



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JUNE 24, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: FATPAK, LLC - OWNER: MELE PONO HOLDING COMPANY

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-38251	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

SUP-38251 CONDITIONS

Planning and Development

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 a business license has been issued to conduct the activity. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Pursuant to Title 6.50.250, live entertainment shall be provided at least four nights per week
4. All signage shall conform to the Las Vegas Scenic Byway standards and shall receive approval from the Downtown Design Review Committee (DDRC) prior to the issuance of sign permits.
5. 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.
6. These Conditions of Approval shall be affixed to the cover sheet of the plan set submitted for building permit.

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7. Approval of this Special Use Permit does not constitute approval of a liquor license.
8. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
9. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

10. Per Downtown Centennial Threshold requirements, sign a Covenant Running with Land agreement for the possible future installation of public improvements (including undergrounding overhead utility lines and Downtown Centennial Plan Streetscape standards) on Las Vegas Boulevard and the public alley adjacent to this site. The Covenant agreement must be recorded with the County Recorder and a copy of the recorded document must be provided to the City prior to the issuance of building permits for this site.
11. The proposed balcony railing, wall, or barrier separating the dining area from the Las Vegas Boulevard and Fremont Street shall be set back a sufficient distance, as determined by the Traffic Engineer, to provide a buffer between patrons, vehicular traffic, and the existing traffic signal pole.
12. Submit an Encroachment Agreement for all landscaping and private façade improvements, including the aerial encroachment of the proposed balcony in the Fremont Street and Las Vegas Boulevard public rights-of-way adjacent to this site.
13. Prior to the recordation of the Encroachment Agreement, provide proof, acceptable to the City Engineer, that the proposed balcony will be able to structurally support improvements and the occupancy associated with its new use. No new columns or structural supports that impede pedestrian access on any sidewalk shall be allowed in the public right-of-way.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed 6,846 square-foot Tavern-Limited Establishment within an existing commercial building at 107 South Las Vegas Boulevard. The applicant is proposing façade modifications and the addition of a 591 square-foot balcony to the existing building. A Site Development Plan Review is not required, as the proposed addition is less than 10% of the total floor area of the existing building. Located within the Downtown Centennial Entertainment Overlay District, the proposed use will add to the entertainment offered along Fremont East with live entertainment provided four nights a week. Staff is recommending approval of this request, as the proposed use is appropriate for the Downtown Entertainment Overlay District and can be conducted in a manner that is compatible with the adjacent surrounding uses. 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</i>	
12/16/64	The City Council approved a Rezoning (Z-0100-64) to reclassify property in the area generally bounded by Main Street, Bonanza Road, Las Vegas Boulevard and Charleston Boulevard from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial) and C-V (Civic) to C-2 (General Commercial).
10/02/02	The City Council approved Ordinance 5521 which created the Downtown Overlay District.
04/20/05	The City Council approved a request for a Special Use Permit (SUP-6143) for a 3,040 square-foot Tavern Limited Establishment at 111 Las Vegas Boulevard South. The Planning Commission and Staff recommended approval.
08/17/05	The City Council approved a request for a Special Use Permit (SUP-6944) for a Tavern at 511 Fremont Street. The Planning Commission and Staff recommended approval.
11/08/05	The Downtown Entertainment Overlay District Design Review Team approved a request for an exterior façade and signage project (ARC-9826) for an existing 3,700 square-foot building located at 111 South Las Vegas Boulevard.
02/15/06	The City Council approved a request for a Special Use Permit (SUP-10530) for a Tavern Limited Establishment at 111 South Las Vegas Boulevard. The Planning Commission and staff recommended approval.

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02/15/06	The City Council approved a request for a Special Use Permit (SUP-10534) for a Tavern-Limited Establishment at 501 and 503 East Fremont Street. Planning Commission and staff recommended approval.
03/19/08	The City Council approved a request for a Major Amendment (SUP-26246) of an approved Special Use Permit (SUP-10534) to increase the square footage from 5,235 square feet to 8,855 square feet of a Tavern Limited Establishment at 501 and 503 Fremont Street. Planning Commission and staff recommended approval.
07/08/08	The Downtown Entertainment Overlay District Design Review Team approved a request for a Major Modification (ARC-28881) to an approved Master Sign Plan (ARC-9826) to allow a five-foot aerial encroachment for an existing Tavern Limited Establishment at 111 South Las Vegas Boulevard.

Most Recent Change of Ownership

01/06/05	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

01/25/07	A business license (L38-00003) was issued for a Tavern-Limited Establishment at 111 South Las Vegas Boulevard. The license is active.
01/25/07	A business license (M06-02923) was issued for general retail sales at 111 South Las Vegas Boulevard. The license is active.
07/20/07	A business license (C05-98383) was issued for tobacco sales at 107 South Las Vegas Boulevard. The license was marked out of business on 11/29/08.
07/20/07	A business license (M06-98382) was issued for general retail sales at 107 South Las Vegas Boulevard. The license was marked out of business on 12/01/08.
08/15/07	A business license (L27-00094) was issued for a special event at 503 Fremont Street. The license was marked out of business on 09/21/07.
11/17/07	A business license (L38-98315) was issued for a Tavern-Limited Establishment at 107 South Las Vegas Boulevard. The license was marked out of business on 03/03/08.

Pre-Application Meeting

04/28/10	The following items were discussed at the pre-application meeting: • A Special Use Permit is required for a Tavern-Limited Establishment. • The Department of Public Works recommended a seven-foot wide or less balcony along Las Vegas Boulevard to avoid conflict with on-coming traffic. • Gaming is not permitted within the Downtown Entertainment District
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<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Field Check</i>	
05/20/10	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	0.45

<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 Commercial Building	C (Commercial)	C-2 (General Commercial)
North	Parking Lot / General Retail	C (Commercial)	C-2 (General Commercial)
South	Office, Other than Listed	C (Commercial)	C-2 (General Commercial)
East	General Retail	C (Commercial)	C-2 (General Commercial)
West	Fremont Street / Garage	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 – Fremont East District	X		Y
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District – 200 Feet	X		Y
Downtown Entertainment Overlay District	X		Y
Live/Work Overlay District	X		Y
Las Vegas Boulevard Scenic Byway Overlay District	X		Y
Trails – Cultural Corridor	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

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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>		
			<i>Regular</i>	<i>Handi-capped</i>	<i>Regular</i>	<i>Handi-capped</i>	
Tavern-Limited Establishment	5,240 SF	1:50 Public Seating Area	105		0		
	1,606 SF	1:200 Remaining SF	8				
TOTAL SPACES REQUIRED			113		0		
TOTAL (With Handicapped)			108	5	0	0	Y

ANALYSIS

The site is located within the Downtown Entertainment Overlay District on a 0.45 acre parcel, at the southeast corner of Las Vegas Boulevard and Fremont Street. The intended use for the property is a Mexican themed restaurant and Tavern-Limited Establishment. The hours of operation will be Sunday through Wednesday from 7 a.m. through 2 a.m. and Thursday through Saturday from 7 a.m. through 5 a.m. Live Entertainment will be provided Wednesday through Saturday. Within the Downtown Entertainment Overlay District, a Tavern-Limited Establishment is a permitted use in the current C-2 (General Commercial) zoning district with the approval of a Special Use Permit. Specifically, the use complies with the intent of the Downtown Entertainment Overlay District of encouraging musical entertainment venues with live entertainment four nights a week. A condition of approval has been added requiring conformance with Title 6.50.250, which outlines the minimum live entertainment requirements within the Downtown Entertainment Overlay District.

There are existing liquor establishments in the immediate area; however, pursuant to Title 19.06.120(C) waivers for distance separation requirements are not necessary. Title 19.06.120(C) states, "For any liquor-serving establishment that is approved by means of a Special Use Permit for a parcel located within the [Downtown Entertainment Overlay] District, the distance separation requirements set forth in Chapter 19.04 shall not apply."

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The proposal consists of the addition of a 591 square-foot second floor balcony along Las Vegas Boulevard and Fremont Street. The proposed second floor balcony encroaches over the right-of-way along Fremont Street and Las Vegas Boulevard; as such, the Department of Public Works has added a condition requiring an encroachment agreement. The proposal also includes decorative façade improvements that will not increase the square footage of the existing building but will increase the building height from 27 feet to 42 feet. The proposed façade improvements provide an aesthetic improvement to the existing building and surrounding area. The color and material palette for the proposed façade includes perforated metal, concrete tile, stone veneer, wood, tile, aluminum framing, and paint. A Site Development Plan Review is not required for the proposed improvements to the existing building, as the proposed 591 square-foot addition does not exceed 10% of the existing floor area, as outlined by the Downtown Centennial Plan Area Threshold Requirements.

In addition to the façade improvements, the applicant is providing signage along Fremont Street and Las Vegas Boulevard. Concepts of the signage are included on the elevation plans dated 05/25/10; however, the signage is not included with the proposed Special Use Permit for a Tavern-Limited Establishment use. The subject site is located within the Las Vegas Scenic Byway Overlay District and the Downtown Centennial Plan – Fremont East District. The signage must be approved by the Downtown Design Review Committee and must conform to the Las Vegas Scenic Byway Standards. A condition of approval has been added requiring approval from the Downtown Design Review Committee prior to issuance of building permits for signage.

The Downtown Centennial Plan requires that all power lines be located underground from the nearest street access to the project site. The Department of Public Works has added a condition which requires a covenant running with land as it relates to the existing utilities for the possible and future installation of all underground utilities and Downtown Centennial Plan Streetscape Standards.

Direct access is provided to the site from Fremont Street, where 22 on-street metered parking spaces are provided with service access provided from a rear alley. Pursuant to the Downtown Centennial Plan and Title 19.06 the on-site parking requirements set forth in Chapter 19.10 shall not apply. The applicant is accommodating the parking requirements with the public parking garages located in the immediate area.

The site meets the overall intent of the Downtown Entertainment Overlay District of encouraging musical entertainment venues. The proposed elevation changes will result in a building that is more aesthetically pleasing and more compatible with the adjacent surrounding properties. As conditioned, the site meets the minimum requirements of the Downtown Centennial Plan – Fremont East District and the Las Vegas Scenic Byway. Therefore, staff is recommending approval of this request.

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FINDINGS (SUP-38251)

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 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 can easily accommodate a Tavern-Limited Establishment land use. The parking requirements are being accommodated through the use of public parking garages located in the immediate area, as well as street parking.

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 site is served by Fremont Street, an 80-foot Secondary Collector as designated by the Master Plan of Streets and Highways. This thoroughfare can accommodate the proposed Tavern-Limited Establishment 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 Downtown Centennial Plan refers to Title 19.04 for applicable conditions of the Tavern-Limited Establishment use in the Fremont East District. A waiver of the distance separation requirement from another Tavern-Limited Establishment use is not required per Title 19.06.120(C). The proposed use meets all conditions per Title 19.04.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 22

NOTICES MAILED 213

APPROVALS 0

PROTESTS 0