



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 26, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: THE LADY SILVIA, INC. - OWNER: RETAIL 130, INC.

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-38842	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

SUP-38842 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for an Urban Lounge use.
2. A Minor Site Development Plan Review shall be submitted to and approved by the Planning and Development Department, as required by the Downtown Centennial Plan, before any outdoor seating is installed.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the new construction, a business license has been issued to conduct the activity, a non-work certificate of occupancy has been issued, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Any proposed exterior commercial signage will require approval by the Downtown Development Review Committee (DDRC) prior to submitting for a signage permit.
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.

Conditions Page Two
August 26, 2010 - Planning Commission Meeting

6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
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. Submit an Encroachment Agreement for all the outdoor dining facilities and any other private improvements in the Hoover Avenue public right-of-way adjacent to this site.

Staff Report Page One
August 26, 2010 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed 3,937 square-foot Urban Lounge with Outdoor Dining Area at 900 South Las Vegas Boulevard, Suite #140. The applicant seeks to establish the Urban Lounge use in order to provide a commercial presence for the ground-floor retail portion of the existing mixed-use development. This service is sought for both the residents of the condominium and the downtown residents-at-large and requires no waivers. The proposed use can meet all minimum requirements for an Urban Lounge and can be conducted in a manner that is harmonious and compatible with the surrounding land uses; therefore, staff recommends approval. If denied, the Urban Lounge use would not be allowed.

ISSUES

- Per Title 19.04, the Urban Lounge use is permissible only upon approval of a Special Use Permit that demonstrates conformance to the minimum requirements.
- The Outdoor Dining Area requires an approved Minor Site Development Plan Review per the Downtown Centennial Plan.
- Any proposed exterior signage shall be approved by the Downtown Development Review Committee and must comply with the Scenic Byway Overlay standards prior to issuance of a signage permit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
01/21/04	The City Council approved a Site Development Plan Review (SDR-3253) a Special Use Permit (SUP-3352) a Vacation (VAC-3409) for a 112-unit Mixed-Use Development with approximately 4,000 square feet of retail with Waivers of the Downtown Centennial Plan Stepback Standard and required Sidewalk Widths. The Planning Commission and Staff recommended approval on 12/18/03.
04/22/04	The Planning Commission approved a Major Amendment (SDR-4117) to an approved Site Development Plan Review (SDR-3253) to increase the number of units from 112 to 120 for a residential development with approximately 4,000 square feet of retail on 0.68 acres adjacent to the southwest corner of Las Vegas Boulevard and Hoover Street. Staff recommended approval.
11/02/04	A Final Map (FMP-4502) was recorded for a mixed-use subdivision with 120 residential and 2 commercial lots.

Staff Report Page Two
August 26, 2010 - Planning Commission Meeting

<i>Most Recent Change of Ownership</i>	
04/03/09	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
12/17/07	A Building Permit (#104212) was issued for a 1,319 square-foot commercial tenant improvement at 900 South Las Vegas Boulevard, suite 120. This permit was finalized on 11/06/08.
10/07/08	A Building Permit (#125690) was issued for the use of Suite 140 as an Art Gallery. This permit finalized 11/06/08
07/09/08	A change of location for a Beauty Salon (Business License #B05-02782) and Retail Beauty Supplies (Business License #B08-00691) was approved for 900 South Las Vegas Boulevard, Suite 130. The original licenses were approved 10/23/00.

<i>Pre-Application Meeting</i>	
07/02/10	A pre-application meeting was held with staff to discuss the submittal requirements for a Special Use Permit to operate an Urban Lounge within a mixed-use condominium. Staff briefed the applicant regarding the particular requirements for this type of use in 18b The Las Vegas Arts District and the additional administrative design review for the Outdoor Dining Area as required by the Downtown Centennial Plan.

<i>Neighborhood Meeting</i>	
A neighborhood meeting was neither required nor held for this request.	

<i>Field Check</i>	
07/23/10	A field check was conducted by staff. The site was found to provide adequate space to meet the requirements for an Urban Lounge with adjacent Outdoor Dining Area.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.71

Staff Report Page Three
August 26, 2010 - Planning Commission Meeting

<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	Mixed-Use Commercial/ Residential	MXU (Mixed-Use)	C-2 (General Commercial)
North	Office	MXU (Mixed-Use)	C-2 (General Commercial)
South	Restaurant	MXU (Mixed-Use)	C-2 (General Commercial)
East	Office	MXU (Mixed-Use)	C-2 (General Commercial)
West	Office	MXU (Mixed-Use)	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*
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Downtown Centennial Plan Overlay - 18b The Las Vegas Arts District	X		Y
Live/Work Overlay District	X		NA
Las Vegas Boulevard Scenic Byway Overlay District	X		NA
Trails		X	NA
Rural Preservation Overlay District		X	NA
Las Vegas Redevelopment Plan Area	X		Y
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

Per Title 19.04, the following seating is required for the Urban Lounge Use.

Urban Lounge Requirements	Bar Seating Provided	Lounge Seating Required	Lounge Seating Provided	Compliance
2 lounge seats for each seat at the bar	15	30	55	Y

Staff Report Page Four
August 26, 2010 - Planning Commission Meeting

ANALYSIS

This request is for a Special Use Permit to allow an Urban Lounge at 900 south Las Vegas Boulevard. 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.” The current MXU (Mixed-Use) land use designation and C-2 (General Commercial) zoning district allows the Urban Lounge use upon approval of a Special Use Permit. Parking requirements for the Urban Lounge use are determined on a case-by-case basis. The interior area of the proposed use covers 3,692 square feet with 245 square feet of Outdoor Dining Area for a total floor area of 3,937 square feet. For this proposal, staff finds that onsite parking has been addressed during the initial Site Development Plan Review that approved the commercial and residential parking provisions concurrently.

The following three Special Use Permit Minimum Requirements for an Urban Lounge use must be met for approval. The proposed use must be within the boundaries of the Las Vegas Arts District, there must be two seats within a lounge area for each seat at the bar, and the use is to be subject to the provisions of Chapter 6.50 relating to liquor control. Regarding the first requirement, the proposed location for the Urban Lounge is within the boundaries of 18b, The Las Vegas Arts District, at the southeast corner of Hoover Avenue and 4th Street. The floor plan shows 15 seats at the bar with 55 additional seats in the lounge area where 30 are required, satisfying the second condition. Regarding the required compliance to Chapter 6.50 of the Municipal Code, a condition of approval has been added and the Department of Business and Finance ensure compliance during the business licensing review process.

Staff recommends approval of the proposed use as it meets the Downtown Centennial Plan’s Urban Design Goals and Objectives by creating a pedestrian-friendly use on the ground floor of the existing mixed-use building. In addition, the Outdoor Dining and Entertainment Area promotes a use that enhances the vitality and livability of the downtown area. If denied, the Urban Lounge would not be permitted and the suite would remain vacant until a suitable use is established.

FINDINGS (SUP-38842)

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.**

Staff Report Page Five
August 26, 2010 - Planning Commission Meeting

The proposed Urban Lounge is a suitable use for the surrounding MXU (Mixed-Use) land use and meets the goals and objectives listed in the Downtown Centennial Plan to establish a pedestrian-friendly use of public sidewalks and similar pedestrian areas while providing economic opportunities for ground floor retail.

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

The subject site is physically suitable for the proposed Urban Lounge use. The proposed Urban Lounge use is located in the Downtown Centennial Plan (18b Las Vegas Arts District) which supports this type of proposal in order to create interesting pedestrian environments.

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 primarily from Hoover Street, a 72-foot wide right-of-way classified as a Local Street by the Master Plan of Streets and Highways, via Las Vegas Boulevard, 80-foot wide Major Street and 4th Street, an 80-foot wide one-way Collector Street. Adequate access to and from the subject property is provided from these three streets.

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 lounge meets all applicable requirements for an Urban Lounge and complies with the minimum Special Use Permit Requirements.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

21

NOTICES MAILED 677

APPROVALS 8

PROTESTS 1