



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: AUGUST 13, 2024  
DEPARTMENT: COMMUNITY DEVELOPMENT  
ITEM DESCRIPTION: APPLICANT: JEREMY DANE EARLE - OWNER: TIVOLI NDA  
V, LLC, ET AL

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

| CASE NUMBER  | RECOMMENDATION                                    | REQUIRED FOR APPROVAL |
|--------------|---|-----------------------|
| 24-0278-SUP1 | Staff recommends APPROVAL, subject to conditions: |                       |

**\*\* NOTIFICATION \*\***

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 22

NOTICES MAILED 831

PROTESTS N/A

APPROVALS N/A

**\*\* CONDITIONS \*\***

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**24-0278-SUP1 CONDITIONS**

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**Planning**

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Alcohol, On-Premise Full 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 144-foot distance separation from a city park 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. Approval of this Special Use Permit does not constitute approval of a liquor license.
8. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
9. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**Staff Report Page One**  
**August 13, 2024 - Planning Commission Meeting**

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a Special Use Permit request for an Alcohol, On-Premise Full use within a proposed barbershop at 330 South Rampart Boulevard, Suite #185.

**ISSUES**

- An 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 the request.
- A Waiver is requested to allow a 144-foot distance separation from a city park where 400 feet is required. Staff supports the request.
- The subject tenant space is located within a commercial subdivision with no direct access to the city park.

**ANALYSIS**

The subject site is developed within an existing Mixed Use development that is zoned C-2 (General Commercial) and subject to Title 19 development standards. The applicant requests a Special Use Permit to allow an Alcohol, On-Premise Full use in conjunction with a future barbershop within a vacant tenant space.

Per Title 19, 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 this definition as the applicant intends to offer alcoholic beverages in conjunction with their proposed barbershop operation.

**Minimum Special Use Permit Regulations:**

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.

**Staff Report Page Two**  
**August 13, 2024 - Planning Commission Meeting**

*This requirement is not met a Waiver is requested to allow a 144-foot distance from a city park where 400 feet is required. The subject tenant space is located within an established Mixed Use development and the proposed Alcohol, On-Premise Full use is appropriate for this location. Staff supports the request.*

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.*

While a distance separation Waiver is requested, the proposed use is located within a commercial subdivision with other similar uses. The actual distance between the subject tenant space and the city park is over 1,500 feet. Therefore, staff finds the proposed use can be conducted in a harmonious and compatible manner with the surrounding area and recommends approval, subject to conditions.

**FINDINGS (24-0278-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 use can be conducted in a manner that is harmonious and compatible with neighboring commercial and residential uses within the existing Mixed-Use Development.

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

**Staff Report Page Three**  
**August 13, 2024 - Planning Commission Meeting**

The subject site is located within an existing Mixed-Use 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.**

The subject site has adequate access from Rampart Boulevard, a 100-foot Primary Arterial and Alta Drive, an 80-foot Major Collector, as classified by the Master Plan of Streets and Highways.

- 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 or welfare of the general public. The use will be subject to regular inspections and is subject to licensing restrictions.

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

Other than the required distance separation from a City Park, all code requirements of Title 19.12 are being met.

**Staff Report Page Four**  
**August 13, 2024 - Planning Commission Meeting**

**BACKGROUND INFORMATION**

| <b><i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i></b> |   |
|--|---|
| 04/19/06   | The City Council approved a Site Development Plan Review (SDR-10770) for a 10-story Mixed-Use Development consisting of 699,000 square feet of commercial space and 340 residential units and a Variance (VAR-10773) to allow 3,995 parking spaces where 4,961 parking spaces are required at the northeast corner of Rampart Boulevard and Alta Drive. Planning Commission recommended approval. Staff recommended denial.   |
| 10/01/08   | The City Council approved a Special Use Permit (SUP-28998) for a Supper Club and a Waiver to allow a 141-foot separation from a City Park where 400 feet is the minimum required at the northeast corner of Rampart Boulevard and Alta Drive. The Planning Commission and staff recommended approval.   |
| 12/17/08   | The City Council approved a Special Use Permit (SUP-30583) for a proposed 12,195 square-foot Supper Club with a waiver to allow a 141-foot distance separation from a City park where 400 feet is required at 440 South Rampart Boulevard, Suite #120. The Planning Commission and staff recommended approval.  |
| 07/01/09   | The City Council approved a Special Use Permit (SUP-34175) for a proposed Liquor Establishment (Tavern) with waivers to allow a distance separation of 141 feet from a City Park and to allow no distance separation from a similar use where 1,500 feet is required at 330 South Rampart Boulevard, Suite #215. Staff recommended approval.  |
| 09/23/10   | The Planning Commission approved a Special Use Permit (SUP-39146) for a Liquor Establishment (Tavern) with waivers to allow a distance separation of 141 feet from a City park and to allow no distance separation from a similar use where 1,500 feet is required at 440 South Rampart Boulevard, Suite #180. Staff recommended approval.  |
| 10/21/10   | The Planning Commission approved a Special Use Permit (SUP-39440) for a Supper Club with a waiver to allow a 141-foot distance separation from a City park where 400 feet is required at 420 South Boulevard, Suite #180 and a Special Use Permit (SUP-39441) for a Liquor Establishment (Tavern) with waivers to allow a distance separation of 141 feet from a City Park and to allow no distance separation from a similar use where 1,500 feet is required at 440 South Rampart Boulevard, Suite #B190. Staff recommended approval. |

**Staff Report Page Five**  
**August 13, 2024 - Planning Commission Meeting**

| <b><i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i></b> |  |
|--|--|
| 12/16/10   | The Planning Commission approved a Special Use Permit (SUP-40087) for a proposed Supper Club with a waiver to allow a 141-foot separation distance from a City park where 400 feet is required at 400 South Rampart Boulevard, Suite #190. Staff recommended approval.   |
| 04/12/11   | The Planning Commission approved a Special Use Permit (SUP-41030) for a proposed 2,946 square-foot Beer/Wine/Cooler On-Sale Establishment use with a waiver to allow a 141-foot distance separation from a City Park where 400 feet is required at 410 South Rampart Boulevard, Suite #120. Staff recommended approval.  |
| 05/10/11   | The Planning Commission approved a Special Use Permit (SUP-40748) for a Liquor Establishment (Tavern), located at located at 430 South Rampart Boulevard, Suites #B160, B170 and B181 and a Special Use Permit (SUP- 40749) for a Liquor Establishment (Tavern) at 430 South Rampart Boulevard, Suite #B130. Staff recommended approval.   |
| 05/08/12   | The Planning Commission approved a request for a Special Use Permit (SUP-43957) to allow an Indoor Swap Meet at 420 South Rampart Boulevard, Suite #150. Staff recommended approval.   |
| 07/10/12   | The City Council approved a request for a Special Use Permit (SUP-45533) to allow a Supper Club at 430 South Rampart Boulevard, Suite 170. Staff recommended approval.   |
| 08/14/12   | The City Council approved a request for a Special Use Permit (SUP-45933) to allow a Beer/Wine/Cooler On- And Off-Sale Establishment use at 420 South Rampart Boulevard, Suite #150. Staff recommended approval.  |
| 09/11/12   | The Planning Commission approved a request for a Special Use Permit (SUP- 46271) to allow a Supper Club at 430 South Rampart Boulevard, Suite 110. Staff recommended approval of the request.  |
| 02/12/13   | The Planning Commission approved a request for a Special Use Permit (SUP- 47802) for a supper club in conjunction with an existing 21,239 square-foot restaurant and beer/wine/cooler on and off-sale establishment with a waiver to allow a 141-foot distance separation from a city park where 400 feet is the minimum required at 420 South Rampart Boulevard, Suite #150.  |
| 07/09/13   | The Planning Commission approved a request for an Extension of Time (EOT-49284) of an approved Special Use Permit (SUP-41304) for a proposed 13,122 square-foot liquor establishment (tavern) within a 28.44-acre mixed-use development with waivers to allow a distance separation of 141 feet from a park where 1,500 feet is required and no distance separation from a similar use where 1,500 feet is required at 430 South Rampart Boulevard, Suites #150 and #230. Staff recommended approval of the request. |

**Staff Report Page Six**  
**August 13, 2024 - Planning Commission Meeting**

| <b><i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i></b> |   |
|--|---|
| 08/01/13   | The Planning Department administratively approved a request for Special Use Permit (SUP-50286) for a Minor Amendment to an approved Special Use Permit (SUP-30583) for a proposed reduction in floor area to a supper club at 440 South Rampart Boulevard, Suites #120.   |
| 12/18/13   | The City Council approved a request for a Master Sign Plan (MSP-50954) for a Major Amendment of an approved Master Sign Plan (MSP-40230) for an existing mixed-use development on 28.43 acres at the northeast corner of Alta Drive and Rampart Boulevard. Staff recommended denial of the request.   |
|  | The City Council approved a request for a Variance (VAR-50955) to allow 10 proposed freestanding signs to be spaced 35 feet apart where six signs spaced at least 100 feet apart are allowed on 28.43 acres at the northeast corner of Alta Drive and Rampart Boulevard. Staff recommended denial of the request.   |
| 01/14/14   | The Planning Commission approved a request for a Site Development Plan Review (SDR-52089) for a Major Amendment of an approved Site Development Plan Review (SDR-10770) to reduce the southeast side yard setback from 115 feet to 65 feet and to reduce the number of residential units from 340 to 300 of an existing mixed-use development on 28.43 acres at 330, 340, 350 and 360 South Rampart Boulevard. Staff recommended approval of the request.                               |
| 07/08/14   | The Planning Department administratively approved a request for Site Development Plan Review (SDR-54397) for a Minor Amendment of an approved Site Development Plan Review (SDR-10770) to remove building 13, incorporate building 14 into building 15, decrease total net floor area from 793,925 square feet to 775,890 square feet and allow minor façade improvements at an existing mixed use development on a portion of 28.43 acres at 280, 320 and 340 South Rampart Boulevard. |
| 08/12/14   | The Planning Commission approved a request for a Special Use Permit (SUP-54786) for a Beer/Wine/Cooler On-Sale establishment in conjunction with an existing 2,161 square-foot restaurant with a 65 square-foot outdoor patio with a waiver to allow a 141-foot distance separation from a city park where 400 feet is the minimum required at 420 South Rampart Boulevard, Suite #150. Staff recommended approval of the request.  |
| 09/11/14   | The Department of Planning administratively approved a request for a Minor Amendment (SDR-55833) of an approved Site Development Plan Review (SDR-10770) for minor revisions to building facades on buildings 5 and 11 of an existing mixed use development at 330 and 350 South Rampart Boulevard.   |



**Staff Report Page Seven**  
**August 13, 2024 - Planning Commission Meeting**

| <b><i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i></b> |  |
|--|--|
| 05/12/15   | The Planning Commission approved a request for a Special Use Permit (SUP-58332) for a proposed 4,623 square-foot Restaurant with Alcohol use with 2,771 square feet of outdoor seating area with a waiver to allow a 141-foot distance separation from a City park where 400 feet is required at 440 South Rampart Boulevard, Suite #180. Staff recommended approval of the request. |
| 06/13/17   | The Planning Commission approved a Special Use Permit (SUP-69858) for a Beer/Wine/Cooler On-Sale use at 410 South Rampart Boulevard Suite #120.  |
| 10/23/18   | The Planning Commission approved Special Use Permit (SUP-74291) request to allow a Restaurant with Service Bar at 410 South Rampart Boulevard, Suite #120.   |

| <b><i>Most Recent Change of Ownership</i></b> |  |
|---|--|
| 04/01/22                                      | A deed was recorded for a change in ownership. |

| <b><i>Related Building Permits/Business Licenses</i></b>         |  |
|--|--|
| There are no related building permits/business licenses of note. |  |

| <b><i>Pre-Application Meeting</i></b> |  |
|---------------------------------------|--|
| 05/21/24                              | Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed Special Use Permit. |

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

| <b><i>Field Check</i></b> |   |
|---------------------------|---|
| 07/03/24                  | Staff conducted a routine field check and found a Mixed Use development. Unpermitted signage was observed on the windows. |

| <b><i>Details of Application Request</i></b> |       |
|--|-------|
| <b><i>Site Area</i></b>                      |       |
| Net Acres                                    | 19.93 |

Staff Report Page Eight  
August 13, 2024 - Planning Commission Meeting

| <b><i>Surrounding Property</i></b> | <b><i>Existing Land Use Per Title 19.12</i></b> | <b><i>Planned or Special Land Use Designation</i></b> | <b><i>Existing Zoning District</i></b> |
|------------------------------------|---|---|--|
| Subject Property                   | Mixed Use                                       | TOD-1 (Transit Oriented Development - High)           | C-2 (General Commercial)               |
| North                              | Commercial Recreation/Amusement (Outdoor)       | PR-OS (Park/Recreation/Open Space)                    | C-V (Civic)                            |
| South                              | Mixed Use                                       | TOD-1 (Transit Oriented Development - High)           | PD (Planned Development)               |
| East                               | Residential, Single Family, Detached            | L (Low Density Residential)                           | R-1 (Single Family Residential)        |
| West                               | Hotel, Motel or Hotel Suites                    | SC (Service Commercial)                               | C-1 (Limited Commercial)               |

| <b><i>Master and Neighborhood Plan Areas</i></b>                           | <b><i>Compliance</i></b> |
|--|--------------------------|
| Las Vegas 2050 Master Plan Area: Angel Park                                | Y                        |
| <b><i>Special Area and Overlay Districts</i></b>                           | <b><i>Compliance</i></b> |
| No Applicable Special Area or Overlay Districts                            | N/A                      |
| <b><i>Other Plans or Special Requirements</i></b>                          | <b><i>Compliance</i></b> |
| Trails   | N/A                      |
| Las Vegas Redevelopment Plan Area  | N/A                      |
| Interlocal Agreement   | N/A                      |
| Project of Significant Impact (Development Impact Notification Assessment) | N/A                      |
| Project of Regional Significance   | N/A                      |

Staff Report Page Nine  
August 13, 2024 - Planning Commission Meeting

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.08 and 19.12, the following parking standards apply:*

| <b>Parking Requirement</b>                  |  |                      |                |                 |                |                   |   |
|---|--|----------------------|----------------|-----------------|----------------|-------------------|---|
| <b>Use</b>                                  | <b>Gross Floor Area or Number of Units</b> | <b>Required</b>      |                | <b>Provided</b> |                | <b>Compliance</b> |   |
|   |  | <b>Parking Ratio</b> | <b>Parking</b> |                 | <b>Parking</b> |                   |   |
|   |  |                      | Regular        | Handi-capped    | Regular        | Handi-capped      |   |
| Mixed-Use                                   | 775,890 SF                                 | Mixed-Use Matrix     | 3,760          |                 |                |                   |   |
| <b>TOTAL SPACES REQUIRED</b>                |  |                      | 3,760          |                 | 3,817          |                   | Y |
| <b>Regular and Handicap Spaces Required</b> |  |                      | 3,712          | 48              | 3,757          | 60                | Y |

| <b>Street Name</b> | <b>Functional Classification of Street(s)</b> | <b>Governing Document</b>         | <b>Actual Street Width (Feet)</b> | <b>Compliance with Street Section</b> |
|--------------------|---|-----------------------------------|-----------------------------------|---------------------------------------|
| Rampart Boulevard  | Primary Arterial                              | Master Plan of Streets & Highways | 100                               | Y                                     |
| Alta Drive         | Major Collector                               | Master Plan of Streets & Highways | 80                                | Y                                     |

| <b>Waivers</b>   |  |                             |
|--|--|-----------------------------|
| <b>Requirement</b>                                     | <b>Request</b>   | <b>Staff Recommendation</b> |
| Provide a 400-foot distance separation from city parks | To allow a 144-foot distance separation from a city park | Approval                    |