



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: NOVEMBER 6, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: MAIN STREET TENANT, LLC - OWNER:
ALPINE BUILDING, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0284-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 22

NOTICES MAILED 329

PROTESTS 5

APPROVALS 12

**** CONDITIONS ****

24-0284-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Cannabis Consumption Lounge use, except as modified in conditions herein.
2. Special Use Permit (SUP-66544) and Site Development Plan Review (SDR-66545) shall be expunged.
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 2,110 square-foot outdoor consumption lounge area.
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. The proposed outdoor odor mitigation misters shall conform to LVMC 14.11.160.
8. A Required Review at the Administrative level shall be conducted six-months from the date of business license issuance. A Required Review pursuant to LVMC 19.16.250 at public hearing before the City Council shall be conducted one year from the date of business license issuance. The Required Reviews shall focus on traffic, patron safety, security and outdoor consumption activity associated with the approved consumption lounge. It is the applicant's responsibility to submit and pay the associated fees for the Required Reviews. Failure to pay these fees or a denial of the Required Reviews may result in revocation of the Special Use Permit.
9. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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Public Works

10. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. The Traffic Impact Analysis shall also include a pedestrian circulation/access plan, in accordance with Section 2.2 of the City's Vision Zero Action Plan, to identify nearby pedestrian attractors and recommend measures to accommodate pedestrians, such as but not limited to pedestrian access, crosswalk, pedestrian activated flashers and temporary sidewalks. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
11. Queues for the overall center shall not extend into the public right-of-way as a result of the operations on this site.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Special Use Permit request for a proposed Cannabis Consumption Lounge use with an outdoor consumption area generally located on the east side of Main Street, approximately 170 feet south of Colorado Avenue.

ISSUES

- The Cannabis Consumption Lounge use is permitted in the C-M (Commercial/Industrial) zoning district with the approval of a Special Use Permit. Staff supports this request.
- Pursuant to Title 19.12., A Waiver for outdoor consumption that is granted by the City Council to a cannabis consumption lounge, pursuant to LVMC 6.95.160(J)(1) shall be deemed to have been conditioned upon a one-year required review by the City Council. A Waiver of Title 19.12 is requested, to allow a 2,110 square-foot outdoor consumption area, which staff supports. A condition of approval has been added to address this issue.
- A Condition of Approval has been added requiring the proposed outdoor odor mitigation system to conform with LVMC 14.11.160.

ANALYSIS

The subject site is a C-M (Commercial/Industrial) zoned property, located in the Downtown Las Vegas Overlay [Gateway District] and is subject to the Appendix F: Interim Downtown Las Vegas Development Standards for Area 1. The subject site is an existing, vacant commercial building. Part of the building to the south has recently submitted a tenant improvement (#C24-01816) for a cannabis dispensary approved by way of Special Use Permit (24-0289-SUP1). The applicant proposes to operate a 5,833 square-foot cannabis consumption lounge with a 2,100 square-foot outdoor consumption area.

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Per the submitted floor plans, 3,727 square feet would be dedicated to the indoor consumption of cannabis products, including lounge and bar seating with back of house operations towards the rear of the suite. Patrons would then be able to navigate out to the proposed outdoor patio area, which will allow the outdoor consumption of cannabis. Pursuant to Title 19.12, Special Use Permit requirement #6 requires that any outdoor consumption of cannabis be submitted as a Waiver to be heard by the City Council. As proposed, the submitted elevations depict an approximately 12-foot tall, existing patio cover towards the rear of the site. To fully screen the outdoor cannabis consumption from public view, the applicant also proposes a six-foot tall gate with wood slats around the entirety of the outdoor consumption area.

The surrounding area is characterized by commercial development to the north, south, and west, whereas multi-family residential developments are immediately adjacent to the east of the subject property. To prevent any negative impact associated with the outdoor consumption of cannabis, the applicant has proposed an odor mitigation plan, as specified in their submitted justification letter. Per the submitted justification letter, odor mitigation misters would be placed along the perimeter and within the lounge area to create a barrier and treat the source of the odor. In addition to the proposed mitigation strategies, the applicant proposes continuous communication with adjacent, local residents and businesses about odor mitigation measures and the effectiveness of this strategy. As a result, staff finds the proposed outdoor consumption of cannabis at the subject site will not negatively impact adjacent commercial or residential development. Therefore, staff supports this Waiver request.

Projects located within the Downtown Las Vegas Overlay (Area 1) are not subject to the automatic application of parking requirements. However, 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. Based on the weighted parking requirements, the proposed Cannabis Consumption Lounge use requires between a range of 19 and 33 spaces. Per the submitted plans, the subject site provides 14 spaces. Alternative transportation options are provided through adjacent and nearby on-street parking, bike share facilities, bus stops, and the expectation that customers will utilize taxi, and rideshare services.

Title 19.12 defines the Cannabis Consumption Lounge use as, “A business that sells or otherwise provides single-use cannabis products and/or ready-to consume cannabis products for persons over the age of 21 to use or consume on the premises of the business. This use includes:

1. An independent cannabis lounge that is not attached to a cannabis dispensary; and

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2. A retail cannabis consumption lounge that is attached or immediately adjacent to a cannabis dispensary. For the purposes of this description, the following definitions apply: “Attached” means physically attached to the physical

The proposed use meets this definition, as the applicant has specified that the proposed use would operate as a retail cannabis consumption lounge that is immediately adjacent to an approved cannabis dispensary.

The Minimum Special Use Permit Requirements for this use include:

1. Pursuant to its general authority to regulate the use of cannabis within business establishments, 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 cannabis consumption lounge and certain other uses that should be protected from the impacts associated with a cannabis consumption lounge. Therefore, except as otherwise provided in these Requirements, no cannabis consumption lounge may be located within 1,000 feet of any school, or within 300 feet of any of the following uses:
 - a. City Park;
 - b. Church/House of Worship;
 - c. Individual Care – Family Home, Individual Care – Group Home, or Individual Care center (In each case licensed for the care of children)
 - d. Community Recreational facility (public); or
 - e. Any use whose primary function is to provide recreational opportunities to minors. Such uses include without limitation commercial recreation/amusement (indoor or outdoor); library, art gallery or museum (public); teen dance center; and martial arts studio that provides instruction to minors.

The proposed Cannabis Consumption Lounge use meets this requirement, as the proposed use is not within 1,000 feet of any school, or within 300 feet of any of the specified protected uses and therefore meets this requirement. While there are commercial recreation/amusement (indoor or outdoor) and art gallery uses within 300 feet of the subject property, these uses do not primarily serve minors.

2. The use shall not be located on the property of an airport.

The proposed use is not located on the property of an airport and therefore meets this requirement.

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3. The use shall conform to, and is subject to, the provisions of LVMC Title 6, as they presently exist and may hereafter amended.

If approved, the proposed Cannabis Consumption Lounge use will require approval of a business license and continual inspections and therefore meets this requirement.

4. The Special Use Permit shall be voided without further action if the use ceases for a period exceeding 90 days.

The Department of Community Development – Business Licensing division will monitor and require compliance with this requirement should the use cease.

5. Independent of the minimum separation requirements in Requirement 1, no independent cannabis consumption lounge may be located within 1,000 feet of any other retail or retail consumption lounge, whether or not that other cannabis consumption lounge is located within the jurisdictional limits of the City. This separation requirement may be waived by the City Council in connection with special use permit approval in appropriate cases, including in areas in which the City Council might desire to encourage such establishments to locate. However, no such waiver is available for any proposed location within the Symphony Park District, the Las Vegas Medical District, or the Resort and Casino District, in each case as described in Appendix F of this Title.

The proposed Cannabis Consumption Lounge use meets this requirement, as there are no other independent or retail consumption lounges within 1,000 feet of the subject site.

6. A Waiver for outdoor consumption that is granted by the City Council to a cannabis consumption lounge pursuant to LVMC 6.95.160(J)(1) shall be deemed to have been conditioned upon a one-year required review by the Council. The determination of when the one-year period commences shall be described by the Council at the time the waiver is granted, with the review to be conducted in accordance with the standards and procedures for required reviews as set forth in LVMC 19.16.250.

A Waiver has been requested to allow a 2,110 square-foot outdoor cannabis consumption area. The proposed outdoor cannabis consumption area will be screened from public view and will have odor mitigation measures implemented to mitigate the impact of such use from the surrounding area, including surrounding residential development. Staff supports this Waiver and a condition of approval has been added requiring a one-year required review as set forth in LVMC 19.16.250.

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7. No Special Use Permit for this use is available for any parcel that is located within 1,500 feet of a parcel on which nonrestricted gaming is conducted. The prohibitions in Requirement 1 and in the preceding sentence do not apply to any parcel regarding which a Special Use Permit for a cannabis dispensary has been approved, and which was in compliance with the requirements at the time of approval.

The proposed use is not located within 1,500 feet of a parcel on which nonrestricted gaming is conducted. Therefore, this requirement is not applicable.

The subject is located within Redevelopment Area 1 of the City of Las Vegas Redevelopment Plan. In general, the goals and objectives of the redevelopment program in redevelopment area 1 are as follows:

1. To eliminate and prevent the spread of blight and deterioration and the conservation, rehabilitation, and redevelopment of Redevelopment Area 1 in accordance with the Master Plan, the Redevelopment Plan, local codes, and ordinances.
2. To achieve an environment reflecting a high level of concern for architectural landscape, and urban design and land use principles appropriate for attainment of the objectives of the Redevelopment Plan.
3. To minimize unplanned growth by guiding revitalization activities and new development in such a fashion as to meet the needs of Redevelopment Area 1, the City and its citizens.
4. To retain existing businesses by means of redevelopment and rehabilitation activities and by encouraging cooperation and participation of owners, businesses and public agencies in the revitalization of Redevelopment Area 1.
5. To encourage investment by the private sector in the development and redevelopment of Redevelopment Area 1 by eliminating impediments to such development and redevelopment.
6. To encourage maximum participation of residents, businesspersons, property owners, and community organizations in the redevelopment of Redevelopment Area 1.
7. To replan, redesign, and develop areas which are stagnant or improperly used.
8. To ensure adequate utility capacity to accommodate redevelopment and new development.

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The subject site is located within the Downtown Las Vegas neighborhood area as defined in the City of Las Vegas 2050 Master Plan. Downtown Las Vegas is characterized by a traditional urban fabric centered on Fremont Street. Downtown Las Vegas is divided into several unique and culturally rich neighborhoods, including the Gateway District. Located on the border of the Gateway District and the 18b Arts District, underutilized and vacant land still exists in this area and offers an opportunity for investment. The proposed use, if approved, would occupy and rehabilitate a portion of an existing commercial building that has stood largely underutilized since 2017.

Staff finds the requested Waiver request will not negatively impact surrounding commercial and residential development and would promote the sound redevelopment of a blighted area, therefore fulfilling goals, policies, and objectives outlined in the City of Las Vegas Redevelopment Plan – Redevelopment Plan Area 1. Staff finds that the proposed Cannabis Consumption Lounge use can be conducted in a harmonious and compatible manner with the surrounding area and therefore recommends approval of this Special Use Permit, subject to conditions.

FINDINGS (24-0284-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 applicant has requested a Waiver to allow a 2,110 square-foot outdoor cannabis consumption area, which staff support, as the proposed outdoor consumption area is fully screened from public view and will provide odor mitigation measures that will prevent a negative impact to surrounding development. Aside from the requested Waiver, the proposed Cannabis Consumption Lounge use complies with all minimum distance separation requirements as set forth by Title 19.12 and therefore the use can be conducted in a compatible and harmonious manner with the existing surrounding land uses and future 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 physically suitable for the type and intensity of land use proposed.

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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 by Main Street, a 100-foot Primary Arterial as defined by the Master Plan of Streets and Highways. Main Street 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 will be subject to business license review and continuous inspection to ensure the public health, safety, and welfare or the overall objectives of the general plan will not be compromised.

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

The proposed Cannabis Consumption Lounge use requires a Waiver to allow the outdoor consumption of cannabis. The applicant has proposed to fully screen the proposed outdoor consumption area from all public areas and has provided an odor mitigation strategy to reduce the impact to nearby development, including adjacent residential development. Staff supports this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
12/21/16	The City Council approved a request for a Special Use Permit (SUP-66544) for a Drive-Through use at 1311 South Main Street. The Planning Commission and staff recommended approval.
12/21/16	The City Council approved a request for a Site Development Plan Review (SDR-66545) for a proposed 2,148 square-foot restaurant with drive-through and outdoor seating with a Waiver of the Downtown Centennial Plan parking lot screening requirements at 1311 South Main Street. The Planning Commission and staff recommended approval.
07/16/18	The Department of Planning Staff administratively approved a Conditional Use Verification (CUV-73893) for a Beer/Wine/Cooler On-Sale Establishment (Beer and Wine Room) at 1311 South Main Street.

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<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
03/20/19	The City Council approved a request for the first Extension of Time (EOT75518) of a previously approved Special Use Permit (SUP-66544) for a Drive-Through use at 1311 South Main Street. Staff recommended approval.
	The City Council approved a request for the first Extension of Time (EOT-75519) of a previously approved Site Development Plan Review (SDR-66545) for a proposed 2,148 square-foot restaurant with drive-through and outdoor seating with a Waiver of the Downtown Centennial Plan parking lot screening requirements on 0.46 acres at 1311 South Main Street. Staff recommended approval.
10/16/19	The City Council approved a request for a Special Use Permit (SUP76230) for a proposed 3,720 square-foot Marijuana Dispensary use at 1319 South Main Street. The Planning Commission and staff recommended approval.
05/13/21	Department of Planning staff administratively approved a request for a Minor Amendment (210236-SUP1) of an approved Special Use Permit (SUP-76230) for the 1,526 square-foot expansion of an approved 3,720 square-foot nonconforming Cannabis Dispensary use and relocation on the same parcel at 1311, 1315, 1317 and 1319 South Main Street.
01/19/22	The City Council approved a request for the second Extension of Time (21-0763-EOT1) of a previously approved Special Use Permit (SUP66544) for a Drive-Through use at 1311 South Main Street. Staff recommended approval. The Extension expires 12/21/23 unless exercised or another Extension of Time is approved.
01/19/22	The City Council approved a request for the second Extension of Time (21-0763-EOT2) of a previously approved Site Development Plan Review (SDR-66545) for a proposed 2,148 square-foot restaurant with drive-through and outdoor seating with a Waiver of the Downtown Centennial Plan parking lot screening requirements on 0.46 acres at 1311 South Main Street. Staff recommended approval. The Extension expires 12/21/23 unless exercised or another Extension of Time is approved.
02/02/22	The City Council approved a request for the first Extension of Time (210669-EOT1) for a proposed 3,720 square-foot Cannabis Dispensary use at 1319 South Main Street. Staff recommended approval. The Extension expires 10/16/23 unless exercised or another Extension of Time is approved.
12/06/23	The City Council approved the second Extension of Time (23-0518-EOT1) of a previously approved Special Use Permit (SUP-76230) for a proposed 3,720 square-foot Marijuana Dispensary Use at 1319 South Main Street.

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<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
09/10/24	The Planning Commission voted (5-0-2) to recommend APPROVAL on the following Land Use Entitlement project request FOR A PROPOSED 5,833 SQUARE-FOOT CANNABIS CONSUMPTION LOUNGE USE WITH A WAIVER TO ALLOW A 2,110 SQUARE-FOOT OUTDOOR CONSUMPTION AREA generally located on the east side of Main Street, approximately 170 feet south of Colorado Avenue (APN 162-03-110-131), C-M (Commercial/Industrial) Zone, Ward 3 (Diaz).
10/16/24	The City Council voted (6-0) to HOLD IN ABEYANCE the following Land Use Entitlement project request FOR A PROPOSED 5,833 SQUARE-FOOT CANNABIS CONSUMPTION LOUNGE USE WITH A WAIVER TO ALLOW A 2,110 SQUARE-FOOT OUTDOOR CONSUMPTION AREA generally located on the east side of Main Street, approximately 170 feet south of Colorado Avenue (APN 162-03-110-131), C-M (Commercial/Industrial) Zone, Ward 3 (Diaz).

<i>Most Recent Change of Ownership</i>	
12/01/22	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
There are no related building permits or business licenses.	

<i>Pre-Application Meeting</i>	
05/23/24	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.	

<i>Field Check</i>	
08/01/24	Staff conducted a routine field check of the subject property and observed a vacant commercial building. Nothing of concern was noted.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.46

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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	Vacant	C (Commercial)	C-M (Commercial/Industrial)
North	Alcohol, On-Premise Full	C (Commercial)	C-M (Commercial/Industrial)
	Nightclub		
South	Vacant	C (Commercial)	C-M (Commercial/Industrial)
East	Residential, Multifamily	MXU (Mixed Use)	R-4 (High Density Residential)
			C-2 (General Commercial)
West	General Retail, Other than Listed	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>
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 – Redevelopment 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 Feet	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	
Cannabis Consumption Lounge	5,833 SF	1/250 SF	24				
Cannabis Dispensary	3,959 SF	1/175 SF	23				
TOTAL SPACES REQUIRED (unweighted)			47				
TOTAL SPACES REQUIRED (weighted requirement; see below)			19-33		14		Y*
Regular and Handicap Spaces Required			45	2	13	1	Y*
Downtown Form Based Code Parking Standards - Title 19.09.100.G							
Parking Standards Low/Medium/High Load - Zone 3			Between 40% and 70%		19-33		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.

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Waivers		
Requirement	Request	Staff Recommendation
A waiver for outdoor consumption that is granted by the City Council to a cannabis consumption lounge pursuant to LVMC 6.95.160(J)(1) shall be deemed to have been conditioned upon a one-year required review by the Council. The determination of when the one-year period commences shall be as described by the Council at the time the waiver is granted, with the review to be conducted in accordance with the standards and procedures for required reviews as set forth in LVMC 19.16.250.	To allow a 2,100 square-foot outdoor cannabis consumption area	Approval