



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: DECEMBER 10, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: NOCTURNO COCKTAIL BAR - OWNER: LAS VEGAS ARTS DISTRICT DEVELOPMENT, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0514-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 25

NOTICES MAILED 610

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

24-0514-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 requesting to establish an Alcohol, On-Premise Full use at 1017 South 1st Street, Suite #180 located within an existing commercial development. The proposed establishment will occupy 2,208 square feet of interior space with 465 square feet of outdoor patio area.

ISSUES

- The Alcohol, On-Premise Full use is permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit. Staff recommends approval of the request.

ANALYSIS

The applicant is proposing to establish an Alcohol, On-Premise Full use within a tenant space within an existing commercial building at 1017 South 1st Street, Suite #180. The subject site is located in the C-2 (General Commercial) zoning district, within the Downtown Las Vegas Overlay – 18b Las Vegas Arts District. The C-2 (General Commercial) zoning district is intended to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character.

The subject site is located within an existing commercial building. The submitted plans indicate the proposed establishment will be located on the eastern perimeter of the building and will utilize 2,208 square feet of interior space with 465 square feet of outdoor patio area. The submitted justification letter indicates the applicant is requesting, “A special use permit allowing for an on premise consumption of alcohol for a proposed restaurant and bar in an existing building 1017 South 1st Street.” Business license history indicates the subject tenant space previously operated as a Tavern-Limited Establishment, Restaurant and Nightclub that was called “The Garden”.

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Minimum Special Use Permit Requirements - Alcohol, On-Premise Full

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."

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 proposed site is not located within 400 feet of a Church/House of Worship, School, Individual Care Center licensed for more than 12 children or City Park.

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 land use is not associated with a non-restricted gaming license with a hotel having more than 200 rooms or an establishment having more than 50,000 square feet of retail floor space. Also the site is located within the 18b Arts District as described in Appendix F to this Title. So, the distance separation set forth in requirements 1 is not applicable.

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The proposed Alcohol, On-Premise Full use adheres to all minimum Special Use Permit requirements as outlined by Title 19.12. The subject site is not located within 400 feet of any church/house of worship, school, individual care center licensed for more than twelve children, or City park. In addition, staff has added a condition of approval requiring the business conform to all provisions of LVMC Chapter 6.50 with regards to an alcohol license. It has been determined that the proposed Alcohol, On-Premise Full use. Staff has determined that the proposed use can be conducted in a manner that is compatible with the surrounding land uses. Therefore, staff is recommending approval of the requested Special Use Permit, as the use is considered appropriate for the surrounding area.

FINDINGS (24-0514-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 is compatible with the surrounding land uses and can be conducted in a manner that is harmonious with surrounding land uses.

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

The subject site is located within an existing commercial building that is physically suitable for the intensity of the proposed land 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.**

Access to the site will not change. Vehicles may enter the property from 1st Street which is designated as an 80-foot Major Collector Street as classified by the Master Plan of Streets and Highways, and is adequate in size to meet the requirements of the proposed use.

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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.**

Approval of this Special Use Permit will not compromise the public health safety and general welfare of the public. The use will be subject to regular inspections and is subject to licensing restrictions.

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

The proposed use meets all applicable conditions of approval for Alcohol, On-Premise Full and Alcohol, Off-Premise Ancillary uses per Title 19.12.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
04/15/09	The City Council approved a request for a Rezoning (ZON-33088) from C-M (Commercial/Industrial) and C-M (Commercial/Industrial)/C-2 (General Commercial) to C-2 (General Commercial) on 1.28 acres at the southwest corner of Casino Center Boulevard and Coolidge Avenue. Staff recommended approval of the request.
	The City Council approved a request for a Site Development Plan Review (SDR-33087) for a proposed office and retail development consisting of a two-story 43,110 square-foot building, a two-story 51,630 square-foot building and an eight-story parking garage with 78,280 square-feet of commercial space with a waiver of the downtown centennial streetscape standards for a portion of the frontage on Casino Center Boulevard on 2.87 acres at the southwest corner of Casino Center Boulevard and Coolidge Avenue. Staff recommended approval of the request.
07/29/10	The Planning Commission approved a request for a Special Use Permit (SUP-38591) for a proposed 4,324 square-foot Urban Lounge use at 1025 South 1st Street. Staff recommended approval of the request.
08/14/12	The Planning Commission approved a request for a Special Use Permit (SUP-45950) for a proposed 5,020 square-foot Urban Lounge use at 1017 South 1st Street, Suite #180. Staff recommended approval of the request.
02/11/20	The Planning Commission approved a request for a Special Use Permit (SUP-78140) for a proposed 2,587 square-foot Tavern-Limited Establishment use with a 1,500 square feet of outdoor space at 1017 South 1st Street, Suite #180. Staff recommended approval of the request.

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Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.	
01/12/21	The Planning Commission approved a request for a Special Use Permit (20-0321-SUP1) for a proposed 4,000 square-foot Tavern-Limited Establishment use at 1025 South 1st Street. Staff recommended approval of the request.

Most Recent Change of Ownership	
10/05/21	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
12/13/12	A building permit (#C-220303) was issued for tenant improvements for a change of occupancy (Mingo Kitchen Lounge) at 1017 South 1 st Street, Suite #180. The permit was finalized on 04/22/13.
04/18/13	A business license (#R09-01785) was issued for a Restaurant (Mingo Kitchen Lounge) at 1017 South 1 st Street, Suite #180. The license was marked out of business on 07/17/19.
	A business license (#L41-99911) was issued for an Urban Lounge (Mingo Kitchen Lounge) at 1017 South 1 st Street, Suite #180. The license was marked out of business on 07/17/19.
	A business license (#L62-00039) was issued for an Urban Lounge (Mingo Kitchen Lounge) at 1017 South 1 st Street, Suite #180. The license was marked out of business on 07/17/19.
04/03/16	A business license (#P64-00072) was issued for an Alcohol Caterer (Mundo A Culinary Haute Spot) at 1017 South 1 st Street, Suite #180. The license was revoked on 10/16/16 and 05/30/17.
	A business license (#L64-00018) was issued for an Alcohol Caterer (Mundo A Culinary Haute Spot) at 1017 South 1 st Street, Suite #180. The license was revoked on 10/16/16.
12/05/19	A building permit (#F19-01935) was issued to install a kitchen hood suppression system at 1017 South 1 st Street, Suite #180. The permit has not been finalized.
01/14/20	A building permit (#C20-00103) was issued to manufacture and install new open face neon illuminated letters & reface existing cabinet sign at 1017 South 1 st Street. The permit has not been finalized.
02/26/20	A business license (#P68-00006) was issued for a Tavern-Limited (The Garden) at 1017 South 1 st Street, Suite #180. The license was marked withdrawn on 03/17/20.
03/04/20	A business license (#G68-00319) was issued for a Restaurant (The Garden) at 1017 South 1 st Street, Suite #180. The license was marked withdrawn on 03/17/20.

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<i>Related Building Permits/Business Licenses</i>	
05/14/20	A business license (#G68-02202) was issued for a Restaurant (The Garden) at 1017 South 1 st Street, Suite #180. The license was marked out of business on 08/04/21.
05/14/20	A business license (#P68-00054) was issued for a Full Alcohol On-Premise (The Garden) at 1017 South 1 st Street, Suite #180. The license is still active.
	A business license (#L69-00099) was issued for a Full Alcohol On-Premise (The Garden) at 1017 South 1 st Street, Suite #180. The license is still active.
08/04/21	A business license (#G69-05293) was issued for a Nightclub (The Garden) at 1017 South 1 st Street, Suite #180. The license was marked delinquent on 08/20/24.

<i>Pre-Application Meeting</i>	
09/30/24	Staff conducted a pre-application meeting where the submittal requirements for a Special Use Permit were discussed.

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

<i>Field Check</i>	
10/24/24	During a routine site inspection staff noted the subject site is currently a well maintained commercial development.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.64

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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	Commercial Recreational Amusement (Indoor)	MXU (Mixed Use)	C-2 (General Commercial)
	General Personal Service		
	Office, Other than Listed		
	Library Art Gallery or Museum (Public)		
	Urban Lounge		
North	Electric Utility Substation	PF (Public Facilities)	C-V (Civic)
South	General Retail Stores	C (Commercial)	C-2 (General Commercial)
	General Personal Service		
	Library Art Gallery or Museum (Public)		
East	Parking Lot	MXU (Mixed Use)	C-2 (General Commercial)
West	General Retail Stores	MXU (Mixed Use)	C-M (Commercial/Industrial)
	Office, Other than Listed		
	Library Art Gallery or Museum (Public)		

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Downtown Las Vegas	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) - 18b Las Vegas Arts District – Area 1	Y
LW-O (Live/Work Overlay) District	Y
<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

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DEVELOPMENT STANDARDS

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
1 st Street	Major Collector	Master Plan of Streets and Highways Map	80	Y

Pursuant to previously approved Special Use Permit and Title 19.12, the following 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	
Office, Other than Listed	2,219 SF	1:300	8				
Commercial Recreation/ Amusement (Indoor)	2,245 SF	1:200	13				
General Personal Service	316 SF	1:250	2				
Library, Art Gallery or Museum (Public)	756 SF	1:300	3				
Tavern Limited Establishment	2,587 SF	1:50 SF of public seating 1:200 SF remaining	32				

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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	
Tavern Limited Establishment	4,000 SF	1:50 SF of public seating 1:200 SF remaining	59				
Alcohol, On-Premise Full (Proposed)	2,208 SF w/ 465 SF of Outdoor Seating	1:50 SF of public seating (1,954 SF) and 1:200 SF remaining (719 SF).	44				
TOTAL SPACES REQUIRED (unweighted)			161				
TOTAL SPACES REQUIRED (weighted requirement, see below)			65 - 113		0		Y*
Regular and Handicap Spaces Required			65 - 113	3 - 5	0	0	Y*
Downtown Form Based Code Parking Standards - Title 19.09.100.G							
Parking Standards High Load – Zone 3			Between 40% and 70%				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.