



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: DECEMBER 16, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: THE VERDICT'S INN - OWNER: L'OCTAINE LIMITED PARTNERSHIP

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-40169	Staff recommends APPROVAL, subject to conditions:	N/A

** CONDITIONS **

SUP-40169 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Beer/Wine/Cooler On-Sale Establishment use.
2. Conformance to the approved conditions for Special Use Permit (U-0133-00) and Site Development Plan Review (SD-0049-00).
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. All signage shall receive approval from the Downtown Design Review Committee (DDRC) prior to the issuance of sign permits.
5. Approval of this Special Use Permit does not constitute approval of a liquor license.
6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

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- 7.All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.
- 8.All requirements and design standards of the Las Vegas Downtown Centennial Plan must be satisfied.

Public Works

- 9.Submit an Encroachment Agreement for all the outdoor dining facilities and any other private improvements in the Las Vegas Boulevard and Gass Avenue public rights-of-way prior to the issuance of any permits. The maintenance of said outdoor dining facilities in the public right-of-way shall be the responsibility of the adjacent property owner(s) and shall be transferred with the sale of the property for the entire term of the Encroachment Agreement.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a Beer/Wine/Cooler On-Sale Establishment use within an existing restaurant at 801 South Las Vegas Boulevard, Suite #110. The restaurant is currently 1,903 square feet and the applicant is proposing to add 200 square feet of outdoor seating and dining area on the sidewalks along Las Vegas Boulevard and Gass Avenue. 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 existing restaurant use would remain.

ISSUES

- A Beer/Wine/Cooler On-Sale Establishment 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>	
11/01/00	The City Council approved a request for a Special Use Permit (U-0133-00) for a 51-unit Multi-Family Development within a C-2 (General Commercial) zone at the southeast corner of the intersection of Gass Avenue and Las Vegas Boulevard. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Site Development Plan Review (SD-0049-00) for a 51-unit Multi-Family Residential Development with 3,260 square feet of Retail space, and for a Waiver of the Downtown Centennial Plan Streetscape Design and Landscape Standards, and for a Waiver of the Off-Street Parking requirements on 0.70 acres on the southeast corner of the intersection of Gass Avenue and Las Vegas Boulevard. The Planning Commission and staff recommended approval.

<i>Most Recent Change of Ownership</i>	
12/17/03	A deed was recorded for a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
12/23/03	A building permit (#03027080) was issued for an Apartment and Retail development at 801 South Las Vegas Boulevard. The project was completed on 12/30/05.
04/07/05	A building permit (#06002577) was issued for a Tenant Improvement of a Restaurant at 801 South Las Vegas Boulevard, Suite#110. The project was completed on 09/27/06.
06/12/06	A business license (R09-01350) was issued for a Restaurant at 801 South Las Vegas Boulevard, Suite #110. The license was marked out of business on 09/14/10.
10/21/10	A business license (R09-98665) was processed for a Restaurant at 801 South Las Vegas Boulevard, Suite #110. The Planning and Development Department approved the business license review on 10/26/10.
	A business license (D19-98668) was processed for an Entertainment Venue at 801 South Las Vegas Boulevard, Suite #110. The Planning and Development Department approved the business license review on 10/26/10.

<i>Pre-Application Meeting</i>	
10/19/10	A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit for Beer/Wine/Cooler On-Sale Establishment use were discussed. Topics included: • The minimum seating requirement for a Beer/Wine/Cooler On-Sale Establishment use within the restaurant is 30 people. • Any proposed signage requires a review by the Downtown Centennial Design Review Committee, and must conform to the requirements of the Las Vegas Boulevard Scenic Byway standards. • Outdoor seating would require approval of an Encroachment Agreement upon approval of the Special Use Permit.

<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

<i>Field Check</i>	
11/09/10	A site visit by staff noted that the subject suite for the proposed use is vacant.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.70

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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	Mixed-Use Development	MXU (Mixed Use)	C-2 (General Commercial)
North	Bail Bond Service	MXU (Mixed Use)	C-2 (General Commercial)
South	Office	MXU (Mixed Use)	C-2 (General Commercial)
East	Office	MXU (Mixed Use)	C-1 (Limited Commercial)
West	Dry Cleaners	MXU (Mixed Use)	C-2 (General Commercial)
	Retail		
	Pawn Shop		
	Social Service Provider		

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area			
Downtown Centennial Plan	X		Y
Special Purpose and Overlay Districts	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Downtown Centennial Plan Overlay District	X		Y
Live/Work Overlay District	X		Y
Las Vegas Boulevard Scenic Byway Overlay District	X		Y
Trails	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

DEVELOPMENT STANDARDS

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Las Vegas Boulevard	Primary Arterial	Master Plan of Streets and Highways	80	N
Gass Avenue	N/A	N/A	80	N/A

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<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>		
			Regular	Handi-capped	Regular	Handi-capped	
Restaurant	1,162 SF indoor seating area 200 SF outdoor seating area	1/50 SF	28				
	741 SF remaining area	1/200SF	4				
Recording Studio	1,993 SF	1/750 SF	3				
Multi-Family Residential	22 units (one bedroom units)	1.25/unit	28				
	24 units (two bedroom units)	1.75/unit	42				
	5 units (three bedroom units)	2/unit	10				
TOTAL SPACES REQUIRED			115		54		N
Regular and Handicap Spaces Required			110	5	51	3	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.

ANALYSIS

The applicant is proposing to add a Beer/Wine/Cooler On-Sale Establishment use within an existing restaurant. A Beer/Wine/Cooler On-Sale Establishment use is defined by Title 19.20.020 as “an establishment whose license to sell alcoholic beverages is limited to the sale of beer, wine and coolers for consumption only in connection with a meal on the premises where the same is sold, and is operated in connection with a restaurant in which thirty or more people may be served with meals at any one time at tables or stools.”

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The proposed Beer/Wine/Cooler On-Sale Establishment use is located in the Downtown Centennial Plan (Downtown South District), Live Work, and the Las Vegas Redevelopment Plan. The proposed use would not have a negative impact relating to the above mentioned Special Plan Areas. The subject property is located within the Las Vegas Boulevard Scenic Byway Overlay District. The intent of the Las Vegas Boulevard Scenic Byway Overlay District is to provide signage standards that will maintain and enhance the scenic qualities of this historic highway in accordance with the “scenic byway” designation. Therefore, prior to securing a sign permit, approval from the Downtown Design Review Committee (DDRC) is required for all signage, and a condition of approval has been added to address the issue. A proposed off-street bike path along Las Vegas Boulevard will not be negatively impacted.

The outdoor dining area is located in the public sidewalk area along Las Vegas Boulevard and Gass Avenue. The floor plan depicts 10 seats in the public sidewalk area and barriers are indicated surrounding the outdoor seating area. Pursuant to the Las Vegas Downtown Centennial Plan Outdoor Dining and Entertainment Standards, nothing shall be attached temporarily or permanently to the sidewalk. A condition of approval has been added to address the status of the outdoor dining and seating areas pursuant to the Las Vegas Downtown Centennial Plan. In addition, an Encroachment Agreement is required by the City of Las Vegas Department of Public Works to allow the outdoor dining area to be located in the right-of-way.

The property is located within the Las Vegas Downtown Centennial Plan area and is not subject to the automatic application of parking requirements pursuant to Title 19 parking standards. However, the restaurant will primarily service residents and workers in the area, with parking available in the surrounding streets. The proposed use complies with Title 19.04 minimum Special Use Permit Requirements and can be conducted in a manner that is compatible with existing and surrounding land uses; therefore, staff recommends approval with conditions.

FINDINGS (SUP-40169)

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 and meets distance separation requirements. 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 Beer/Wine/Cooler On-Sale Establishment use is located in the Downtown Centennial Plan (Downtown South District); therefore, 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 Las Vegas Boulevard and Gass Avenue. 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 complies with the minimum Special Use Permit Requirements for a Beer/Wine/Cooler On-Sale Establishment use.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

24

NOTICES MAILED

703

APPROVALS

10

PROTESTS

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