



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: APRIL 9, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: MVB, LLC - OWNER: ARTS CORNER, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0380-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 25

NOTICES MAILED 568

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0380-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.

Public Works

8. Coordinate with the Environmental Compliance & Enforcement staff of the Department of Public Works to locate any required grease interceptor and sand/oil interceptors in acceptable locations prior to submittal of sewer-related plans. Comply with the recommendations and requirements of the Environmental Compliance & Enforcement staff prior to issuance of permits. The team may be contacted at 702-229-6594 or emailed at ece@lasvegasnevada.gov.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing to operate an Alcohol, On-Premise Full facility at 1 East Charleston Boulevard, Suite #100.

ISSUES

- A Special Use Permit is requested for the Alcohol, On-Premise Full use within the C-2 (General Commercial) Zone. Staff supports this request.

ANALYSIS

The applicant is proposing to offer full alcohol in an on-premise capacity within a proposed “a unique ice cream shop and speakeasy.” The subject suite consists of 3,214 square feet of interior space, and a 777 square-foot patio for outdoor seating. The facility will serve hand crafted ice cream, tapas style food and a varied selection of beer and spirits.

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.”

The Minimum Special Use Permit Requirements for this use include:

1. Requirement 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.

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The proposed use meets this requirement as there is not a Church/House of Worship, school, Individual care center licensed for more than 12 children or City park within 400 feet of the subject site.

2. Requirement 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.

This requirement does not apply.

Staff finds the proposed Alcohol, On-Premise Full use can be conducted in a manner that is harmonious and compatible with the existing surrounding land uses and recommends approval of the request.

FINDINGS (23-0380-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 surrounding land uses.

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

The subject site is physically suited for an Alcohol, On-Premise Full use.

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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.**

Street facilities are adequate in size to accommodate the proposed Alcohol, On-Premise Full 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.**

If approved, the proposed use is subject to multiple governmental agencies to ensure it operates in a manner that will not compromise the public health, safety, and welfare.

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

The proposed use meets all applicable conditions per Title 19.12 for an Alcohol, On-Premise Full use.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
07/14/22	The Department of Community development approved an Administrative Site Development Plan Review (22-0290-SDR1) for exterior building and on-site improvements to an existing 23,090 square-foot commercial development on 0.50 acres at 1 East Charleston Boulevard.

<i>Most Recent Change of Ownership</i>	
10/2021	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
01/09/23	A Building Permit (C22-03241) was issued for interior and exterior renovation of an existing two-story building and associated site work including trash enclosure at 1 East Charleston Boulevard. The permit is open as of 03/18/24.
02/14/24	A Building Permit (C23-03489) was issued for interior renovations, storefront modifications and exterior patio improvements for outdoor eating at 1 East Charleston Boulevard, Suite #100. The permit is open as of 03/18/24.

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Pre-Application Meeting

07/13/23	Staff conducted a pre-application meeting to discuss the submittal requirements for a Special Use Permit.
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Neighborhood Meeting

A neighborhood meeting was not required, nor was one held.
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Field Check

02/29/24	Staff performed a routine field check where the subject site was observed to be undergoing renovations at the time.
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Details of Application Request

Site Area

Net Acres	0.50
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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>
Subject Property	General Retail Sales, Other Than Listed	C (Commercial)	C-2 (General Commercial)
North	Museum	MXU (Mixed Use)	C-M (Commercial / Industrial)
	Restaurant		
	Office, Other Than Listed		
South	Clinic	C (Commercial)	C-2 (General Commercial)
East	Museum	C (Commercial)	C-2 (General Commercial)
	Office, Other Than Listed		
	General Personal Service		
	Restaurant		
	General Retail Store, Other Than Listed		
	Tattoo Parlor		
West	Vacant Building	C (Commercial)	C-2 (General Commercial)

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<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: 18b Las Vegas Arts 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 1	Y
LW-O (Live/Work Overlay) District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails – Tortoise Trail	Y
Las Vegas Redevelopment Plan 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>
Charleston Boulevard	Primary Arterial	Master Plan of Streets and Highways Map	108	Y
Main Street	Primary Arterial	Master Plan of Streets and Highways Map	82	Y

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Parking Requirement - Downtown (Area 1) 18b Las Vegas Arts District							
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 [Restaurant]	3,991 SF	1:50 SF Public Areas	36				
		1: 200 SF Remaining Gross Floor Area.	12				
TOTAL SPACES REQUIRED (unweighted)			48				
TOTAL SPACES REQUIRED (weighted requirement; see below)			0		9		Y*
Regular and Handicap Spaces Required			46	2	8	1	Y*
Downtown Form Based Code Parking Standards - Title 19.09.100.G							
Parking Standards High Load - Zone 3			Between 40% and 70%		20 - 34		Y*

**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. Projects located within the Downtown Las Vegas Overlay (Area 1) 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.*