



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: OCTOBER 11, 2016

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: EUREKA RESTAURANT GROUP - OWNER:
IKE GAMING, INC.

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-66432	Staff recommends APPROVAL, subject to conditions:	N/A

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 32

NOTICES MAILED 298

APPROVALS 1

PROTESTS 0

**** CONDITIONS ****

SUP-66432 CONDITIONS

Planning

1. Conformance to the approved conditions for Special Use Permit (SUP-38824) shall be required.
2. The approved Special Use Permit (SUP-61318) is hereby expunged.
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. 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. 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.
7. 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.
8. Approval of this Special Use Permit does not constitute approval of a liquor license.
9. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
10. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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Public Works

11. 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 8-foot clear path through the public sidewalk area.
12. Submit an Encroachment Agreement for landscaping and private improvements in the Fremont Street and 6th 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-38824) to allow a 2,949 square-foot expansion to an existing 1,900 square-foot Tavern-Limited Establishment at 520 Fremont Street, Suite #110.

ISSUES

- The expansion request is for an increase of 2,594 square feet of interior seating and 355 of outdoor seating. Pursuant to Title 19.16.110 (M), a major amendment to an approved Special Use Permit is required when the proposed floor area increase is greater than 50 percent of the original approval. Staff recommends approval of the request.

ANALYSIS

This is a request for a Major Amendment of a previously approved Special Use Permit (SUP-38824), which was approved for a 1,900 square-foot Tavern-Limited Establishment use. The subject site is located within the Fremont East District of the Downtown Centennial Plan.

The existing Tavern-Limited Establishment use currently has a 288 square-foot outdoor seating area, which was approved administratively under Special Use Permit (SUP-61318) on 09/22/15. The applicant is proposing to increase the existing outdoor seating from 288 square feet to 355 square feet. Therefore, a condition of approval has been added to expunge SUP-61318.

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 use meets the definition, as the use has been operating with a Tavern-Limited license since 2010.

There are no Minimum Special Use Permit Requirements for this use. The proposed 2,949 expansion of the existing Tavern-Limited Establishment interior and outdoor seating areas represents an increase that is greater than 50 percent from the original Special Use Permit (SUP-38824), which was approved as a 1,900 square-foot Tavern-Limited Establishment.

The Department of Public Works has commented that there are underlying lot lines on the subject site; therefore, a condition of approval regarding a mapping action has been added to address this issue.

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No waivers are required for this location and the proposed expansion meets all Title 19 and Downtown Centennial Plan requirements. The use can continue to be conducted in a manner that is harmonious and compatible with the existing surrounding land use land uses; therefore, staff recommends approval of this application. If this application request is denied, the proposed expansion will not be allowed to occur.

FINDINGS (SUP-66432)

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 existing Tavern-Limited Establishment use can continue to be conducted in a manner that is harmonious and compatible with the 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 and intensity of the existing Tavern-Limited Establishment use. The use is located in the Downtown Centennial Plan (Fremont East District) and the Entertainment Overlay District; therefore, the parking standards of Title 19 are not automatically applied.

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.

Site access is provided from Fremont Street, an 80-foot Secondary Collector as designated in the Master Plan of Streets and Highways and 6th Street, an 80-foot right-of-way. These streets are sufficient in size to accommodate the existing 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 proposed Special Use Permit 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 existing Tavern-Limited Establishment use meets all conditions per Title 19.12.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/16/64	The City Council approved a Rezoning (Z-0100-64) from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial), C-2 (General Commercial) and C-V (Civic) to C-2 (General Commercial) for approximately 230 acres generally located on property bounded by Main Street to the west, Bonanza Road on the north, Las Vegas Boulevard on the east and Charleston Boulevard on the south. Planning Commission and staff recommended approval.
04/13/10	The Downtown Design Review Committee approved a Master Sign Plan (ARC -37851) for an existing building at 520 Fremont Street.
08/26/10	The Planning Commission approved a Special Use Permit (SUP-38824) for a 1,900 square-foot Tavern-Limited Establishment at 520 Fremont Street. Staff recommended approval.
09/22/15	The Department of Planning administratively approved a Minor Amendment of a Special Use Permit (SUP-61318) to add 288 square feet of outdoor seating area to an existing 1,900 square-foot Tavern-Limited Establishment at 520 Fremont Street.

<i>Most Recent Change of Ownership</i>	
05/01/70	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
C.1951	The building was constructed in 1951.
03/19/10	A building permit (159058) was issued for a non-work Certificate of Completion at 520 Fremont Street. The permit was finalized on 03/19/10.
06/01/10	A business license (R07-00910) was issued for a restaurant-seating less than 30 people at 520 Fremont Street. The license is currently active.
08/30/10	A business license (L38-00006) was issued for a Tavern-Limited at 520 Fremont Street. The license is currently active.
09/13/16	A building permit (#325941) for a tenant improvement for a Tavern-Limited Establishment use expansion at 520 Fremont Street, Suite #110. The plan check review was denied by the Planning Department because the size of the establishment on the plan did not match with the plans submitted for SUP-66432.

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<i>Pre-Application Meeting</i>	
08/22/16	A pre-application meeting was conducted with the applicant regarding the proposed expansion of the existing 1,900 square-foot Tavern-Limited Establishment use at 520 Fremont Street. The expansion is greater than 50 percent from the original Special Use Permit (SUP-38824).

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

<i>Field Check</i>	
09/01/16	Staff conducted a field check and noted a well maintained retail building, free of trash and debris.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.23

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Beauty Salon	C (Commercial)	C-2 (General Commercial)
	Tavern-Limited Establishment		
	Office, Other than Listed		
North	Entry Driveway for El Cortez Hotel	C (Commercial)	C-2 (General Commercial)
South	Liquor Establishment (Tavern)	C (Commercial)	C-2 (General Commercial)
East	Gaming Establishment, Non-Restricted	C (Commercial)	C-2 (General Commercial)
	Hotel, Motel or Hotel Suites		
West	Liquor Establishment (Tavern)	C (Commercial)	C-2 (General Commercial)

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<i>Master Plan Areas</i>	<i>Compliance</i>
Downtown Centennial Plan (Fremont East 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 Entertainment 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	Major Collector	Master Plan of Streets and Highways	80	Y

<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	2,540 SF + (355 SF of new outdoor seating)	1:50 SF of public seating and waiting area	58				
	1,954 SF of remaining gross floor area	1:200 SF of total remaining gross floor area	10				
TOTAL SPACES REQUIRED			68		0		N*
Regular and Handicap Spaces Required			66	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.*