



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: MAY 14, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: UNITED COIN MACHINE CO. - OWNER:
SUNARCH PROPERTIES, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0163-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 25

NOTICES MAILED 98

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

24-0163-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Gaming Establishment, Restricted 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. 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 Gaming Establishment, Restricted use (1 to 5 Machines) within an existing convenience store at 1550 West Oakey Boulevard.

ISSUES

- The Gaming Establishment, Restricted use is permitted in the M (Industrial) zoning district with the approval of a Special Use Permit. Staff supports the request.

ANALYSIS

The subject site is zoned M (Industrial) and located in the Downtown Las Vegas Overlay (Design District). It is subject to the Appendix F: Interim Downtown Las Vegas Development Standards for Area 1. The subject site is currently operating as a convenience store with beer and wine off-premise sales, fuel pumps and a car wash. According to the submitted justification letter, the applicant is requesting a Special Use Permit (24-0163-SUP1) for a Gaming Establishment, Restricted use to operate within an existing convenience store. The proposed Gaming Establishment, Restricted use (1 to 5 Machines) would operate incidentally to the convenience store. As an ancillary use, no additional parking is required beyond that which is required for the principal use(s) on the site. The applicant has proposed to install up to five machines within the existing convenience store.

Per Title 19.12, 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.

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The Minimum Special Use Permit Requirements for this use include:

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.
 - *b. For six to fifteen gaming machines, no less than 1500 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;
 - V. Gaming Establishment, Restricted use with six to fifteen gaming machines; or
 - VI. Gaming Establishment, Non-restricted use.
 - *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 applicant has requested up to five gaming machines for the proposed use. Therefore, the use is subject to the first subsection of this requirement. The proposed use meets this requirement, as there are no protected uses within 400 feet of the subject site.

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2. 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:
 - a. 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.
 - b. An establishment located within a Regional Mall, as defined by LVMC 19.18.020;
 - c. An establishment located within a Mixed-Use development, as defined by LVMC 19.18.020;
 - d. 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;
 - e. 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 proposed use is not located within a Special Area, Overlay District, or property as specified by Requirement 2.a. through 2.e. and therefore, the distance separation requirements set forth in Requirement 1.b. still apply, which the proposed use meets.

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

This requirement cannot be waived. If approved, the proposed use will conform to, and be subject to, the provisions of LVMC Chapter 6.40.

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 surrounding land uses as the subject site is adjacent to commercial uses and there are no protected uses within 400 feet of the subject site. Therefore, staff recommends approval of the Special Use Permit (24-0163-SUP1), subject to conditions.

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FINDINGS (24-0163-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 land use can be conducted in manner that is harmonious and compatible with existing surrounding commercial land uses.

- 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 as the proposed Gaming Establishment, Restricted use will be ancillary to the existing convenience store.

- 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 Oakey Boulevard and Western Avenue, 80-foot Collector Streets as defined by the Master Plan of Streets and Highways Map. Both streets are 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.**

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

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

The proposed Gaming Establishment, Restricted use meets the minimum Special Use Permit requirements per Title 19.12.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
12/16/92	The City Council granted an appeal, therefore granting approval for a Special Use Permit request (U-0282-92) to allow the sale of beer and wine in conjunction with a convenience store at 1550 West Oakey Boulevard. The Board of Zoning Adjustment denied the request on 11/24/92.
05/19/93	The City Council approved a Special Use Permit (U-0067-93) to allow a 550 gallon propane tank on property located at 1550 West Oakey Boulevard. The Board of Zoning Adjustment recommended approval.
07/12/01	The Planning Commission approved a Site Development Plan Review (SD-0036-01) for a proposed Full Service Car Wash in conjunction with an existing convenience store and a reduction in the amount of required perimeter landscaping at 1550 West Oakey Boulevard.
04/16/08	The City Council approved the request for a Special Use Permit (SUP-25131) for a proposed 55-foot high, 14-foot by 48-foot off-premise sign at 1550 West Oakey Boulevard. The Planning Commission recommended approval.

<i>Most Recent Change of Ownership</i>	
02/07/24	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
08/21/23	A business license (G71-05108) was issued for a convenience store with a gas station at 1550 West Oakey Boulevard. The license is set to renew on 08/01/24.
08/21/23	A business license (G71-05109) was issued for tobacco sales at 1550 West Oakey Boulevard. The license is set to renew on 08/01/24.
08/21/23	A business license (G71-05112) was issued for a car wash at 1550 West Oakey Boulevard. The license is set to renew on 08/01/24.
08/21/23	A business license (P71-00199) was issued for Beer Wine Off Sale at 1550 West Oakey Boulevard. The license was set to renew on 04/01/24.

<i>Pre-Application Meeting</i>	
03/19/24	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Special Use Permit.

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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 convenience store.
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Details of Application Request

Site Area

Net Acres	0.93
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Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	General Retail Store, Other Than Listed	C (Commercial)	M (Industrial)
	Car Wash, Full Service or Auto Detailing		
	Alcohol, Off-Premise Beer/Wine		
North	Office, Other than Listed	C (Commercial)	M (Industrial)
South	Warehouse/Distribution Center	LI/R (Light Industrial/Research)	M (Industrial)
	General Retail Store, Other Than Listed		
	Office, Other than Listed		
East	Vacant	LI/R (Light Industrial/Research)	M (Industrial)
West	Surface Parking Lot	C (Commercial)	M (Industrial)

Master and Neighborhood Plan Areas

Las Vegas 2050 Master Plan Area: Downtown Las Vegas

Vision 2045 Downtown Las Vegas Master Plan: Design District

Special Area and Overlay Districts

A-O (Airport Overlay) District – 200 Feet

DTLV-O (Downtown Las Vegas Overlay) District - Area 1

LW-O (Live/Work Overlay) District

Compliance

Y

Y

Compliance

Y

Y

Y

CS

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<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>
Wyoming Avenue	Collector Street	Master Plan of Streets and Highways Map	80	Y
Western Avenue	Collector Street	Master Plan of Streets and Highways Map	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	
General Retail Store, Other Than Listed	1,736 SF	1 space per 175 SF of GFA	10				
Gaming Establishment, Restricted	1,736 SF	No additional parking beyond principal use	0				
TOTAL SPACES REQUIRED (unweighted)			10				

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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	
TOTAL SPACES REQUIRED (weighted requirement; see below)			4-7		17		Y
Regular and Handicap Spaces Required			9	1	16	1	Y
Downtown Form Based Code Parking Standards - Title 19.09.100.G							
Parking Standards High Load - Zone 3			Between 40% and 70%		17		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.