



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: APRIL 11, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: THOMAS BROWN - OWNER: THE NERCES SARKIS HIMIDIAN LIVING TRUST

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0085-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 35

NOTICES MAILED 651

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0085-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. A Waiver from Title 19.12 is hereby approved, to allow a 119-foot distance separation from a Church/House of Worship.
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 Building and Safety Division.
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. Approval of this Special Use Permit does not constitute approval of a liquor license.
7. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
8. 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 requesting a Special Use Permit to add an Alcohol, On-Premise Full use to their existing General Retail, Other Than Listed [hookah lounge] business within an existing commercial development at 1414 East Charleston Boulevard.

ISSUES

- Alcohol, On-Premise Full is permitted in the C-1 (Limited Commercial) zone through a Special Use Permit.

ANALYSIS

The proposed Alcohol, On-Premise Full use is permitted in the C-1 (Limited Commercial) zone through a Special Use Permit. The existing General Retail, Other Than Listed [hookah lounge] is permitted in the C-1 (Limited Commercial) zone by-right. Both the existing and proposed uses are consistent with the intent of the C (Commercial) General Plan Land Use Designation.

The Alcohol, On-Premise Full use is defined as "[a]n 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." The applicant is requesting to add this use to their existing General Retail, Other Than Listed [hookah lounge] establishment.

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: Church/House of Worship; School; Individual care center licensed for more than 12 children; or City Park.

The subject property is 119 feet from an established Church/House of Worship. A Waiver from the minimum distance separation to a Church/House of Worship is requested which staff supports.

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

Neither of these conditions apply to the subject property. The property is not on the Pedestrian Mall [Fremont Street Experience], and the property does not have an unrestricted gaming license in connection with a resort hotel.

Though the property where the proposed Alcohol, On-Premise Full use is located within 119 feet of a Church/House of Worship, there is a public right-of-way [Charleston Boulevard] greater than 100 feet wide between the proposed use and the protected uses listed in Requirement #1. Due to the right-of-way, the proposed Alcohol, On-Premise Full use will have minimal negative impact on the Church/House of Worship north of Charleston Boulevard. The proposed use can be conducted in a manner that is harmonious with the surrounding land uses, and staff recommends approval of the Special Use Permit.

FINDINGS (23-0085-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 surrounding uses are compatible and harmonious with the proposed land use, and it is supported by the General Plan.

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

The subject property and tenant space is suitable for the proposed use and scale, and additional commercial traffic will be a benefit to the shopping center.

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- 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.**

Charleston Boulevard is adequate in size to meet the requirements of the proposed use. Charleston Boulevard is a 100-foot Primary Arterial regulated by the Master Plan of Streets and Highways.

- 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 Special Use Permit would not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.

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

The use does not meet all of the applicable conditions of Title 19.12, which includes a distance separation of 400 feet to protected uses. There is a public right-of-way [Charleston Boulevard] greater than 100 feet wide between the proposed use and the protected use. Due to the configuration of the site, the tenant space being embedded in a shopping center, and the adjacent right-of-way, staff supports the requested Waivers of the distance separation requirements to protected land uses.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
There are no relevant city actions by planning, fire, or building for this site.	

<i>Related Building Permits/Business Licenses</i>	
Circa 1964	The multitenant commercial development was constructed.
09/27/17	A business license (#P65-00239) was issued for a hookah Lounge at 1414 East Charleston Boulevard. This license expired on 09/01/18.
	A business license (#G65-06652) was issued for a Tobacco Dealer at 1414 East Charleston Boulevard. This license expired on 09/01/18.
02/13/23	A business license (#G71-00377) was issued for a Tobacco Sales at 1414 East Charleston Boulevard. This license is still active.
	A business license (#P71-00010) was issued for General Retail [hookah lounge] at 1414 East Charleston Boulevard. This license is still active.

<i>Field Check</i>	
03/01/23	During a regular site visit, staff observed that the hookah lounge appears to be well maintained. Several suites within the shopping center, including 1418, 1440 Ste. B, 1442, and 1454 East Charleston Boulevard, appear to be religious gathering spaces without a Certificate of Occupancy on file with the Department of Community Development - Building and Safety Division. These potential code violations were referred to Code Enforcement for further investigation.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.91 Acres

<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	General Retail, Other Than Listed [hookah lounge]	C (Commercial)	C-1 (Limited Commercial)
North	Motor Vehicle Sales (Used)	C (Commercial)	C-2 (General Commercial)

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Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
South	Single-Family, Detached	L (Low Density Residential)	R-1 (Single-Family Residential)
East	Financial Institution, Specified	C (Commercial)	C-1 (Limited Commercial)
West	Auto Parts (Accessory Installation)	C (Commercial)	C-2 (General Commercial)

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Downtown South	Y
Special Area and Overlay Districts	Compliance
DTLV-O (Downtown Las Vegas Overlay) District – Area 2	Y
Other Plans or Special Requirements	Compliance
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

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance
Charleston Boulevard	Major Collector	Master Plan of Streets and Highways	106	Y

Pursuant to Title 19.12, the following parking standard applies:

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	25,736 SF	1:250 SF	103				

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Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
TOTAL SPACES REQUIRED			103		41		Y*
Regular and Handicap Spaces Required			98	5	40	1	Y*

**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 nonconforming use or non-conforming building; but rather, it shall be considered a "parking impaired development."*

Waivers		
Requirement	Request	Staff Recommendation
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.	To allow a 119-foot distance separation to a Church/House of Worship.	Approval