



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: MAY 14, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: MARCUS ALLEN

** STAFF RECOMMENDATION(S) **

Table with 3 columns: CASE NUMBER, RECOMMENDATION, and REQUIRED FOR APPROVAL. It contains two rows of staff recommendations for cases 23-0363-SUP1 and 23-0363-SDR1.

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 19

NOTICES MAILED 282

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0363-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Alcohol, On-Premise Full use.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (23-0363-SDR1) shall be required, if approved.
3. 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.
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 Building and Safety Division.
5. 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.
6. Approval of this Special Use Permit does not constitute approval of a liquor license.
7. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

23-0363-SDR1 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (23-0363-SUP1) shall be required, if approved.

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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 landscape plan, date stamped 04/25/24, except as amended by conditions herein.
4. A Waiver from Title 19.12 is hereby approved, to allow 33 parking spaces where 58 is the minimum required.
5. 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.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
7. All utility or mechanical equipment shall comply with the provisions of the Interim Downtown Las Vegas Development Standards, unless approved by a separate Waiver.
8. A revised site plan shall be submitted to and approved by the Department of Community Development, prior to the time application is made for a building permit, to reflect the changes herein.
 - A van accessible parking space shall be provided in compliance with Title 19.08.
9. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, which shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device.
 - The Bonanza Road amenity zone landscaping shall be in conformance with the district specific palate indicated in Title 19.09.040
10. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

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Public Works

11. In accordance with code requirements of Title 13.56 and Section 2.2 of the City's Vision Zero Action Plan, the sidewalk adjacent to this site shall meet Public Right-of-Way Accessibility Guidelines (PROWAG). Additionally, remove all substandard offsite improvements, if any, and replace with new improvements meeting Current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
12. Unless otherwise allowed by the City Engineer, construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network and shall be terminated on-site with a handicap ramp.
13. 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.
14. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
15. Submit a License Agreement for landscaping and private improvements in the Bonanza Road public right(s)-of-way, if any, prior to the issuance of permits for these improvements. If requested by the City, the applicant shall remove property within the public right-of-way at the applicant's expense pursuant to the terms of the City's License 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 License Agreement. Coordinate all requirements for the License Agreement with the Land Development Section of the Department of Community Development (229-5460).
16. Obtain an Occupancy Permit from the Nevada Department of Transportation (NDOT) for all driveways or other private improvements in the Bonanza Road public right-of-way adjacent to this site prior to constructing any improvements within NDOT jurisdiction.
17. Gates shall remain open during business hours. Queues shall not extend into the public right-of-way as a result of the gate operations on this site.

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18. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.

Fire & Rescue

19. 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.
20. Applicant to install fire sprinklers in main building as required per IFC chapter 9 (as amended), as this is a change of occupancy to an 'A-3'.
21. Applicant to provide adequate fire access to the existing garage in the back of the property or install fire sprinklers as required per IFC chapter 5 (as amended) for lack of Fire access.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing a 5,048 square-foot Alcohol, On-Premise Full use with 4,619 square feet of outdoor seating area on 0.90 acres at 845 West Bonanza Road.

ISSUES

- The subject site is within the confinements of the Vision 2045 Downtown Las Vegas Master Plan (Historic Westside District) [Area 2].
- The Alcohol, On-Premise Full use is permitted in the T5-M (T5 Maker) transect zone through the approval of a Special Use Permit.
- The subject site is located in Redevelopment Area 1.

ANALYSIS

Adopted by the City Council in June 2016, the Vision 2045 Downtown Las Vegas Master Plan (Downtown Master Plan) is the policy document that provides an overall vision, policy direction, and implementation strategy in support of the ongoing recovery and revitalization in Downtown Las Vegas. The Downtown Master Plan envisions and encourages downtown Las Vegas to achieve a compact, vibrant urban environment, with a focus on higher-density mixed-use development around transit hubs and activity nodes. The Master Plan is intended to enable an energetic, urban way of life and a high-quality physical environment for locals and visitors alike.

Adopted under the requirements of the Las Vegas Municipal Code and other applicable laws, the Title 19.09 Form-Based Code establishes the new form-based standards for the area of the City included within the Downtown Las Vegas Overlay (DTLV-O). Eventually, the Form-Based Code will be applied to each of the twelve Downtown Districts within the Downtown Las Vegas Overlay District.

The subject site is located within the Historic Westside District of Downtown Las Vegas. The Historic Westside is dominated mostly by low-rise residential neighborhoods and industrial zones. The neighborhood consists of a few historical sites, poor housing conditions, vacant parcels, and a lack of parks and amenities. The district is in need of environmental upgrades and social services. The subject site is governed by Title 19.09 which regulates the form-based code development standards. The subject site is located in a T5-M (T5 Maker) transect zone.

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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. 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 the nearest protected use, an Church/House of Worship at 721 West McWilliams Avenue is located approximately 900 feet from the proposed use.

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 is not applicable as the proposed use meets the 400-foot distance separation requirement and also would not qualify under either of these exemptions.

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. In accordance with Title 19.09, the applicant is requesting a Waiver to allow 33 parking spaces where 58 are required.

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The proposed site is also located within Redevelopment Area 1 and if approved would support the goals of the Redevelopment Agency by eliminating blight through the rehabilitation of an existing vacant property. This new tavern will help encourage other new businesses within the surrounding area.

The proposed use can be conducted in a manner that is harmonious and compatible with the surrounding existing and future land uses. Therefore, staff recommends approval, subject to conditions. If approved, the proposed use cannot be operated at this location.

FINDINGS (23-0363-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 establishment can be conducted in a harmonious and compatible manner with the existing and future industrial-related land uses within the surrounding area.

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

The subject site is located within the Bonanza commercial/industrial corridor, which accommodates a variety of different commercial uses and is physically suitable for an Alcohol, On-Premise Full establishment.

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 is accessed from Bonanza Road, a 100-foot Primary Arterial; this roadway is adequate in size to meet the requirements 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 will be 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 Alcohol, On-Premise Full establishment has met all applicable of the minimum Special Use Permit requirements set forth by Title 19.12.

FINDINGS (23-0363-SDR1)

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 site reconfiguration is compatible with the existing building and adjacent commercial land uses within the surrounding area of the subject site.

2. The proposed development is consistent with the General Plan, this Title, and other duly-adopted city plans, policies and standards;

In order to accommodate the repurposing of the vacant building for the proposed use, a Waiver is requested to allow 33 parking spaces where 58 is the minimum required. With the approval of this Waiver, the proposed site reconfiguration has been deemed consistent with Title 19.08.

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

The subject site is accessed from Bonanza Road, a 100-foot Primary Arterial; this roadway is adequate in size to meet the requirements of the proposed use.

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

Condition of Approval Nine (9) of the Site Development Plan Review has been added to ensure that the Bonanza Road amenity zone landscaping is in conformance with the district specific palate indicated in Title 19.09.040

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;

There are no design characteristics changes to the commercial building.

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

The development of the site will be subject to building permit review and inspection, thereby protecting the health, safety, and general welfare of the public.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
05/14/98	The Planning Commission approved a Special Use Permit (U-0002-98) for a 14-foot by 48-foot, 55-foot high, double-faced off-premise advertising sign (billboard) at 845 West Bonanza Road.
10/04/00	The City Council approved a two year Required Review (U-0002-98(1)) on a Special Use Permit (U-0002-98) which allowed a 55 foot high, double-faced 14 foot x 48 foot off-premise advertising (billboard) sign at 845 West Bonanza Road. The Planning Commission recommended approval.
12/19/01	The City Council approved a two year Required Review (U-0002-98(2)) of an approved Special Use Permit (U-0002-98) which allowed an off-premise advertising (billboard) sign at 845 West Bonanza Road.
01/21/04	The City Council approved a two year Required Review (RQR-3233) of an approved Special Use Permit [U-0002-98(2)] which allowed an off-premise advertising (billboard) sign at 845 West Bonanza Road.
03/15/06	The City Council approved a two year Required Review (RQR-11174) of an approved Special Use Permit (U-0002-98) for a 55-foot tall, 14-foot by 48-foot off-premise advertising (billboard) sign at 845 West Bonanza Road. The Planning Commission and Staff recommended approval.
06/28/07	Staff administratively approved a Site Development Plan Review (SDR-22039) to allow a proposed co-location of antennas on an existing 75-foot wireless communication facility, non-stealth at 845 West Bonanza Road.
03/13/08	Staff administratively approved a Site Development Plan Review (SDR-26847) to remove and replace three antennas and to co-locate one additional antenna on an existing 75-foot wireless communication facility, non-stealth at 845 West Bonanza Road.
09/17/08	The City Council approved a two year Required Review (RQR-28416) of an approved Special Use Permit [U-0002-98(2)], which allowed for a 55-foot tall, double-faced 14-foot by 48-foot off premise sign (billboard) on 0.92 acres at 845 West Bonanza Road.

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<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
06/11/09	Staff administratively approved a Site Development Plan Review (SDR-34335) for the co-location of three (3) antennas and three (3) microwave dish antennas at the 75-foot centerline of an existing 75-foot tall wireless communication facility, non-stealth design (monopole) located at 845 West Bonanza Road.
08/09/11	Staff administratively approved a Minor Site Development Plan Review (SDR-42132) to remove one (1) existing antenna and replace an existing antenna with a new panel antenna at the 75-foot centerline of an existing wireless communication facility, non-stealth design (monopole) located at 845 West Bonanza Road.
12/13/11	The City Council approved a two year Required Review (RQR-43777) of a previously approved Special Use Permit [U-0002-98(2)] which allowed a 55-foot tall, 14-foot by 48-foot off-premise sign at 845 West Bonanza Road
12/15/12	Staff administratively approved a Minor Site Development Plan Review (SDR-47704) to remove six existing antennas and install three new antennas and six new radio remote heads at the 75-foot centerline of an existing 75-foot tall wireless communication facility, non-stealth design (monopole) located at 845 West Bonanza Road.
12/17/14	The City Council approved a two year Required Review (RQR-54755) of an approved Special Use Permit (U-0002-98) for a 55-foot tall, 14-foot by 48-foot off-premise sign at 845 West Bonanza Road.
11/19/18	Staff administratively approved a Conditional Use Verification (CUV-75133) for modifications to an existing Wireless Communication Facility, Non-Stealth Design located at 845 West Bonanza Road.
12/18/19	The City Council approved a two year Required Review (RQR-77432) of an approved Special Use Permit (U-0002-98) for a 55-foot tall, 14-foot by 48-foot off-premise sign at 845 West Bonanza Road.
03/25/21	Staff administratively approved a Conditional Use Verification (100285-CUV) to add (3) antennas, (6) RRH, (1) OVP and (1) hybrid to the tower of an existing Wireless Communication Facility, Non-Stealth Design (Qualifying for Conditional Use Approval). Dish will have a 5'x7' lease area with (1) cabinet at 845 West Bonanza Road

<i>Most Recent Change of Ownership</i>	
06/24/22	A deed was recorded for a change in ownership.

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Related Building Permits/Business Licenses	
07/18/22	A Business License (G70-04821) was reviewed for a lounge bar establishment at 845 West Bonanza Road. The license was never issued and void on 08/08/22.
05/01/23	A Business License (G71-01534) was issued for non-profit motorcycle club meetings at 845 West Bonanza Road. The license is currently active and set to expire on 11/01/23.

Pre-Application Meeting	
07/12/23	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Special Use Permit and a Site Development Plan Review pertaining to the proposed business.

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

Field Check	
04/04/24	A routine field check was conducted of the subject site; staff found an existing vacant commercial building that was gated. Nothing was noted of concern.

Details of Application Request	
Site Area	
Net Acres	0.90

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Private Club, Lodge or Fraternal Organization	FBC (Form-Based Code)	T5-M (T5 Maker)
North	Undeveloped		T5-C (T5 Corridor)
South	Railroad		T5-M (T5 Maker)
East	Wholesale Showroom Facility		
West	Office, Other than Listed		

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Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Downtown Las Vegas	Y
Vision 2045 Downtown Las Vegas Master Plan: Historic Westside District	Y
The Hundred Plan	Y
West Las Vegas Plan	Y
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District (175 Feet)	Y
DTLV-O (Downtown Las Vegas Overlay) District - Area 2	Y
Other Plans or Special Requirements	Compliance
Trails (Pioneer Trail)	Y
Las Vegas Redevelopment Plan Area - Area 1	Y
Interlocal Agreement	N/A
Project of Significant Impact	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.09., the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Parking Driveway Width	32 Feet Minimum 34 Feet Maximum	32 and 34 Feet	Y
Table K. Required Street Trees			
Amenity Zone Tree Planting	Weeping Acacia Mexican Ebony Palo Brea Red Push Pistache Thornless Hybrid Mesquite Thornless Honey Mesquite Blue Oak Sweet Acacia	Not Specified	N*

**Condition of Approval Nine (9) of the Site Development Plan Review has been added to ensure compliance with this standard.*

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Bonanza Road	Primary Arterial	Master Plan of Streets and Highways Map	100	Y

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

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	9,108 SF*	1 per 50 SF of public seating	142							
	559 SF	1 per 200 SF remaining	3							
TOTAL SPACES REQUIRED (unweighted)			145							
TOTAL SPACES REQUIRED (weighted requirement; see below)			58						33	
Regular and Handicap Spaces Required			566	3	31	2	N***			
Downtown Form Based Code Parking Standards - Title 19.09.100.G										
Parking Standards High Load - Zone 3			Between 40% and 70%		58	101				
Bicycle Parking Requirements			N/A		N/A	N/A	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.

**The first 2,000 square feet of Gross Floor Area of nonresidential uses are exempt from this calculation.*

***Condition of Approval Eight (8) of the Site Development Plan Review has been added requiring a van accessible parking space shall be provided in compliance with Title 19.08*

****A Waiver is requested to allow a deviation from this standard.*

Waivers		
Requirement	Request	Staff Recommendation
Based on the size and scale of the proposed development, a minimum of 58 parking spaces is required	To allow 33 parking spaces where 58 is the minimum required.	Approval

<i>Las Vegas Valley Water District (LVVWD)</i>
<i>Comments:</i>
<ul style="list-style-type: none">• Civil plans will need to be submitted to Las Vegas Valley Water District (LVVWD).• Existing water facilities may not be sized for proposed development.

<i>Las Vegas Fire</i>
<i>Comments:</i>
Official Occupancy Classification/Code Requirements to be determined upon official submittal to Building & Safety.
This is not intended to be a comprehensive plan review on this project. Consult a design professional to ensure code compliance. Final determination of code requirements will be upon building permit submittal as this is only for Planning Dept. entitlement purposes only.
Comments are subject to change without notification