



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: APRIL 11, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: ATKIN COOPERATIVE - OWNER: STICKY IX, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
22-0724-SUP1	Staff recommends APPROVAL, subject to conditions:	

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 24

NOTICES MAILED 306

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

22-0724-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Alcohol, Off-Premise Beer/Wine 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 Department of Building and Safety.
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. Approval of this Special Use Permit does not constitute approval of a liquor license.
6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
7. 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 proposed 1,090 square-foot Alcohol, Off-Premise Beer/Wine use with a 180 square-foot outdoor patio area at 1325 South Commerce Street.

ISSUES

- An Alcohol, Off-Premise Beer/Wine use is permitted in the C-M (Commercial/Industrial) zoning district with the approval of a Special Use Permit.
- The subject site is located within Downtown Las Vegas Area 1 (Gateway District).

ANALYSIS

The subject site is zoned C-M (Commercial/Industrial) with a LI/R (Light Industrial/Research) land use designation where it is subject to Title 19 development standards. It is also located within Downtown Las Vegas Area 1 (Gateway District). The Gateway District is intended to provide an expansive pedestrian environment that would provide residents and visitors access to multiple travel modes, create an attractive outdoor environment, as well as increase safety and reduce blight. The subject property currently has a Beer/Wine On-Sale privilege license and the surrounding area consists of restaurants, bars, and general retail uses.

As stated by the applicant in the Justification Letter date stamped 02/07/2023, the applicant is proposing to add the off premise purchase of the bottle wines and beers to the existing retail store. The retail will be selling is 80 percent local Nevada small businesses and leaving 20 percent to the opportunity of USA made brands. The items will vary between Beer and Wine, home goods, art, clothing, jewelry etc.

Per Tittle 19, the Alcohol, Off-Premise Full use is defined as “An establishment licensed to sell alcoholic beverages, limited to the sale of beer, wine and coolers, to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the business is conducted.” This use requires approval of a Special Use Permit within a C-M (Commercial/Industrial) zoning district.

The Minimum Special Use Permit Requirements for this use include:

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*1 Pursuant to its general authority to regulate the sale of alcoholic beverages, 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 an Alcohol, Off-Premise Beer/Wine establishment and certain other uses that should be protected from the impacts associated with that establishment. Therefore, except as otherwise provided in these Requirements, no Alcohol, Off-Premise Beer/Wine establishment may be located within 400 feet of any of the following uses:

- a. Church/house of worship;
- b. School;
- c. Individual care center licensed for more than 12 children; or
- d. City park.

The proposed use meets this requirement, as there are no protected uses within the required 400-foot distance separation radius.

2. The distance separation requirement set forth in Requirement 1 does not apply to:

- a. An establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992; or
- b. A proposed establishment having more than 50,000 square feet of retail gross floor area.

This requirement is not applicable, as the proposed land use is not associated with a non-restricted gaming license with a hotel having more than 200 rooms or an establishment having more than 50,000 square feet of retail floor space.

3. The minimum distance separation requirements set forth in Requirement 1, which are otherwise non-waivable under the provisions of LVMC 19.12.050(C), may be waived:

- a. In accordance with the provisions of LVMC 19.12.050(C) for any establishment which is proposed to be located on a parcel within the Downtown Las Vegas Overlay District, as described in LVMC 19.10.110;
- b. In accordance with the provisions of LVMC 19.12.050(C) for any establishment having between 15,000 square feet and 50,000 square feet of retail gross floor space, if no more than 10 percent of the retail gross floor space is regularly devoted to the display or merchandising of alcoholic beverages;

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- c. In accordance with the provisions of LVMC 19.12.050(C) for any retail establishment having less than 15,000 square feet of retail gross floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages and each use to be protected are separated by a highway or a right-of-way with a width of at least 100 feet; or
- d. In accordance with the applicable provisions of the “Town Center Development Standards Manual” for any establishment which is proposed to be located within the T-C (Town Center) Zoning District and which is designated MS-TC (Main Street Mixed Use) in the Town Center Land Use Plan.

The proposed use meets the minimum distance separation requirements set forth in Requirement 1.

*4 Except as otherwise permitted pursuant to LVMC 6.50.050, the establishment shall not be located on or adjacent to the Pedestrian Mall, as defined in LVMC Chapter 11.68.

This requirement is not applicable as the subject site is not located on or adjacent to the Pedestrian Mall.

Staff finds that the proposed Alcohol, Off-Premise Beer/Wine use can be conducted in a manner that is harmonious and compatible with the existing surrounding commercial land uses that surround subject site. Therefore, staff recommends approval of the Special Use Permit, subject to conditions.

FINDINGS (22-0724-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 Alcohol, Off-Premise Beer/Wine use land use can be conducted in a harmonious and compatible manner with the existing commercial developments that are in close proximity to the subject site.

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

The subject site is physically suitable for the intensity of the proposed Alcohol, Off-Premise Beer/Wine use.

- 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.**

The proposed use is located on Commerce Street, an 80-foot Collector Street, as defined by the Master Plan of Streets and Highways, which provides adequate access to the subject 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.**

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

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

The proposed Alcohol, Off-Premise Beer/Wine use meets the minimum requirements set forth by Title 19.12.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
06/20/07	The City Council approved a General Plan Amendment (GPA-20227) to Amend a portion of the Southeast Sector Plan of the General Plan from: C (Commercial) and LI/R (Light Industrial/Research) to: MXU (mixed used) on approximately 73.5 acres generally located south of Charleston Boulevard, West of Main Street, North of Wyoming and East of UPRR Right of Way (Multiple APNs). Note: a portion of these parcels east of commerce to the south side of Colorado are to be removed from the 18b Las Vegas arts district and added to the downtown south district.
	The City Council approved a Rezoning (ZON-21165) from: C-M (Commercial/Industrial), M (Industrial) and C-2 (General Commercial) to: C-2 (General Commercial) for a proposed Mixed-Use development on 73.50 acres at the Southwest corner of Charleston Boulevard and Main Street.
	The City Council approved a Site Development Plan Review (SDR-21175) for a multi-phase mixed use development including a 3,000 condominium units, 6,000 hotel rooms, a private sports arena, street level retail, office and exhibition space, and a casino at the Southwest corner of Charleston Boulevard and Main Street.
	The City Council approved a Special Use Permit (SUP-21168) for a proposed private sports arena at the Southwest corner of Charleston Boulevard and Main Street.
	The City Council approved a Special Use Permit (SUP-21169) for proposed Mixed-Use Development at the Southwest corner of Charleston Boulevard and Main Street.
	The City Council approved a Special Use Permit (SUP-21171) for a proposed High Rise Mixed-Use development in the airport overlay district at the southwest corner of Charleston Boulevard and Main Street.
	The City Council approved a Special Use Permit (SUP-21172) for a proposed gaming establishment, non-restricted at the southwest corner of Charleston Boulevard and Main Street.
01/28/20	The Planning Commission approved a Special Use Permit (SUP-77944) for a proposed 3,955 square-foot Tavern-Limited Establishment Use at 70 West Imperial Avenue.
07/12/22	The Planning Commission approved a General Plan Amendment (21-0765-GPA1) from: MXU (Mixed Use), C (Commercial), LI/R (Light Industry/Research) and PF (Public Facilities) to: FBC (Form-Based Code).

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<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
	The Planning Commission approved a Rezoning (21-0765-ZON1) - from: R-4 (High Density Residential), C-1 (Limited Commercial), C-2 (General Commercial), C-M (Commercial/Industrial), C-V (Civic) and M (Industrial) to: T4-MS (T4 Main Street), T4-M (T4 Maker), T5-MS (T5 Main Street), T5-C (T5 Corridor), T6-UC (T6 Urban Core), T6-UG (T6 Urban General) and T6-UG-L (T6 Urban General Limited).

<i>Most Recent Change of Ownership</i>	
11/12/21	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
11/28/18	A building permit (C18-05105) was processed for a tenant improvement at 70 West Imperial. The permit was expired on 06/12/2020.
04/30/19	A building permit (C19-01897) was processed for a tenant improvement and an AMMR at 70 West Imperial. The permit was finalized on 11/14/19.
10/09/20	A building permit (C20-03966) was processed for a tenant improvement at 1331 S Commerce ST. The permit was finalized on 03/25/21.
11/15/21	A building permit (C21-04809) was processed for a tenant improvement at 70 W Imperial AVE. The permit was expired on 06/26/22.
04/16/22	A building permit (C21-04809-R001) was submitted for Resubmittal for a new exterior door at 70 W Imperial AVE.
07/25/22	A business license (P70-00171) was processed for a Beer Wine On-Sale at 1325 S Commerce ST. The permit was finalized on 08/04/22

<i>Pre-Application Meeting</i>	
12/15/22	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Special Use Permit.

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

<i>Field Check</i>	
03/01/23	A routine field check was conducted by staff; nothing was noted of concern.

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Details of Application Request	
Site Area	
Net Acres	0.57

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	LI/R (Light Industrial/Research)	C-M (Commercial/Industrial)
	Tattoo Parlor/Body Piercing Studio		
	Alcohol, On-Premise Full		
	Office, Other than Listed		
	Commercial, Other than Listed		
North	General Retail	LI/R (Light Industrial/Research)	C-M (Commercial/Industrial)
South	General Retail	LI/R (Light Industrial/Research)	C-M (Commercial/Industrial)
East	Office, Other than Listed	C (Commercial)	C-M (Commercial/Industrial)
	Parking Facility		
West	Construction Material Supply Yard	LI/R (Light Industrial/Research)	C-PB (Planned Business Park)

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Downtown Las Vegas	Y
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District (200 Feet)	Y
DTLV-O (Downtown Las Vegas Overlay) District – Area 1	Y
LW-O (Live/Work Overlay) District	Y

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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

Parking Requirement - Downtown							
Use	Gross Floor Area	Base Parking Requirement		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Alcohol, Off-Premise Beer/Wine	1,090 square-foot	If less than 25,000 square feet, one space per 175 square feet of gross floor area.	7				
General Retail Store, Other Than Listed	7,242 square-foot	One space per 175 square feet of gross floor area.	42				
Tattoo Parlor/Body Piercing Studio	1,000 square-foot	One space for each 250 square feet of gross floor area	4				
Alcohol, On-Premise Full	4,179 square-foot	One space for each 50 square feet of public seating and waiting area.	84				

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Parking Requirement - Downtown							
Use	Gross Floor Area	Base Parking Requirement		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Office, Other than Listed	2,967 square-foot	One space for each 300 square feet of gross floor area.	10				
Commercial, Other than Listed	2,204 square-foot	One space for each 250 square feet of gross floor area.	9				
TOTAL SPACES REQUIRED			156		7		
Regular and Handicap Spaces Required			150	6	7	0	Y*

*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.

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Commerce Street	Collector	Master Plan of Streets and Highways	80	Y
Imperial Avenue	Collector	Master Plan of Streets and Highways	80	Y