



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: NOVEMBER 12, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: THE VIG LV, LLC - OWNER: 9ISLAND, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0454-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 29

NOTICES MAILED 568

PROTESTS 0

APPROVALS 0

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**** CONDITIONS ****

24-0454-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Alcohol, On-Premise Full use.
2. Conformance to the approved conditions for Special Use Permit (SUP-5181) and Site Development Plan Review (SDR-10790).
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.

Public Works

9. 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.

Staff Report Page One**November 12, 2024 - Planning Commission Meeting****** STAFF REPORT ******PROJECT DESCRIPTION**

This is a request for a Special Use Permit to allow a 2,500 square-foot Alcohol, On-Premise Full use within a proposed bar and grill at 150 North Las Vegas Boulevard, Suite #100.

ISSUES

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

ANALYSIS

The subject site is zoned T6-UC (T6 Urban Core) with a FBC (Form Based Code) General Plan land use designation and is subject to Title 19 development standards. The subject tenant space is located in an existing Mixed-Use development located within the Fremont East District of the DTLV-O (Downtown Las Vegas Overlay).

Previous entitlement history indicates on January 23, 2013 the City Council approved a request for a Special Use Permit (SUP-47293) for Tavern-Limited Establishment in conjunction with a restaurant at 150 North Las Vegas Boulevard, Suite #100. Business license history for the tenant space indicates the space continued to be operated as a Tavern-Limited Establishment until April 23, 2022.

The submitted justification letter states the applicant, “would like to open a bar and grill with full liquor. There have been multiple establishments here in the past with full liquor” at the subject site. An Alcohol, On-Premise Full use is described in Title 19.12 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.” This use requires approval of a Special Use Permit within a T6-UC (T6 Urban Core) zoning district pursuant to Title 19.09.050(F).

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

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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

This requirement has been met as there are no protected land uses within 400 feet of the subject site.

2. The distance separation requirement set forth in Requirement 1 does not apply to:
- 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 land use is not associated with a non-restricted gaming license with a hotel having more than 200 rooms. Also, the subject site is not 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.

Staff finds that the proposed Alcohol, On-Premise Full use can be conducted in a manner that is harmonious and compatible with the existing surrounding commercial land uses that surround subject site. Therefore, staff recommends approval of the Special Use Permit, subject to conditions.

FINDINGS (24-0454-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.**

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The proposed Alcohol, On-Premise Full use land use can be conducted in a harmonious and compatible manner with the existing commercial developments that are in close proximity to the subject site.

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

The subject site is physically suitable for the intensity of the proposed Alcohol, On-Premise Full use.

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 by Ogden Avenue, an 80-foot Collector Street and Las Vegas Boulevard, a 88-foot Primary Arterial, as defined by the Master Plan of Streets and Highways.

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 proposed use will be subject to business license review and periodic inspection, thereby safeguarding 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 use meets the minimum requirements set forth by Title 19.12.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
11/17/04	The City Council approved a request for a Site Development Plan Review (SDR-5180) for a 267-foot tall, 251-units and 24,000 square feet of commercial in a Mixed-Use development with waivers from the Downtown Centennial Plan on 1.03 acres adjacent to the southeast corner of Las Vegas Boulevard and Ogden Avenue. The Planning Commission and staff recommended approval of the request.

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<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
	The City Council approved a request for a Special Use Permit (SUP-5181) for a 22-story, 24,000 square-foot, Mixed-Use development adjacent to the southeast corner of Las Vegas Boulevard and Ogden Avenue
08/10/06	Staff administratively approved a Minor Amendment (SDR-10790) to an approved Site Development Plan Review (SDR-5180) for a proposed increase to 275 residential condominium units on 1.03 acres at the southeast corner of Las Vegas Boulevard and Ogden Avenue.
10/17/12	The City Council approved a request for a Special Use Permit (SUP-46241) for a proposed Beer/Wine/Cooler On-Sale Establishment (Rachel's Kitchen) within a proposed 2,791 square-foot restaurant at 150 North Las Vegas Boulevard, a portion of Suite #190. The Planning Commission and staff recommended approval of the request.
01/23/13	The City Council approved a request for a Special Use Permit (SUP-47293) for a proposed 2,730 square-foot Tavern-Limited Establishment (Slice) at 150 North Las Vegas Boulevard, Suite #100. The Planning Commission and staff recommended approval of the request.
	The City Council approved a request for a Special Use Permit (SUP-47295) for a proposed 4,500 square-foot Tavern-Limited Establishment (Inspire) at 150 North Las Vegas Boulevard, Suite #190. The Planning Commission and staff recommended approval of the request.

<i>Most Recent Change of Ownership</i>	
04/01/19	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
03/28/13	A building permit (#C-228896) was issued for a restaurant buildout and tenant improvements (Slice) at 150 North Las Vegas Boulevard. The permit was finalized on 10/16/13.
09/23/13	A business license (#R09-01748) was issued for a restaurant (Wild) at 150 North Las Vegas Boulevard, Suite #100. The license was marked out of business on 03/26/15.
09/24/13	A business license (#L38-00018) was issued for a Tavern-Limited (Wild) at 150 North Las Vegas Boulevard, Suite #100. The license was marked out of business on 03/26/15.
06/09/14	A building permit (#C-262119) was issued for a wall sign (Wild Eatery & Bar) at 150 North Las Vegas Boulevard, Suite #100. The permit has not been finalized.

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Related Building Permits/Business Licenses	
02/04/15	A building permit (#C-279014) was issued for a restaurant buildout and tenant improvements (Itsy Bitsy) at 150 North Las Vegas Boulevard, Suite #100. The permit was finalized on 02/26/15.
03/26/15	A business license (#P63-00110) was issued for a Tavern-Limited (Itsy Bitsy) at 150 North Las Vegas Boulevard, Suite #100. The license was marked out of business on 09/25/17.
	A business license (#G63-02121) was issued for a Nightclub (Itsy Bitsy) at 150 North Las Vegas Boulevard, Suite #100. The license was marked out of business on 09/25/17.
	A business license (#L63-00049) was issued for a Tavern-Limited (Itsy Bitsy) at 150 North Las Vegas Boulevard, Suite #100. The license was marked out of business on 09/25/17.
09/26/16	A building permit (#C-326717) was processed for a restaurant buildout and tenant improvements (Odd Fellows) at 150 North Las Vegas Boulevard, Suite #100. The permit has not been issued.
06/28/17	A business license (#G65-04536) was issued for a restaurant (Flock & Fowl DTLV) at 150 North Las Vegas Boulevard, Suite #100. The license was marked out of business on 08/05/21.
09/25/17	A business license (#P65-00232) was issued for a Tavern-Limited (Flock & Fowl DTLV) at 150 North Las Vegas Boulevard, Suite #100. The license was marked out of business on 04/23/22.
	A business license (#L66-00008) was issued for a Tavern-Limited (Flock & Fowl DTLV) at 150 North Las Vegas Boulevard, Suite #100. The license was marked out of business on 04/23/22.
08/09/18	A building permit (#C17-02749) was issued for a wall sign (Flock & Fowl) at 150 North Las Vegas Boulevard, Suite #100. The permit was finalized on 08/14/18.
10/05/18	A building permit (#C18-04425) was processed for a gas line repair (Flock & Fowl) at 150 North Las Vegas Boulevard, Suite #100. The permit has not been issued.
07/19/22	A building permit (#C22-00240) was issued for a restaurant buildout and tenant improvements (The Vigorish) at 150 North Las Vegas Boulevard, Suite #100. The permit has not been finalized.
10/18/22	A building permit (#C22-00240-R001) was issued for a restaurant buildout and tenant improvements revisions for a grease pump added to project (The Vigorish) at 150 North Las Vegas Boulevard, Suite #100. The permit was finalized on 10/18/22.
01/03/23	A building permit (#C22-00240-R002) was issued for a restaurant buildout and tenant improvements revisions for a new support wall for chairlift and location of chairlift changed from original plans (The Vigorish) at 150 North Las Vegas Boulevard, Suite #100. The permit was finalized on 01/03/23.

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Related Building Permits/Business Licenses

01/30/23	A building permit (#C22-00240-R003) was issued for a restaurant buildout and tenant improvements revisions for removal of a chairlift from the project (The Vigorish) at 150 North Las Vegas Boulevard, Suite #100. The permit was finalized on 01/30/23.
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Pre-Application Meeting

08/29/24	A pre-application meeting was held with the applicant 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

10/03/24	Staff conducted a field check of the subject property and noted the site was a well maintained mixed use development.
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Details of Application Request**Site Area**

Gross Acres	Portion of 0.96
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Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Mixed-Use Development	FBC (Form-Based Code)	T6-UC (T6 Urban Core)
North	Parking Lot	FBC (Form-Based Code)	T6-UC (T6 Urban Core)
South	Outdoor Plaza	FBC (Form-Based Code)	T6-UC (T6 Urban Core)
East	Hotel & Casino	FBC (Form-Based Code)	T6-UC (T6 Urban Core)
West	Shopping Center	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
Appendix F Interim Downtown Las Vegas Development Standards	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District - (200 Feet)	N/A
DTLV-O (Downtown Las Vegas Overlay) - Fremont East District – Area 3	Y
DE-O (Downtown Entertainment Overlay) District	N/A
SB-O (Las Vegas Boulevard Scenic Byway Overlay) District	N/A
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
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>
Las Vegas Boulevard	Primary Arterial	Master Plan of Streets and Highways Map	88	Y
Ogden Avenue	Major Collector	Master Plan of Streets and Highways Map	80	Y

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Pursuant to approved Site Development Plan Review (SDR-10790), the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Commercial	12,059 SF	1:175 SF	69				
Residential							
1 Bedroom	98 Units	1.25:Unit	123				
2 Bedroom	153 Units	1.75:Unit	268				
3 Bedroom	24 Units	2.00:Unit	48				
Guest Spaces	275 Units	1:6 Units	46				
TOTAL SPACES REQUIRED			554		428		Y*
Regular and Handicap Spaces Required			542	12	419	9	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.