



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: JULY 9, 2013

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: 1028 FREMONT STREET, LLC

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-49549	Staff recommends APPROVAL, subject to conditions:	SDR-49548
SUP-49552	Staff recommends APPROVAL, subject to conditions:	SDR-49548
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**** CONDITIONS ****

SUP-49549 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Tavern-Limited use.
2. All signage shall be permitted and meet minimum code requirements within 30 days of final approval.
3. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-49558) shall be required.
4. 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.
5. 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.

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

SUP-49552 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Tavern-Limited use.
2. All signage shall be permitted and meet minimum code requirements within 30 days of final approval.
3. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-49558) shall be required.
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SUP-49553 CONDITIONS

Planning

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- 7.Approval of this Special Use Permit does not constitute approval of a liquor license.
- 8.This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
- 9.All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SDR-49548 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 development shall be in conformance with the building elevations, date stamped 05/29/13 and site plan and landscape plan date stamped 06/19/13, except as amended by conditions herein.
3. 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. The applicant shall coordinate with the City Surveyor and other city staff to determine the most appropriate mapping action necessary to consolidate the existing lots. The mapping action shall be completed and recorded prior to the issuance of any building permits.
6. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device.
7. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
8. Prior to the submittal of a building permit application, the applicant shall meet with Department of Planning staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
9. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

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Public Works

10. Dedicate a 10-foot radius on the northwest corner of Fremont Street and Eleventh Street prior to the issuance of any permits.
11. In accordance with code requirements of Title 13.56, remove all substandard sidewalk improvements on Eleventh Street, if any, and replace with new improvements meeting Current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
12. This site shall accommodate grease interceptors completely on site. No grease interceptors shall be allowed to be constructed in the public right-of-way which includes alleys.
13. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
14. Prior to the approval of Construction drawings for this site, sign a Covenant Running with Land agreement for the possible future installation of any off-site improvements per requirements of the Downtown Centennial Plan that are deferred by this action including undergrounding of all existing overhead utility lines adjacent to this site not placed underground with this development. The Covenant agreement must be recorded with the County Recorder and a copy of the recorded document must be provided to the City prior to the issuance of building permits for this site.
15. Submit an Encroachment Agreement for landscaping and private improvements, if any, in the Eleventh Street public right-of-way prior to issuance of a certificate of occupancy for this site. 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).
16. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits or the submittal of a map for this site, whichever may occur first. Provide and improve all drainage ways as recommended.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing to convert the use of a vacant motel into three Tavern-Limited Establishments and several office and retail suites at 1028 Fremont Street. The proposed Tavern-Limited Establishment uses total 17,235 square feet including 8,625 square feet in outdoor patio space. This project is located in the East Village District of the Downtown Centennial Plan and allows Tavern-Limited Establishments with the approval of a Special Use Permit. The applicant has indicated that three separate owners will operate the taverns; therefore the need for three separate Special Use Permits. Staff recommends approval, with conditions. If the applications are denied, the property will remain a motel use and the proposed Tavern-Limited Establishments will not be permitted at this location.

ISSUES

- Three Special Use Permits are required for Tavern-Limited Uses in a C-2 (General Commercial) zone district. Staff supports the requests.
- The Tavern-Limited use is only permissible in the Downtown Centennial Plan area. On January 9, 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 Overlay.
- This project is a change of use of a vacant motel within the Downtown Centennial Plan Overlay and qualifies under the Change of Use Category of the Threshold Requirements.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
07/07/10	The City Council approved a Special Use Permit (SUP-37905) for 22 Residence Hotel Units Within An Existing 68-Unit Motel at 1028 Fremont Street. The Planning Commission and staff recommended approval.
01/10/12	The City Council approved a Required Review (RQR-43945) of a previously approved Special Use Permit (SUP-37905) For 22 Hotel Residence Units Within An Existing 68-Unit Motel at 1028 Fremont Street. Staff recommended approval.
02/04/13	A Quick Start Project (QSP-48908) case was open for a motel conversion at 1028 Fremont Street.

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

<i>Related Building Permits/Business Licenses</i>	
06/27/91	A Business License (G50-05541) was issued for Laundry Vending Machine at 1028 Fremont Street. This license expired on 02/14/13.
10/04/10	A Business License (H11-00112) was issued for a Resident Hotel at 1028 Fremont Street. This license was revoked on 05/09/13.

<i>Pre-Application Meeting</i>	
05/21/13	Staff reviewed the requirements to convert an existing motel into a mixed retail/office complex with three Tavern-Limited uses. This project is subject to the Downtown Centennial Plan Threshold requirements and therefore does not have to install any offsite improvements. Staff reviewed the requirements for a SDR and three SUP applications.

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

<i>Field Check</i>	
06/03/13	Staff visited the site and found a vacant motel that was secure and free of trash, debris and graffiti.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.15

<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>
Subject Property	Vacant	C (Commercial)	C-2 (General Commercial)
North	Undeveloped	C (Commercial)	C-2 (General Commercial)
South	Office, Other Than Listed	C (Commercial)	C-2 (General Commercial)
	General Retail		

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<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	Motel	C (Commercial)	C-2 (General Commercial)
West	Auto Repair, Minor	C (Commercial)	C-2 (General Commercial)

<i>Master Plan Areas</i>	<i>Compliance</i>
Downtown Centennial Plan	Y
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
Downtown Centennial Plan 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>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>
Fremont Street	Secondary Collector	Master Plan of Streets and Highways	80	Y
11 th Street	N/A	N/A	80	Y

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement	Provided		Compliance		
			Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Tavern-Limited	17,235 SQ FT	1/50 SQ FT of seating and waiting areas plus 1/200 SQ FT of remaining area.	297				
General Retail	33,533 SQ FT	1/175 SQ FT	192				
TOTAL SPACES REQUIRED			489		0		N*
Regular and Handicap Spaces Required			480	9	0	0	N*
Loading Spaces			4		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.*

ANALYSIS

This project is an adaptive reuse of a vacant motel into an office/retail/tavern complex at 1028 Fremont Street. The complex includes two buildings on two adjoining parcels located within the East Village District of the Downtown Centennial Plan. The applicant is keeping the existing building aesthetics and only proposing to change the uses within them. If approved, the complex would have 31 separate rentable units and another four spaces for restaurant and/or tavern-limited uses among the two stories of the two buildings.

The project currently has two large parking lots, but under this site plan review, both will be converted to public outdoor plazas. This will result in the project having no parking for the proposed businesses. These new business are projected to require 489 parking spaces based on the City’s normal parking requirements for such proposed uses. The project is located in the Downtown Centennial Plan area and is not automatically subjected to these standards. The applicant has indicated that the location along a major mass transit route, the availability of private parking lots in the area and parking provided along the local streets will be adequate to meet the needs of the project. It is anticipated that most of the patrons will be local downtown residents and tourists who will walk to the project.

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Up to three Tavern-Limited uses are projected for the project. A Tavern-Limited 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 in that the applicant has indicated that they will be obtaining such a license. There are no minimum Special Use Permit Requirements for this use in Title 19.12. These uses are now appropriate in the downtown area and are permitted anywhere in the Downtown Centennial Plan overlay based on a recent City Council approved Text Amendment.

By converting the parking lots to plazas and dedicating nearly half the area for outdoor tavern seating, the retail complex will complement the pedestrian nature of the downtown area. This project is being processed under the Threshold Requirements of the Downtown Centennial Plan. As a result, many of the normal improvements associated with a Site Development Plan Review are not addressed with this application. Staff supports the creative adaptive reuse of these properties and the corresponding applications, with conditions.

FINDINGS (SUP-49549, SUP-49552 and SUP-49553)

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 located in within the Downtown Centennial Plan boundaries in a C-2 (General Commercial) zoning district and can be conducted in a harmonious and compatible manner with surrounding uses.

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

The subject site can accommodate the proposed uses. The applicant has indicated that employees and patrons can use public transportation, park on the surrounding streets and utilize an adjacent private parking lot when visited the project. The location on Fremont Street and the relatively large site is physically suitable for the proposed uses.

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 primarily accessed via Fremont Street, an 80-foot Secondary Collector as designated by the Master Plan of Streets and Highways. This thoroughfare can accommodate the proposed project. A secondary access is available via 11th Street.

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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.

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

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

There are no minimum Special Use Permit requirements for the Tavern-Limited Establishment use in Title 19.12.

FINDINGS (SDR-49548)

In order to approve a Site Development Plan application, per Title 19.16.100(E) the Planning Commission and/or City Council must affirm the following:

1.The proposed development is compatible with adjacent development and development in the area;

The project is located within the Downtown commercial core of the city that encourages retail, office, restaurants and taverns; therefore, the development is compatible with the area.

2.The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;

The project is permitted in the C (Commercial) General Plan designation and meets all other policies and objectives of the City; therefore, is consistent and appropriate.

3.Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;

This project has direct access to Fremont and 11th Streets, both 80-foot public streets. In addition, there is access along a public alley along the west perimeter. No parking is provided, but given the location on a mass transit route and the pedestrian orientation of the downtown area, no negative impact will be created for traffic in the area.

4.Building and landscape materials are appropriate for the area and for the City;

No new buildings or façade improvements are being requested at this time. Minimal landscaping is being added in the plaza areas and are appropriate for the site and area.

5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

The buildings will be maintaining the original architectural aesthetic from when they were constructed in the 1950's. They will remain harmonious and compatible with the area.

6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

The development will be subject to inspections throughout the building process and therefore, the public's health, safety and welfare will be protected.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 37

NOTICES MAILED 354

APPROVALS 0

PROTESTS 0