



# AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: APRIL 11, 2023  
 DEPARTMENT: COMMUNITY DEVELOPMENT  
 ITEM DESCRIPTION: APPLICANT/OWNER: STICKY VIII, LLC

---

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0083-SUP1	Staff recommends APPROVAL, subject to conditions:	

## \*\* NOTIFICATION \*\*

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 23

NOTICES MAILED 317

PROTESTS 0

APPROVALS 0

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

---

---

**23-0083-SUP1 CONDITIONS**

---

---

**Planning**

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Alcohol, On-Premise full 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.
8. The applicant shall coordinate with the City Surveyor and other city staff to determine the most appropriate mapping action necessary to consolidate the existing lots. The mapping action shall be completed and recorded prior to the issuance of any building permits

**Public Works**

9. No further encroachment into the Utah Avenue public right-of-way.
10. Coordinate with the Department of Public Works for upcoming streetscape improvements on Utah Avenue.

**Conditions Page Two**  
**April 11, 2023 - Planning Commission Meeting**

- 11 A 5-foot clear pedestrian path in accordance with Title 19 appendix F.D.2.a.i shall be maintained on the adjacent sidewalks in conjunction with the outdoor dining activities.
- 12 The sidewalk adjacent to this site shall meet Public Right-of-Way Accessibility Guidelines (PROWAG) in accordance with code requirements of Title 13.56.040 , and Section 2.2 of the City's Vision Zero Action Plan to the satisfaction of the City Engineer concurrent with development of this site. Grant any Pedestrian Access Easement needed to complete this requirement.
- 13 Submit a License Agreement for landscaping and private improvements (outdoor dining) in the Commerce Street and Utah Avenue public rights of way prior to the issuance of permits for these improvements. If requested by the City, the applicant shall remove property within the public right-of-way at the applicant's expense pursuant to the terms of the City's License Agreement. The installation and maintenance of all private improvements in the public right of way shall be the responsibility of the applicant and any successors in interest to the property and assigns pursuant to the terms of the License Agreement. Coordinate all requirements for the License Agreement with the Land Development Section of the Department of Building and Safety (229-4836).
- 14 Coordinate with the Environmental Compliance & Enforcement staff of the Department of Public Works to locate any required grease interceptor and sand/oil interceptors in acceptable locations prior to submittal of sewer-related plans. Comply with the recommendations and requirements of the Environmental Compliance & Enforcement staff prior to issuance of permits. The team may be contacted at 702-229-6594 or emailed at [ece@lasvegasnevada.gov](mailto:ece@lasvegasnevada.gov).
- 15 Contact the City Engineer's Office at 702-229-6272 to coordinate the development of this project with the "Utah Avenue" project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
- 16 The applicant shall submit a letter that documents operations related to the use of public rights-of-way adjacent to this site. The letter shall include the proposed delivery routes, commercial loading zones, and anything to be handled through the alleys. Additionally, the letter shall identify nearby parking opportunities for customers and employees. If traffic concerns arise from the operation of this site, the applicant shall remedy such concerns, to the satisfaction of the City Traffic Engineer within 60 days of written notice from the City.

**Staff Report Page One**  
**April 11, 2023 - Planning Commission Meeting**

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a Special Use Permit request for a proposed 7,810 square-foot alcohol, on-premise full use including three outdoor patio areas totaling 4,990 square feet at 1429 South Commerce Street.

**ISSUES**

- An Alcohol, On-Premise full use is permitted in the C-M (Commercial/Industrial) zoning district with the approval of a Special Use Permit. Staff supports the request.
- The subject site is located within Downtown Las Vegas Area 1 (Gateway District).
- There is a condition of approval to consolidate the existing lots (APNs 162-03-210-005 and 162-03-210-006) if the requested Special Use Permit is approved.
- The patio areas in the right-of-way (240 square-foot Front Patio and 472 square-foot Side Patio) must have a license agreement and conform to Title 19 Appendix F standards for an outdoor dining/patio area.

**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 the Title 19 development standards. The site is also located within Downtown Las Vegas Area 1 (Gateway District) which 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 surrounding area consists of restaurants, bars, and general retail uses.

As stated by the applicant in the Justification Letter date stamped 01/26/2023, the applicant is proposing to have an extensively crafted cocktail, spirit, wine & beer program and will also have a strong mocktail program alongside low-alcohol drinks in the proposed bar. The applicant wants to create an environment to bring the community together with unique gatherings within the space and attract non-locals to get a feel for what the local community can offer locally and support the local and non-local musicians to perform indoors or outdoors.

**Staff Report Page Two**  
**April 11, 2023 - Planning Commission Meeting**

Per Title 19, the Alcohol, On-Premise Full use is defined as “An establishment licensed to sell alcoholic beverages, not limited to the sale of beer, wine and coolers, for consumption on the premises where the same are sold.” This use requires approval of a Special Use Permit within the C-M (Commercial/Industrial) zoning district.

**The Minimum Special Use Permit Requirements for this use include:**

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, On-Premise Full 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, On-Premise Full 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 the following:

- 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. Any Alcohol, On-Premise Full use located on property within the Pedestrian Mall, as defined in LVMC Chapter 11.68; the Downtown Entertainment Overlay District, as described in LVMC 19.10.120; or the 18b Arts District, as described in Appendix F to this Title. The Special Use Permit approval may include conditions designed to mitigate any impacts related to distance separation.

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

Staff finds that the proposed Alcohol, On-Premise Full use can be conducted in a manner that is harmonious and compatible with the existing surrounding commercial land uses.

**Staff Report Page Three**  
**April 11, 2023 - Planning Commission Meeting**

Therefore, staff recommends approval of the Special Use Permit, subject to conditions.

**FINDINGS (23-0083-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, On-Premise Full 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.

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, On-Premise Full 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, On-Premise Full use meets the minimum requirements set forth by Title 19.12.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i></b>	
03/06/86	The City Council adopted by Ordinance #3218 the Redevelopment Plan for the Downtown Las Vegas Redevelopment Area.
12/07/98	The City Council approved a special use permit to allow used restaurant equipment sales on property located at 1421 Through 1433 South. Commerce Street.
07/05/00	The City Council adopted by Ordinance #5238 the Downtown Centennial Plan.
05/17/06	The City Council adopted by #5830 the amended Redevelopment Plan for the Downtown Las Vegas Redevelopment Area.
01/03/07	The City Council adopted by Ordinance #5874 the amended Downtown Centennial Plan.
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.

**Staff Report Page Five**  
**April 11, 2023 - Planning Commission Meeting**

<b><i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i></b>	
06/20/07	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.

<b><i>Most Recent Change of Ownership</i></b>	
09/01/21	A deed was recorded for a change in ownership.

<b><i>Related Building Permits/Business Licenses</i></b>	
09/20/16	A Business License (G64-06105) was denied for an Art Gallery at 1429 South Commerce Street.
07/13/17	A Business License (G65-04779) was processed for an Art Sales/General Retail at 1429 South Commerce Street. The license expired on 01/01/2020.
03/02/18	A Business License (G66-00967) was processed for a Bicycle Shop at 1433 S Commerce ST. The license expired on 03/01/2020.

<b><i>Pre-Application Meeting</i></b>	
02/09/23	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Special Use Permit.

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

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

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	0.11

Staff Report Page Six  
 April 11, 2023 - Planning Commission 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	LI/R (Light Industrial/Research)	C-M (Commercial/Industrial)
North	General Retail	LI/R (Light Industrial/Research)	C-M (Commercial/Industrial)
South	Vacant	LI/R (Light Industrial/Research)	C-M (Commercial/Industrial)
East	Auto Repair Garage, Major	C (Commercial)	C-M (Commercial/Industrial)
West	Construction Material Supply Yard	LI/R (Light Industrial/Research)	M (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
<b><i>Special Area and Overlay Districts</i></b>	<b><i>Compliance</i></b>
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
<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

Staff Report Page Seven  
 April 11, 2023 - Planning Commission Meeting

**DEVELOPMENT STANDARDS**

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

Parking Requirement - Downtown							
Use	Gross Floor Area	Base Parking Requirement		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Alcohol, On-Premise Full	7,810 square-foot alcohol, on-premise full use including a 4,990 square-foot outdoor patio area.	One space for each 50 square feet of public seating and waiting area (including outdoor areas for seating and waiting), plus one space for each 200 square feet of the total remaining gross floor area.	157				
TOTAL SPACES REQUIRED			157		0		Y*
Regular and Handicap Spaces Required			151	6	0	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.