



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: AUGUST 13, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: ALAN CHANG - OWNER: ARISTOTLE
HOLDING LIMITED PARTNERSHIP

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0300-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 25

NOTICES MAILED 281

PROTESTS N/A

APPROVALS N/A

**** CONDITIONS ****

24-0300-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Open Air Vending/Transient Sales Lot 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. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

6. Prior to the issuance of a business license, provide a Commissary or Servicing Depot Agreement per Southern Nevada Health District Mobile Food Establishment Regulation 10-702 to verify waste disposal alternative and justify not needing a sewer service connection on-site.

Fire & Rescue

7. Applicant shall not block or allow the fire lane to be blocked with parking or cones.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Special Use Permit request for a proposed Open Air Vending/Transient Sales Lot [Mobile Food Truck] use located at 1531 South Las Vegas Boulevard.

ISSUES

- The Open Air Vending/ Transient Sales Lot use is a conditional use in the C-2 (General Commercial) zoning district.
- Conditional Use Regulation #8a is not met as the applicant is requesting to operate a mobile food truck for more than four hours within a 24-hour period on the subject site.
- Per Title 19.12.040, when a conditional use requirement cannot be met, a Special Use Permit is required. Staff supports the request.

ANALYSIS

The subject site is located in the C-2 (General Commercial) zoning district and is subject to Appendix F: Interim Downtown Las Vegas Development Standards for Area 1. There is an existing Sexually Oriented Business development on this site operating as Peppermint Hippo. Surrounding properties are developed with residential duplexes to the east and commercial development to the north, south, and west. Per the submitted justification letter, the applicant is requesting to operate a food truck at the subject site from midnight to 7:00 a.m. from Friday to Sunday. Adequate parking is provided at the subject site, as 253 parking spaces are provided. Additional parking spaces are not required for the proposed use.

The Open Air Vending/Transient Sales Lot use is conditionally allowed in the C-2 (General Commercial) zoning district. A Special Use Permit has been requested to allow a food truck to operate for more than four hours within a 24-hour period.

Per Title 19.12, the Open Air Vending/ Transient Sales Lot use is defined as “An outdoor area or lot that is used exclusively, or on a regular or periodic basis, for the sale or taking of orders for any merchandise, including food items, where such merchandise is displayed or sold within or upon the area or lot. This use includes the display or sale of merchandise by means of Open Air Vending, Mobile Food Vending and a Farmer’s Market.” The proposed use meets the definition as the applicant is proposing to operate a mobile food truck at the subject site on a regular basis.

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The Minimum Conditional Use Regulations for this use include:

1. Except as provided in this Conditional Use Regulation 1, no signage is allowed, including temporary signage. Signage that is allowed by this Conditional Use Regulation 1 is not subject to the sign regulations and processes of Title 19 that otherwise would apply, except as specifically provided. The limited signage allowed by this Conditional Use Regulation 1 is as follows:
 - a. In the case of Open Air Vending or Mobile Food Vending, the vehicle or portable unit may include signage which is affixed thereto but only to the extent such signage is not prohibited by LVMC 19.08.120(E)(3).
 - b. In the case of a Farmer's Market, on-premises market event signage is permitted, but shall be limited to a single sign of no more than 32 square feet. Individual vendor signage is permitted, but is limited to one sign per vendor, and not to exceed 15 square feet per vendor space. All signage is prohibited at any time other than during a market event.

The proposed use meets this requirement, as no temporary signage has been proposed with this project.

2. The site must be kept free of any litter or debris at all times.

The applicant will be required to keep the site free of any litter or debris at all times.

3. No structures shall be allowed within the public right-of-way.

There are no structures proposed within the public right-of-way with this project.

4. The installation of permanent or temporary tables, chairs, tents, or coverings for dining areas (including tarps and umbrellas) is prohibited, except when the use of such facilities:
 - a. Has been approved by means of a Site Development Plan Review;
 - b. Is within the plaza area of a commercial lot; or
 - c. Is in accordance with Conditional Use Regulation 9 below.

The proposed use does not indicate the installation of permanent or temporary tables, chairs, tents or coverings for dining areas (including tarps and umbrellas). Therefore, this requirement is not applicable.

5. Vehicles or portable units used in the operation may not occupy:
 - a. Required parking spaces or required drive aisles; or

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- b. Required loading zones, unless otherwise permitted under Conditional Use Regulation 8.

The proposed use includes a mobile food truck which will occupy three parking spaces, however sufficient parking will still be provided for the principal use on the subject site. Therefore, this requirement is met.

6. The vending/sales activity must be located at least 150 feet from residential development; except where the location is part of a mixed-use development.

The proposed mobile food truck is located approximately 180 feet from the existing residential development located on the eastern perimeter of the subject site . Therefore, this requirement has been met.

7. For Open Air Vending, in addition to Conditional Use Regulations 1 through 6:
- a. No such vending is permitted in the O (Office) Zoning District;
 - b. No such vending is permitted on undeveloped lots or developed lots with unoccupied structures or unpaved surfaces;
 - c. No such vending is permitted within landscaped areas;
 - d. No more than one vendor is permitted on any one lot, and the vending area shall be limited to a maximum of 500 square feet; provided, however, that these limitations do not apply:
 - i. In connection with a Special Event Permit that allows a greater level of vending activity by means of Open Air Vending;
 - ii. On a parcel whose development approval or approvals contemplate a greater level of vending activity by means of Open Air Vending; or
 - iii. Within the plaza area of a commercial lot;
 - e. At a location other than the plaza area of a commercial lot, vending operations shall comply with required building setbacks for that location;
 - f. On any lot that is adjacent to a residentially zoned lot, the hours of operation shall be limited to the period between 10 a.m. and 8 p.m.; and
 - g. No supply or drainage pipes or power supply cords that pertain to the vending operation may be placed on or across surface parking or unimproved areas, or be attached to adjoining or nearby buildings, unless the vending operation is located immediately adjacent to the building so that the attached pipes or power cords have minimal exposure and do not present a potential hazard for passersby.

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These conditions are not applicable to this application.

8. For Mobile Food Vending, in addition to Conditional Use Regulations 1 through 6:
 - a. No vendor may operate on any one parcel, lot or commercial subdivision for more than 4 hours within any 24-hour period;
 - b. No more than two vendors are permitted on one parcel, lot or commercial subdivision within any 24-period;
 - c. No vendor may operate within a required loading zone except as approved in conjunction with a Special Event Permit;
 - d. Such vending is permissible on undeveloped lots, or developed lots with unoccupied structures or unpaved surfaces, but only to the extent that such vending complies with all applicable air quality standards adopted by the Clark County Department of Air Quality; and
 - e. On unpaved lots, such vending is limited to a maximum disturbance area (including vehicles, parking and customer areas) of 5,000 square feet, regardless of the overall lot size, unless a greater disturbance area is approved in connection with a dust mitigation permit from the Clark County Department of Air Quality.

The proposed use does not meet regulation #8a, as the applicant is proposing to operate mobile food vending for more than four hours within a 24-hour period. Therefore a Special Use Permit is requested, which staff supports. Regulations #8b, c, d, and e are met, as the applicant is proposing one mobile food truck that will not operate within a required loading zone and vending will operate on a developed lot.

9. For Farmer's Markets, in addition to Conditional Use Regulations 1 through 6:
 - a. The use is not permitted in the O (Office) Zoning District;
 - b. The use is not permitted on undeveloped lots or developed lots with unoccupied structures or unpaved surfaces;
 - c. The use is not permitted within landscaped areas;
 - d. At a location other than the plaza area of a commercial lot, the use shall comply with required building setbacks for that location;
 - e. On any lot that is adjacent to a residentially zoned lot, the hours of operation of the use shall be limited to the period between 10 a.m. and 8 p.m.; and

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- f. No supply or drainage pipes or power supply cords that pertain to the use may be placed on or across surface parking or unimproved areas, or be attached to adjoining or nearby buildings, unless the use is located immediately adjacent to the building so that the attached pipes or power cords have minimal exposure and do not present a potential hazard for passersby.
- g. The use may include the installation of use of temporary booths, tables, chairs, and similar structures.

A Farmer's Market is not proposed, therefore this regulation does not apply.

A Special Use Permit is required, as the applicant fails to comply with the allowable hours of operation within the Conditional Use Regulation #8a. As the proposed Open Air Vending Use would be conducted 180 feet away from residential property and will meet the additional regulations for the proposed use, staff finds the use can be conducted in a harmonious and compatible manner with the surrounding area. As such, staff recommends approval of this Special Use Permit (24-0300-SUP1) request, subject to conditions.

FINDINGS (24-0300-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 land use would be conducted in a manner that is harmonious and compatible with the existing surrounding residential and commercial uses, and with future surrounding land uses as projected by the General Plan.

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

The subject site is located within an existing Sexually Oriented Business development and the proposed food truck will not create a significant loss of parking spaces for the principal use; therefore, the site is physically suitable for the type and 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.**

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Site access is provided by Las Vegas Boulevard, a 100-foot Primary Arterial as defined by the Master Plan of Streets and Highways, and 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.**

Approval of this Special Use Permit is subject to business license reviews, thereby ensuring that the proposed use will not compromise the public health, safety, and welfare or overall objectives of the General Plan.

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

The proposed Open Air Vending/Transient Sales Lot use fails to meet Conditional Use Regulation #8a, prompting this Special Use Permit request, which staff supports.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
12/26/62	The City Council adopted Ordinance #1014, thereby adopting a revised Zoning Map that shows the subject parcels zoned C-2 (General Commercial).
04/05/78	The City Council adopted Ordinance #1918, thereby restricting the location of Sexually Oriented Businesses and establishing distance separation requirements from certain protected uses.
09/16/92	The City Council adopted Ordinance #3674, thereby deleting the C-2 (General Commercial) Zoning District from the districts in which Sexually Oriented Businesses are permitted by right and restricting them to C-M (Commercial/Industrial) and M (Industrial) Districts only.
10/20/93	The City Council approved a Variance (V-0099-93) to allow a proposed 15,221 square-foot expansion of an existing 9,152 square-foot nonconforming Sexually Oriented Business and to allow a reduction in the number of onsite parking spaces to 267 spaces where 355 were required at 1531 Las Vegas Boulevard South. The Board of Zoning Adjustment recommended approval; staff recommended denial.

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<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc., (cont.)</i>	
01/05/99	The Board of Zoning Adjustment approved a Variance (V-0098-98) to allow a 960 square-foot expansion (storage room) of an existing 25,485 square-foot nonconforming Sexually Oriented Business at 1531 Las Vegas Boulevard South. Staff recommended approval.
02/05/03	The City Council approved a Variance (VAR-1276) to allow a four-foot side yard setback where 10 feet is required at 1531 Las Vegas Boulevard South. The Planning Commission and staff recommended approval. This approval expired 02/05/05.
	The City Council approved a Variance (VAR-1277) to allow the expansion of a nonconforming Sexually Oriented Business at 1531 Las Vegas Boulevard South. The Planning Commission and staff recommended approval. This approval expired 02/05/05.
	The City Council approved a Site Development Plan Review (SDR-1278) for a proposed 1,912 square-foot restroom and employee dressing room expansion of an existing 31,679 square-foot nonconforming Sexually Oriented Business on 1.63 acres at 1531 Las Vegas Boulevard South. The Planning Commission and staff recommended approval. This approval expired 02/05/05.
10/05/05	The City Council approved a Petition to Vacate (VAC-8256) a portion of a 10-foot wide right-of-way located north of Oakey Boulevard and east of Las Vegas Boulevard South. The Planning Commission and staff recommended approval.
10/18/07	The Planning and Development Department administratively approved an Extension of Time (EOT-24808) of an approved Petition to Vacate (VAC-8256) a portion of 10-foot right of way located north of Oakey Boulevard and east of Las Vegas Boulevard South. The Order of Vacation was recorded on 12/26/07.
02/04/09	The City Council approved an amendment to the Master Plan of Streets and Highways (MSH-29429) to widen Las Vegas Boulevard between Fourth Street and Sahara Avenue from a 100-foot right-of-way to a 120-foot right-of-way. The Planning Commission and staff recommended approval.
12/15/10	The City Council adopted Ordinance #6123, which allows the expansion, enlargement or alteration of certain nonconforming Sexually Oriented Businesses located within the Downtown Centennial Plan area under limited circumstances.

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<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc., (cont.)</i>	
06/15/11	The City Council approved a Site Development Plan Review (SDR-41038) for a proposed 38,001 square-foot expansion of an existing 31,679 square-foot nonconforming Sexually Oriented Business with a proposed 8,770 square-foot roof deck, parking lot modifications and Waivers of Downtown Centennial Plan Architectural Design Standards on 2.57 acres at 1531 South Las Vegas Boulevard.
06/19/13	The City Council approved an Extension of Time (EOT-49294) of an approved Site Development Plan Review (SDR-41038) for a proposed 38,001 square-foot expansion of an existing 31,679 square-foot nonconforming Sexually Oriented Business with a proposed 8,770 square-foot roof deck, parking lot modifications and Waivers of Downtown Centennial Plan Architectural Design Standards at 1531 South Las Vegas Boulevard. Staff recommended denial.
08/05/15	The City Council approved an Extension of Time (EOT-59837) of an approved Site Development Plan Review (SDR-41038) for a proposed 38,001 square-foot expansion of an existing 31,679 square-foot nonconforming Sexually Oriented Business with a proposed 8,770 square-foot roof deck, parking lot modifications and Waivers of Downtown Centennial Plan Architectural Design Standards at 1531 South Las Vegas Boulevard. Staff recommended denial.
12/06/17	The City Council approved a request for an Extension of Time (EOT-71858) for a nonconforming use (Tavern) at 1531 South Las Vegas Boulevard. Staff recommended approval.
12/05/18	The City Council approved a request for an Extension of Time (EOT-74800) for a nonconforming use (Tavern) at 1531 South Las Vegas Boulevard. Staff recommended approval.
11/20/19	The City Council approved a request for an Extension of Time (EOT-77719) for a nonconforming use (Tavern) at 1531 South Las Vegas Boulevard. Staff recommended approval.
11/04/20	The City Council approved a request for an Extension of Time (20-0216-EOT1) for a nonconforming use (Tavern) at 1531 South Las Vegas Boulevard. Staff recommended approval.
11/17/21	The City Council approved a request for an Extension of Time (21-0602-EOT1) for a nonconforming use (Tavern) at 1531 South Las Vegas Boulevard. Staff recommended approval.
05/10/22	The Planning Commission approved a request for Variance (22-0143-VAR1) to allow a 54 percent canopy sign coverage area where 25 percent is the maximum allowed on 1.81 acres at 1531 South Las Vegas Boulevard. Staff recommended denial of the request.

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Most Recent Change of Ownership	
10/18/18	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
11/24/21	A permit (#C21-04618) for demolition was issued at 1531 South Las Vegas Boulevard. The permit was finalized on 04/14/22.
02/25/22	A business license (P70-00045) was issued for a topless club at 1531 South Las Vegas Boulevard. The license is active and set to renew on 08/01/24.
03/23/22	A building permit (#C22-00200) was issued for tenant improvements at 1531 South Las Vegas Boulevard. The permit was finalized on 04/20/22.
03/29/22	A business license (G70-02145) was issued for hookah tobacco at 1531 South Las Vegas Boulevard. The license is active and set to renew on 03/01/25.
03/29/22	A business license (P69-00280) was issued for a tavern at 1531 South Las Vegas Boulevard. The license is currently active.
09/22/22	A business license (G70-06235) was issued for valet services at 1531 South Las Vegas Boulevard. The license is active and set to renew on 09/01/24.

Pre-Application Meeting	
06/05/24	A pre-application meeting was held with the applicant and the submittal requirements for a Special Use Permit were discussed.

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

Field Check	
07/03/24	Staff conducted a routine field check and observed an operating business, Peppermint Hippo, and the proposed mobile food truck parked on-site.

Details of Application Request	
Site Area	
Net Acres	1.81

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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	Restaurant	C (Commercial)	C-2 (General Commercial)
	Tavern [Alcohol, On-Premise Full]		
	Sexually Oriented Business		
North	Tattoo Parlor/Body Piercing Studio	C (Commercial)	C-2 (General Commercial)
South	Restaurant	C (Commercial)	C-2 (General Commercial)
	General Retail Store, Other Than Listed		
East	Residential, Duplex	M (Medium Density Residential)	R-2 (Medium-Low Density Residential)
West	Nightclub	C (Commercial)	C-2 (General Commercial)
	Restaurant		

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Downtown South	Y
Vision 2045 Downtown Las Vegas Master Plan: Gateway District	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District - 200 Feet	Y
DTLV-O (Downtown Las Vegas Overlay) District - Area 1	Y
SB-O (Las Vegas Boulevard Scenic Byway Overlay) District	Y

<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails (Scenic Byway Trail – Las Vegas Boulevard)	Y
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
Las Vegas Boulevard	Primary Arterial	Master Plan of Streets and Highways Map	100	Y

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	
Sexually Oriented Business	25,000 SF	1 space per 250 SF of GFA	100				Y
Open Air Vending/Transient Sales Lot (Proposed)	No additional parking required beyond the principal use		0				
TOTAL SPACES REQUIRED (unweighted)			100				
TOTAL SPACES REQUIRED (weighted requirement; see below)			40-70		253		
Regular and Handicap Spaces Required			38-67	2-3	245	9	Y

Downtown Form Based Code Parking Standards - Title 19.09.100.G			
Parking Standards High Load - Zone 3	Between 40% and 70%	253	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.