



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: APRIL 8, 2025
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: TE509, LLC - OWNER: BORE HIRSCH, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
25-0014-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 29

NOTICES MAILED 547

PROTESTS 1

APPROVALS 0

**** CONDITIONS ****

25-0014-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Alcohol, On-Premise Full 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 Building and Safety Division.
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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Special Use Permit request for a proposed 1,967 square-foot Alcohol, On-Premise Full use with a 145 square-foot outdoor patio area at 509 Fremont Street.

ISSUES

- The Alcohol, On-Premise Full use is allowed in the T6-UC (T6 Urban Core) zoning district with approval of a Special Use Permit. Staff supports the request.

ANALYSIS

The subject site is zoned T6-UC (T6 Urban Core) and located in the Downtown Entertainment Overlay District. It is subject to the Appendix F: Interim Downtown Las Vegas Development Standards for Area 3. The proposed tenant space is located within an existing commercial building with restaurant, bar and nightclub establishments. The applicant is proposing to operate a 1,967 square-foot restaurant that will serve alcoholic beverages with a 145 square-foot outdoor patio area.

Pursuant to Title 19.10.120, the intent of the Downtown Entertainment Overlay District is to further the City's downtown redevelopment plans in the spirit of restoring downtown Las Vegas as a dynamic, vibrant center for the entire Las Vegas Valley. Additionally, on-site parking requirements shall not apply for any banquet facility, restaurant, café, tavern, bar, supper club, billiard parlor, nightclub/discotheque, general retail store or video arcade that is approved by means of Special Use Permit or otherwise for a parcel located within the district. No parking is provided on-site, however, there are public parking facilities available in the surrounding area.

Per Title 19.12, the Alcohol, On-Premise Full use is defined as "An establishment licensed to sell alcoholic beverages, not limited to the sale of beer, wine and coolers, for consumption on the premises where the same are sold."

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The Minimum Special Use Permit Requirements for this use include:

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 a minimum distance separation between an Alcohol, On-Premise Full establishment and certain other uses that should be protected from the impacts associated with that establishment. Therefore, except as otherwise provided in these Requirements, no Alcohol, On-Premise Full establishment may be located within 400 feet of any of the following uses:

- a. Church/house of worship;
- b. School;
- c. Individual care center licensed for more than 12 children; or
- d. City park

The proposed use meets this requirement, as no protected uses are located within 400 feet of the subject site.

2. The distance separation requirement set forth in Requirement 1 does not apply to the following:
- a. 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; or
 - b. Any Alcohol, On-Premise Full use located on property within the Pedestrian Mall, as defined in LVMC Chapter 11.68; the Downtown Entertainment Overlay District, as described in LVMC 19.10.120; or the 18b Arts District, as described in Appendix F to this Title. The Special Use Permit approval may include conditions designed to mitigate any impacts related to distance separation.

The subject site is located on property within the Downtown Entertainment Overlay District, as described in LVMC 19.10.120. Therefore, the distance separation requirement set forth in Requirement 1 does not apply.

The applicant adheres to all the requirements for the Alcohol, On-Premise Full use outlined in Title 19.12. Staff finds that the proposed use can be conducted in a manner that is harmonious and compatible with the surrounding area. Therefore, staff recommends approval, subject to conditions.

FINDINGS (25-0014-SUP1)

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 Alcohol, On-Premise Full use can be conducted in a manner that is harmonious and compatible with the existing restaurant, bar, and nightclub uses and with future 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 land use proposed.

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 subject site can be accessed by Fremont Street, an 80-foot wide Collector Street, as designated by the Master Plan of Streets and Highways, which is adequate in size to meet 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.**

The site is subject to licensing and inspection, thus protecting the public health, safety, and general welfare.

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

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

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
05/12/15	The Planning Commission approved a Special Use Permit (SUP-58467) for a proposed 1,861 square-foot Tavern-Limited Establishment use at 509 Fremont Street.
06/16/15	The Department of Community Development - Planning Division administratively approved a request for Signage Design Review (ARC-59381) for a proposed wall sign at an approved restaurant and tavern-limited establishment at 509 Fremont Street.
10/16/19	The City Council approved a General Plan Amendment (GPA-75814) to amend portions of the Southeast Sector Land Use Map of the General Plan from: C (Commercial) and MXU (Mixed Use) to: FBC (Form-Based Code) on approximately 226 acres in the Fremont East District located south of Interstate 515, west of Eastern Avenue, north of Carson Avenue, and east of Las Vegas Boulevard.
10/16/19	The City Council approved a Rezoning (ZON-76747) from: C-1 (Limited Commercial), C-2 (General Commercial), R-5 (Apartment), R-4 (High Density), R-3 (Medium Density) and R-2 (Medium Low Density) to: T4-N (T4 Neighborhood), T4-C (T4 Corridor), T5-N (T5 Neighborhood), T5-MS (T5 Main Street), and T6-UC (T6 Urban Core) on approximately 226 acres in the Fremont East District located south of U.S. Highway 515, east of Las Vegas Boulevard, north of Carson Avenue, and west of Eastern Avenue.
03/11/25	The Planning Commission voted (6-0) to HOLD IN ABEYANCE the following Land Use Entitlement project request FOR A PROPOSED 1,967 SQUARE-FOOT ALCOHOL, ON-PREMISE FULL USE WITH A 145 SQUARE-FOOT OUTDOOR PATIO AREA at 509 Fremont Street (APN 139-34-601-015), T6-UC (T6 Urban Core) Zone, Ward 3 (Diaz).

<i>Most Recent Change of Ownership</i>	
10/02/23	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
07/30/15	A building permit (C-283368) was issued for tenant improvements at 509 Fremont Street. The permit was finalized on 12/01/15.
10/20/15	A business license (G63-02393) was issued for a restaurant [The Smashed Pig] at 509 Fremont Street. The license was marked inactive on 08/15/18.

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<i>Related Building Permits/Business Licenses (continued)</i>	
10/20/15	A business license (P63-00135) was issued for a tavern limited establishment at 509 Fremont Street. The license was marked inactive on 08/15/18.
08/02/16	A sign permit (C-302967) was issued for a wall sign at 509 Fremont Street.
08/15/18	A business license (P66-00199) was issued for full alcohol on-premise at 509 Fremont Street. The license was marked inactive on 08/08/23.
10/18/18	A business license (G66-04882) was issued for a restaurant at 509 Fremont Street. The license was marked inactive on 08/07/23.

<i>Pre-Application Meeting</i>	
01/08/25	A pre-application meeting was held with the applicant.

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

<i>Field Check</i>	
01/27/25	Staff conducted a routine field check and observed a vacant suite within an existing commercial building. No issues were noted.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.52

<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	Restaurant	FBC (Form-Based Code)	T6-UC (T6 Urban Core)
	Alcohol, On-Premise Full		
North	Restaurant	FBC (Form-Based Code)	T6-UC (T6 Urban Core)
	Alcohol, On-Premise Full		
South	Office, Other than Listed	FBC (Form-Based Code)	T6-UC (T6 Urban Core)

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<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>
East	Nightclub	FBC (Form-Based Code)	T6-UC (T6 Urban Core)
West	Alcohol, On-Premise Full	C (Commercial)	C-2 (General Commercial)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Downtown Las Vegas	Y
Vision 2045 Downtown Las Vegas Master Plan: Fremont East District	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District (200 Feet)	Y
DTLV-O (Downtown Las Vegas Overlay) District - Area 3	Y
DE-O (Downtown Entertainment Overlay) District	Y
LW-O (Live/Work Overlay) District	Y
SB-O (Las Vegas Boulevard Scenic Byway Overlay) District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails (Entertainment Trail - Constructed) Fremont Street	Y
Las Vegas Redevelopment Plan Area - Area 1	Y
Interlocal Agreement	N/A
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	Collector	Master Plan of Streets and Highways Map	80	Y

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Parking Requirement - Downtown (Areas 1-3)							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Alcohol, On-Premise Full	1,296 SF	1 space per 50 SF of public seating & waiting plus 1 space per 200 SF remaining GFA	30				
	692 SF						
TOTAL SPACES REQUIRED (unweighted)			30				
TOTAL SPACES REQUIRED (weighted requirement; see below)			9-18		0		N/A*
Regular and Handicap Spaces Required			28	2	0	0	N/A*
Downtown Form Based Code Parking Standards - Title 19.09.100.G							
Parking Standards Low Load - Zone 1			Between 30% and 60%		0		N/A*

Projects located within the Downtown Las Vegas Overlay District may be evaluated based on a weighted parking requirement as detailed in Title 19.09.100. This table compares the Title 19.12 parking requirements for this project with the weighted requirement in Title 19.09, but is not determinative of code conformance.

*Per Title 19.10.120, on-site parking requirements shall not apply for any banquet facility, restaurant, café, tavern, bar, supper club, billiard parlor, nightclub/discotheque, general retail store or video arcade that is approved by means of Special Use Permit or otherwise for a parcel located within the Downtown Entertainment Overlay District.