



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: MAY 15, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: 702 LV MARKET, LLC - OWNER: ARIZONA CHARLIES, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0053-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 23

NOTICES MAILED 351 (by City Clerk)

PROTESTS 1 - 24-0053-SUP1

APPROVALS 4 - 24-0053-SUP1

**** CONDITIONS ****

24-0053-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Open Air Vending/ Transient Sales Lot use, except as amended herein.
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. The hours of operation for the Open Air Vending/Transient Sales lot use shall be limited to no more than five hours.
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.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing an Open Air Vending/Transient Sales Lot use located at 740 South Decatur Boulevard.

ISSUES

- The Open Air Vending/Transient Sales Lot use is a Conditional use in the C-2 (General Commercial) zoning district. The applicant fails to meet Conditional Use Regulation #7e, #8a, #8b, and #9d. The applicant has since requested a Special Use Permit (24-0053-SUP1), which staff supports.
- A Condition of Approval has been added limiting the hours of operation of the proposed Open Air Vending/Transient Sales Lot use to no more than five hours.

ANALYSIS

The subject site is a C-2 (General Commercial) zoned property and is subject to Title 19 development standards. There is an existing Casino/Hotel development on this site operating as Arizona Charlies. Per the submitted justification letter, the applicant intends to operate a monthly promotional farmers market in collaboration with Arizona Charlies that would feature approximately between 25 to 50 vendors. No permanent or temporary structures are proposed as part of this request. However, this proposal would remove 78 of the existing parking spaces to conduct the proposed use. If the applicant were to propose temporary or permanent tables, chairs, tents, or coverings for dining areas (including tarps and umbrellas) in the future, a Site Development Plan Review will be required pursuant to Conditional Use Regulation #4a.

Per the submitted site plan, the subject site provides 1,317 parking spaces where only 258 are required for the principal Hotel, Motel, or Hotel Suites land use. The Open Air Vending/Transient Sales Lot use requires no additional parking required beyond that which is required for the principal use(s) on the site.

The Open Air Vending/Transient Sales Lot use is conditionally allowed in the C-2 (General Commercial) zoning district. A Special Use Permit has been requested for the Open Air Vending/Transient Sales Lot use for multiple open air vendors and food trucks to be allowed to operate for more than four hours within a 24-hour period concurrently.

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The Open Air Vending/Transient Sales Lot use is defined as “An outdoor area or lot that is used exclusively, or on a regular or periodic basis, for the sale or taking of orders for any merchandise, including food items where such merchandise is displayed or sold within or upon the area or lot. This use includes the display or sale of merchandise by means of Open Air Vending, Mobile Food Vending and a Farmer’s Market.” The proposed use meets the definition as defined by Title 19.12, as the applicant is proposing multiple vendors, including open air vending, food trucks, and a farmer’s market that would operate on a regular basis on the lot.

The Minimum Conditional Use Regulations Requirements for this use include:

1. Except as provided in this Conditional Use Regulation 1, no signage is allowed, including temporary signage. Signage that is allowed by this Conditional Use Regulation 1 is not subject to the sign regulations and processes of Title 19 that otherwise would apply, except as specifically provided. The limited signage allowed by this Conditional Use Regulation 1 is as follows:
 - a. In the case Open Air Vending or Mobile Food Vending, the vehicle or portable unit may include signage which is affixed thereto but only to the extent such signage is not prohibited by LVMC 19.08.120(E)(3).
 - b. In the case of a Farmer’s Market, on-premises market event signage is permitted, but shall be limited to a single sign of no more than 32 square feet. Individual vendor signage is permitted, but is limited to one sign per vendor, and not to exceed 15 square feet per vendor space. All signage is prohibited at any time other than during a market event.

The proposed use meets this requirement, as no temporary signage has been proposed with this project.

2. The site must be kept free of any litter or debris at all times.

The applicant will be required to keep the site free of any litter or debris at all times.

3. No Structures shall be allowed within the public right-of-way.

There are no structures proposed within the public right-of-way with this project.

4. The installation of permanent or temporary tables, chairs, tents, or coverings for dining areas (including tarps and umbrellas) is prohibited, except when the use of such facilities:

- a. Has been approved by means of a Site Development Plan Review.

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- b. Is within the plaza area of a commercial lot; or
- c. Is in accordance with Conditional Use Regulation 9 below.

The proposed use does not indicate the installation of permanent or temporary tables, chairs, tents, or coverings for dining areas (including tarps and umbrellas). Therefore, this requirement is not applicable. If the applicant proposes to install permanent or temporary tables, chairs, tents, or coverings for dining areas (including tarps and umbrellas), a Site Development Plan Review will be required.

5. Vehicles or portable units used in the operation may not occupy

- a. Required parking spaces or required drive aisles; or
- b. Required loading zones, unless otherwise permitted under conditional use Regulation 8.

The proposed use includes food trucks and food vendors, which will occupy a portion of the 78 removed parking spaces. However, the parking removed is in excess of what is required for the Hotel, Motel, or Hotel Suites use. Therefore, this requirement is not applicable.

6. The vending/sales activity must be located at least 150 feet from residential development; except where the location is part of a mixed-use development.

The proposed use is located approximately 190 feet from the nearest residential development. Therefore, this requirement has been met.

7. For Open Air Vending, in addition to Conditional Use Regulations 1 through 6:

- a. No such vending is permitted in the O (Office) Zoning District;
- b. No such vending is permitted on undeveloped lots or developed lots with unoccupied structures or unpaved surfaces;
- c. No such vending is permitted within landscaped areas;
- d. No more than one vendor is permitted on any one lot, and the vending area shall be limited to a maximum of 500 square feet; provided, however that these limitations do not apply:
 - i. In connection with a Special Event Permit that allows a greater level of vending activity by means of Open Air Vending.

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- ii. On a parcel whose development approval or approvals contemplate a greater level of vending activity by means of Open Air Vending; or
- iii. Within the plaza area of a commercial lot;
- e. At a location other than the plaza area of a commercial lot, vending operations shall comply with the required building setbacks for that location;
- f. On any lot that is adjacent to residentially zoned lot, the hours of operation shall be limited to the period between 10 a.m. and 8 p.m.; and
- g. No supply or drainage pipes or power supply cords that pertain to the vending operation may be placed on or across surface parking or unimproved areas, or be attached to adjoining or nearby buildings, unless the vending operation is located immediately adjacent to the building so that the attached pipes or power cords have minimal exposure and do not present a potential hazard for passersby.

The proposed use is not located in the O (Office) Zoning District, nor is it located on an undeveloped lot or developed lot with unoccupied structures or unpaved surfaces, or landscaped areas. The proposed use would be conducted at a location other than the plaza area of a commercial lot and does not comply with required building setbacks for the C-2 (General Commercial) zoning district. A Special Use Permit (24-0053-SUP1) is requested, which staff supports.

8. For Mobile Food Vending, in addition to Conditional Use Regulations 1 through 6:
- a. No vendor may operate on any one parcel, lot or commercial subdivision for more than 4 hours within any 24 hour period;
 - b. No more than two vendors are permitted on one parcel, lot or commercial subdivision within any 24-hour period;
 - c. No vendor may operate within a required loading zone except as approved in conjunction with a Special Event Permit;
 - d. Such vending is permissible on undeveloped lots, or developed lots with unoccupied structures or unpaved surfaces, but only to the extent that such vending complies with all applicable air quality standards adopted by the Clark County Department of Air Quality; and

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- e. On unpaved lots, such vending is limited to a maximum disturbance area (including vehicles, parking and customer areas) of 5,000 square feet, regardless of the overall lot size, unless a greater disturbance area is approved in connection with a dust mitigation permit from the Clark County Department of Air Quality.

The proposed use does not meet this requirement, as the proposed hours of operation exceed the four hour limitation and exceeds the number of vendors allowed. A Special Use Permit (24-0053-SUP1) is requested, which staff supports.

9. For Farmer's Markets, in addition to Conditional Use Regulations 1 through 6:

- a. The use is not permitted in the O (Office) Zoning District;
- b. The use is not permitted on undeveloped lots or developed lots with unoccupied structures or unpaved surfaces;
- c. The use is not permitted within landscaped areas;
- d. At a location other than the plaza area of a commercial lot, the use shall comply with the required building setbacks for the location;
- e. On any lot that is adjacent to a residentially zoned lot, the hours of operation of the use shall be limited to the period between 10 a.m. and 8 p.m.; and
- f. No supply or drainage pipes or power supply cords that pertain to the use may be placed on or across surface parking or unimproved areas, or be attached to adjoining or nearby buildings, unless the use is located immediately adjacent to the building so that the attached pipes or power cords have minimal exposure and do not present a potential hazard for passersby.
- g. The use may include the installation of use of temporary booths, tables, chairs, and similar structures.

The proposed use would be conducted at a location other than the plaza area of a commercial lot and does not comply with required building setbacks for the C-2 (General Commercial) zoning district. A Special Use Permit (24-0053-SUP1) is requested, which staff supports.

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The proposed site is also located within Redevelopment Area 2 and if approved would support the goals of the Redevelopment Agency by creating a space that retains and invites new business activity to the area, as well as encourages participation by all members of the community.

A Special Use Permit (24-0053-SUP1) is required, as the request fails to comply with the allowable hours of operation within the Conditional Use Regulation #7(f) and fails to comply with the limitation of number of vendors allowed within Conditional Use Regulation #7(d). As the proposed Open Air Vending Use would be conducted within a larger commercial development consisting of a hotel and is adjacent to offices, a shopping center, and fulfills goals of Redevelopment Area 2, staff finds the use can be conducted in a harmonious and compatible manner with the surrounding area. As such, staff recommends approval of this Special Use Permit (24-0053-SUP1) request, subject to conditions.

FINDINGS (24-0053-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 would be conducted in a manner that is harmonious and compatible with the existing surrounding Hotel Motel, or Hotel Suites, shopping center, and office land uses and with future surrounding 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 located within an existing hotel development with excess parking available to conduct the principal Hotel, Motel, or Hotel Suites land use. Therefore, the subject site remains physically suitable for the type and intensity of 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.**

Site access is provided by Decatur Boulevard, a 100-foot Primary Arterial as defined by the Master Plan of Streets and Highways. Decatur Boulevard is adequate in size to meet the requirements of the proposed use.

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- 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 is subject to business license reviews, thereby ensuring that the proposed use will not compromise the public health, safety, and welfare or overall objectives of the General Plan.

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

The proposed Open Air Vending/Transient Sales Lot use fails to meet Conditional Use Regulation #7(e), #8(a), #8(b) and #9(d), prompting this Special Use Permit (24-0053-SUP1) request, which staff supports.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
10/07/87	The City Council approved a Reclassification of Property (Z-0080-87) from R-1 (Single Family Residential), R-3 (Limited Multiple Residence) to C-2 (General Commercial) for a proposed parking and future commercial development on property located on the south side of Evergreen Avenue, approximately 260 feet west of Decatur Boulevard.
07/14/88	The Planning Commission approved a Plot Plan Review (Z-0063-70) and (Z-0040-78) for a proposed parking addition for Arizona Charlie's Hotel and Casino on property located on the southwest corner of Evergreen Avenue and Decatur Boulevard.
04/18/12	The City Council approved a General Plan Amendment (GPA-43991) to establish Redevelopment Area 2 and change the future land use designation on various parcels within the Redevelopment Area to Commercial or Mixed Use.
05/19/21	The City Council approved a General Plan Amendment (21-0029-GPA1) to adopt the City of Ls Vegas 2050 Master Plan and amend the City of Las Vegas General Plan from various categories to TOD-1 (Transit Oriented Development -1), TOD-2 (Transit Oriented Development -2), TOC-1 (Transit Oriented Corridor -1), TOC-2 (Transit Oriented Corridor -2), or NMXU (Neighborhood Center Mixed Use) within the City of Las Vegas.
4/9/24	The Planning Commission voted (6-0) to APPROVE For possible action on a Land Use Entitlement project request FOR A PROPOSED OPEN AIR VENDING/TRANSIENT SALES LOT USE at 740 South Decatur Boulevard (APN 138-36-701-022), C-2 (General Commercial) Zone, Ward 1 (Knudsen). Staff recommends APPROVAL.

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Most Recent Change of Ownership	
01/22/18	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
c.1988	The subject building was constructed.

Pre-Application Meeting	
01/29/24	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Special Use Permit.

Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
02/28/24	Staff conducted a routine field check of the subject site and observed an existing Hotel, Motel or Hotel Suites development and parking lot. Nothing of concern was noted.

Details of Application Request	
Site Area	
Net Acres	7.04

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Hotel, Motel or Hotel Suites	TOC-2 (Transit Oriented Corridor – Low)	C-2 (General Commercial)
North	Shopping Center	TOC-2 (Transit Oriented Corridor – Low)	C-2 (General Commercial)
South	Hotel, Motel or Hotel Suites	TOD1 (Transit Oriented Development – High)	C-2 (General Commercial)

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Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
East	Office, Other than Listed	TOC-2 (Transit Oriented Corridor – Low)	P-R (Professional Office and Parking)
West	Office, Other than Listed	TOC-2 (Transit Oriented Corridor – Low)	C-2 (General Commercial)

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Charleston	Y
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District (175 Feet)	Y

Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area – Area 2	Y
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Decatur Boulevard	Primary Arterial	Master Plan of Streets and Highways	100 Feet	Y

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

Parking Requirement							
Use	Gross Floor Area or Number of Units	Parking Ratio	Required		Provided		Compliance
			Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Hotel, Motel, or Hotel Suites	258 rooms	1:guest room	258				
Open Air Vending/ Transient Sales Lot	No additional parking required.						
TOTAL SPACES REQUIRED			258		1317		Y
Regular and Handicap Spaces Required			251	7	1,275	42	Y