



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: DECEMBER 6, 2023
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: ALPINE BUILDING, LLC

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

Table with 3 columns: CASE NUMBER, RECOMMENDATION, and REQUIRED FOR APPROVAL. It contains two rows of staff recommendations for cases 23-0529-EOT1 and 23-0529-EOT2.

\*\* NOTIFICATION \*\*

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

NOTICES MAILED

PROTESTS 0

APPROVALS 0

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

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**23-0529-EOT1 CONDITIONS**

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**Planning**

- 1. This approval shall expire on December 21, 2025 unless another Extension of Time is approved by the City of Las Vegas.
- 2. Conformance to the Conditions of Approval for Special Use Permit (SUP-66544) and all other related actions as required by the Department of Community Development and the Department of Public Works.
- 3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**23-0529-EOT2 CONDITIONS**

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**Planning**

- 1. This approval shall expire on December 21, 2025 unless another Extension of Time is approved by the City of Las Vegas.
- 2. Conformance to the Conditions of Approval for Site Development Plan Review (SDR-66545) and all other related actions as required by the Department of Community Development and the Department of Public Works.
- 3. 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 requesting Extensions of Time for an approved Special Use Permit (SUP-66544) for a Drive-Through use and an approved Site Development Plan Review (SDR-66545) for a proposed 2,148 square-foot restaurant with outdoor patio seating at 1311 South Main Street.

**ISSUES**

- These are the third Extension of Time requests for the approved Special Use Permit and Site Development Plan Review.
- The Site Development Plan Review included a Waiver of parking lot screening requirements from the Downtown Centennial Plan, which is no longer in effect. Similar standards were assimilated into the Appendix F Area 1 Development Standards.
- In 2021, staff approved the expansion and movement of an approved Cannabis Dispensary use within the existing building on the subject site. This action does not affect the drive-through and outdoor areas to the north and east of the building, which are approved under SDR-66545. Staff notes that the outdoor areas are not approved for consumption of cannabis products.

**ANALYSIS**

The subject site is currently developed with an existing 7,640 square-foot commercial building. SDR-66545 was approved for site improvements that included a drive-through on the north side of the building, a 170 square-foot outdoor patio adjacent to Main Street and a 1,560 square-foot outdoor patio in the rear of the building, as well as reconfiguration of the parking lot. The height and dimensions of the existing building will remain unchanged.

No building permits or business licenses have been issued for this property since the original approval in 2016. The applicant/owner states that the prospective tenant has fallen into economic hardship and has breached its lease contract. The owner is now working with a new prospective tenant to occupy the space; however, additional time is needed to make building improvements and obtain the necessary business licenses.

**Staff Report Page Two  
December 6, 2023 - City Council Meeting**

Since the previous Extension of Time approval, the Department of Community Development staff administratively approved a Minor Amendment (21-0236-SUP1) of a previously approved Special Use Permit (SUP-76230) for a Cannabis Dispensary use within the same building. As part of the amendment, the dispensary use was proposed to shift from 1319 South Main Street to 1311 South Main Street, while remaining in 1315 and 1317 South Main Street. This action does not affect the drive-through and outdoor areas to the north and east of the building, which are approved under SDR-66545. Staff notes that the outdoor areas are not approved for consumption of cannabis products.

Staff conducted a field check of the site and found a shuttered, unoccupied building. Streetscape along Main Street is fully improved. Graffiti was observed on the north side of the building and at the rear along the alley. Trash and debris were noted in the vacant area adjacent to the building. The rear patio area was largely free of trash. There have been several recent complaints filed with Code Enforcement regarding homeless encampments on the property; these cases have all been resolved and closed.

**FINDINGS (23-0529-EOT1)**

Since the original approval, new commercial development has been completed to the north and south of the subject site. The proposed drive-through use is compatible with these commercial uses. Staff therefore recommends approval of the Extension of Time request, subject to conditions. If denied, the Special Use Permit (SUP-66544) would be deemed to be expired as of December 21, 2023.

**FINDINGS (23-0529-EOT2)**

The proposed site improvements, including a drive-through will remain compatible with the surrounding development, including new restaurants and other commercial development to the north and south of this site. Staff therefore recommends approval of the Extension of Time request, subject to conditions. If denied, the Site Development Plan Review (SDR-66545) would be deemed to be expired as of December 21, 2023.

Staff Report Page Three  
December 6, 2023 - City Council Meeting

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
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.
	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 on 0.46 acres at 1311 South Main Street. The Planning Commission and staff recommended approval.
07/16/18	Department of Planning staff approved a Conditional Use Verification (CUV-73893) for a Beer/Wine/Cooler On-Sale Establishment (Beer and Wine Room) at 1311 South Main Street.
03/20/19	The City Council approved a request for the first Extension of Time (EOT-75518) 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 (SUP-76230) for a proposed 3,720 square-foot Marijuana Dispensary use at 1319 South Main Street. The Planning Commission and staff recommended approval.

**Staff Report Page Four**  
**December 6, 2023 - City Council Meeting**

<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
05/13/21	Department of Planning staff administratively approved a request for a Minor Amendment (21-0236-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 (SUP-66544) 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.
	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 (21-0669-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.
04/11/22	Code Enforcement opened a Case (CE22-01752) regarding squatters at 1311 South Main Street. The case was resolved by Code Enforcement on 05/28/22.
07/13/23	Code Enforcement opened a Case (CE23-04764) regarding a homeless encampment at 1315, 1317 and 1319 South Main Street. The case was resolved by Code Enforcement on 10/26/23.
09/21/23	Code Enforcement opened a Case (CE23-06622) regarding a homeless encampment, drug paraphernalia and vandalism at 1315, 1317 and 1319 South Main Street. The case was resolved by Code Enforcement on 10/18/23.
12/06/23	The City Council will hear a request for the second Extension of Time (23-0518-EOT1) for a proposed 3,720 square-foot Cannabis Dispensary use at 1319 South Main Street. Staff recommends approval.

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

Staff Report Page Five  
 December 6, 2023 - City Council Meeting

<b>Related Building Permits/Business Licenses</b>	
03/09/88	A building permit (#7713) was issued for a tenant improvement remodel of a 1,848 square-foot commercial space at 1315 South Main Street.
08/28/18	Application was made for business licenses for a Beer/Wine Room (P66-00254), Ancillary Brew Pub (P66-00255) and manufacture and sales of craft beer and related merchandise (G66-06154) at 1311 South Main Street (HUDL Brewing Company). The applications were withdrawn by City of Las Vegas staff on 09/19/19, as the location of business activity changed to 1327 South Main Street.
03/16/21	Application was made for a privilege business license for a Cannabis Dispensary (M69-00003) at 1311 South Main Street. The application was withdrawn by City of Las Vegas staff on 12/14/22 for inactivity.
05/25/21	An application was made for a business license for a Cannabis Dispensary with general merchandise sales (G69-03719) at 1311 South Main Street. The application was withdrawn by City of Las Vegas staff on 12/14/22 for inactivity.

<b>Pre-Application Meeting</b>
A pre-application meeting was not required, nor was one held. A pre-application checklist was provided to the applicant that contained all application requirements.

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

<b>Field Check</b>	
10/31/23	The subject building is currently unoccupied and windows barred and boarded, although one of the boards has been removed. Graffiti was observed on the north side of the building and at the rear along the alley. Trash and debris was noted in the vacant area adjacent to the building.

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

Staff Report Page Six  
December 6, 2023 - City Council 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	Vacant [Approved Cannabis Dispensary, Restaurant]	C (Commercial)	C-M (Commercial/Industrial)
North	General Retail Store, Other Than Listed	C (Commercial)	C-M (Commercial/Industrial)
South	Restaurant	C (Commercial)	C-M (Commercial/Industrial)
	Alcohol, On-Premise Full		
East	Multi-Family Residential	MXU (Mixed Use)	R-4 (High Density Residential)
	Mixed-Use		C-2 (General Commercial)
West	General Retail Store, Other Than Listed	C (Commercial)	C-M (Commercial/Industrial)

<b><i>Master and Neighborhood Plan Areas</i></b>	<b><i>Compliance</i></b>
Las Vegas 2050 Master Plan Area: Downtown Las Vegas	Y
Vision 2045 Downtown Las Vegas Master Plan: Gateway District	Y
<b><i>Special Area and Overlay Districts</i></b>	<b><i>Compliance</i></b>
DTLV-O (Downtown Las Vegas Overlay) District – Area 1	Y
LW-O (Live/Work Overlay) District	Y
<b><i>Other Plans or Special Requirements</i></b>	<b><i>Compliance</i></b>
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