



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: NOVEMBER 6, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: DEVARIM 18, LLC, ET AL

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

| CASE NUMBER | RECOMMENDATION | REQUIRED FOR APPROVAL |
|--------------|---|-----------------------|
| 24-0228-SUP1 | Staff recommends DENIAL, if approved subject to conditions: | |
| 24-0228-SUP2 | Staff recommends DENIAL, if approved subject to conditions: | |

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

NOTICES MAILED 800 (by City Clerk)

PROTESTS 9

APPROVALS 0

**** CONDITIONS ****

24-0228-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.09 for a Nightclub use, except as waived below.
2. Approval of and conformance to the Conditions of Approval for Special Use Permit (24-0228-SUP2) shall be required, if approved.
3. Conformance to the approved conditions for Site Development Plan Review [Z-0093-93(2)].
4. 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.
5. A Waiver from Title 19.12 is hereby approved, to allow the proposed Nightclub use to be located 70 feet from a parcel containing a single-family dwelling to the west, 80 feet from a parcel containing a single-family dwelling to the east and 340 feet from a parcel containing a single-family dwelling to the northeast where the minimum separation distance is 500 feet.
6. 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.
7. 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.
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

24-0228-SUP2 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.09 for an Alcohol, On-Premise Full use, except as waived below.
2. Approval of and conformance to the Conditions of Approval for Special Use Permit (24-0228-SUP1) shall be required, if approved.
3. Conformance to the approved conditions for Site Development Plan Review [Z-0093-93(2)].
4. 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.
5. A Waiver from Title 19.12 is hereby approved, to allow a 145-foot distance separation from a city park and a 365-foot distance separation from a Church/House of Worship where 400 feet is the minimum required.
6. 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.
7. 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.
8. Approval of this Special Use Permit does not constitute approval of a liquor license.
9. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
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. 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 Special Use Permits for 5,524 square-foot Nightclub and Alcohol, On-Premise Full uses within a multitenant shopping center at 921 West Owens Avenue, Suite #110.

ISSUES

- A Nightclub use is a conditional use in the T4-C (T4 Corridor) zoning district. Per Title 19.09.050.F.D, the Nightclub use is subject to the C-1 (Limited Commercial) District conditional use regulations and minimum special use requirements. As the use area exceeds 5,000 square feet and is located within 500 feet of parcels containing single-family dwellings, a Special Use Permit is required, and the minimum Special Use Permit Requirements apply. Staff recommends denial of the Special Use Permit request.
- The nonwaivable Special Use Permit requirement for distance separation from parcels containing single family dwellings may be waived for parcels within the Downtown Las Vegas Overlay District. This site is located in the Historic Westside District in Area 3. Accordingly, the applicant requests a Waiver to allow the Nightclub use to be 70 feet, 80 feet and 340 feet from properties with single-family dwellings where 500 feet is the minimum required separation distance. Staff recommends denial of the Waiver.
- An Alcohol, On-Premise Full use is permitted in the T4-C (T4 Corridor) zoning district with the approval of a Special Use Permit.
- A Waiver is requested with regard to the proposed Alcohol, On-Premise Full use to allow a 145-foot distance separation from a City Park and a 365-foot distance separation from a Church/House of Worship where 400 feet is required. Staff recommends denial.
- The owner/operator of the proposed establishment also operates a banquet facility (El Pedregal) with on-premise alcohol in the same building at 921 West Owens Avenue, Suite #170. Staff recommended approval of that request in 2022.
- Title 19.18.020 considers a property to be “adjacent” to another property when it is directly across a street, private street or access easement, or right-of-way from the subject property. The property containing the Nightclub and Alcohol, On-Premise Full uses would be adjacent to single-family residential uses to the east and west of the subject property, and multi-family residential uses to the south.

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ANALYSIS

The site is zoned T4-C (T4 Corridor) and subject to Title 19.09.050 requirements for Nightclub and Alcohol, On-Premise Full uses. The tenant space is located at the northeast portion of the shopping center development and would be remodeled for purposes of a Nightclub. The area is located within the Hundred Plan area; however, most of the implementation strategy of the plan does not concern this particular area or these types of uses, except for stating that liquor license restrictions should be eliminated within 1,500 feet of churches in order to support new business activities within the Historic Westside District.

The land use table for Form-Based Code uses states that uses in the T4-C zoning district are subject to the C-1 (Limited Commercial) District conditional use regulations and minimum special use requirements. According to the C-1 conditional use regulations, the Nightclub use does not meet Regulations Number 2 and 4. Conditional Use Regulation Number 2 limits gross floor area of a Nightclub use to 5,000 square feet. Conditional Use Regulation Number 4 states that no Nightclub may be located within 500 feet of any parcel that contains a single-family dwelling.

Pursuant to Title 19.12.040 regarding conditional uses, in cases where any of the conditions cannot be met, the use is subject to approval of a Special Use Permit, including any Minimum Special Use Permit Requirements, some of which are nonwaivable. Per Minimum Special Use Requirement Number 4 of the Nightclub use, the normally nonwaivable Requirement Number 2 relating to distance separation of the use from any parcel containing a single-family dwelling may be waived if the use is located within the boundaries of the Downtown Las Vegas Overlay District. In this case, the site is located within the Historic Westside District of the Downtown Las Vegas Overlay District.

Per Title 19.18.030.F, distance separation between uses is measured with respect to two property lines, the property line of the proposed Nightclub and Alcohol, On-Premise Full uses being the lot line of the recorded commercial subdivision in which these uses are located, and the lot line of the property containing the single-family residential dwelling. The applicant has requested a Waiver of Nightclub Special Use Permit Requirement Number 2 to allow the use within 70 feet of property containing a single-family dwelling to the west, 80 feet of property containing a single-family dwelling to the east, and 340 feet of property containing a single-family dwelling to the northeast, stating that soundproof walls and ceilings will be provided to mitigate a noise nuisance to adjacent residential properties. A Waiver of the Alcohol, On-Premise Full Requirement Number 1 is also requested, to allow this use within 400 feet of a City park and Church/House of Worship. No gaming is proposed at this time. If gaming is sought in the future, the distance separation from this use must also be waived, but only up to five gaming machines are waivable at this location.

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The two uses and the requirements of each are detailed below as follows:

Nightclub (24-0228-SUP1)

The Nightclub use is defined as “An entertainment establishment, whether indoor, outdoor, or both, with an occupancy load of 100 or more people that:

1. Provides any combination of live music, recorded music, or other entertainment for the primary purpose of encouraging social interaction amongst the patrons of the establishment;
2. Contains one or more delineated dance floor areas; and
3. May or may not provide food service. If the establishment provides food service, the food service must be both limited and incidental to the operation of the establishment.”

“The Nightclub use also includes the use ‘Dayclub,’ which possesses the same characteristics as a Nightclub, but operates primarily during daytime hours. This use does not include a General Entertainment Establishment, Sexually Oriented Business or an establishment that qualifies as a Teen Dance Center. The use shall also not be deemed to include an establishment merely because it includes entertainment if the entertainment is primarily intended to be viewed by an audience. The use shall also not be deemed to include an establishment that provides entertainment if that entertainment is incidental to the primary activity of the establishment and consists merely of ambient or background music intended to create or enhance a mood or atmosphere, or karaoke singing and interaction, or a combination thereof.”

The proposed use meets the definition, as the applicant intends to provide music, dancing and stage areas within an enclosed commercial tenant space. No kitchen area for incidental food service is proposed.

The Conditional Use Regulations for this use include:

1. A Nightclub use that is located within the Downtown Entertainment Overlay District as defined by LVMC Title 19.10.120, within the boundaries of the Pedestrian Mall as defined by LVMC 11.68, or within the boundaries of the 18b Las Vegas Arts District, as shown in Figure 3 of the Development Standards adopted in LVMC 19.10.110(B), and as amended from time to time, is exempt from the application of Regulations 2 through 5. Except as otherwise limited by the final sentence of this Regulation 1 and Regulations 6 and 7, such a use shall be deemed to be a use permitted by right. Any outdoor activity areas must first be approved by means of a Site Development Plan Review pursuant to LVMC 19.16.100.

The use is not proposed to be located within the Downtown Entertainment Overlay District, the Pedestrian Mall or the 18b Las Vegas Arts District. Therefore the proposed Nightclub use is subject to Regulations 2 through 5.

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2. In the C-1 District, the Nightclub activity use shall be limited to a maximum of 5,000 gross square feet in area.

The proposed use does not meet this requirement, as the proposed use is 5,524 square feet in gross floor area. Although there is no patron seating, waiting or entertainment in back-of-house areas, the entire area is considered part of the Nightclub use. Pursuant to Title 19.12.040.B a Special Use Permit is therefore required.

3. All Nightclub activities, including customer queueing and waiting areas (but excluding valet services and the checking of patron's identification), must be conducted within a completely enclosed building. In the C-M and M Zoning Districts, outdoor activity areas must first be approved by means of a Site Development Plan Review pursuant to LVMC 19.16.100.

The proposed use meets this requirement, as all proposed Nightclub activities will be conducted within a completely enclosed multitenant commercial building.

4. Except as otherwise provided in Regulation 5, no Nightclub may be located within 500 feet of any parcel that contains a single-family dwelling.

The proposed use does not meet this requirement, as the proposed Nightclub use would be located 70 feet from a parcel containing a single-family dwelling to the west, 80 feet from such a parcel to the east and 340 feet from such a parcel to the northeast.

5. The distance separation requirement set forth in Regulation 4 does not apply to:
 - a. An establishment which has a nonrestricted 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.
 - b. A hotel having 200 or more guest rooms.
 - c. A Nightclub that meets all of the following criteria:
 - i. Is located on a parcel that is adjacent to Las Vegas Boulevard between Charleston Boulevard and Fremont Street;
 - ii. Is located on a parcel with a minimum net site area of 0.25 acres; and
 - iii. Is located within a building that has a minimum of 5000 square feet of gross floor area dedicated to the Nightclub use.

The proposed use does not meet Criteria a. through c. and therefore the distance separation requirements of Regulation 4 apply.

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6. Nightclubs shall conform to all applicable requirements of LVMC Title 6.

The proposed use meets this requirement, as the issuance of a business license is contingent on conformance to LVMC Title 6.

7. Unless otherwise exempted by that Chapter, Nightclubs shall conform to all noise requirements and limitations of LVMC Chapter 9.16.

The proposed use will meet this requirement, as the issuance of a business license is contingent on conformance to LVMC Title 9.

As Conditional Use Regulations 2 and 4 cannot be met by the proposed use, pursuant to Title 19.12.040.B a Special Use Permit is required. The Nightclub use has minimum requirements when a Special Use Permit is required. They include the following (an asterisk indicated the regulation is nonwaivable):

- *1. In the C-1 District, all Nightclub activities, including customer queueing and waiting areas (but excluding valet services and the checking of patron's identification), must be conducted within a completely enclosed building. In all other districts, outdoor activity areas, as well as any provisions used to mitigate the impact of those areas on the surrounding adjacent uses, must be included on a site plan that has been approved as part of a Special Use Permit application.

The proposed use meets this requirement, as all Nightclub activities will be conducted within a completely enclosed commercial multitenant building.

- *2. Except as otherwise provided in Requirement 3, no Nightclub may be located within 500 feet of any parcel that contains a single-family dwelling.

The proposed use does not meet this requirement, as the proposed Nightclub use would be located 70 feet from a parcel containing a single-family dwelling to the west, 80 feet from such a parcel to the east and 340 feet from such a parcel to the northeast. The applicant has requested a Waiver of this requirement pursuant to Requirement Number 4 below.

3. The distance separation requirement set forth in Requirement 2 does not apply to:
- An establishment which has a nonrestricted 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.
 - A hotel having 200 or more guest rooms.

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- c. A Nightclub that meets all of the following criteria:
 - i. Is located on a parcel that is adjacent to Las Vegas Boulevard between Charleston Boulevard and Fremont Street;
 - ii. Is located on a parcel with a minimum net site area of 0.25 acres; and
 - iii. Is located within a building that has a minimum of 5000 square feet of gross floor area dedicated to the Nightclub use.

None of these exemptions of the distance separation requirement applies to this case.

- 4. The distance requirement set forth in Requirement 2 may be waived in accordance with the provisions of LVMC 19.12.050(C), but only in connection with a proposed Nightclub that will be:
 - a. Separated from the existing dwelling(s) by a street or highway with a minimum right-of-way width of 100 feet; or
 - b. Located on property within the Downtown Las Vegas Overlay District, as described in LVMC 19.10.110.

The proposed use meets this requirement, as the Nightclub would be located on property within the Historic Westside District within the boundaries of the Downtown Las Vegas Overlay District. Requirement 2 is therefore eligible to be waived.

- *5. Nightclubs shall conform to all applicable requirements of LVMC Title 6.

Conformance to this requirement will be required through business license review and inspection.

- *6. Unless otherwise exempted by that Chapter, Nightclubs shall conform to all noise requirements and limitations of LVMC Chapter 9.16.

Conformance to this requirement will be required through business license review and inspection.

Alcohol, On-Premise Full (24-0228-SUP2)

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 applicant intends to sell liquor/spirits in addition to beer, wine and coolers as part of the proposed nightclub operation.

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An Alcohol, On-Premise Full use is permitted in the T4-C (T4 Corridor) zoning district with approval of a Special Use Permit. 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 does not meet this requirement. Using the method of measurement described in LVMC Title 19.18.030.F, the proposed Alcohol, On-Premise Full use would be located 365 feet from a Church/House of Worship and 145 feet from a City park. The applicant has requested a Waiver of this 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.

Neither exemption of the distance separation requirement applies to this case.

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The submitted floor plan shows an area for tables with individual seating for 73 patrons, plus a full bar with stool seating for six and a VIP area for six. The rest of the seating is perimeter lounge area, estimated to accommodate about 85 patrons. A 440 square-foot dance floor is depicted at the center of the suite, with a stage to the side. No kitchen is shown. Hours of operation are expected to extend into the evening, nighttime and early morning hours (9:00 p.m. to 4:00 a.m., seven days a week).

Historically, alcohol-related uses within this shopping center have typically been recommended for approval by staff or the Planning Commission or both. This is because these uses are generally ancillary to other uses such as restaurants that are similar to other uses within the greater commercial area, and the shopping center is located on a large 20-acre lot that does not directly abut protected uses. However, this is the first time a Nightclub use has been proposed within this shopping center. This use has the potential for noise nuisance to neighboring residential and commercial properties. Several dwellings near the intersection of Van Buren Avenue and H Street would be most affected if approved, as they are located approximately 115 feet east of the building where the use would be located. Staff is less concerned with dwellings located to the west of the site, as they are located approximately 1,200 feet from the proposed Nightclub activity.

Many shopping centers have a screen wall separating commercial uses from less intense uses. However, in this case, there is only a wrought iron fence with a pedestrian gate to H Street, which abuts the residential and park uses in this area. Vehicles may enter the shopping center directly from H Street near the location of the use. Staff has determined that the Nightclub use and associated Alcohol, Off-Premise Full within the same tenant space cannot be conducted in a manner that is harmonious and compatible with the existing land uses, and therefore cannot support the requested Waivers or the requests for Special Use Permits. If the Special Use Permits are approved, they would be subject to conditions.

FINDINGS (24-0228-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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Although located within a shopping center, the proposed Nightclub use would be located along the eastern edge of the property adjacent to properties containing single-family residential dwellings. The commercial property has direct access to H Street, which separates the two uses. Staff has therefore determined the Nightclub use to be incompatible with the adjacent residential uses. The use can be conducted in a compatible manner with other single-family residential uses within the 500-foot separation radius, due to the size of the commercial lot.

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

The subject site is located within an existing shopping center development 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 remain as it currently exists. Vehicles may enter the property from Owens Avenue, a 100-foot Primary Arterial; H Street, an 80-foot Major Collector and J Street, a 60-foot Local Street as classified by the Master Plan of Streets and Highways. These roadways have sufficient capacity to meet the requirements of 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.

Approval of this Special Use Permit will not compromise the public health, safety and general welfare, as it will be subject to licensing restrictions and regular inspection.

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

The proposed Alcohol, On-Premise Full use does not meet Title 19.12 Conditional Use Regulations, and therefore Special Use Permit Minimum Requirements apply. The use fails to meet Special Use Permit Requirement Number 2 regarding distance separation from a parcel containing a single-family dwelling. Staff does not recommend approval of the requested Waiver of distance separation.

FINDINGS (24-0228-SUP2)

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.**

Although located within an established Shopping Center use, the proposed Alcohol, On-Premise Full use is associated with a related Nightclub use, which staff has deemed not to be compatible with the adjacent single-family residential land uses. In addition, the site has direct pedestrian and vehicular access to a street abutting city park and single-family residential 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 shopping center development 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 remain as it currently exists. Vehicles may enter the property from Owens Avenue, a 100-foot Primary Arterial; H Street, an 80-foot Major Collector and J Street, a 60-foot Local Street as classified by the Master Plan of Streets and Highways. These roadways have sufficient capacity to meet the requirements of 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.**

Approval of this Special Use Permit will not compromise the public health, safety and general welfare, as it will be subject to licensing restrictions and regular inspection.

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

The proposed Alcohol, On-Premise Full use fails to meet Minimum Special Use Permit Requirement Number 1 regarding distance separation of the use from a church and City park. Staff does not recommend approval of the requested Waiver of distance separation.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i> | |
|---|---|
| 11/17/93 | The City Council approved a Rezoning (Z-0093-93) for reclassification from R-3 (Medium Density Residential) to C-1 (Limited Commercial). The Planning Commission recommended approval. |
| 04/28/94 | The Planning Commission approved a Building Elevation Review [Z-0093-93(1)] for a proposed Commercial Shopping Center on this site as part of a larger request. Staff recommended approval. |
| 10/18/01 | The Planning Commission approved a Site Development Plan Review [Z-0093-93(2)] for a proposed 84,350 square-foot addition to an existing retail center. Staff recommended approval. |
| 06/22/06 | The Planning Commission approved a Master Sign Plan (MSP-13599) for a Commercial Shopping Center on 20.88 acres at 931 West Owens Avenue. Staff recommended approval. |
| 09/03/08 | The City Council approved a Special Use Permit (SUP-29035) for a proposed Beer/Wine/Cooler Off-Sale Establishment within a proposed general retail store with Waivers to allow a 300-foot distance separation where 400 feet is required from a church and to allow 150-foot distance separation from a City Park where 400 foot is required at 1061 West Owens Avenue. The Planning Commission recommended approval. |
| 11/05/08 | The City Council approved a Special Use Permit (SUP-29869) for a proposed Retail establishment with Accessory Package Liquor Off-Sale and Waivers to allow a 300-foot distance separation where 400 feet is required from a Church and to allow a 150-foot distance separation from a City Park where 400 feet is required at 1061 West Owens Avenue. The Planning Commission and staff recommended approval. |
| 01/10/17 | The Planning Commission approved a request for a Tentative Map (TMP-67889) for a one-lot commercial subdivision on 21.77 acres located on the south side of Owens Avenue, between H Street and J Street. Staff recommended approval. |
| 06/12/18 | The Planning Commission approved a request for a Special Use Permit (SUP-73255) for a proposed 5,327 square-foot Restaurant with Alcohol use with Waivers to allow a 303-foot distance separation from a church and a 146-foot distance separation from a city park where 400 feet is required at 921 West Owens Avenue, Suite #110. Staff recommended approval. |

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| <i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc., (cont.)</i> | |
|--|---|
| 03/22/19 | A Final Map (FMP-70404) for a one-lot commercial subdivision (Edmond Town Center) on 20.81 acres at the southwest corner of Owens Avenue and H Street was recorded. |
| 01/20/21 | The City Council approved a request for a General Plan Amendment (20-0166-GPA1) from L (Low Density Residential), ML (Medium Low Density Residential), M (Medium Density Residential), H (High Density Residential), MXU (Mixed Use), C (Commercial), LI/R (Light Industry/Research) and PF (Public Facilities) to: FBC (Form-Based Code) on approximately 603.00 acres in the area bound by Owens Avenue on the north, Interstate 15 and Main Street on the east, U.S. 95 on the south and Martin L. King Boulevard on the west. The Planning Commission and staff recommended approval. |
| | The City Council approved a request for a Rezoning (20-0166-ZON1) multiple zoning designations to T3-N (T3 Neighborhood), T3-N-O (T3 Neighborhood-Open), T4-N (T4 Neighborhood), T4-MS (T4 Main Street), T4-C (T4 Corridor), T4-M (T4 Maker), T5-N (T5 Neighborhood), T5-C (T5 Corridor) and T5-M (T5 Maker) on approximately 603.00 acres in the area bound by Owens Avenue on the north, Interstate 15 and Main Street on the east, U.S. 95 on the south and Martin L. King Boulevard on the west. The Planning Commission and staff recommended approval. |
| 12/21/22 | The City Council approved a request for a Special Use Permit (22-0478-SUP1) for a proposed 6,723 square-foot Alcohol, On-Premise Full use with a Waiver to allow a 140-foot distance separation from a city park and a 360-foot distance separation from a church where 400 feet is required at 921 West Owens Avenue, Suite #170. The Planning Commission and staff recommended approval. |
| 09/10/24 | The Planning Commission voted (7-0) to abey a request for a Special Use Permit (24-0228-SUP1) for a proposed 5,524 square-foot Nightclub use with a Waiver to allow a 70-foot distance separation from a parcel containing a single-family dwelling where 500 feet is the minimum required to the 10/08/24 Planning Commission meeting, as the applicant was not present. |
| | The Planning Commission voted (7-0) to abey a request for a Special Use Permit (24-0228-SUP2) for a proposed 5,524 square-foot Alcohol, On-Premise Full use with a Waiver to allow a 145-foot distance separation from a city park and a 365-foot separation from a Church/House of Worship where 400 feet is required to the 10/08/24 Planning Commission meeting, as the applicant was not present. |

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| Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc., (cont.) | |
|---|---|
| 10/08/24 | <p>The Planning Commission (7-0 vote) to recommend DENIAL on the following Land Use Entitlement project requests on 20.81 acres at 921 West Owens Avenue, Suite #110 (139-28-517-001), T4-C (T4 Corridor) Zone, Ward 5 (Crear).</p> <p>24-0228-SUP1 - SPECIAL USE PERMIT - FOR A PROPOSED 5,524 SQUARE-FOOT NIGHTCLUB USE WITH A WAIVER TO ALLOW A 70-FOOT DISTANCE SEPARATION FROM A PARCEL CONTAINING A SINGLE-FAMILY DWELLING WHERE 500 FEET IS THE MINIMUM REQUIRED</p> <p>24-0228-SUP2 - SPECIAL USE PERMIT - FOR A PROPOSED 5,524 SQUARE-FOOT ALCOHOL, ON-PREMISE FULL USE WITH A WAIVER TO ALLOW A 145-FOOT DISTANCE SEPARATION FROM A CITY PARK AND A 365-FOOT SEPARATION FROM A CHURCH/HOUSE OF WORSHIP WHERE 400 FEET IS REQUIRED</p> |

| Most Recent Change of Ownership | |
|--|--|
| 09/12/16 | A deed was recorded for a change in ownership. |

| Related Building Permits/Business Licenses | |
|---|---|
| 05/16/03 | A building permit (#03009989) was issued for a retail shell building located at 921 West Owens Avenue. A special inspector was required; however, the permit was not finalized. |
| 11/05/04 | A building permit (#04021082) was issued for a new commercial building with buildout of tenant spaces at 921 West Owens Avenue. The permit was finalized 08/30/06. |
| | A building permit (#04021083) was issued for onsite improvements at 921 West Owens Avenue. The permit was not finalized. |
| 04/19/22 | A business license (G70-01796) was issued for a banquet or event establishment (El Pedregal Banquet Hall) at 921 West Owens Avenue, Suite #170. The license is active. |
| 03/13/23 | A business license (L72-00003) was issued for full alcohol on-premise (El Pedregal Banquet Hall) at 921 West Owens Avenue, Suite #170. The license is active. |
| 03/13/23 | A privilege business license (P71-00018) was issued for full alcohol on-premise (El Pedregal Banquet Hall) at 921 West Owens Avenue, Suite #170. The license is active. |

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| <i>Related Building Permits/Business Licenses (continued)</i> | |
|--|--|
| 02/02/24 | An application (C24-00331) was submitted for a building permit for a tenant improvement for a night club at 921 West Owens Avenue, Suite #110. The review will be completed pending approval of needed entitlements for the proposed uses. |

| <i>Pre-Application Meeting</i> | |
|---------------------------------------|--|
| 04/17/24 | A pre-application meeting was held with the applicant to discuss submittal requirements for two Special Use Permit application requests. The applicant was informed of several distance separation requirements that applied to the proposed uses. No project documents were submitted within 60 days following the pre-application meeting. |
| 06/24/24 | Staff reinstated a project for applicant upload at the applicant's request, as no details of the request had changed since the date of the original pre-application meeting. |

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

| <i>Field Check</i> | |
|---------------------------|---|
| 08/01/24 | The site contains a multitenant commercial building on the eastern edge of the property. Suite #110 is located on the north side of the building and was found to be vacant. There is vehicular access to H Street and a pedestrian gate to the sidewalk along H Street. An unscreened trash dumpster was noted behind the building along H Street. |

| <i>Details of Application Request</i> | |
|--|-------|
| <i>Site Area</i> | |
| Net Acres | 20.81 |

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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 | Shopping Center | FBC (Form-Based Code) | T4-C (T4 Corridor) |
| North | Shopping Center | C (Commercial) | C-1 (Limited Commercial) |
| | | PF (Public Facility) | |
| | Shopping Center | FBC (Form-Based Code) | T4-C (T4 Corridor) |
| South | Residential, Multi-Family | FBC (Form-Based Code) | T5-N (T5 Neighborhood) |
| | Senior Citizen Apartments | | |
| East | Residential, Single Family, Detached/Vacant | FBC (Form-Based Code) | T4-N (T4 Neighborhood) |
| | Vacant | | T4-MS (T4 Main Street) |
| West | Residential, Single Family, Detached | FBC (Form-Based Code) | T3-N (T3 Neighborhood) |
| | Shopping Center | | T4-C (T4 Corridor) |

| <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: Historic Westside District | Y |
| West Las Vegas Plan | Y |
| Hundred Plan | Y |

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| <i>Special Area and Overlay Districts</i> | <i>Compliance</i> |
|--|--------------------------|
| A-O (Airport Overlay) District (140 Feet) | Y |
| DTLV-O (Downtown Las Vegas Overlay) District - Area 3 | 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 |

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> |
|---------------------------|--|---|--|--|
| Owens Ave | Primary Arterial | Master Plan of Streets and Highways Map | 100 | Y |
| H St | Major Collector | Master Plan of Streets and Highways Map | 72 | N |

Pursuant to Title 19.09 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 | |
| Shopping Center | 80,498 SF | 1 space per 250 SF GFA | 324 | | | | |
| TOTAL SPACES REQUIRED (unweighted) | | | 324 | | | | |
| TOTAL SPACES REQUIRED (weighted requirement; see below) | | | 126-220 | | 440 | | Y |
| Regular and Handicap Spaces Required | | | 121-213 | 5-7 | 429 | 11 | Y |

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| <i>Downtown Form Based Code Parking Standards - Title 19.09.100.G</i> | | | |
|--|------------------------|------|----|
| Parking Standards High Load - Zone 3 | Between 40% and 70% | 136% | Y |
| Bicycle Parking Requirements | 10 | 0 | N* |

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.

*Bicycle parking requirements were added after construction of the shopping center; conformance is not required for these SUP requests.

| <i>Waivers</i> | | |
|---|---|------------------------------------|
| <i>Requirement</i> | <i>Request</i> | <i>Staff Recommendation</i> |
| For a Nightclub use, a minimum 500-foot separation distance from a parcel containing a single-family dwelling | To allow a Nightclub to be located 70 feet from a parcel containing a single-family dwelling to the west, 80 feet from a parcel containing a single-family dwelling to the east and 340 feet from a parcel containing a single-family dwelling to the northeast | Denial |
| For an Alcohol, On-Premise Full use, a minimum 400-foot separation distance from any Church/House of Worship | To allow a 365-foot distance separation from a church at 619 W Van Buren Ave | Denial |
| For an Alcohol, On-Premise Full use, a minimum 400-foot separation distance from any city park | To allow a 145-foot distance separation from a city park at 710 W Monroe Ave | Denial |