

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: NOVEMBER 18, 2020

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: EL YAQUI MEXICAN FOOD & DESSERTS, LP -
OWNER: MY CHARLESTON PLAZA, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
20-0113-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

NOTICES MAILED 238 (By City Clerk)

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

20-0113-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. The hours of operation for the Open Air Vending are limited to 7:00 p.m. to 1:00 a.m. Monday through Saturday, and 1:00 p.m. to 10:00 p.m. on Sundays.
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. 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 Department of Building and Safety.
5. 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.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for an Alternative Parking Standard to allow a mobile food vendor to occupy three parking spaces at a parking impaired commercial center located at 5100 through 5140 West Charleston Boulevard.

ISSUES

- The subject site is parking impaired, and provides 56 parking spaces where current Title 19.12 parking requirements would require 73. A Special Use Permit is requested for an Alternative Parking Standard to allow a mobile food vendor to occupy three parking spaces during the evening hours, thus reducing the available parking to 53. Staff supports this request.

ANALYSIS

The subject site is an existing “strip” style commercial center originally constructed in 1964. Because the subject site was developed prior to current Title 19 standards and requirements for parking, the site is considered to be a “Parking-Impaired Development.”

Title 19.18 states, “a land use or building which is existing on the effective date of this Title and which complied with the applicable parking standards at the time the use or building was established, but which does not comply with the on-site parking requirements of this Title, shall not be considered a non-conforming use or non-conforming building; but rather, it shall be considered a “parking-impaired development.” The following rules shall apply to the remodeling, alteration, expansion or reuse of parking-impaired developments:

- a. Building permits and certificates of occupancy may be issued for remodeling or structural alterations of parking-impaired developments without requiring compliance with the on-site parking requirements of this Title, provided that such work does not increase the building area or result in a change of use that requires an increase in the number of required parking spaces.
- b. For any remodeling, alteration, or expansion of a parking-impaired development that requires an increase in the number of required parking spaces, including the expansion of existing buildings or the construction of new buildings, only the increased number of parking spaces shall be required.
- c. For any change of use that requires an increase in the number of required parking spaces, only the increased number of parking spaces shall be required.

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In this instance, the applicant is proposing a land use that will increase the number of required parking by occupying three parking spaces in front of 5120 West Charleston Boulevard. Because the applicant has proposed the use for a particular time of day, the applicant is requesting the approval of an Alternative Parking Standard.

As outlined by Title 19, an Alternative Parking Standard—Parking Demand Analysis is described as, “where the unique operation of a particular use creates a lesser parking demand than the parking requirements otherwise applicable under this Subsection and LVMC Chapter 19.12, an alternative parking standard for the use may be established in conjunction with the submittal of a Parking Demand Analysis. In order to qualify for consideration, a Parking Demand Analysis must be signed and sealed by a professional traffic engineer, must document the weekday and weekend peak parking demand for the proposed use(s) for the site, and must provide justification for the alternative parking standard. The request for an alternative parking standard pursuant to this Subparagraph (d):

- i. Shall follow the process for a Special Use Permit application under LVMC 19.16.0110, to the extent the process can be made applicable.
- ii. May be approved as requested, or as modified, and may be made subject to conditions if the Planning Commission or City Council, as the case may be, determines that approval of the alternative parking standard is warranted.

The subject site is located within the C-1 (Limited Commercial) zoning district in which the Open Air vending/Transient Sales Lot use is a Conditional use. Conditional Use five (5a) states, “vehicles or portable units used in the operation may not occupy required parking spaces or required drive aisles.” The approval of this Special Use Permit would allow the applicant to meet this Condition.

Title 19.12 describes an Open Air Vending/Transient Sales Lot 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. This use includes the display or sale of merchandise by means of Open Air Vending and Mobile Food Vending.” The applicant has proposed to operate a mobile food truck during the evening hours within three parking spaces in front of his janitorial business at 5120 West Charleston Boulevard.

As stated by the applicant’s engineer in the parking analysis date stamped 08/17/20, the subject site provides sufficient parking spaces for the existing land uses currently in operation. The parking study found 47 parking spaces were required where 56 are currently available. Staff performed a routine field check of the subject during typical business hours and observed available parking spaces both in front of the building, and to the rear of the building in a secondary parking lot.

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The applicant has substantiated this request through a parking study performed by a Nevada licensed Professional Engineer which has demonstrated that the existing parking spaces available are sufficient for the addition of a mobile food vendor to the existing land uses; therefore, staff recommends approval of the application with conditions. If denied, the proposed mobile food vendor could not be located on the site.

FINDINGS (20-0113-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.**

Currently, a variety of commercial land uses from restaurants to an insurance firm exist within the commercial center. The applicant is proposing to operate a mobile food vendor within the parking lot of the commercial center. A mobile food vendor is a compatible use with the existing surrounding land uses.

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

Although the proposed use is appropriate for the commercial site, the proposal cannot adhere to minimum parking requirements as the subject site is a parking impaired site. The submitted parking demand analysis substantiates a reduced number of parking spaces required and therefore, the intensity of land use is acceptable.

- 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 Charleston Boulevard, a 100-foot wide Primary Arterial that is adequate in size to meet the requirements of the proposed use for the site.

- 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 the Special Use Permit for an Alternative Parking Standard will not compromise the public health, safety, or general welfare, as the proposed use is subject to minimum licensing requirements.

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

There are no applicable conditions per Title 19.12 for an Alternative Parking Standard.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
12/07/94	The City Council approved a request for a Special Use Permit (U-0287-94) for a Class III Secondhand Sales (used books) on property located at 5140 West Charleston Boulevard.
04/01/09	The City Council approved a request for a Special Use Permit (SUP-32492) for a proposed Package Liquor Off-Sale Establishment at 5100 West Charleston Boulevard.
11/16/11	The City Council approved a request for a Special Use Permit (SUP-42253) for a proposed Beer/Wine/Cooler Off-Sale Establishment within an existing 1,764 square-foot convenience store at 5100 West Charleston Boulevard.
04/18/12	The City Council approved a request for 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.
10/13/20	The Planning Commission unanimously voted to recommend APPROVAL on a Land Use Entitlement project request for a Special Use Permit FOR AN ALTERNATIVE PARKING STANDARD TO ALLOW 56 PARKING SPACES WHERE 59 ARE REQUIRED FOR A PARKING IMPAIRED COMMERCIAL DEVELOPMENT on 0.66 acres at 5100 through 5140 West Charleston Boulevard (APN 138-36-803-008), C-1 (Limited Commercial) Zone, Ward 1 (Knudsen).

<i>Most Recent Change of Ownership</i>	
11/1996	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
1964	Construction Year.
PRE 1990	A business license (R09-00187) was issued for dog and cat grooming at 5124 West Charleston Boulevard. The license is active as of 09/21/20.
	A business license (G50-06757) was issued for a beauty salon at 5110 West Charleston Boulevard. The license is active as of 09/21/20.

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Related Building Permits/Business Licenses	
01/09/92	A business license (C25-00671) was issued for a contractor at 5112 West Charleston Boulevard. The license is active as of 09/21/20.
09/21/95	A business license (N02-00052) was issued for a deferred deposit service at 5112 West Charleston Boulevard. The license is active as of 09/21/20.
09/16/97	A business license (G50-00714) was issued for the sales of beauty supplies at 5132 West Charleston Boulevard. The license is active as of 09/21/20.
09/27/07	A business license (I14-0049) was issued for an insurance firm at 5128 West Charleston Boulevard. The license is active as of 09/21/20.
10/22/08	A business license (F50-00189) was issued for the sales of homebrew kits at 5140 West Charleston Boulevard. The license is active as of 09/21/20.
11/24/08	A business license (G50-05619) was issued for retail sales at 5112 West Charleston Boulevard. The license is active as of 09/21/20.
02/15/17	A business license (G65-00671) was issued for a beauty salon at 5110 West Charleston Boulevard. The license is active as of 09/21/20.
09/27/17	A business license (G65-06488) was issued for a beauty salon at 5110 West Charleston Boulevard. The license is active as of 09/21/20.
12/11/17	A business license (G65-07981) was issued for a fast-food restaurant at 5117 West Charleston Boulevard. The license is active as of 09/21/20.
07/07/20	A business license (G68-04406) was issued for a janitorial business at 5120 West Charleston Boulevard. The license is active as of 09/21/20.

Pre-Application Meeting	
07/30/20	Staff conducted a pre-application meeting via telephone and email to discuss the proposed project and the applicable application types and submittal requirements.

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

Field Check	
09/02/20	Staff performed a routine field check to observe the subject site. Staff observed a “strip” commercial center with parking along the storefronts, and parking to the rear of the building. Nothing of concern was noted by staff during the field check.

Details of Application Request	
Site Area	
Net Acres	0.87

NE

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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	Commercial Center	MXU (Mixed Use)	C-1 (Limited Commercial)
North	Multi-Family	ML (Medium Low Density Residential)	R-5 (Apartment)
	Office, Other Than Listed	MXU (Mixed Use)	C-1 (Limited Commercial)
South	Shopping Center	MXU (Mixed Use)	C-1 (Limited Commercial)
East	Restaurant	MXU (Mixed Use)	C-1 (Limited Commercial)
West	Auto Repair Garage, Minor	MXU (Mixed Use)	C-1 (Limited Commercial)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District – 175 Feet	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area 2	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>
Charleston Boulevard	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	
General Personal Service	11 Chairs	3 Per Chair	33				
General Retail Store, Other Than Listed	4,000 SF	1:175 SF	23				
Office, Other Than Listed	3,000 SF	1:300 SF	10				
Pet Shop	800 SF	1:250 SF	4				
Open Air Vending / Transient Sales Lot	3 Parking Spaces (486 SF)	Vehicles or portable units used in the operation may not occupy required parking spaces or required drive aisles.	3				
TOTAL SPACES REQUIRED			73		56		Y*
Regular and Handicap Spaces Required			70	3	53	3	

**The subject site is a Parking-Impaired Development.*