



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: JUNE 13, 2017

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: FREMONT FOOD EMPORIUM - OWNER: HS FAMILY, LP

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
SUP-69672	Staff recommends APPROVAL, subject to conditions:	
SUP-69674	Staff recommends APPROVAL, subject to conditions:	SUP-69672
SDR-69675	Staff recommends APPROVAL, subject to conditions:	SUP-69672 SUP-69674

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 29

NOTICES MAILED 526 - SUP-69672 and SUP-6974
526 - SDR-69675

PROTESTS 0 - SUP-69672 and SUP-6974
0 - SDR-69675

APPROVALS 0 - SUP-69672 and SUP-6974
0 - SDR-69675

**** CONDITIONS ****

SUP-69672 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. Approval of this Special Use Permit does not constitute approval of a liquor license.
6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-69674 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Liquor Establishment (Tavern) 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. Approval of this Special Use Permit does not constitute approval of a liquor license.
6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
7. City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SDR-69675 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-69672) and Special Use Permit (SUP-69674) shall be required, if approved.
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 development shall be in conformance with the site plan and building elevations, date stamped 05/16/17, except as amended by conditions herein.
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.
6. 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.
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. Prior to the submittal of a building permit application, the applicant shall execute and record a reciprocal easement agreement for the shared water line for the subject property.
9. 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.

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10. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

11. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a new restaurant with a proposed 3,015 square-foot Tavern-Limited Establishment use on the first floor and 6,869 square-foot Liquor Establishment (Tavern) use on the second floor within a commercial tenant space located at 310 Fremont Street.

ISSUES

- The Tavern-Limited Establishment use is permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.
- The Liquor Establishment (Tavern) use is permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.
- Waivers are required for the proposed Liquor Establishment (Tavern) use to allow a 80-foot distance separation from an existing liquor establishment (tavern) and a 1,158-foot distance separation from an existing church/house of worship where 1,500 feet is required. Staff supports the Waiver request.
- A Waiver may be requested for a reduction in the required separation distance from a similar use for properties located within the Downtown Casino Overlay District.

ANALYSIS

A Tavern-Limited Establishment is described in Title 19.12 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 with an approved Special Use Permit.

A Liquor Establishment (Tavern) use is described in Title 19.12 as: "A facility which sells alcoholic beverages for consumption on the premises where the same are sold and authorizes the sale, to consumers only and not for resale, of alcoholic beverages in original sealed or corked containers, for consumption off the premises where the same are sold." This use is permitted in the C-2 (General Commercial) zoning district with an approved Special Use Permit.

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Minimum Special Use Permit Requirements:

* 1. Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring both a minimum separation between liquor establishments (tavern), and a minimum separation between a liquor establishment (tavern) and certain other uses that should be protected from the impacts associated with a liquor establishment (tavern). Therefore, except as otherwise provided below, no liquor establishment (tavern) may be located within 1500 feet of any other liquor establishment (tavern), church/house of worship, school, individual care center licensed for more than 12 children, or City park.

The proposed Liquor Establishment (Tavern) use does not meet this requirement. The applicant has requested Waivers to allow an 80-foot distance separation from an existing Tavern and 1,158-foot distance separation from an existing church/house of worship use where a 1,500-foot minimum distance separation is required. This condition can be waived in this instance pursuant to Title 19.12.010 requirement #5a; because the subject site is located within the Downtown Casino Overlay District. Staff supports this requested waiver, as the use will be located in close proximity to similar land uses within the pedestrian corridor of the Fremont Street Experience. Additionally, the applicant shall provide security and control over the administration of alcohol sales and consumption.

* 2. The distance separation referred to in Requirement 1 shall be measured with reference to the shortest distance between two property lines, one being the property line of the proposed liquor establishment (tavern) which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed liquor establishment (tavern). The distance shall be measured in a straight line without regard to intervening obstacles.

Distances have been measured from Commercial Subdivision "Clarks Las Vegas Townsite" Book 1, Page 37, Lots 15, 16 Block 31.

* 3. For the purpose of Requirement 2, and for that purpose only:

a. The "property line" of a protected use refers to the property line of a fee interest parcel that has been created by an approved and recorded parcel map or subdivision map, and does not include the property line of a leasehold parcel; and

b. The "property line" of a liquor establishment (tavern) refers to:

i. The property line of a parcel that has been created by an approved and recorded parcel map or commercial subdivision map; or

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- ii. The property line of a parcel that is located within an approved and recorded commercial subdivision and that has been created by a record of survey or legal description, if:
 - A. Using the property line of that parcel for the purpose of measuring the distance separation referred to in Requirement 1 would qualify the parcel under the distance separation requirement;
 - B. The proposed liquor establishment (tavern) will have direct access (both ingress and egress) from a street having a minimum right-of-way width of 100 feet. The required access may be shared with a larger development but must be located within the property lines of the parcel on which the proposed liquor establishment (tavern) will be located;
 - C. All parking spaces required by this Subchapter 19.12.070 for the liquor establishment (tavern) use will be located on the same parcel as the use; and
 - D. The owners of all parcels within the commercial subdivision, including the owner of agreement, satisfactory to the City Attorney, that provides for perpetual, reciprocal cross-access, ingress and egress throughout the commercial subdivision.

Distances have been measured from Commercial Subdivision "Clarks Las Vegas Townsite" Book 1, Page 37, Lots 15, 16 Block 31.

4. The distance separation requirement set forth in Requirement 1 does not apply to an establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992.

This requirement is not applicable, as there are no existing non-restricted gaming licenses in connection with a hotel having 200 or more guest rooms associated with this proposal.

5. The distance separation requirement set forth in Requirement 1 may be waived in accordance with the provisions of LVMC 19.12.050(C), but only in connection with a proposed liquor establishment (tavern) that:

- a. Will be located on a parcel within the C-V District, the Parkway Center District within the Downtown Centennial Plan, the Gaming Enterprise Overlay District, or the Downtown Casino Overlay District;
- b. Will be located on a parcel or within a building that, pursuant to State law or City ordinance, has been designated as an historic property, historic building, or landmark;
- c. Will be located within a regional mall; or
- d. Will be located within a mixed-use development

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- i. That has been approved by means of Special Use Permit pursuant to LVMC Chapters 19.12 and 19.16;
 - ii. That has a minimum net site area of 15 acres; and
 - iii. Whose gross floor area of nonresidential space is a minimum of 250,000 square feet; or
- e. Will be separated from the existing use by a street or highway with a minimum right-of-way width of 100 feet.

The proposed Liquor Establishment (Tavern) use does not meet this distance separation requirement set forth in requirement #1. The applicant has requested Waivers to allow a 80-foot distance separation from an existing Tavern and 1,158-foot distance separation from an existing church/house of worship use where a 1,500-foot minimum distance separation is required.

The distance separation requirements outlined in requirement #1 can be waived because the subject site is located within the Downtown Casino Overlay District. Staff supports the Waiver request.

* 6. The use shall conform to, and is subject to, the provisions of LVMC Chapters 6.40 and 6.50.

The proposed use will be subject to all business licensing requirements outlined in LVMC Chapter 6.40 and 6.50 if approved.

This project is located in the Las Vegas Downtown Centennial Plan – Central Casino Core on the pedestrian mall controlled and operated by the Fremont Street Experience. The applicant has proposed to construct a second story 6,869 square-foot rooftop deck addition to an existing 7,488 square-foot building, which represents a 92% increase in floor area triggering the requirement for a Major, Site Development Plan Review. The new rooftop deck area is intended to operate as a 6,869 square-foot Liquor Establishment (Tavern) use establishment, which will allow patrons to watch the Pedestrian Mall's light show. There is elevator access to the second floor.

The first floor area will provide another bar (Tavern-Limited establishment), along with three additional tenant spaces for additional restaurant uses. The submitted floor plan indicates the proposed Tavern-Limited Establishment use will be located on the first floor within the 1,171 square-foot Tenant Space #4, with the adjacent 1,844 square-foot seating area. The applicant has indicated that the proposed Tavern-Limited establishment will host a live DJ at least two nights per week. The applicant has indicated there will be a Mardi Gras theme throughout the venue.

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The subject tenant space currently has an existing general retail and restaurant land use. The proposed second story 6,869 square-foot rooftop deck addition development is oriented directly above the existing storefront. The submitted building elevations indicate the proposed building will be 35 feet in height to the top of the parapet, and will be accented with a colorful decorative tile and wooden panel façade. The second floor addition is stepped back with patio seating at the streets edge to avoid expressionless walls. All rooftop mechanical equipment has been shielded from view by the use of parapet walls. The existing commercial development provides shared access and parking throughout the subject site, through the utilization of existing parking lots in the area.

Staff notes that there are underlying lot lines on this site. A condition has been added which indicates, “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.”

The parking standards of Title 19 are not automatically applied for proposals within the Downtown Centennial Plan; however, the applicant anticipates utilizing nearby public parking-lots and on-street parking meters to satisfy the developments parking demand. Staff finds that a sufficient amount of available parking is located within a one-block radius of this proposal.

This parcel is currently served by the Las Vegas Valley Water District (LVVWD), but does not have the required backflow prevention per NAC 445A.67195. Civil and plumbing plans will need to be submitted to LVVWD for domestic meter sizing and fire flow availability. It should be noted that this parcel’s site plan proposes zero setback from the existing alley, where the water line is. The LVVWD will not allow the RPDA for the water line to be installed within the existing alley. The applicant has indicated that the property directly to the west (APN 139-34-510-023), are willing to share the existing water line that serves the west parcel, thus eliminating the need to install a new above-ground backflow prevention assembly. A condition has been added, which will require the applicant to execute and record a reciprocal easement agreement for the shared water line for the subject property.

The proposed use and design of this proposal will make a positive contribution to the urban design for the visitors in the immediate area and of the community at large. Staff recommends approval of the requested Special Use Permits to allow a Tavern-Limited Establishment and Liquor Establishment (Tavern) use and the Site Development Plan Review for the proposed second story addition to the existing structure.

FINDINGS (SUP-69672)

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 the Downtown Centennial Plan overlay and will provide live entertainment through the use of a DJ at least two times per week, which is complimentary to the other restaurants and taverns in the neighborhood and is the type of use that is encouraged in the Downtown Overlay District. It can be conducted in a manner that is harmonious and compatible with the surrounding land uses, and with the future surrounding land uses.

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

The subject site can physically accommodate the proposed Tavern-Limited Establishment use and is in close proximity other similar land uses 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.

Access to the site will not change. There is no vehicle access to the subject site. The site is accessed by the pedestrian mall under the canopy controlled by the Fremont Street Experience. Fremont Street is an 80-foot Major Collector, as classified by the Master Plan of Streets and Highways. This 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.

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

The proposed use meets all applicable conditions for a Tavern-Limited Establishment per Title 19.12.

FINDINGS (SUP-69674)

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 Liquor Establishment (Tavern) is located in the Downtown Centennial Plan overlay and will be complimentary to the other restaurants and taverns in the neighborhood and is the type of use that is encouraged in the Downtown Overlay District. It can be conducted in a manner that is harmonious and compatible with the surrounding land uses, and with the future surrounding land uses.

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

The subject site can physically accommodate the proposed Liquor Establishment (Tavern) use and is in close proximity other similar land uses 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.

Access to the site will not change. There is no vehicle access to the subject site. The site is accessed by the pedestrian mall under the canopy controlled by the Fremont Street Experience. Fremont Street is an 80-foot Major Collector, as classified by the Master Plan of Streets and Highways. This 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.

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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.

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

The proposed use meets all applicable conditions of approval for a Liquor Establishment (Tavern) use per Title 19.12, with the exception of the proposed Waivers to allow a 80-foot distance separation from an existing Tavern and 1,158-foot distance separation from an existing church/house of worship use where a 1,500-foot minimum distance separation is required. Staff supports the Waiver requests.

FINDINGS (SDR-69675)

In order to approve a Site Development Plan Review 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 proposed commercial development is located in the Downtown Centennial Plan overlay and is complimentary to the other restaurants and taverns in the neighborhood and is the type of use that is encouraged in the Downtown Overlay District.

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;

This project is consistent with the General Plan and the uses allowed in the Downtown Centennial Plan Overlay District.

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

Access to the site will not change. There is no vehicle access to the subject site. The site is accessed by the pedestrian mall under the canopy controlled by the Fremont Street Experience. Fremont Street is an 80-foot Major Collector, as classified by the Master Plan of Streets and Highways.

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This street is sufficient in size to accommodate the needs of the proposed use.

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

The building will be constructed with a colorful brick and metal panel façade accented with articulated roof lines and ground level canopy, which is appropriate for this area of the city.

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 proposed building elevations have been designed with articulated roof lines and materials to prevent blank and expressionless walls and a canopy on the ground floor of a building. All roof mounted mechanical equipment will be screened from view using parapet walls to meet architectural design standards.

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

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

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
12/16/64	The City Council approved 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, Wards 1 and 3. The Planning Commission recommended approval on 12/10/64.

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Most Recent Change of Ownership	
11/21/02	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
07/13/09	A business license (#G50-04232) was issued for General Retail Sales (EI Portal) located at 310 Fremont Street. The license is still active.
09/02/10	A building permit (#156361) was issued for tenant improvements (Indian Arts and Craft) located at 310 Fremont Street. The permit was finalized on 08/15/11.
06/18/15	A business license (#G63-04534) was issued for Coin Amusement Machine (Characters Unlimited Inc.) located at 310 Fremont Street. The license is still active.

Pre-Application Meeting	
03/16/17	A pre-application meeting was held with the applicant to discuss the submittal process for the Site Development Plan Review and two Special Use Permits for a proposed Liquor Establishment (Tavern) and Tavern-Limited Establishment use.

Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
05/04/17	A field inspection was conducted by staff which revealed a well maintained commercial site located adjacent to Fremont Street Experience canopy.

Details of Application Request	
Site Area	
Net Acres	0.22

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	General Retail	C (Commercial)	C-2 (General Commercial)

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Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
North	General Retail	C (Commercial)	C-2 (General Commercial)
South	Right-of-Way	ROW (Right-Of-Way)	C-2 (General Commercial)
East	General Retail	C (Commercial)	C-2 (General Commercial)
West	General Retail	C (Commercial)	C-2 (General Commercial)

Master Plan Areas	Compliance
Downtown Centennial Plan	Y
Special Purpose and Overlay Districts	Compliance
Downtown Centennial Plan Overlay District (Central Casino Core)	Y
A-O (Airport Overlay) District (200 Feet)	Y
Downtown Casino Overlay District	Y
Live/Work Overlay District	Y
Other Plans or Special Requirements	Compliance
Trails	Y
Las Vegas Redevelopment Plan Area	Y
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to Downtown Centennial Plan, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Setbacks			
• Front	70% along Property Line	100%	Y
• Side	N/A	0 Feet	Y
• Corner	70% along Property Line	N/A	Y
• Rear	N/A	0 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Dumpster in Alley	N*
Mech. Equipment	Screened	Screened	Y

**On-site trash pick-up will remain at its existing location in the adjacent alley way to the north, which has an existing container for trash.*

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Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Fremont Street	Major Collector	Planned Streets and Highways Map	80 Feet	Y

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement	Base Parking Requirement		Provided		Compliance
			Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Liquor Establishment (Tavern)	6,869 SF (2,482 SF seating area 4,387 SF back of house)	1:50 SF of seating area plus 1:200 of remaining floor area	72				
Tavern-Limited Establishment	3,015 SF (1,844 SF seating area 1,171 SF back of house)	1:50 SF of seating area plus 1:200 of remaining floor area	43				
Restaurant	4,473 SF (back of house)	1:200 of remaining floor area	23				
TOTAL SPACES REQUIRED			138		0		*N
Regular and Handicap Spaces Required			133	5	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.

Waivers		
Requirement	Request	Staff Recommendation
A 1,500-foot minimum distance separation is required from any other Liquor Establishment (Tavern), church/house of worship, school and individual care center licensed for more than 12 children.	To allow a 80-foot distance separation from an existing Liquor Establishment (Tavern) and to allow a 1,158-foot distance separation from an existing church/house of worship	Approval