



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: APRIL 12, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: DANIEL J. COUGHLIN - OWNER: T-BREO II, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-41036	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

SUP-41036 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Tavern-Limited Establishment use.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.18. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Approval of a Minor Site Development Plan Review is required for outdoor dining areas, pursuant to the Downtown Centennial Plan. Approval of an Encroachment Agreement is also required for dining located within the right-of-way.
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 Department of Building and Safety.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. Approval of this Special Use Permit does not constitute approval of a liquor license.

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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 and restaurant with seating for 22 people at 523 Fremont Street. The restaurant is 981 square feet, with an additional 1,013 square feet of outdoor seating and dining area. Of the outdoor seating, 369 square feet is located on Fremont Street frontage with the remaining 644 square feet located at the rear of the building. 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, a Tavern Limited Establishment could not be licensed on the site.

ISSUES

- The proposed use is permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.
- Pursuant to the Downtown Centennial Plan, approval of a Minor Site Development Plan Review shall be required for the outdoor dining area, and an Encroachment Agreement may be required from Public Works for the use of sidewalks in the Fremont Street right-of-way.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
12/16/64	The City Council approved a Rezoning (Z-0100-64) to reclassify property in the area generally bounded by Main Street, Bonanza Road, Las Vegas Boulevard and Charleston Boulevard from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial) and C-V (Civic) to C-2 (General Commercial).
04/20/88	The City Council approved a Variance (V-0023-88) to allow a Class III Secondhand Dealership for retail sales of used slot machines at 523 Fremont Street. The Board of Zoning Adjustment recommended approval. Staff recommended denial.

<i>Most Recent Change of Ownership</i>	
11/06/06	A deed was recorded for a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
11/06/07	Code Enforcement issued a violation (59604) for trash and debris in the rear of the property at 523 Fremont Street. Case was resolved on 11/19/07.
08/23/07	Code Enforcement issued a violation (57043) for signage at 523 Fremont Street. Case was resolved on 08/27/07.
02/14/08	The Building and Safety Department issued a permit (108394) for non-structural interior demolition at 523 Fremont Street. Permit was not closed.
11/24/10	The Building and Safety Department issued a permit (176760) to replace existing 200 amp service. Permit was not closed.

<i>Pre-Application Meeting</i>	
02/22/11	Staff reviewed the requirements for a Tavern-Limited Establishment Special Use Permit application.

<i>Neighborhood Meeting</i>	
No neighborhood meeting was required nor was one held.	

<i>Field Check</i>	
03/03/11	Staff conducted a site visit and found no outstanding issues. The property was vacant and properly secured.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.20

<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	Retail	C (Commercial)	C-2 (General Commercial)
	Office		
North	Retail	C (Commercial)	C-2 (General Commercial)
	Tavern		
South	Retail	C (Commercial)	C-2 (General Commercial)
East	Vacant	C (Commercial)	C-2 (General Commercial)
West	Tavern	C (Commercial)	C-2 (General Commercial)

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Master Plan Areas	Yes	No	Compliance
Downtown Centennial Plan	X		Y
Special Purpose and Overlay Districts	Yes	No	Compliance
A-O (Airport Overlay) District 200 Feet	X		Y
Downtown Entertainment Overlay District	X		Y
Live/Work Overlay District	X		N/A
Trails		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

Street Name	Functional Classification of Street(s)	Governing Document	Street Width (Feet)	Compliance with Street Section
Fremont Street	Secondary Collector	Master Plan of Streets and Highways	80	Y
Sixth Street	N/A	N/A	80	N/A

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 Less than 200 sq. ft. (without Drive-Through)	1,983 sq. ft.	1 space per 50 sq. ft. of seating area plus 1 space for every 200 sq. ft. remaining	32				
TOTAL SPACES REQUIRED			32				Y*
Regular and Handicap Spaces Required			30	2	0	0	Y*
Loading Spaces			1		0		Y*

* 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

A Tavern-Limited Establishment is permitted in the C-2 (General Commercial) zoning district with an approved Special Use Permit. The project is located within the Downtown Centennial Plan area which allows for deviation from the standard parking requirements. This project is located on Fremont Street within a block of two public parking garages, two major public bus routes and several large hotels. In addition, public parking meters are located on surrounding streets. This combination allows for ample parking for the proposed use.

The proposed Tavern Limited Establishment will be operated primarily as a restaurant during the hours of 10:30 a.m. to 10:00 p.m. Monday through Thursday, and 10:30 a.m. to 3:00 a.m. Friday and Saturday. Live entertainment for patrons 21 and over will be provided in an outdoor area toward the rear of the structure that may have a somewhat negative impact on the surrounding uses.

Approval of a Minor Site Development Plan Review and an Encroachment Agreement is required in order to have outdoor seating within the Fremont Street right-of-way. There appears to be ample room to allow for the proposed seating area and maintain ADA required sidewalk access.

This project is located within the Entertainment District Overlay area and will enhance the effort to provide a variety of entertainment options, since the applicant is proposing to provide live entertainment four days a week.

The Las Vegas Valley Water District (LVVWD) had the following comment:

The existing 2" meter with 2" DCVA; 3/4" meter with 1" DCVA Backflow prevention is incorrect for this use, per NAC 445A.67195. Civil plans will need to be submitted to Las Vegas Valley Water District (LVVWD).

Staff recommends approval as this is an appropriate use within the Entertainment District.

FINDINGS (SUP-41036)

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.**

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The proposed use will be located within the Entertainment District. The use can be conducted in a manner that is harmonious and compatible 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.

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 6th 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 and is subject to licensing restrictions.

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

The proposed use complies with the minimum Special Use Requirements for a Tavern-Limited Establishment.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

38

NOTICES MAILED

217

APPROVALS

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PROTESTS

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