



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: DECEMBER 7, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: KASTLE MANAGEMENT, LLC - OWNER: FAEC HOLDINGS WIRRULLA, LLC

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-43357	Staff recommends APPROVAL, subject to conditions:	

**** CONDITIONS ****

SUP-43357 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Liquor Establishment (Tavern) 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 have a suite number assigned prior to the issuance of a business license or a building permit.
4. A Waiver of Title 19.08 to allow a zero-foot separation distance from another Liquor Establishment (Tavern) use, a 1,200-foot distance separation from a religious facility, and a 1,340-foot distance separation from a school where a minimum 1,500-foot separation is required is hereby approved.
5. Approval of this Special Use Permit does not constitute approval of a liquor license.
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 proposing to establish a 22,160 square-foot Liquor Establishment (Tavern) on the second floor portion of a two-story suite. This entitlement will encompass only the areas requested with the submitted floor plans. The suite was formerly occupied by another Liquor establishment (Tavern) that has since gone out of business, leaving the suite vacant. The suite is located in the Neonopolis complex located between Fremont Street Experience and the Entertainment District and will not have a negative impact on the surrounding area. Staff recommends approval, with conditions.

ISSUES

- A Liquor Establishment (Tavern) is permitted in the C-2 (General Commercial) zoning district with an approved Special Use Permit.
- The previous entitlement (U-0063-02) for a Liquor Establishment (Tavern) use expired on 01/25/11.
- A Waiver of Title 19.08 is required to allow a zero-foot separation distance from another Liquor Establishment (Tavern) use, a 1,200-foot distance separation from a religious facility, and a 1,340-foot distance separation from a school where a minimum 1,500-foot separation is required. Staff supports the waiver 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.

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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.
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.

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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 12/yk).

<i>Most Recent Change of Ownership</i>	
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06/08/11	A deed was recorded for a change in ownership.
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<i>Related Building Permits/Business Licenses</i>	
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11/25/09	Business License #L16-00314 was issued for a Liquor Establishment (Tavern) at 450 Fremont Street, Suite 130. Business operations ceased on 1/25/11, with the Special Use Permit entitlement expiring 180 days after on 07/27/11.
06/28/11	Business License #G04-07293 was issued for Retail Kiosk at 450 Fremont Street. The license is still active.

<i>Pre-Application Meeting</i>	
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09/20/11	A Pre-Application meeting was held with the applicant to discuss the requirements for a Liquor Establishment (Tavern) use on the second floor at 450 Fremont Street, Suite #130. The issue of what suite number would be used for this business was discussed.
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<i>Neighborhood Meeting</i>	
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A neighborhood meeting was not required, nor was one held.	
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<i>Field Check</i>	
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09/29/11	Staff conducted a field visit to the site and found a vacant suite in the Neonopolis complex. The proposed location is on the second floor but has a main entrance on the ground level. The site was clean and well maintained.
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<i>Details of Application Request</i>	
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<i>Site Area</i>	
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Net Acres	2.75
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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>
Subject Property	Retail	C (Commercial)	C-2 (General Commercial)
North	Hotel	C (Commercial)	C-2 (General Commercial)
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	Yes	No	Compliance
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

YK

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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.

<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
1,500 feet from another Liquor Establishment (Tavern)	A zero-foot distance separation from another Liquor Establishment (Tavern)	Approval
1,500 feet from a religious facility	A 1,200-foot distance separation from a religious facility	Approval
1,500 feet from a school	A 1,340-foot distance separation from a school	Approval

ANALYSIS

The applicant proposes to reestablish a Liquor Establishment (Tavern) use within a 22,160 square-foot, second floor portion of a previously entitled Tavern use. A Special Use Permit (U-0063-02) was previously approved for a Liquor Establishment (Tavern), but the entitlement expired after the business ceased for more than 180 days. This is the second of two new taverns to be created by the subdivision of the previous tavern by way tenant improvement permits. One tavern will be located on the first floor and the second will be located on the second floor with a first floor entrance.

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 original alcohol and restaurant uses that were originally approved for the suite.

Pursuant to Title 19.12.050 and 070, Waivers of required distance separation may be requested for Liquor Establishment (Tavern) uses proposed within the Central Casino Core of the Downtown Centennial Plan. Staff recommends approval of the requested Waivers, as the proposed use meets the intent of the Downtown Centennial Plan - Casino Core District and will be in a location that has previously operated as a Liquor Establishment (Tavern) use without incident.

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The proposed Liquor Establishment (Tavern) use can be conducted in a manner that is harmonious and compatible with the existing adjacent land uses; therefore, 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.

The subject site was previously approved by Special Use Permit (U-0063-02) as a Liquor Establishment (Tavern) with Waivers of the minimum 1,500-foot distance separation requirement from a religious facility, a Liquor Establishment (Tavern), and a school. This entitlement has since expired; however, this proposal can be conducted in a manner that is harmonious and compatible with the existing surrounding land uses as had been previously demonstrated.

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

The proposed location has previously operated as a Liquor Establishment (Tavern) use and 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. Requested waivers of distance separation requirements are supported due to the location of the site within the Downtown Centennial Plan – Casino Core District.

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 Liquor Establishment (Tavern).

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.

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A Liquor Establishment (Tavern) 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 Liquor Establishment (Tavern) use does not meet the minimum separation distance requirements. A Waiver has been requested by the applicant to allow no separation distance from a Liquor Establishment (Tavern), a 1,200-foot distance separation from a religious facility, and a 1,340-foot separation distance from a school where a minimum 1,500-foot distance separation is required. There is no anticipated impact to the surrounding Downtown Casino Core District with the reestablishment of this use; therefore, approval of the waiver request is recommended.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

33

NOTICES MAILED

215 (By City Clerk)

APPROVALS

1

PROTESTS

1