



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: AUGUST 13, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: MARVEN YOUNUS - OWNER: FENN C. KIMBALL TRUST

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0331-SUP1	Staff recommends APPROVAL, subject to conditions	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 29

NOTICES MAILED 222

PROTESTS N/A

APPROVALS N/A

**** CONDITIONS ****

24-0331-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Gaming Establishment, Restricted use.
2. All signage shall be permitted and meet minimum code requirements within 30 days of final approval.
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. A Waiver from Title 19.12 is hereby approved, to allow a 250-foot distance separation from a church/house of worship where 400 feet is required
5. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Division.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Special Use Permit for a proposed Gaming Establishment, Restricted use within an existing convenience store at 1109 Stewart Avenue.

ISSUES

- A Gaming Establishment, Restricted use is permitted in the T4-MS (T4 Main Street) zoning district with the approval of a Special Use Permit. Staff supports this request.
- A Waiver from Title 19.12 is requested to allow a 250-foot distance separation from a Church/House of Worship where 400 feet is required. Staff supports this request.

ANALYSIS

The subject site is zoned T4-MS (T4 Main Street) with a FBC (Form Based Code) land use designation where it is subject to Title 19.09 Form-Based Code standards.

The applicant has proposed to operate a Gaming Establishment, Restricted use (1 - 5 Machines) at 1109 Stewart Avenue. The building is an existing two-story mixed use building with apartments above a convenience store.

The Gaming Establishment, Restricted use is defined as “An establishment which is primarily used for some business other than gaming but in which restricted gaming is permitted pursuant to Title 6. For informational purposes, this description refers to an establishment whose gaming operations are limited to not more than 15 slot machines, and no other game or gaming device.” The proposed use meets the definition as the proposed Gaming Establishment, Restricted use would be ancillary to the primary use, The subject site would operate primarily as a convenience store where the proposed Gaming Establishment, Restricted use (1 to 5 machines), if approved, would operate incidentally to the primary use. An approved Special Use Permit is required for any establishment proposing a Gaming Establishment, Restricted use.

The Minimum Special Use Permit Requirements for this use include:

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1. Pursuant to its general authority to regulate gaming, 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 a Gaming Establishment, Restricted use and certain other uses that should be protected from the impacts associated with that establishment, or that otherwise should be separated so as to minimize impacts on surrounding areas. Therefore, except as otherwise provided in these Requirements, the following distance separation requirements apply:
 - a. For one to five gaming machines, no less than 400 feet to the nearest:
 - i. Church/house of worship;
 - ii. School;
 - iii. Individual care center licensed for more than 12 children; or
 - iv. City Park.

The proposed use does not meet this requirement, and a Waiver from Title 19.12 is requested to allow a 250-foot distance separation from a Church/House of Worship where 400 feet is required.

- *b. For six to fifteen gaming machines, no less than 1500 feet to the nearest:
 - iv. Church/house of worship;
 - v. School;
 - vi. Individual care center licensed for more than 12 children; or
 - vii. iv. City park;
 - viii. Gaming Establishment, Restricted use with six to fifteen gaming machines; or Gaming Establishment, Non-restricted use.

This requirement is not applicable as only 1-5 machines are requested.

- *c. For one to fifteen gaming machines, and operating independently of Requirement 1.b. above, no less than 1500 feet to the nearest Gaming Establishment, Restricted use or Gaming Establishment, Non-restricted use located within the Resort & Casino District, as described in LVMC Title 19, Appendix F.

The proposed use meets this requirement, as the applicant has requested one to five machines and is not within 1500 feet of the nearest Gaming Establishment, Restricted use or Gaming Establishment, Non-restricted use located within the Resort & Casino District, as described in LVMC Title 19, Appendix F.

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2. The distance separation requirement set forth in Requirement 1 does not apply to the following: 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 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.

The requirement is not applicable, the subject is not 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.

3. The distance separation requirement set forth in Requirement 1.b. may be waived in accordance with the provisions of LVMC 19.12.050(C) for the following:
 An establishment located on property within one or more of the following Special Area and Overlay Districts:
 - i. The Civic District, as described in LVMC 19.10.010;
 - ii. The Market District or the Symphony Park District within the Downtown Las Vegas Overlay District, as described in LVMC Title 19, Appendix F; or
 - iii. The Gaming Enterprise Overlay District, as described in LVMC 19.10.130, except for any portion of the Gaming Enterprise Overlay District that falls entirely within the Resort & Casino District, as described in LVMC Title 19, Appendix F.
 - iv. An establishment located within a Regional Mall, as defined by LVMC 19.18.020;
 - v. An establishment located within a Mixed-Use development, as defined by LVMC 19.18.020;
 - vi. An establishment that will be separated from an existing protected use by a street or highway with a minimum right-of-way width of 100 feet; or
 - vii. An establishment that is located on a site, or within a building or structure, that is designated on the City of Las Vegas Historic Property Register.

The applicant is not within any of the applicable Special Area or Overlay Districts as described in Title 19.

4. The use shall conform to, and is subject to, the provisions of LVMC Chapter 6.40.

The proposed use will be subject to all business licensing requirements outlined in LVMC Chapter 6.40 if approved.

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Staff finds that the proposed Gaming Establishment, Restricted use (1 to 5 machines) can be conducted in a manner that is harmonious and compatible with the existing surrounding land uses and with future surrounding land uses as there are similar uses to the south of the subject site. Therefore, staff recommends approval of the Special Use Permit, subject to conditions.

FINDINGS (24-0331-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 Gaming Establishment, Restricted use can be conducted in a manner that is harmonious and compatible with the existing surrounding land 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 proposed Gaming Establishment, Restricted land use would be located within a convenience store, which 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.**

Site access is provided from Stewart Avenue, an 80-foot wide Major Collector, and 11th Street, a 60-foot wide Local Street, as designated in the Master Plan of Street and Highways and Title 13. These streets are sufficient in size to accommodate the needs 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.**

If approved, this Special Use Permit will be subject to conditions of approval, business license approval, and compliance inspections to ensure it will not compromise the public health, safety and welfare.

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

The proposed Gaming Establishment, Restricted use meets all of the applicable conditions per Title 19.12.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
07/18/24	A Code Enforcement Case (#CE24-05514) was started for unpermitted signage at 1109 Stewart Avenue. This case remains open.

<i>Most Recent Change of Ownership</i>	
08/22/19	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
c. 1946	The building was constructed.
10/26/98	A business license (A07-01321) for apartments was issued at 1101 Stewart Avenue, including the three units in 1109 Stewart Avenue. This license went out of business in February 2015.
07/09/20	A business license (P68-00114) for Alcohol, Off-Premise Beer/Wine sales was issued at 1109 Stewart Avenue. This license is active.
07/09/20	A business license (G68-04593) for tobacco sales was issued at 1109 Stewart Avenue. This license is active.
07/09/20	A business license (G68-04594) for a convenience store was issued at 1109 Stewart Avenue. This license is active.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.18

<i>Pre-Application Meeting</i>	
06/18/24	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Special Use Permit.

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

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Field Check	
07/03/24	During a routine Site Visit, the convenience store was observed to have several signs that are not allowed by Title 19. The property was referred to Code Enforcement for the potential code violations and Code Enforcement Case (#CE24-05514) was opened as a result. A Condition of Approval has been added to require all signage to be permitted and meet minimum code requirements within 30 days of final approval.

Details of Application Request	
Site Area	
Gross Acres	0.18

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Convenience Store and Alcohol, Off-Premise	FBC (Form Based Code)	T4-MS (T4 Main Street)
North	Senior Citizen Apartments	FBC (Form Based Code)	T5-N (T5 Neighborhood)
South	Mixed-Use	FBC (Form Based Code)	T4-MS (T4 Main Street)
East	Office, Other than Medical	FBC (Form Based Code)	T4-MS (T4 Main Street)
West	Multi-Family Residential	FBC (Form Based Code)	T4-MS (T4 Main Street)

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Downtown Las Vegas	Y
Vision 2045 Downtown Las Vegas Master Plan: Fremont East District	Y
Special Area and Overlay Districts	Compliance
LW-O (Live/Work Overlay) District	Y
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area - Area 1	Y
Interlocal Agreement	N/A
Project of Significant Impact	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
11 th Street	Local Street	Title 13	60	Y
Stewart Avenue	Major Collector	Master Plan of Streets and Highways	80	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	
Multi-Family Residential	6 studios	1.25 per unit + 1:6 guest stalls per unit	9				
Retail, General	1,962 square feet	1 per 175 square feet of gross floor area.	12				
TOTAL SPACES REQUIRED (unweighted)			21				
TOTAL SPACES REQUIRED (weighted requirement; see below)			9 - 15		5**		N*
Regular and Handicap Spaces Required			7	1	5**	0**	N*
Downtown Form Based Code Parking Standards - Title 19.09.100.G							
Parking Standards High Load - Zone 3			Between 40% and 70% of 21		9 - 15		N*
Bicycle Parking Requirements			3		0		N*

* The subject site is an existing parking impaired development as set forth in 19.18.030(D).

** The parking along 11th Street does not meet Title 19.08.110 parking dimensions and was not previously established by a building permit or entitlement. Therefore, on the parking off the alley is counted towards Title 19.12 requirements.