



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: APRIL 9, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: NATHAN HALL - OWNER: 1421 MAIN STREET, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0111-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 22

NOTICES MAILED 347

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

24-0111-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 proposed 5,690 square-foot Alcohol, On-Premise Full use with a 486 square-foot outdoor patio area at 1421 South Main Street.

ISSUES

- An Alcohol, On-Premise Full use is permitted in the C-M (Commercial/Industrial) zoning district with the approval of a Special Use Permit. Staff supports the request.

ANALYSIS

The subject site is zoned C-M (Commercial/Industrial) and located in the Downtown Las Vegas Overlay (Gateway District). It is subject to the Appendix F: Interim Downtown Las Vegas Development Standards for Area 1. The subject site is a vacant building in which the applicant has proposed to operate a brewery with 5,690 square-feet of indoor space and a 486 square-foot outdoor patio area. As described in the submitted justification letter, the proposed “Bad Beat Brewing” establishment will feature local artist murals and aims to contribute to revitalizing the Downtown area.

Projects located in Area 1 of the Downtown Las Vegas Overlay are not subject to the automatic application of parking requirements. Based on the proposed use and the submitted floor plan, 56 parking spaces are required. However, the subject site provides no on-site parking. While there is no on-site parking provided, there is on-street parking provided on Main Street as well as nearby bus stops and bicycle facilities.

Per Title 19.12.070, 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 is proposing to sell alcoholic beverages for on premise consumption.

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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 Alcohol, On-Premise Full use meets this requirement, as there are no protected uses within 400 feet of the subject property.

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.

The proposed use meets the distance separation requirement set forth in Requirement 1.

The applicant adheres to all the requirements for the Alcohol, On-Premise Full use. Staff finds that the proposed use can be conducted in a manner that is harmonious and compatible with the surrounding area. Therefore, staff recommends approval, subject to conditions.

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FINDINGS (24-0111-SUP1)

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

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

The proposed Alcohol, On-Premise Full use can be conducted in a harmonious and compatible manner with the existing surrounding land uses that are in close proximity to the subject site.

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

The subject site is a vacant building and will be physically suitable for the type and intensity of the land use proposed.

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 is provided by Main Street, a 100-foot wide 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.**

If approved, the proposed use will be subject to licensing requirements, thereby protecting the public health, safety and welfare.

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

The proposed Alcohol, On-Premise Full use meets the minimum requirements set forth by Title 19.12.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
12/19/23	The Department of Community Development approved a Conditional Use Verification (101398-CUV) for an Alcohol Production, Craft use at 1421 South Main Street.

<i>Most Recent Change of Ownership</i>	
04/06/23	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
11/21/23	A building permit (#C23-04038) was processed for tenant improvement at 1421 South Main Street. A permit has not been issued.

<i>Pre-Application Meeting</i>	
02/27/24	The pre-application submittal requirements for a Special Use Permit were discussed with the applicant.

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

<i>Field Check</i>	
03/14/24	Staff conducted a routine field check and observed an existing vacant commercial building. No other issues were noted.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.16

<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	Vacant	C (Commercial)	C-M (Commercial/Industrial)
North	General Retail Store, Other Than Listed	C (Commercial)	C-M (Commercial/Industrial)

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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>
South	Vacant	C (Commercial)	C-M (Commercial/Industrial)
East	Vacant	MXU (Mixed Use)	R-4 (High Density Residential)
West	Vacant	C (Commercial)	C-M (Commercial/Industrial)

<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: Gateway District	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
No Applicable Special Area or Overlay Districts	N/A
A-O (Airport Overlay) District – 200 Feet	Y
DTLV-O (Downtown Las Vegas Overlay) District - Area 1	Y
LW-O (Live/Work Overlay) District	N/A
<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>
Main Street	Primary Arterial	Master Plan of Streets and Highways Map	100	Y

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Parking Requirement - Downtown (Areas 1-3)							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Alcohol, On-Premise Full	1,887 SF of public seating and waiting plus 3,803 SF remaining GFA	1:50 SF of public seating and waiting, plus 1:200 SF remaining GFA	56				
TOTAL SPACES REQUIRED (unweighted)			56				
TOTAL SPACES REQUIRED (weighted requirement; see below)			22-39	1-2	0		N/A
Regular and Handicap Spaces Required			53	3	0	0	N/A
Downtown Form Based Code Parking Standards - Title 19.09.100.G							
Parking Standards High Load - Zone 3			Between 40% and 70%		0		N/A

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.