



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 26, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: THE BEAT, LLC - OWNER: EXBER, INC.

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-38824	Staff recommends APPROVAL, subject to conditions:	N/A

** CONDITIONS **

SUP-38824 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Tavern-Limited Establishment use.
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. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

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6. Approval of this Special Use Permit does not constitute approval of a liquor license.
7. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
8. 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 Tavern-Limited Establishment use within an existing restaurant with seating for fewer than 30 people at 520 Fremont Street. The restaurant is currently 1,900 square feet, with 1,140 square feet of seating and dining area. 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 use would remain.

ISSUES

- The use is permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
04/13/10	The Downtown Design Review Committee approved a Master Sign Plan (ARC -37851) for an existing building at 520 Fremont Street.

<i>Most Recent Change of Ownership</i>	
05/01/70	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
C.1951	The building was constructed in 1951.
02/09/94	A business license (C14-00048) was issued for Clinic/Lab/X-ray and Imaging use at 520 Fremont Street. The license was marked out of business on 10/04/07.
03/20/98	A business license (Q02-00064) was issued for Health Care Services use at 520 Fremont Street. The license was marked out of business on 10/04/07.
11/15/01	A business license (Q07-00709) was issued for Medical Office use at 520 Fremont Street. The license was marked out of business on 10/04/07.
03/19/10	A building permit (159058) was issued for a Non-Work Certificate of Completion at 520 Fremont Street. The permit was finalized on 03/19/10.

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04/02/10	A business license (A48-00237) was issued for Art Gallery-Retail use at 520 Fremont Street. The license is presently active.
04/21/10	A business license (G04-07109) was issued for Gifts and Novelties use at 520 Fremont Street. The license is presently active.
05/03/10	A building permit (162153) was issued for a plumbing at 520 Fremont Street. The permit was finalized on 06/28/10.
05/03/10	A building permit (162052) was issued for a 154 square-foot sign at 520 Fremont Street. The permit was finalized on 06/30/10.
06/01/10	A business license (R07-00910) was issued for a Restaurant-Seating less than 30 people at 520 Fremont Street. The license is presently active.

Pre-Application Meeting

03/25/10	A pre application meeting was held with the applicant where the submittal requirements for a Special Use Permit were discussed. Topics included: • Any new signage must conform to ARC-37581. • A Tavern-Limited license shall provide live entertainment at least four nights per week and no restricted-gaming. • The building is located in the Downtown Centennial Plan; therefore, Title 19 parking requirements are not automatically applied.
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Neighborhood Meeting

A neighborhood meeting was not required, nor was one held.
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Field Check

07/22/10	Staff conducted a field check and noted a well maintained retail building, free of trash and debris.
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Details of Application Request

Site Area

Net Acres	0.23
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<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	Art Galley/ General Retail / Restaurant	C (Commercial)	C-2 (General Commercial)
North	Entry Driveway for El Cortez Hotel	C (Commercial)	C-2 (General Commercial)

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South	General Retail/Taverns	C (Commercial)	C-2 (General Commercial)
East	Hotel/Casino	C (Commercial)	C-2 (General Commercial)
West	General Retail/Parking Lot	C (Commercial)	C-2 (General Commercial)

Master Plan Areas	Yes	No	Compliance
Master Plan Area			
Downtown Centennial Plan (Fremont East District)	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 (200 feet)	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	
Art Gallery-Retail	8,195 SF	1/175 SF	47		0		N
Restaurant / Tavern-Limited Establishment	1,140 SF 760 SF	1/50 SF 1/200 SF	27		0		N
Office	19,780 SF	1/300 SF	66		0		N
TOTAL SPACES REQUIRED			145		0		N
TOTAL (With Handicapped)			140	5	0	0	N

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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.

ANALYSIS

The existing restaurant contains 760 square feet of kitchen/service area and 1,140 square feet of dining and seating area, for a total of 1,900 square feet. The existing restaurant hours of operation are from 7 a.m. to 7 p.m.; the proposed Tavern-Limited Establishment hours of operation would be from 7 p.m. to 2 a.m. with no one under the age of 21 permitted after 7 p.m. 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 there are multiple off-site parking lots within 325 feet 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, and is an encouraged use within the Fremont East Entertainment District.

FINDINGS (SUP-38824)

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.

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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.

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 an existing restaurant with seating for under 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

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NOTICES MAILED

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APPROVALS

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PROTESTS

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