 4th Street, and will be adequate for traffic generated by 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.

A Beer/Wine/Cooler On-Sale Establishment use 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 19.12.

The proposed Beer/Wine/Cooler On-Sale Establishment use meets all Title 19.12 requirements. There is no anticipated impact to the surrounding Downtown Casino Core District with this use.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

33

NOTICES MAILED

215 (By City Clerk)

APPROVALS

0

PROTESTS

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