



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: NOVEMBER 20, 2013

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: SERGIO PEREZ - OWNER: SHALIMAR HOTEL ENTERPRISES

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-50850	Staff recommends APPROVAL, subject to conditions:	N/A

**** CONDITIONS ****

SUP-50850 CONDITIONS

Planning

1. All signage shall be permitted and meet minimum code requirements within 30 days of final approval.
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. 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, as well as submitted as part of any business license application.
5. Minors shall only be permitted in such areas wherein spirituous, malt or fermented liquors or wines are served only in conjunction with regular meals and where dining tables or booths are provided separate from the bar in conformance with Title 6.50.

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6. Approval of this Special Use Permit does not constitute approval of a liquor license.
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 application is a request for a Special Use Permit for a proposed Tavern-Limited Establishment within an existing Motel, Restaurant, Supper Club and Night Club at 1401 South Las Vegas Boulevard. The proposed use will combine and replace the existing Supper Club, Night Club and Restaurant uses for a total floor area of 6,683 square feet. The applicant has proposed to combine the three uses to maximize space and ensure profitability of the business. Staff supports this request, as the proposed Cuban-themed establishment is consistent with the intent of a Tavern-Limited Establishment use. If denied, the applicant would not be allowed to operate as a Tavern-Limited Establishment at this location; however, the existing Supper Club, Night Club and Restaurant uses would be allowed to remain open for business.

ISSUES

- The Tavern-Limited Establishment use is permitted in the C-2 (General Commercial) zoning district within the Downtown Centennial Plan Overlay District with the approval of a Special Use Permit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
08/21/96	The City Council denied a Special Use Permit (U-0046-96) request for a 1,200 square-foot Tavern in conjunction with an existing hotel and a Waiver from the 1,500 foot distance separation requirement. The Board of Zoning Adjustment recommended approval.
12/15/97	The City Council approved a Special Use Permit (U-0115-97) request to allow On-Premise Sale of Beer and Wine in conjunction with an existing restaurant. The Planning Commission recommended approval.
10/12/04	A complaint was filed with Code Enforcement for non-permitted construction. The complaint was resolved on 11/22/04.
06/01/05	The City Council approved a Special Use Permit (SUP-6226) request for a Supper Club. The Planning Commission recommended approval.
01/17/06	A complaint was filed with Code Enforcement for poor room maintenance. The complaint was resolved on 01/18/06.
06/18/08	A complaint was filed with Code Enforcement for illegal signage, junk vehicles, and graffiti. The complaint was resolved on 07/07/08.
03/23/09	A complaint was filed with Code Enforcement for graffiti. The complaint was resolved on 03/24/09.
08/22/12	A complaint was filed with Code Enforcement for burned out lights, graffiti and non-permitted signage. The complaint was resolved on 10/25/12.
10/08/13	The Planning Commission voted (6-0-1/RT) to APPROVE SUP-50850 {PRJ-50743}. (PC Agenda Item 49/mr)

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<i>Most Recent Change of Ownership</i>	
06/04/04	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
1955	The motel was constructed.
08/04/97	A building permit (#97015902) was issued to refurbish an existing pylon sign. The permit was finalized on 12/02/97.
10/12/04	A building permit (#04020542) was issued to replace doors. The permit was not finalized.
02/23/05	A building permit (#05001054) was issued for a non-work certificate of occupancy for the Florida Café. The permit was finalized on 03/01/05.
08/10/06	A business license (H05-00003) was issued for a Hotel 199 rooms or less at 1401 South Las Vegas Boulevard. The business license is active.
10/03/07	A business license (L21-00024) was issued for a Supper Club at 1401 South Las Vegas Boulevard. The business is still active.
10/11/07	A business license (R09-00826) was issued for a Restaurant at 1401 South Las Vegas Boulevard. The business license is active.
03/19/08	A business license (W01-00064) was issued for Wedding Chapel at 1401 South Las Vegas Boulevard. The business license is active.
05/13/09	A business license (C05-02570) was issued for a Tobacco Dealer at 1401 South Las Vegas Boulevard. The business license is active.
06/01/11	A business license (B23-00066) was issued for a Banquet or Event Establishment at 1401 South Las Vegas Boulevard. The business license is active.
08/21/11	A business license (D19-00006) was issued for a Night Club at 1401 South Las Vegas Boulevard. The business license is active.
06/10/13	A building permit (#237655) was issued for a tenant improvement to expand the Florida Café. The permit was finalized on 06/19/13.

<i>Pre-Application Meeting</i>	
08/15/13	A pre-application meeting was held with the applicant's designated representative to discuss the submittal requirements for a Tavern-Limited use.

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

<i>Field Check</i>	
08/29/30	A field check was conducted on the subject site and revealed that the property was clean and the landscape is well maintained.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.76

<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	Hotel/ Motel or Hotel Suites	C (Commercial)	C-2 (General Commercial)
	Supper Club		
	Banquet Facility		
	Night Club		
	Wedding Chapel		
North	General Retail Use	C (Commercial)	C-2 (General Commercial)
South	Vacant	C (Commercial)	C-2 (General Commercial)
	Multi-Family	M (Medium Density Residential)	R-2 (Medium-Low Density Residential)
East	Single-Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
West	General Retail	C (Commercial)	C-2 (General Commercial)

<i>Master Plan Areas</i>	<i>Compliance</i>
Downtown Centennial Plan	Y
John S. Park Historic Neighborhood	Y
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
Downtown Centennial Plan Overlay District (Downtown South)	Y
Las Vegas Boulevard Scenic Byway 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

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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	
Hotel/ Motel or Hotel Suites	101 rooms	1 space per guest room	101*				
Tavern-Limited Establishment	3,181 SQ FT	1 space per 50 SQ FT of public seating	64*				
	3,502 SQ FT	1 space for each 200 SQ FT of remaining gross floor area	18*				
Wedding Chapel	724 SQ FT	1 space per 150 SQ FT in principal assembly space	5*				
TOTAL SPACES REQUIRED			188*		121*		N*
Regular and Handicap Spaces Required			182*	6	119*	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.

ANALYSIS

This project is a proposed Tavern-Limited Establishment within an existing motel with a number of uses. The proposed location is currently a Supper Club, Night Club and Restaurant with a total combined floor area of 6,683 square feet. The site is located within the Las Vegas Downtown Centennial Plan; therefore, Title 19 parking standards do not automatically apply. As such, sufficient parking is provided on site and there are a number of public parking meters located on surrounding streets.

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A Tavern-Limited Establishment is defined in Title 19.18 as:

“An establishment that is licensed with a tavern-limited license in accordance with LVMC Chapter 6.50.”

There are no Minimum Special Use Permit Requirements for this use. This use is permitted in the C-2 (General Commercial) zoning district within the Downtown Centennial Plan Overlay District with the approval of a Special Use Permit.

The proposed Cuban themed Tavern-Limited Establishment use intends to replace a similar themed Supper Club, Restaurant and Night Club. As the use is consistent with uses generally associated in the C-2 (General Commercial) zoning district and can be conducted in a compatible and harmonious manner with the surrounding area, staff recommends approval of this request. If denied the existing Supper Club, Restaurant, and Night Club may remain in operation.

FINDINGS (SUP-50850)

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 use will replace an existing Supper Club, Night Club and Restaurant uses that are operational within the existing motel. Operating a Tavern-Limited Establishment use within an existing Motel use is consistent with similar uses along Las Vegas Boulevard. The proposed use can be conducted in a manner that is harmonious with the existing and future land uses as projected by the General Plan and current zoning designations

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

The subject site is a motel with various entertainment uses and can accommodate this additional use.

The proposed Tavern-Limited Establishment use combines three existing uses (a Supper Club, Night Club and Restaurant) with minor revisions to the existing floor plan. There will be no alterations to the existing building footprint. Although the site does not meet Title 19.12 parking standards, the Downtown Centennial Plan allows for developments to proceed without the automatic application of parking requirements. Staff finds that the floor area dedicated to the proposed Tavern-Limited Establishment use will have little impact to the onsite parking. If additional parking is needed there are several parking lots in the immediate area.

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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.

Access to the site is provided from Las Vegas Boulevard, a 100-foot Primary Arterial. Las Vegas Boulevard is designed to accommodate a variety of uses and can easily 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 use will be subject to licensing requirements and inspection for compliance with applicable codes, and therefore will not compromise the public health, safety and welfare or the objectives of the General Plan.

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

There are no applicable conditions listed for the Tavern-Limited Establishment use.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED

468 by the City Clerk

APPROVALS

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PROTESTS

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