



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: OCTOBER 11, 2016

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: MAIN STREET INVESTMENTS, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-66481	Staff recommends APPROVAL, subject to conditions:	

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 27

NOTICES MAILED 222

APPROVALS 3

PROTESTS 0

**** CONDITIONS ****

SUP-66481 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Tavern-Limited Establishment use.
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.
6. Approval of this Special Use Permit does not constitute approval of a liquor license.
7. 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
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.

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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 8-foot clear path through the public sidewalk area.
11. 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

This is a request for a Special Use Permit for a proposed Tavern-Limited Establishment use with 1,477 square feet of interior floor area and 522 square feet dedicated to outdoor seating located at 80 and 100 East California Street. The subject property is located within the 18b Las Vegas Arts District of the Downtown Centennial Plan.

ISSUES

- A Tavern-Limited Establishment use is permitted in the C-M (Commercial/Industrial) zoning district with the approval of a Special Use Permit. Staff recommends approval of this request.

ANALYSIS

The subject site is located within the C-M (Commercial/Industrial) zoning district and within the 18b Las Vegas Arts District of the Downtown Centennial Plan. The applicant requests a Special Use Permit for a proposed Tavern-Limited Establishment use with 1,477 square feet of interior floor area and 522 square feet dedicated to outdoor seating. The subject property contains an existing multi-tenant building that has business licenses pending approval for a restaurant and urban lounge as of 09/21/16. 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. There are no Minimum Special Use Permit Requirements; therefore, the proposed use can be conducted in a manner that is harmonious and compatible with existing and future surrounding land uses. Title 19 Parking Standards are not automatically applied to development projects located within the Downtown Centennial Plan. On-Street Valet parking is permissible subject to approval by the City Traffic Engineer. Staff recommends approval, with conditions. If this Special Use Permit application is denied, the proposed Tavern-Limited Establishment use cannot be operated at this location.

The Public Works Department has commented on the requested Special Use Permit stating, “We note that there are underlying lot lines on this site. We recommend that Planning impose the condition that “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.” A condition of approval has been added to address this issue.

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The Las Vegas Valley Water District (LVVWD) has also commented on the requested Special Use Permit stating, “This property is currently served but does not have the required backflow prevention per NAC 445A.67195. Backflow retrofit will be required. It should be noted that the service is located on California Street and the above-ground backflow prevention assembly will be placed behind the meter but there is an existing LVVWD easement behind sidewalk.” Pursuant to the Downtown Centennial Plan Standards, “Utility vaults shall be located underground for all new developments. Ideally, these will be incorporated within the building footprint. In no case shall they be located along the street frontage of the project.” If the assembly cannot be designed to meet the standards, a Waiver application of the Downtown Centennial Plan will be required.

FINDINGS (SUP-66481)

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 can be conducted in a manner that is harmonious and compatible with existing and future surrounding land uses. The subject property for the proposed use is located within the 18b Las Vegas Arts District.

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

The subject site is physically suitable for a proposed Tavern-Limited Establishment use and is in close proximity to other Taverns-Limited and Urban Lounges in the area.

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 California Street, a 70-foot local street. California Street is sufficient in size to accommodate the needs of the proposed 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 this proposed Special Use Permit will not compromise the public health, safety and general welfare of the public. The use will be subject to regular inspections and is subject to licensing restrictions.

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

There are no applicable Minimum Special Use Permit Requirements listed in Title 19.12 for the Tavern-Limited Establishment use.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/20/15	A code enforcement case (#158593) was processed for water palette located behind the property at 1201 South Main Street. The case was resolved on 08/24/16.
01/05/16	A code enforcement case (#162103) was processed for graffiti at 1201 South Main Street. The case was resolved on 01/20/16.
08/09/16	The Planning Commission approved a Special Use Permit (SUP 65405) for a proposed 1,657 square-foot tavern-limited establishment use at 60 East California Street.

<i>Most Recent Change of Ownership</i>	
08/12/15	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
07/05/16	A business license (P64-00138) was processed for a Tavern Limited at 1201 South Main Street. The license has not been issued.
	A business license (G64-04961) was processed for a Food Service at 1201 South Main Street. The license has not been issued.

<i>Pre-Application Meeting</i>	
08/18/16	A pre-application meeting was held with the applicant where the submittal requirements and deadlines were reviewed.

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

<i>Field Check</i>	
09/01/16	A field check conducted by staff found the site to be vacant with portions of the walls covered with graffiti.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.34

<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	General Retail Store, Other Than Listed	C (Commercial)	C-M (Commercial/Industrial)
	Restaurant with Service Bar		
North	General Retail Store, Other Than Listed	C (Commercial)	C-M (Commercial/Industrial)
South	General Retail Store, Other Than Listed	C (Commercial)	C-M (Commercial/Industrial)
East	Vacant	MXU (Mixed Use)	C-1 (Limited Commercial)
West	Urban Lounge	C (Commercial)	C-M (Commercial/Industrial)
	Restaurant		

<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>
California Street	local	N/A	70	Y

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Pursuant to Title 19.08 and 19.12, the following parking standards apply:

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					
Tavern-Limited Establishment (Proposed)	911 SF (seating area)	1/50 SF	20								
	746 SF (back of house)	1/200 SF	4								
Restaurant with Service Bar	1,033 SF (indoor seating)	1/50 SF	21								
	463 SF (outdoor seating)	1/50 SF	10								
	731 SF (back of house)	1/200 SF	4								
General Retail Store, Other than Listed	7,363 SF	1/175 SF	43								
TOTAL SPACES REQUIRED			102	0	0	Y					
Regular and Handicap Spaces Required			97	5	0	0	Y				

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.