



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: MAY 14, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: MK VENTURES, LLC - OWNER: 5711 SHEILA, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0136-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 28

NOTICES MAILED 652

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

24-0136-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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Special Use Permit request for a 5,000 square-foot Alcohol, On-Premise Full use within a proposed restaurant at 2021 East Charleston Boulevard.

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 supports this request.

ANALYSIS

The subject site is zoned C-2 (General Commercial) and located within Area 2 of the Downtown Las Vegas Overlay (Founders District). It is developed with an existing commercial building with office, retail, and personal service uses. The surrounding area uses include truck rental, retail, and a restaurant that serves beer and wine. The applicant requests Special Use Permit (24-0136-SUP1) to allow a 5,000 square-foot Alcohol, On-Premise Full use within a vacant tenant space at the subject site. According to the submitted justification letter, the applicant is proposing to operate a Mexican restaurant. This tenant space was previously operated as a restaurant use that offered beer and wine, but is vacant as of March 2023.

Per Title 19.12, 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 proposed use meets the definition as the applicant intends to offer alcoholic beverages for consumption onsite.

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:

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- 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 there are no protected uses located within 400 feet from the subject site.

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 subject site does not have a non-restricted gaming license in conjunction with a hotel and is not located on property within the Pedestrian Mall.

Staff finds the proposed use can be conducted in a manner that is harmonious and compatible with other commercial uses at the subject site and in the surrounding area. The proposed subject site is not located within 400 feet of any protected uses outlined in Title 19.12. Staff therefore recommends approval of this Special Use Permit (24-0136-SUP1) for an Alcohol On-Premise Full use, subject to conditions.

FINDINGS (24-0136-SUP1)

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

1. **The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

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The proposed land use can be conducted in a manner that is harmonious and compatible with the other existing commercial uses in the surrounding area.

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

The subject site is suitable for an Alcohol, On-Premise Full use. No additional parking is required for this request as the proposed use is not intensifying the previous use at the site.

3. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.

The subject site can be accessed from Charleston Boulevard, a 100-foot Primary Arterial as classified by the Master Plan of Streets and Highways, that is adequate in size to accommodate 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.

The proposed use will be subject to business license review and inspection, thereby safeguarding the public health, safety and general welfare.

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

The proposed Alcohol, On-Premise Full use meets all Special Use Permit requirements outlined in Title 19.12.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
06/11/13	The Planning Commission approved the request for a Special Use Permit (SUP- 48930) for a proposed Beer/Wine/Cooler On-Sale Establishment within an existing 4,985 square-foot restaurant, with a Waiver to allow a 242-foot distance separation from a House of Worship where 400 feet is required at 2021 East Charleston Boulevard.

<i>Most Recent Change of Ownership</i>	
03/18/21	A deed was recorded for a change in ownership.

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Related Building Permits/Business Licenses	
08/04/22	A business license (P70-00048) was issued for Beer/Wine/Cooler On-Sale at 2021 East Charleston Boulevard. The license was deemed inactive on 03/23/23.
08/18/22	A business license (G70-04467) was issued for a Beauty Salon with seven stations at 2015 East Charleston Boulevard. The license is set to renew on 08/01/24.
12/13/22	A business license (G70-01105) was issued for a Mexican restaurant at 2021 East Charleston Boulevard. The license was deemed inactive on 03/23/23.
03/08/23	A business license (G71-01130) was issued for tax services at 2017 East Charleston Boulevard. The license is set to renew on 03/01/25.
04/24/23	A business license (G71-02308) was issued for a retail pharmacy store at 2013 East Charleston Boulevard. The license is set to renew on 10/01/24.

Pre-Application Meeting	
03/11/24	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	
04/02/24	Staff conducted a routine field check and observed an existing commercial building. No issues were noted.

Details of Application Request	
Site Area	
Net Acres	0.73

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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	General Retail Store, Other Than Listed	MXU (Mixed Use)	C-2 (General Commercial)
	General Personal Service		
	Office, Other Than Listed		
North	Truck Rental	MXU (Mixed Use)	C-2 (General Commercial)
South	General Retail Store, Other Than Listed	TOD-1 (Transportation Oriented Development – High)	C-1 (Limited Commercial)
	Alcohol, On-Premise Beer/Wine		
	Restaurant		
East	General Retail Store, Other Than Listed	FBC (Form-Based Code)	T5-MS (T5 Main Street)
West	General Retail Store, Other Than Listed	MXU (Mixed Use)	C-2 (General Commercial)

<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: Founders District	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
DTLV-O (Downtown Las Vegas Overlay) District - Area 2	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

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Charleston 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	
Alcohol, On-Premise Full	3,000 SF public seating and waiting	1 per 50 SF seating and waiting, plus 1 per 200 SF remaining GFA	60				
	2,000 SF remaining GFA		10				
General Personal Service	6 stations	2 spaces per station	12				
Office, Other Than Listed	1,392 SF	1 space per 300 GFA	5				
General Retail Store, Other Than Listed	1,400 SF	1 space per 175 GFA	8				
TOTAL SPACES REQUIRED (unweighted)			95				
TOTAL SPACES REQUIRED (weighted requirement; see below)			38-67				
Regular and Handicap Spaces Required			91	4	35	1	Y*

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<i>Parking Requirement - Downtown (Areas 1-3)</i>			
<i>Downtown Form Based Code Parking Standards - Title 19.09.100.G</i>			
Parking Standards High Load - Zone 3	Between 40% and 70%	36	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.

*This site is deemed parking impaired pursuant to Title 19.18.030; no additional parking is required as a result of this request.