



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: MARCH 12, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: RONALD BASS - OWNER: WETHERBEE PROPERTIES, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0022-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 22

NOTICES MAILED 325

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

24-0022-SUP1 CONDITIONS

Planning

1. All signage shall be permitted and meet minimum code requirements within 90 days of issuance of a business license.
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

The applicant is proposing to operate a tattoo shop at 943 North Pecos Road.

ISSUES

- The subject site is zoned C-1 (Limited Commercial) where an approved Special Use Permit is required for the operation of a Tattoo Parlor/Body Piercing Studio.
- A parking Variance (VAR-35857) for the subject site was approved on December 2, 2009 to allow 105 parking spaces where 113 spaces are required.

ANALYSIS

The subject site is a 22,120 square-foot shopping center located on the northwest corner of Pecos Road and Washington Avenue. The tenant spaces are addressed individually and not as suite numbers, and the subject suite is 943 North Pecos Road. The shopping center includes a variety of tenants including restaurants, tax services, a barber shop, and tavern. While the subject site does not meet the current definition of a shopping center as outlined by Title 19.12, the center contains 22,120 square feet of leasable space and is just shy of the required 25,000 square feet required to be defined as a shopping center by Title 19.12. The term shopping center is used for description purposes and not as an official land use definition.

The applicant is proposing to operate a tattoo shop in a suite that previously operated as an audio sales, beauty product sales and tax service. As stated in the justification letter, the applicant intends to operate the shop between the hours of 12:00 p.m. and 7:30 p.m. Monday through Friday and between the hours of 1:00 p.m. and 6:00 p.m. Saturday and Sunday. The shop will accept both appointments and walk-ins. A Tenant Improvement (T.I) performed by a licensed contractor will be necessary to install the additional sinks and walls and/or doors.

The proposed Tattoo Parlor/Body Piercing Studio is described by Title 19.12 as, “an establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following:

1. The placing of designs, letters, figures, symbols or other marks upon or under the skin of any person, using ink or other substances which result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.

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2. The creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

This use does not include a permanent makeup establishment.

Staff finds the proposed land use can be conducted in a manner that is harmonious and compatible with the surrounding area. In addition, the proposal supports the City of Las Vegas 2050 Master Plan for East Las Vegas by investing in a vacant suite to provide additional services to the area. Therefore, staff recommends approval of the request with conditions.

FINDINGS (24-0022-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 a manner that is harmonious and compatible with existing surrounding land uses located within the shopping center, as well as neighboring properties.

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

The subject site is a small shopping center just shy of 25,000 square feet as required by Title 19.12 for shopping centers. The center is designed to accommodate a variety of uses, including the 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.**

Both Washington Avenue and Pecos Road are 100-foot wide primary arterials as defined by the Master Plan of Streets and Highways and 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.**

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The proposed use is subject to multiple governmental agencies to ensure it operates in a manner that will not compromise the public health, safety, or welfare.

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

There are no conditions for this use listed in Title 19.12.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
10/16/85	The City Council approved a Rezoning and Plot Plan Review (Z-0047-85) request from R-3 (Limited Multiple Residence) to C-1 (Limited Commercial) with the proposed use of a Shopping Center generally located on the northwest corner of Washington Avenue and Pecos Road. The Planning Commission recommended approval.
12/18/85	The City Council approved an Extension of Time (Z-0066-84) request for the property generally located on the north west corner of Washington Avenue and Pecos Road. The Planning Commission and staff recommended approval.
11/26/96	The Board of Zoning Adjustment approved a request for a Variance (V-145-96) on property located at 901 North Pecos Road to allow 122 parking spaces where the existing and proposed uses required 130 spaces.
03/24/97	The City Council approved a request for a Special Use Permit (U-150-96) on property located at 901 north Pecos Road to allow on-premise beer and wine sales in conjunction with a proposed restaurant and a waiver of the min. 400-foot distance separation requirement for a church and park. The Board of Zoning Adjustment recommended approval.
12/02/09	The City Council approved a request for a Variance (VAR-35857) to allow 105 parking spaces where 113 are required for a proposed 800 square-foot restaurant expansion on 2.15 acres at 941 North Pecos Road. The Planning Commission recommended approval, staff recommended denial.
02/13/23	A Code Enforcement complaint (CE23-00551) was received for homeless camping on the subject site during the nighttime hours at 901 North Pecos Road. The case was resolved on 03/30/23.
01/03/24	A Code Enforcement complaint (CE24-00043) was received for homeless camping on the subject site during the nighttime hours and an overflowing trash dumpster at 901 North Pecos Road. The case was resolved on 01/18/24.

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Most Recent Change of Ownership	
12/2008	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
09/11/13	A Business License (G50-09229) was issued for beauty product sales at 943 North Pecos Road. The license went inactive as of 01/28/15.
09/18/13	A Business License (G50-09248) was issued for audio sales at 943 North Pecos Road. The license went inactive as of 01/28/15.
10/04/18	A Business License (G66-05704) was issued for tax document preparation at 943 North Pecos Road. The license went inactive as of 09/26/22.

Pre-Application Meeting	
01/10/24	A pre-application meeting was conducted where the submittal requirements for a Special Use Permit were discussed.

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

Field Check	
02/01/24	Staff performed a routine field of the subject suite where staff observed remnant signage posted on the window from the previous tenant. Additionally, a wall sign from an earlier tenant is still posted above the subject suite. Future signage (sign change) will be reviewed through a building permit application if a Special Use Permit is approved for the proposed tattoo shop and a subsequent business license is issued.

Details of Application Request	
Site Area	
Net Acres	2.15

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Multi-Family	M (Medium Density Residential)	R-3 (Medium Density Residential)

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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	Park	PR-OS (Park / Recreation / Open Space)	C-V (Civic)
East	Residential, Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
West	Multi-Family	M (Medium Density Residential)	R-3 (Medium Density Residential)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: East Las Vegas	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
No Applicable Special Area or Overlay Districts	N/A
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Shared Use Trail (Adjacent to the west side of Pecos Road)	Y
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

<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>
Washington Avenue	Primary Arterial	Master Plan of Streets and Highways Map	100	Y
Pecos Road	Primary Arterial	Master Plan of Streets and Highways Map	100	Y

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

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Previous Use: General Retail Store, Other Than Listed	800 SF	1:175	5				
Proposed Use: Tattoo Parlor / Body Piercing Studio	800 SF	1:250	4				
TOTAL SPACES REQUIRED			113		105		Y*
Regular and Handicap Spaces Required					101	4	Y*

*City Council approved a request for a Variance (VAR-35857) on December 2, 2009 to allow 105 parking spaces where 113 spaces are required. The change in use requires one less parking stall than the previous tenant(s), as the most intense previous tenant was utilized to determine the net change in parking.