



## AGENDA MEMO - PLANNING

**PLANNING COMMISSION MEETING DATE: OCTOBER 11, 2011**

**DEPARTMENT: PLANNING**

**ITEM DESCRIPTION: APPLICANT/OWNER: MESQUITE WOOD, LLC**

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### \*\* STAFF RECOMMENDATION(S) \*\*

| <i>CASE<br/>NUMBER</i> | <i>RECOMMENDATION</i>                             | <i>REQUIRED FOR<br/>APPROVAL</i> |
|------------------------|---------------------------------------------------|----------------------------------|
| <b>SUP-43017</b>       | Staff recommends APPROVAL, subject to conditions: |                                  |

### \*\* CONDITIONS \*\*

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## SUP-43017 CONDITIONS

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### Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Urban Lounge use.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. 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.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
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.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**Public Works**

8. An encroachment for outdoor dining in the Main Street public right-of-way for areas shown on the approved Site Plan is hereby approved and staff is directed to process an encroachment agreement that is in conformance with the approved Site Plan and the Downtown Centennial Plan Section IV.A.2.a. The applicant must carry an insurance policy for the term of the Encroachment Agreement and add the City of Las Vegas as an additionally insured entity on this insurance policy. If requested by the City, the applicant shall remove property encroaching in the public right-of-way at the applicant's expense pursuant to the terms of the City's Encroachment Agreement. The installation and maintenance of all private improvements 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**

The applicant is proposing to establish an Urban Lounge use within an existing 3,375 square-foot building, which will be increased 200 square feet. Also, the proposed entitlement will cover the 6,900 square foot parking lot in order to be utilized as a flexible hosting space for outdoor events. The proposal is situated over two separate parcels, which will require remapping prior to the issuance of any building permits.

**ISSUES**

- The Urban Lounge use is permitted only within the Downtown Centennial Plan – 18b Arts District and in the C-M (Commercial/Industrial) zoning district with the approval of a Special Use Permit.
- The subject site will require remapping prior to the issuance of any building permits.
- The applicant is proposing an outdoor events area within parking lot area, which does not allow for the applicant to count any provided parking as permanent spaces.

**BACKGROUND INFORMATION**

| <i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 06/20/07                                                          | The City Council approved a General Plan Amendment (GPA-20227); Rezoning (ZON-21165 and ZON-21166); Special Use Permits (SUP-21168; SUP-21169; SUP-21171; and SUP-21172); and a Site Development Plan Review (SDR-21175) with related Vacation (VAC-21173) for a proposed mixed-use development consisting of 3,000 condominium units, 6,000 hotel rooms, a private sports arena, street level retail, office and exhibition space, and a casino. The Planning Commission and staff recommended approval. This entitlement has expired. |

| <i>Most Recent Change of Ownership</i> |                                                |
|----------------------------------------|------------------------------------------------|
| 09/15/05                               | A deed was recorded for a change in ownership. |

| <i>Related Building Permits/Business Licenses</i> |                                                                                                              |
|---------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| 05/06/03                                          | A building permit (#03-002666) was issued for a Non-Work Certificate of Occupancy at 1218 South Main Street. |

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| <b><i>Pre-Application Meeting</i></b> |                                                                                                                                                                                                                                                                                                                                                      |
|---------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 08/18/11                              | A pre-application meeting was held with the applicant to discuss the requirements for submitting a Special Use Permit request for a proposed Urban Lounge. The applicant also discussed the proposal for 5-foot encroachment into the public right-of-way and to have an outdoor events area that operates in conjunction with the Urban Lounge use. |

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

| <b><i>Field Check</i></b> |                                                                                                                                                                                                                                                                                |
|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 09/01/11                  | A field check was performed by staff and found the subject site to be in disrepair from fire damage. The adjacent storage yard had some trash, debris, and graffiti. There is also an existing 8-foot tall screen fence and gate along the front and back of the storage yard. |

| <b><i>Details of Application Request</i></b> |      |
|----------------------------------------------|------|
| <b><i>Site Area</i></b>                      |      |
| Net Acres                                    | 0.62 |

| <b><i>Surrounding Property</i></b> | <b><i>Existing Land Use Per Title 19.12</i></b> | <b><i>Planned or Special Land Use Designation</i></b> | <b><i>Existing Zoning District</i></b> |
|------------------------------------|-------------------------------------------------|-------------------------------------------------------|----------------------------------------|
| Subject Property                   | Outside Storage                                 | C (Commercial)                                        | C-M<br>(Commercial/Industrial)         |
| North                              | Bail Bond Service                               | C (Commercial)                                        | C-M<br>(Commercial/Industrial)         |
| South                              | Auto Repair<br>Garage, Major                    | C (Commercial)                                        | C-M<br>(Commercial/Industrial)         |
| East                               | General Retail<br>Store                         | C (Commercial)                                        | C-M<br>(Commercial/Industrial)         |
| West                               | General Retail<br>Store                         | LI/R (Light<br>Industry/Research)                     | C-M<br>(Commercial/Industrial)         |

| <b><i>Master Plan Areas</i></b> | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
|---------------------------------|-------------------|------------------|--------------------------|
| <b>Master Plan Area</b>         |                   |                  |                          |
| Downtown Centennial Plan        | X                 |                  | Y                        |

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| <i>Special Purpose and Overlay Districts</i>      | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---------------------------------------------------|------------|-----------|-------------------|
| <b>Special Purpose and Overlay Districts</b>      |            |           |                   |
| Downtown Centennial Plan Overlay District         | X          |           | Y                 |
| Downtown Entertainment Overlay District           | X          |           | Y                 |
| Live/Work Overlay District                        | X          |           | Y                 |
| <b>Trails</b>                                     | X          |           | Y                 |
| <b>Rural Preservation Overlay District</b>        |            | X         | N/A               |
| <b>Las Vegas Redevelopment Plan Area</b>          |            | X         | N/A               |
| <b>Development Impact Notification Assessment</b> |            | X         | N/A               |
| <b>Project of Regional Significance</b>           |            | X         | N/A               |

## DEVELOPMENT STANDARDS

| <i>Street Name</i> | <i>Functional Classification of Street(s)</i> | <i>Governing Document</i>           | <i>Actual Street Width (Feet)</i> | <i>Compliance with Street Section</i> |
|--------------------|-----------------------------------------------|-------------------------------------|-----------------------------------|---------------------------------------|
| Main Street        | Primary Arterial                              | Master Plan of Streets and Highways | 80                                | N                                     |

*Pursuant to Title 19.18 and 19.12, the following parking standards may apply:*

| <i>Parking Requirement - Downtown</i>       |                                            |                      |                |                 |                |                   |     |
|---------------------------------------------|--------------------------------------------|----------------------|----------------|-----------------|----------------|-------------------|-----|
| <i>Use</i>                                  | <i>Gross Floor Area or Number of Units</i> | <i>Base Parking</i>  |                | <i>Provided</i> |                | <i>Compliance</i> |     |
|                                             |                                            | <i>Parking Ratio</i> | <i>Parking</i> |                 | <i>Parking</i> |                   |     |
|                                             |                                            |                      | Regular        | Handi-capped    | Regular        | Handi-capped      |     |
| Urban Lounge                                | 3,375 SF                                   | TBD                  |                |                 |                |                   |     |
| <b>TOTAL SPACES REQUIRED</b>                |                                            |                      | 0              |                 | 0              |                   | N/A |
| <b>Regular and Handicap Spaces Required</b> |                                            |                      | 0              | 0               | 0              | 0                 | N/A |

\*The parking area shown on the provided site plans cannot count towards the onsite parking requirements, as this coincides with the proposed outdoor events area.

## ANALYSIS

The subject site of the proposed use is located in the Downtown Centennial Plan -18b Las Vegas Arts District. The Urban Lounge is permitted only within the Las Vegas Arts District, but still requires a Special Use Permit for the C-M (Commercial/Industrial) zoning district. The applicant also proposes a 6,900 square-foot temporary outdoor seating area that coincides with the parking lot. The Urban Lounge use entitlement will cover the 3,375 square-foot building and attached patio, the 6,900 square-foot parking lot/outdoor events area, and five-foot area encroachment along Main Street. In total, the area of entitlement will cover approximately 10,275 square feet.

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A minimum Special Use Permit requirement for the Urban Lounge use is that for every one seat provided at the bar, two seats are provided within the lounge area. The provided floor plans show 20 seats at the bar area with approximately 49 seats dispersed throughout the indoor and outdoor lounge area. There is also space for additional lounge area seating inside, in the event that applicant chooses to provide them.

The on-site parking requirement is to be determined on a case-by-case basis. The submitted site plan depicts eight on-site parking spaces with one van accessible handicapped parking space; however, none of the provided parking will count towards any requirement as it is non-permanent due to the outdoor events area occupying the same space. Parking will be utilized for day-to-day operations, but will not be available whenever an event takes place.

The proposed Urban Lounge with the 6,900 square-foot outdoor seating and event area can be conducted in a manner that is harmonious and compatible with existing surrounding industrial and commercial land uses. Staff supports this request, as it meets the intent of the Downtown Centennial Plan and complies with the Title 19. If denied, the Urban Lounge use will not be permitted at this location.

**FINDINGS (SUP-43017)**

In order to approve a Special Use Permit application, per Title 19.16.110(L) 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 use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses.

**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 of land use proposed. The surrounding commercial and industrial uses are well suited for the intensity of an Urban Lounge.

**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 site access is provided from Main Street, which is of sufficient size to accommodate the proposed use. Secondary access is provided from a rear alley.

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**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 Special Use Permit for a proposed Urban Lounge 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 19.12.**

The proposed use complies with the Minimum Special Use Permit Requirements for an Urban Lounge use.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 27

**NOTICES MAILED** 228

**APPROVALS** 2

**PROTESTS** 2