



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 26, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: MGG, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-38865	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

SUP-38865 CONDITIONS

Planning and Development

1. Special Use Permit U-0200-00 is hereby expunged.
2. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for an Urban Lounge use.
3. 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.
4. Any proposed exterior commercial signage will require approval by the Downtown Development Review Committee (DDRC) prior to submitting for a signage permit.
5. 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.
6. 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.

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7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
8. Approval of this Special Use Permit does not constitute approval of a liquor license.
9. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
10. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

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

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Special Use Permit for an Urban Lounge with Outdoor Dining Area at an existing 7,186 square-foot Restaurant at 1204 South Main Street. The applicant proposes to remove the existing service bar in order to construct a separate bar and lounge area and also expand the alcohol service to a proposed 754 square-foot Outdoor Dining Area located along the southwest corner of California Street and Main Street. 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 with conditions. If denied, the existing Restaurant with Service Bar would continue without the Urban Lounge or Outdoor Dining Area.

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 will require an approved minor Site Development Plan Review as stated by the Downtown Centennial Plan.
- The conditions of approval associated with the existing entitlement (U-0200-00) for the Service Bar conflict with the current proposal and will be expunged.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
04/18/01	The City Council approved a request for a Special Use Permit (U-0200-00) for a proposed Restaurant Service Bar for the sale of liquor in conjunction with an existing restaurant and proposed restaurant addition and the accompanying Variance request (VAR-0086-00) to allow 23 parking spaces where 65 spaces are the minimum required. Planning Commission recommended approval for both requests on 03/08/2001.
08/07/02	The City Council approved a request for a Reinstatement and Extension of Time [U-0200-00(1)] of an Approved Special Use Permit which allowed a Restaurant Service Bar in conjunction with an existing Restaurant and proposed expansion thereof, located at 1202-1204 South Main Street.
08/03/05	The City Council approved a request for a Review of Condition Number 8 (ROC-7108) of an approved Special Use Permit (U-0200-00) to remove the requirement to construct all incomplete half-street improvements (streetlights) adjacent to the site on California Street prior to occupancy of the proposed expansion at 1204 South Main Street.

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06/20/07	The City Council approved a request for a Site Development Plan Review (SDR-21175) for a multi-phase Mixed Use Development including a 3,000 condominium units, 6,000 hotel rooms, a private sports arena, street level retail, office and exhibition space, and a casino at the southwest corner of Charleston Boulevard and Main Street. This entitlement and its related cases expired on 06/20/2009 with no subsequent request for an extension of time.
<i>Most Recent Change of Ownership</i>	
11/25/09	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
09/24/03	A business license (#L19-00008) was issued for a Restaurant Service Bar at 1204 South Main Street.
04/21/09	A business license (#R09-00041) was issued for a Restaurant at 1204 South Main Street. NOTE: This license was reclassified from R06-00209 on 09/28/95.

<i>Pre-Application Meeting</i>	
06/04/10	Staff held a pre-application meeting with the applicant to discuss the requirements for adding an Urban Lounge use to an existing Restaurant with Service Bar. The applicant was briefed on the following: • An Urban Lounge Use is permissible with an approved Special Use Permit in the Las Vegas Arts District. • An Urban Lounge requires two seats in a designated lounge area for each seat at the bar. • The existing Service Bar entitlement will be expunged if the proposed Urban Lounge is approved. • The Downtown Centennial Plan requires approval of a Minor Site Development Plan Review for the Outdoor Dining Area.

<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of request nor was one held.	

<i>Field Check</i>	
07/28/10	Staff performed an on-site inspection of the location and found the proposed Outdoor Dining Area would be feasible within the existing arcade area and a portion of the public right-of-way. It was noted that incidental signage was located on the wall of the adjacent property to the west.

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Details of Application Request	
Site Area	
Net Acres	0.33

Surrounding Property	Existing Land Use Per Title 19.04	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Restaurant with Service Bar	C (Commercial)	C-M (Commercial/Industrial) Zone
North	Upholstery Shop	C (Commercial)	C-M (Commercial/Industrial) Zone
South	Shop	C (Commercial)	C-M (Commercial/Industrial) Zone
East	Furniture Store	C (Commercial)	C-M (Commercial/Industrial) Zone
West	Photography Studio	LI/R (Light Industrial/Retail)	C-M (Commercial/Industrial) Zone

Master Plan Areas	Yes	No	Compliance
Master Plan Area			
Downtown Centennial Plan – 18b The Arts District	X		Y
Special Purpose and Overlay Districts	Yes	No	Compliance
Special Purpose and Overlay Districts			
Downtown Centennial Plan Overlay District	X		Y
Live/Work Overlay District	X		NA
Trails	X		NA
Rural Preservation Overlay District		X	NA
Las Vegas Redevelopment Plan Area	X		NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

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DEVELOPMENT STANDARDS

Urban Lounge Requirements	Bar Seating Provided	Lounge Seating Required	Lounge Seating Provided	Compliance
2 lounge seats for each seat at the bar	10	20	20	Y

ANALYSIS

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 C (Commercial) land use designation and C-M (Commercial/Industrial) zoning district allows the Urban Lounge use with an approved 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 7,186 square feet with 754 square feet of Outdoor Dining Area for a gross entitlement area of 7,940 square feet. For this proposal, staff finds that onsite parking will remain unchanged as the site currently operates as a Restaurant with Service Bar that has been granted a Variance to allow 23 spaces where 65 spaces were required. Since the approval of said Variance, the subject site has been included in the Downtown Centennial Plan which does not subject proposed uses to the automatic application of parking requirements in order to accommodate flexible parking alternatives.

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 southwest corner of California Street and Main Street. The floor plan shows 10 seats at the bar with the required twenty additional seats in the lounge area, 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 proposed Outdoor Dining Area promotes a use that enhances the vitality and livability of the downtown area. If approved, the applicant would relinquish the existing Service Bar use in exchange for the requested Urban Lounge use. If denied, the Urban Lounge would not be permitted and the Restaurant with Service Bar use would be permitted to continue operations.

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FINDINGS (SUP-38865)

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 Urban Lounge is a use unique to 18b The Las Vegas Arts District. The applicant's proposal 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 surrounding commercial uses by increasing pedestrian traffic.

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

The subject site has suitably accommodated the existing Restaurant with Service Bar use for the past nine years. The proposed Urban Lounge use will replace the existing Service Bar use with the Restaurant continuing operations. A minor increase in the intensity of use is anticipated; however, staff finds that the proposal meets the overall goals and objectives of the Downtown Centennial Plan and the Las Vegas Arts District by balancing the increase in demand with pedestrian-accessible amenities.

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.

Primary access to the site parking lot comes off of California Street, classified as a 74-foot wide right-of-way. Secondary access is provided via Main Street, classified as an 80-foot wide Secondary Collector by the Master Plan of Streets and Highways. The subject site is adequately served by both roads, while the corner location of California Street and Main Street provides good pedestrian access.

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 Urban Lounge use is consistent with the long term goals of the Las Vegas Arts District to provide businesses with lively, interesting businesses with street appeal. The Urban Lounge use, in combination with the Outdoor Dining Area, will provide a much needed community asset to the Las Vegas Arts District.

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

Upon approval of a Minor Site Development Plan Review for the Outdoor Dining Area portion as required by the Downtown Centennial Plan, this proposal will meet all of the applicable conditions as required for the Urban Lounge use.

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