



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MAY 14, 2013

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: TODD KESSLER - OWNER: 113 4TH STREET, LLC

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-48816	Staff recommends APPROVAL, subject to conditions:	N/A

**** CONDITION(S) ****

SUP-48816 CONDITIONS

Planning

1. 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.
2. All signage shall conform to the sign standards of Title 19.10.100, and 19.08 where applicable, and any proposed signage shall be approved by the Downtown Design Review Committee prior to issuance of any sign permit.
3. All outdoor dining and seating areas shall be free of any permanent barriers or other structures that create physical separation between the dining area and areas of public sidewalks. All furnishings within the outdoor dining area shall be movable.
4. 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.

GK

Conditions Page Two
May 14, 2013 - Planning Commission Meeting

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.

Public Works

9. Submit an Encroachment Agreement for all the outdoor dining facilities and any other private improvements, if any, in the 4th Street Public right-of-way prior to this issuance of permits for these improvements. 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. Coordinate all requirements for the Encroachment Agreement with the Land Development Section of the Department of Building and Safety (229-4836).

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting approval of a Special Use Permit for a proposed 3,643 square-foot Tavern-Limited Establishment use located at 113 North 4th Street. The proposal includes 401 square feet of outdoor seating area located in front of the building on the sidewalk. The proposed use is located within the Central Casino Core District of the Downtown Centennial Plan, which allows a Tavern-Limited use with approval of a Special Use Permit. Staff recommends approval, with conditions, as the proposed facility is located adjacent to a designated entertainment venue and will not negatively impact neighboring uses. If this request is denied, the proposed Tavern-Limited Establishment use will not be permitted at this location.

ISSUES

- The Tavern-Limited use is only permissible in the Downtown Centennial Plan area. In January of 2013, City Council adopted Ordinance 6232, which expanded the establishment of Tavern-Limited licenses from within the Downtown Entertainment Overlay District to the entire Downtown Centennial Plan area.
- A Special Use Permit is required for the Tavern-Limited use in the C-2 (General Commercial) zoning district.
- All new signage (not a part of this submittal) must receive approval from the Downtown Design Review Committee (DDRC) prior to issuance of sign permits.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
12/16/1964	The City Council approved a Reclassification of Property (Z-0100-64) to C-2 (General Commercial) zoning of this site as part of a larger request.
08/21/2002	The City Council denied a Special Use Permit (U-0067-02) for the sale of beer and wine for off-premise consumption at 113 North 4 th Street. The Planning Commission and staff recommended denial.
08/16/2006	An SUP-12038 for a proposed Beer/Wine/Cooler Off-Sale use at 113 North 4 th Street was withdrawn without prejudice prior to the City Council meeting on 08/16/2012. Planning Commission and staff recommended denial.

<i>Most Recent Change of Ownership</i>	
03/15/2012	A deed was recorded for a change in ownership.

Staff Report Page Two
 May 14, 2013 - Planning Commission Meeting

Related Building Permits/Business Licenses	
05/18/2005	A business license (R09-00161) was issued for a restaurant use at 115 North 4 th Street. The license was marked out of business on 10/25/2012.
03/24/2010	A business license (T07-00927) was issued for a General Personal Service use (Travel Agency) at 113 North 4 th Street. The license was marked out of business on 08/03/2011.
12/20/2010	A business license (C15-00266) was issued for a convenience store at 113 North 4 th Street. The license was marked out of business on 03/15/2011.
09/12/2011	A building permit (#195453) was issued for electrical repair at 113 North 4 th Street. The permit received final inspection on 11/21/2011.

Pre-Application Meeting	
01/23/2013	A pre-application meeting was held to discuss the requirements for a Special Use Permit for a proposed Tavern-Limited Establishment. The applicant was advised of the separate Downtown Design Review Committee signage review requirements. No other issues were discussed.

Neighborhood Meeting	
A neighborhood meeting is not required as part of this application, nor was one held.	

Field Check	
04/03/2013	During a routine site inspection performed by staff, the subject property was noted as being a vacant commercial development. Graffiti was evident on the south façade and a trash dumpster was occupying a parking space adjacent to the building.

Details of Application Request	
Site Area	
Net Acres	0.15 Acres

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Vacant	C (Commercial)	C-2 (General Commercial)
North	Pawn Shop	C (Commercial)	C-2 (General Commercial)
South	General Retail	C (Commercial)	C-2 (General Commercial)

Staff Report Page Three
 May 14, 2013 - Planning Commission Meeting

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
East	Neonopolis	C (Commercial)	C-2 (General Commercial)
West	General Retail	C (Commercial)	C-2 (General Commercial)

<i>Master Plan Areas</i>	<i>Compliance</i>
Downtown Centennial Plan (Central Casino Core District)	Y
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
Downtown Centennial Plan Overlay District	Y
A-O (Airport Overlay) District – 200 Feet	Y
Downtown Casino Overlay District	Y
Live/Work Overlay District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	Y
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

<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
Tavern-Limited Establishment	2,096 SF	1:50	42				
	1,547 SF	1:200	8				
TOTAL SPACES REQUIRED			50		0		N
Regular and Handicap Spaces Required			48	2	0	0	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.

Staff Report Page Four
May 14, 2013 - Planning Commission Meeting

ANALYSIS

The Tavern – Limited Establishment use is defined as “An establishment that is licensed with a tavern-limited license in accordance with LVMC Chapter 6.50.” The proposed use meets the definition. There are no Minimum Special Use Permit Requirements listed for this use.

The subject property, an approximate 3,242 square-foot one-story building, is located within the Central Casino Core District of the Downtown Centennial Plan, adjacent to the Fremont Street Experience at 113 North 4th Street. The request includes an outdoor dining area totaling 401 square feet. Thus, the total area of entitlement for this Special Use Permit request is 3,643 square feet. Prior to 2013, the Tavern-Limited Establishment use was limited to areas within the Downtown Entertainment Overlay District. In January of 2013, City Council passed Ordinance 6232 to expand the allowable area to the entire Downtown Centennial Plan. As such, the proposed location can now obtain a Tavern-Limited Establishment use with approval of a Special Use Permit.

The proposed Tavern-Limited Establishment features a 38-seat bar and an 84-seat dining room which includes an area for private dining and an outdoor dining area. The proposed outdoor dining area is 401 square feet and is located on the east side of the building, within the public right-of-way along Fourth Street. As such, the applicant is required to submit an encroachment agreement to the Department of Public Works for review and approval. The outdoor dining area conforms to the standards as outlined by the Downtown Centennial Plan as the submitted floor plan, date stamped 04/24/2013, illustrates that the outdoor dining area does not extend beyond the boundaries of the abutting properties, does not interfere with building ingress and egress, is accessory to the primary eating establishment, and leaves a minimum sidewalk pedestrian clearance width of five feet. Furthermore, the outdoor dining area enhances an identifiable sense of place, creates a comfortable and interesting pedestrian environment, and helps maintain continuous pedestrian activity between nodes and buildings in the downtown area. A condition of approval has been added requiring all outdoor dining and seating areas to be free of any permanent barriers or other structures that create physical separation between the dining area and areas of public sidewalks. In addition, all street furnishings must be moveable. The tentative hours of operation will be from 8 a.m. through 2 a.m., seven days a week.

The applicant is proposing signage along Fourth Street (not a part of this submittal), which must be approved by the Downtown Design Review Committee. A condition of approval has been added requiring approval from the Downtown Design Review Committee prior to issuance of building permits for any new proposed signage.

Direct access is provided to the site from Fourth Street with service access provided from a side and rear alley. Pursuant to the Downtown Centennial Plan the on-site parking requirements set forth in Chapter 19.12 shall not automatically apply. The applicant is not proposing new parking areas but is accommodating the parking requirements in part with public parking garages located in the immediate area.

Staff Report Page Five
May 14, 2013 - Planning Commission Meeting

The site meets the intent of the Downtown Centennial Plan – Central Casino Core District. Therefore, staff recommends approval of this request.

FINDINGS (SUP-48816)

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 Tavern-Limited Establishment is the type of use that is encouraged in the Central Casino Core District. It is a permitted use in the C-2 (General Commercial) zoning district, with the approval of a Special Use Permit, and can be conducted in a manner that is harmonious and compatible with the surrounding land uses.

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

The subject site can easily accommodate a Tavern-Limited Establishment land use. The parking requirements are being accommodated through the use of public parking garages located in the immediate area, as well as nearby street parking.

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.

The site is served by Fourth Street, an 80-foot Secondary Collector as designated by the Master Plan of Streets and Highways. This thoroughfare can accommodate the proposed Tavern-Limited Establishment 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.

The proposed location is subject to permit review and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare.

5. The use meets all of the applicable conditions per Title 19.12.

The Downtown Centennial Plan refers to Title 19.12 for applicable conditions of the Tavern-Limited Establishment use in the Central Casino Core District. There are no minimum special use permit requirements for the Tavern-Limited Establishment use in Title 19.12.

Staff Report Page Six
May 14, 2013 - Planning Commission Meeting

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 32

NOTICES MAILED 192

APPROVALS 0

PROTESTS 0