



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JULY 29, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: APPLICANT: MAMITA'S RESTAURANT - OWNER:
ENCRYPTIC, LLC**

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-38581	Staff recommends APPROVAL, subject to conditions:	N/A

** CONDITIONS **

SUP-38581 CONDITIONS

Planning and Development

1. Conformance to the approved conditions for Special Use Permit (U-0117-99).
2. Pursuant to Title 6.50.250, live entertainment shall be provided at least four nights per week.
3. 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.
4. 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.
5. All signage shall receive approval from the Downtown Design Review Committee (DDRC) prior to the issuance of sign permits.
6. These Conditions of Approval shall be affixed to the cover sheet of any 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. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

9. Submit an Encroachment Agreement for all the outdoor dining facilities and any other private improvements in the Fremont Street public right-of-way adjacent to this site.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a Tavern-Limited Establishment use within an existing restaurant with seating for over 30 people with Beer/Wine/Cooler On-Sale at 611 Fremont Street, Suite #1. The restaurant is currently 1,800 square feet, with 950 square feet of dining area. The applicant is proposing to add 120 square feet of outdoor seating and dining area on the sidewalk along Fremont Street. The applicant will provide live entertainment a minimum of four nights per week. Staff recommends approval of this request, as it can be conducted in a manner that is compatible with the surrounding uses. If this application is denied, the restaurant with the existing Beer/Wine/Cooler On-Sale use would remain.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
03/22/99	The City Council approved Special Use Permit (U-0154-98) at 611 Fremont Street, Suite #20 for the Off-Premise Sale of Beer and Wine in conjunction with an existing Market/Deli. The Planning Commission and staff recommended denial.
01/05/00	The City Council approved Required Six Month Review [U-0154-98(1)] of a Special Use Permit (U-0154-98) at 611 Fremont Street, Suite #20 for the Off-Premise Sale of Beer and Wine in conjunction with an existing Market/Deli.
01/05/00	The City Council approved Special Use Permit (U-0117-99) at 611 Fremont Street, Suite #1 for the On-Premise Sale of Beer and Wine in conjunction with a proposed restaurant. The Planning Commission and staff recommended approval.
04/16/03	The City Council approved Review of Condition #2 (ROC-1770) of an Approved Special Use Permit (U-0154-98) which prohibited the sale of individual containers of any size of beer, wine coolers or screw cap wine for an existing Market/Deli located at 611 Fremont Street, Suite #20. The Planning Commission and staff recommended denial.
04/07/04	The City Council approved Required One Year Review (RQR-3881) of an approved Review of Condition (ROC-1770) which deleted condition # 2 of an approved Special Use Permit (U-0154-98) prohibiting the sale of individual containers of any size of beer, wine coolers or screw cap wine for an existing market at 611 Fremont Street, Suite # 20. The Planning and Development staff recommended denial.

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04/06/05	The City Council approved Required One Year Review (RQR-6141) of an approved Review of Condition (ROC-1770) which deleted condition # 2 of an approved Special Use Permit (U-0154-98) Prohibiting the sale of individual containers of any size of beer, wine coolers or screw cap wine for an existing market Fremont Family Market and Deli at 611 Fremont Street, Suite 20. The Planning and Development staff recommended denial.
04/05/06	The City Council approved Required One Year Review (RQR-12041) of an approved Review of Condition (ROC-1770) which deleted condition # 2 of an approved Special Use Permit (U-0154-98) Prohibiting the sale of individual containers of any size of beer, wine coolers or screw cap wine for an existing market Fremont Family Market and Deli at 611 Fremont Street, Suite # 20. The Planning and Development staff recommended denial.

<i>Most Recent Change of Ownership</i>	
08/25/08	A deed was recorded for a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
C.1946	The building was constructed in 1946.
04/30/98	A building permit (98009110) was issued for rehab of the building shell at 611 Fremont Street. The permit was finaled on 05/15/98.
04/31/98	A building permit (98007537) was issued for Tenant Improvement Remodel at 611 Fremont Street, Suite #1. The permit was finaled on 05/27/98.
07/08/98	A business license (C05-01891) was issued for Tobacco Dealer use at 611 Fremont Street, Suite #20. The license is presently active.
07/22/98	A business license (C15-00209) was issued for a Convenience Store use at 611 Fremont Street, Suite #20. The license is presently active.
04/05/99	A building permit (99006463) was issued for a Non-Work Certificate of Occupancy at 611 Fremont Street, Suite #1. The permit was finaled on 04/09/99.
07/12/99	A business license (L09-00108) was issued for a Beer/Wine/Cooler Off-Sale Establishment use at 611 Fremont Street, Suite #20. The license is presently active.
10/20/99	A business license (L09-00108) was issued for a Beer/Wine/Cooler On-Sale Establishment at 611 Fremont Street, Suite #1. The license was marked out of business on 05/02/08.
07/06/00	A building permit (12611) was issued for Tenant Improvement Remodel at 611 Fremont Street, Suite #1. The permit was finaled on 10/13/00.
05/07/08	A business license (L09-00108) was issued for a Beer/Wine/Cooler On-Sale Establishment use at 611 Fremont Street, Suite #1. The license is presently active.

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06/25/09	A business license (R09-00373) was issued for a Restaurant-Seating 30 or more at 611 Fremont Street, Suite # 1. The license is presently active.
05/26/10	A business license application was submitted for a Tavern-Limited Establishment at 611 Fremont Street, Suite #1. The license is pending approval of SUP-38581.

<i>Pre-Application Meeting</i>	
05/26/10	A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit for Tavern-Limited Establishment use were discussed. Topics included: The submittal of application materials, meeting dates, and deadlines were discussed.

<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor has one been conducted.	

<i>Field Check</i>	
06/24/10	Staff conducted a field check of the subject property and noted a well maintained restaurant.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.15

<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	Restaurant/General Retail	C (Commercial)	C-2 (General Commercial)
North	Casino	C (Commercial)	C-2 (General Commercial)
South	Parking Commercial	C (Commercial)	C-2 (General Commercial)
East	Parking Commercial	C (Commercial)	C-2 (General Commercial)
West	Vacant Building	C (Commercial)	C-2 (General Commercial)

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Master Plan Areas	Yes	No	Compliance
Master Plan Area			
Downtown Centennial Plan (Fremont East)	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	N/A
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

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
Restaurant / Tavern-Limited Establishment	1070 SF 850 SF	1/50SF 1/200SF	27		0		N
Convenience Store / Beer/Wine / Cooler Off-Sale Establishment	1900 SF	1/175 SF	11		0		N
General Retail (Less than 3,000 SF)	2680 SF	1/175 SF	16		0		N
TOTAL SPACES REQUIRED			54		0		N
TOTAL (With Handicapped)			51	3	0	0	N

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.

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ANALYSIS

The existing restaurant contains 850 square feet of kitchen/service area and 950 square feet of dining and seating area, with an additional proposed 120 square feet of outdoor dining and seating area, for a total of 1,920 square feet. The applicant will provide live entertainment a minimum of four nights per week. 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 is located in the Downtown Centennial Plan (Fremont East District) and the Entertainment Overlay District; as such, the parking standards of Title 19 are not automatically applied. The applicant is providing no on-site parking, but has two off-site parking lots adjacent to the subject property. Pedestrian access is provided to the subject site, via the sidewalks along Fremont Street. The proposed Tavern-Limited Establishment use meets all minimum Special Use Permit Requirements of Title 19.04. Staff recommends approval, as this use can be conducted in a manner that is compatible with surrounding uses.

FINDINGS (SUP-38581)

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 use will be located within an existing restaurant. The proposed use can be conducted in a manner that is harmonious and compatible with the use in the existing site and with the uses on adjacent 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 use. The proposed Tavern-Limited Establishment use is located in the Downtown Centennial Plan (Fremont East District) and the Entertainment Overlay District; as such, the parking standards of Title 19 are not automatically applied.

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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.

Site access is provided from Fremont Street, an 80-foot Secondary Collector as designated in the Master Plan of Streets and Highways and 7th Street, an 80-foot right-of-way. These streets are sufficient in size to accommodate the needs 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.

Approval of the proposed Special Use Permit will not compromise the public health, safety and general welfare, as the use will be subject to regular inspections.

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

The proposed use will be located within the existing within an existing restaurant with seating for over 30 people with Beer/Wine/Cooler On-Sale and complies with the minimum Special Use Requirements for a Tavern-Limited Establishment use.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

25

NOTICES MAILED 230

APPROVALS 0

PROTESTS 0