



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: SEPTEMBER 13, 2016

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: BRIEN MCEAHERN - OWNER: 3RD & CHARLESTON, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-65802	Staff recommends APPROVAL, subject to conditions:	

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 30

NOTICES MAILED 91

APPROVALS 1

PROTESTS 0

**** CONDITIONS ****

SUP-65802 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Tavern-Limited use.
2. Conformance to the approved conditions for Special Use Permit (SUP-53414).
3. 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.
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, as well as submitted as part of any business license application.
6. 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.
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.

Public Works

10. Per Downtown Centennial Standards, all private improvements (outdoor dining) and landscaping installed with this project shall be situated and maintained so as to maintain a minimum 5-foot clear path through the public sidewalk area.

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11. Submit an Encroachment Agreement for landscaping and private improvements in the 3rd Street public right-of-way prior to installing 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 applicant and any successors in interest to the property and assigns pursuant to the terms 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).

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The request is for a major amendment to an approved Special Use Permit (SUP-53414) in order to increase the floor area of an existing Tavern-Limited at 1108 South 3rd Street.

ISSUES

- The floor area for the approved Tavern-Limited is increasing by 1,141 square feet with 30 additional square feet of outdoor seating area.
- A major amendment to an approved Special Use Permit (SUP-53414) is required to increase the floor area of the existing Tavern-Limited because it exceeds 50% of the originally approved floor area. Staff recommends the approval of the request.

ANALYSIS

The subject site is located within the 18b Arts District of the Downtown Centennial Plan and is currently operating as a Tavern-Limited establishment. The request is for a Major Amendment to an approved Special Use Permit (SUP-53414) to expand the existing business 1,141 square feet with 30 additional square feet of outdoor seating area. The expansion will be accommodated by utilizing the tenant space adjacent to the existing business. In addition to a six space onsite shared parking lot, the site's location within the downtown core allows for the utilization of local on-street parking for any increase in parking demand associated with the proposed expansion. Staff recommends approval of the request.

Las Vegas Valley Water District

This parcel is currently served but does not have the required backflow prevention per NAC 445A.67195. Civil plans will need to be submitted for backflow retrofit. The service is in the alley.

FINDINGS (SUP-65802)

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.**

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The proposed Tavern-Limited use is located within the 18b Arts District and 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

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

The subject site is physically suitable for the proposed Tavern-Limited use.

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 street facilities providing access to the property are adequate in size to accommodate the Tavern-Limited 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 Tavern-Limited use will require the conformance to all Title 6 licensing requirements and therefore it will not compromise the public health, safety, and welfare, or the overall objectives of the General Plan

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

The proposed Tavern Limited use meets all conditions of Title 19.12

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
04/12/11	The Planning Commission approved a Special Use Permit (SUP-41046) for an urban lounge at 1106 South 3rd Street. Staff recommended approval of the request.
05/13/14	The Planning Commission approved a Special Use Permit (SUP-53414) for an urban lounge at 1108 South 3rd Street. Staff recommended approval of the request.

<i>Most Recent Change of Ownership</i>	
04/06/07	A deed was recorded for a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
07/23/13	A building permit (#238878) was issued for a Tenant Improvement (Rock N'oodles). This permit was finalized 10/28/13.
08/20/13	A building permit (#243137) was processed for a sign (Rock N'oodles). This permit was finalized on 09/09/14
09/04/13	A building permit (#243261) was issued for Kitchen Hood Extinguishing System (Rock N'oodles). This permit was finalized 10/16/13
10/30/13	A business license (#R10-01336) was issued for a Food Service (Rock 'N' oodles). This license is still active.

<i>Pre-Application Meeting</i>	
07/20/16	A Pre-Application meeting was conducted to inform the applicant of the submittal requirements for a major amendment to an approved Special use Permit.

<i>Field Check</i>	
07/30/16	A field check identified an existing tavern-limited establishment and an adjacent vacant suite within a commercial building.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.16

<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	Tavern-Limited	C (Commercial) Redevelopment Plan Area Designation	C-2 (General Commercial)
North	Retail	C (Commercial) Redevelopment Plan Area Designation	C-2 (General Commercial)
South	Office, Other than listed	MXU (Mixed-Use) Redevelopment Plan Area Designation	C-1 (Limited Commercial)
East	Office, Other than listed	C (Commercial) Redevelopment Plan Area Designation	C-1 (Limited Commercial)
West	Office, Other than listed	C (Commercial) Redevelopment Plan Area Designation	C-2 (General Commercial)

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<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>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	1,859 sf (666 SF of seating area; 71 sf outdoor seating; 1,122 sf other areas)	1 space per 50 sq. ft. of public seating and waiting area (including outdoor areas for seating and waiting), plus 1 space for every 200 sq. ft. of the total remaining gross floor area	21				

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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	
TOTAL SPACES REQUIRED			21			N	
Regular and Handicap Spaces Required			20	1	5	1	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. In addition to a six space onsite shared parking lot, the site's location within the downtown core allows for the utilization of local on-street parking for any increase in parking demand associated with the proposed expansion.