City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 5, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-22265 - APPLICANT/OWNER: 4 CHARLESTON, LLC

** CONDITIONS **

The Planning Commission (5-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all minimum requirements for the Urban Lounge use under Title 19.04.010.

2. Approval of and conformance to the conditions of approval for Special Use Permits (SUP-22264, SUP-22266, SUP-22874, SUP-22875 and SUP-22876) and Site Development Plan Review (SDR-22267) shall be required.

3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

4. Approval of this Special Use Permit does not constitute approval of a liquor license.

5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

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

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed Urban Lounge in the Las Vegas Arts District, one of three within the proposed building at 4 Charleston Boulevard. For clarity, this report refers to the central tenant space within the building, which also is proposed to contain a restaurant. It is marked on the submitted colored floor plan as "Urban Lounge 2."

The Urban Lounge meets the use requirements under Title 19.04, is harmonious and compatible with nearby land uses, and will not jeopardize the public health and safety. Staff therefore recommends approval of the Special Use Permit.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
04/05/00	The City Council approved a Special Use Permit (U-0009-00) for a proposed Thrift Shop at 4 East Charleston Boulevard. The Planning Commission and staff recommended approval. The Special Use Permit will expire 08/04/07.
05/27/03	Business Licensing Enforcement responded to a complaint (#15590) regarding trash and debris in the alley behind the subject property. The case was resolved 05/27/03.
01/04/06	The City Council adopted Ordinance No. 5807, establishing the means for allowing the use "Urban Lounge" in certain commercial and industrial districts. This ordinance also required approval of a Special Use Permit for any general business gaming activity at an establishment qualifying as an urban lounge.
05/04/06	Business Licensing Enforcement responded to a complaint (#168052) regarding portable signage within the public right-of-way in front of the building on the subject site. The case was resolved 05/04/06.
06/23/06	Business Licensing Enforcement responded to a complaint (#184053) regarding graffiti on the subject property. The case was resolved 06/23/06.
01/31/07	Business Licensing Enforcement responded to complaints (#246569-246580) regarding graffiti in the area bounded by Charleston Boulevard, Casino Center Boulevard, Oakey Boulevard and Main Street, including the alleys in between these streets. The case was resolved 01/31/07.
07/26/07	The Planning Commission recommended approval of companion items SUP-22264, SUP-22266, SUP-22874, SUP-22875, SUP-22876 and SDR-22267 concurrently with this application. The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #41/ss).

Related Building Permits/Business Licenses	
04/10/00	A business license (N36-00014) was issued for a Thrift Shop at 4 East Charleston Boulevard. The license was marked out of business on 08/04/06.
12/06/00	A business license (D08-01662) was issued for an Upholstery business at 8 East Charleston Boulevard, Suite #B. The license remains active.
04/22/03	A business license (F07-01773) was issued for a Furniture Store at 8 East Charleston Boulevard, Suite #A. The license remains active.
10/27/03	A business license (C07-03120) was issued for a Clothing Store at 6 East Charleston Boulevard. The license was marked out of business on 05/04/04.
04/29/04	A building permit (#04010153) was issued for a non-work Certificate of Occupancy at 6 East Charleston Boulevard for a Furniture Store. The permit had a final inspection on 07/15/04.
05/06/04	A business license (F07-01830) was issued for a Furniture Store at 6 East Charleston Boulevard. The license was marked out of business on 04/08/05.
Pre-Application Meeting	
05/09/07	At the meeting, it was determined that a reversionary map would be required prior to permits and that waivers of the Downtown Centennial Plan would be needed. Although Title 19 parking requirements are not automatically applied, the number of spaces proposed was discussed in relation to the types of uses proposed (i.e., taverns and restaurant). Signs cannot encroach into the public sidewalk area.
Neighborhood Meeting	
A neighborhood meeting is not required for this application, nor was one held.	
Field Check	
06/05/07	The subject site contains a structure with a stone façade and metal siding on the awning. There are no front or side yard setbacks. The building contains four doors, two of which are blocked from entry. A bus stop is adjacent to the site on Charleston. Parking is in the rear and contains 12 spaces. A used car lot is adjacent, with a billboard just to the west of the subject building. This billboard does not have sign copy on the east face. The third address at the building contains two suites.

Details of Application Request	
Site Area	
Net Acres	0.27

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Furniture store/upholstery store	C (Commercial)	C-2 (General Commercial)

North	Art galleries, studios, offices, theater, restaurant	C (Commercial)	C-2 (General Commercial)
South	Motor Vehicle Sales (Used)	C (Commercial)	C-M (Commercial/Manufacturing)
East	Retail Commercial	C (Commercial)	C-2 (General Commercial)
West	Motor Vehicle Sales (Used)	C (Commercial)	C-2 (General Commercial)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
Downtown Centennial Plan			N*
Redevelopment Plan Area			Y
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
Downtown Overlay District (18b—Las Vegas Arts District)	X		Y
Live/Work Overlay District	X		N/A
Trails (Tortoise Trail)	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

*Waivers of the Downtown Centennial Plan Standards are requested as part of companion SDR-22267.

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	***Gross Floor Area or Number of Units***	***Required***			***Provided***		***Compliance***
			Parking		*Parking*		
		Parking Ratio	Regular	Handi-capped	Regular	Handi-capped	
Urban Lounge #1	1,149 SF	N/A	N/A				
Urban Lounge #3	1,086 SF	N/A	N/A				
Urban Lounge #2/Restaurant	3,076 SF (1,167 seating/ waiting)	1/50 SF seating/ waiting + 1/200 SF remain-ing area	34				

SS

Office	2,730 SF	1/300 SF GFA	10				
SubTotal	8,041 SF		42	2	7	1	
TOTAL			**44**		**8**		**Y**
Loading Spaces	8,041 SF	1: <10,000 SF	1	N/A	1	N/A	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 illustrates the requirements of an analogous project in other areas in the City. Parking for Urban Lounges is determined on a case-by-case basis. Parking area onsite is limited; uses at this site will rely heavily on offsite parking and walk-up traffic.

Per Title 19.04.010 and Title 6.40, the following standards apply:

Urban Lounge Requirements	**Bar Seats**	**Lounge Seats (Required: 2 per bar seat)**	**Ratio Lounge Seats to Bar Seats**	**Slot Machines (Max. 5 machines)**
Urban Lounge #1	13	29	2.23	5
Urban Lounge #2	12	46	3.83	5
Urban Lounge #3	15	32	2.13	5

ANALYSIS

An Urban Lounge is defined by Title 19 as an establishment that is licensed for the sale of alcoholic beverages for consumption on the premises where the same are sold, and 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. To qualify as an Urban Lounge, the following conditions must be satisfied:

1. The use is limited to the area located within the boundaries of the Las Vegas Arts District, as described in the Downtown Centennial Plan and as amended from time to time.

2. For each seat provided at the bar of the establishment, there must be a minimum of two seats within a lounge area located away from the bar.

3. The use is subject to the provisions of Chapter 6.40 relating to gaming and Chapter 6.50 relating to liquor control.

An approved Special Use Permit is required for this use.

Regarding Number 1 above, the site is proposed to be located within the boundaries of 18b, the Las Vegas Arts District. With regard to Number 2 above, the bar will provide 12 seats and the lounge area will provide 46 seats, in conformance with urban lounge requirements. With regard to Number 3 above, the lounge will contain five bar top slot machines, which is the maximum allowed under Title 6 for this use. There is no distance separation requirement for urban lounges within the Arts District. The table above summarizes this information for the three proposed urban lounges.

The three lounges are not connected directly to each other, but are linked by a common hallway at the rear of the tenant spaces; this hallway leads to shared restroom facilities. The Department of Building and Safety has no objections to the proposed building's exiting plan and shared ADA restrooms in concept. Full conformance to the 2006 International Building Code will be determined at the time of plan check for permits. Each lounge will be treated as a separate leasehold and will at no time together be considered as one establishment.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 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 Urban Lounge use is compatible with the other two urban lounges proposed within the subject building and with other uses on surrounding properties. Gaming will be proposed within this urban lounge.

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

   The existing building will be demolished to make way for a proposed building that will accommodate three urban lounges, a restaurant and offices. Parking meets code requirements, but may not be adequate to address the needs of all potential customers.

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 site is accessed from a 20-foot wide alley with access to Main Street (a 100-foot Primary Arterial) on the west and Casino Center Boulevard (an 80-foot Secondary Collector) on the east. These facilities are adequate in size to meet the requirements of the proposed Urban Lounge 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 Urban Lounge will be subject to regular inspection for licensing purposes and will not compromise the public health, safety and welfare.

5. **The use meets all of the applicable conditions per Title 19.04.**

   The site is proposed to be located within the boundaries of the Las Vegas Arts District. The bar will provide 12 seats and the lounge area will provide 46 seats, in conformance with urban lounge requirements. The lounge will contain five bar top slot machines, which is the maximum allowed under Title 6 for this use. There is no distance separation requirement for urban lounges within the Arts District.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 8

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 121 by City Clerk

APPROVALS 3

PROTESTS 3