



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MARCH 25, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-37385 - APPLICANT/OWNER: THE ARTS FACTORY

**** CONDITIONS ****

Staff recommends APPROVAL, subject to conditions:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for an Urban Lounge use.
2. This approval shall be void one year 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.
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 for a Special Use Permit for a 1,385 square-foot Urban Lounge located at 107 East Charleston Boulevard, Suite #150. The proposed use meets all the Title 19.04 standards for an Urban Lounge 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.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
c. 1947	The existing structure at 107 East Charleston Boulevard was constructed.
12/21/83	The City Council approved a request for a Variance (V-0111-83) to allow the sale of used furniture at 107 East Charleston Boulevard. The Board of Zoning Adjustment recommended approval of the request.
01/19/00	The City Council approved a request for a Special Use Permit (U-0122-99) on a property located at 107 East Charleston Boulevard for a 14 foot by 48 foot Off-Premise sign. The Planning Commission recommended approval of the request.
01/08/03	The City Council approved a Special Use Permit (SUP-1146) for a Restaurant Service Bar at 103 East Charleston Boulevard. The Planning Commission recommended approval of the request.
09/20/06	The City Council approved a Special Use Permit (SUP-15038) request for a proposed Gaming Establishment, General Business-Related at 103-123 East Charleston Boulevard. The Planning Commission recommended approval of the request.
09/20/06	The City Council approved a Site Development Review (SDR-15035) request for a Site Development Plan Review for a proposed 4,930 square-foot Urban Lounge and waivers of Downtown Centennial Plan streetscape and build-to-line standards on 0.13 acres at 103-123 East Charleston Boulevard. The Planning Commission and staff recommended approval of the request.
09/20/06	The City Council approved a Special Use Permit (SUP-15039) request for a proposed Urban Lounge at 103-123 East Charleston Boulevard. The Planning Commission and staff recommended approval of the request.

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11/05/08	The City Council approved a request for an Extension of Time (EOT-29992) of an approved Special Use Permit (SUP-15038) for a proposed Gaming Establishment, General Business-Related at 103-123 East Charleston Boulevard that expires 09/20/10.
11/05/08	The City Council approved a request for an Extension of Time (EOT-29994) of an approved Special Use Permit (SUP-15039) for a proposed Urban Lounge at 103-123 East Charleston Boulevard that expires 09/20/10.
<i>Related Building Permits/Business Licenses</i>	
01/21/03	A business license (C11-07412) was issued for a contractor license at 107 East Charleston Boulevard Suite #150. The license is still active.
08/05/94	A business license (Q09-00053) was issued for architectural studios at 107 East Charleston Boulevard Suite #150. The license is still active.
06/14/99	A building permit (#99011645) was issued for tenant improvement at 107 East Charleston Boulevard Suite #150. The permit expired on 12/24/99.
<i>Pre-Application Meeting</i>	
02/05/10	A pre application meeting was held with the applicant where the submittal requirements for a Special Use Permit were discussed. Topics included: • A brief discussion on the suite number for the proposed use. • There was a discussion about the minimum Special Use requirements regarding an Urban Lounge use.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	
<i>Field Check</i>	
02/18/10	During a routine site inspection performed by staff, the subject property was noted as a well maintained commercial development.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.64

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail/restaurant	C (Commercial)	C-2 (General Commercial)
North	Vacant/Laundry	MXU (Mixed-Use)	C-2 (General Commercial)
South	Retail	C (Commercial)	C-2 (General Commercial)
East	Parking lot	C (Commercial)	C-2 (General Commercial)
West	Retail	C (Commercial)	C-2 (General Commercial)

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan (18b Las Vegas Art District)	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Las Vegas Redevelopment Plan (Downtown Redevelopment Area)	X		Y
Live/Work Overlay District	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Per Title 19.04.010 and Title 6.50, the following standards apply:

Urban Lounge Requirements	Bar Seats	Lounge Seats (Required: 2 per bar seat)	Compliance
Urban Lounge	9	27	Y

ANALYSIS

This request is for a Special Use Permit to allow an Urban Lounge at 107 East Charleston Boulevard Suite #150. An Urban Lounge is defined by Title 19 as “an establishment that is licensed for the sale of alcoholic beverages for consumption on the premises where the same are sold, and the sale, to consumers only and not for resale, of alcoholic beverages in original sealed or corked containers, for consumption off the premises where the same are sold.” To qualify as an Urban Lounge, the proposed use must meet all three minimum Special Use Permit requirements: the use must be within the boundaries of the Las Vegas Arts District; for each seat provided at the bar of the establishment, there must be a minimum of two seats within a lounge area located away from the bar; and the use is subject to the provisions of Chapter 6.50 relating to liquor control.

The proposed use is located at the northeast corner of Casino Center Boulevard and Charleston Boulevard. This area is within the boundaries of 18b, the Las Vegas Arts District. The total square footage of the proposed use is 1,385 square feet, seating 36 patrons. The floor plan shows nine seats at the bar and 27 additional seats within the lounge area. This proposed floor plan meets the minimum requirements for a Special Use Permit.

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There is a previously approved Urban Lounge to the east, however, there is no distance separation requirement for urban lounges within the Arts District. Per Title 19.06.060, projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. Parking for an Urban Lounge use is determined on a case-by-case basis. Though the parking area onsite is limited, the use at this site will rely heavily on offsite parking in the street and in area parking structures and walk-up traffic.

Per the submitted floor plan date stamped February 09, 2010, a semicircular concrete landing and stairs will be added east of the proposed lounge. The landing and stairs will provide access to the outside from the proposed lounge. The proposed use meets all of the minimum Special Use Permit requirements of Title 19.04 for an Urban Lounge, and can be conducted in a manner that is harmonious and compatible with existing surrounding land uses. Therefore, staff recommends approval.

FINDINGS

The following findings must be made for a Special Use Permit:

- 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 Urban Lounge use is compatible within the subject building and with other uses on surrounding properties.

- 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 Urban Lounge use.

- 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.”**

Site access is provided from Charleston Boulevard, a 100-foot Primary Arterial, and Boulder Avenue, an 80-foot Secondary Collector as designated in the Master Plan of Streets and Highways. These streets provide adequate access to and from the subject property.

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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 Urban Lounge will be subject to regular inspection for licensing purposes and will not compromise the public health, safety and welfare.

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

The proposed lounge meets all applicable requirements for an Urban Lounge and is therefore in compliance with all conditions of Title 19.04.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 18

NOTICES MAILED 474

APPROVALS 7

PROTESTS 2