



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: APRIL 11, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: PUBLIC HEARING - APPLICANT: JUAN HERRERA -

OWNER: JACKS VEGAS DRIVE, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0646-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

NOTICES MAILED 124

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0646-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Open Air Vending/ Transient Sales Lot 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. The site must be kept free of any litter or debris at all times.
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. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

7. Provide Commissary or Servicing Depot Agreement per Southern Nevada Health District Mobile Food Establishment Regulation 10-702 to verify waste disposal alternative and justify not needing a sewer service connection on-site. Alternatively, connect to the public sewer system.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a proposed Open Air Vending/ Transient Sales Lot use located at 4911 Vegas Drive.

ISSUES

- The Open Air Vending/Transient Sales Lot use is a conditional use in the C-1 (Limited Commercial) zoning district.
- Per Title 19.12, Conditional Use Regulation Number Six for the Open Air Vending/Transient Sales Lot states that, “The vending/sales activity must be located at least 150 feet from residential development; except where the location is part of a mixed-use development.” The applicant is proposing to operate a food truck on a site that is located 60 feet from the nearest residential development.
- Per LVMC 19.12.040, when a conditional use requirement cannot be met, a Special Use Permit is required.

ANALYSIS

The subject site is located in the C-1 (Limited Commercial) zoning district and TOD-2 (Transit Oriented Development - Low) land use designation. The site is located within the Twin Lakes area of the 2050 Master Plan.

The proposed Open Air Vending/ Transient Sales Lot use will be located on the northwest perimeter of the subject site. The proposed subject site has an existing 5,665 square-foot Auto Repair Garage (Minor) use in operation. The applicant proposes to operate separate to the subject site’s primary use. Per 19.12.070, no additional parking for the proposed Open Air Vending/ Transient Sales Lot use is required for the subject site beyond that which is required for the Auto Repair Garage (Minor) use.

Per 19.12.070, the Open Air Vending/Transient Sales Lot use is defined 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.”

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In the C-1 (Limited Commercial) zoning district, the Open Air Vending/ Transient Sales Lot use is allowed with approval of a Conditional Use Verification. A requirement for Conditional Use Verification approval for Open Air Vending/ Transient Sales Lot use is "The vending/sales activity must be located at least 150 feet from residential development; except where the location is part of a mixed-use development." The subject site is located 60 feet from the nearest residential development when measured from the closest point of the subject site parcel and nearest residential development parcel. However, when measured from the nearest residential development to the proposed Open Air Vending/ Transient Sales Lot use location as included in the submitted site plan, date stamped 03/21/23 there is a 160-foot separation from the vendor to the property line of the residential use. Therefore, staff recommends approval of this request.

The Minimum Conditional Use Verification Requirements for this use include:

1. Except as provided in this Conditional Use Regulation 1, no signage is allowed, including temporary signage. Signage that is allowed by this Conditional Use Regulation 1 is not subject to the sign regulations and processes of Title 19 that otherwise would apply, except as specifically provided. The limited signage allowed by this Conditional Use Regulation 1 is as follows:

- a. In the case of Open Air Vending or Mobile Food Vending, the vehicle or portable unit may include signage which is affixed thereto but only to the extent such signage is not prohibited by LVMC 19.08.120(E)(3).
- b. In the case of a Farmer's Market, on-premises market event signage is permitted, but shall be limited to a single sign of no more than 32 square feet. Individual vendor signage is permitted, but is limited to one sign per vendor, and not to exceed 15 square feet per vendor space. All signage is prohibited at any time other than during a market event.

The proposal meets this requirement as no signage is proposed beyond the food truck itself.

2. The site must be kept free of any litter or debris at all times.

A Condition of Approval has been added to enforce this requirement.

3. No structures shall be allowed within the public right-of-way.

The proposed use meets this requirement, as the Open Air Vendor will not be located within the public right-of-way.

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4. The installation of permanent or temporary tables, chairs, tents, or coverings for dining areas (including tarps and umbrellas) is prohibited, except when the use of such facilities:
- a. Has been approved by means of a Site Development Plan Review;
 - b. Is within the plaza area of a commercial lot; or
 - c. Is in accordance with Conditional Use Regulation 9 below.

The applicant is not requesting a Site Development Plan Review as a part of this application and therefore will be prohibited from the installation of permanent or temporary tables, chairs, tents, or coverings for dining areas.

5. Vehicles or portable units used in the operation may not occupy:
- a. Required parking spaces or required drive aisles; or
 - b. Required loading zones, unless otherwise permitted under Conditional Use Regulation 8.

The proposed use meets this requirement, as the food truck will not occupy any of the required parking spaces and is not located within a drive aisle.

6. The vending/sales activity must be located at least 150 feet from residential development; except where the location is part of a mixed-use development.

The proposed use does not meet this requirement when measured from the closest point of the subject site parcel and nearest residential development parcel. However, when measured from the nearest residential development to the northwest corner of the subject site there is a 160-foot separation.

7. For Open Air Vending, in addition to Conditional Use Regulations 1 through 6:
- a. No such vending is permitted in the O (Office) Zoning District;
 - b. No such vending is permitted on undeveloped lots or developed lots with unoccupied structures or unpaved surfaces;
 - c. No such vending is permitted within landscaped areas;
 - d. No more than one vendor is permitted on any one lot, and the vending area shall be limited to a maximum of 500 square feet; provided, however, that these limitations do not apply:
 - i. In connection with a Special Event Permit that allows a greater level of vending activity by means of Open Air Vending;
 - ii. On a parcel whose development approval or approvals contemplate a greater level of vending activity by means of Open Air Vending; or
 - iii. Within the plaza area of a commercial lot;

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- e. At a location other than the plaza area of a commercial lot, vending operations shall comply with required building setbacks for that location;
- f. On any lot that is adjacent to a residentially zoned lot, the hours of operation shall be limited to the period between 10 a.m. and 8 p.m.; and
- g. No supply or drainage pipes or power supply cords that pertain to the vending operation may be placed on or across surface parking or unimproved areas, or be attached to adjoining or nearby buildings, unless the vending operation is located immediately adjacent to the building so that the attached pipes or power cords have minimal exposure and do not present a potential hazard for passersby.

A Condition of Approval has been added to enforce this requirement.

8. For Mobile Food Vending, in addition to Conditional Use Regulations 1 through 6:
- a. No vendor may operate on any one parcel, lot or commercial subdivision for more than 4 hours within any 24-hour period;
 - b. No more than two vendors are permitted on one parcel, lot or commercial subdivision within any 24-period;
 - c. No vendor may operate within a required loading zone except as approved in conjunction with a Special Event Permit;
 - d. Such vending is permissible on undeveloped lots, or developed lots with unoccupied structures or unpaved surfaces, but only to the extent that such vending complies with all applicable air quality standards adopted by the Clark County Department of Air Quality; and
 - e. On unpaved lots, such vending is limited to a maximum disturbance area (including vehicles, parking and customer areas) of 5,000 square feet, regardless of the overall lot size, unless a greater disturbance area is approved in connection with a dust mitigation permit from the Clark County Department of Air Quality.

If approved, the Special Use Permit (22-0646-SUP1) would allow the applicant to get licensed at the subject location for 7 days a week, 24 hours.

9. For Farmer's Markets, in addition to Conditional Use Regulations 1 through 6:
- a. The use is not permitted in the O (Office) Zoning District;
 - b. The use is not permitted on undeveloped lots or developed lots with unoccupied structures or unpaved surfaces;
 - c. The use is not permitted within landscaped areas;
 - d. At a location other than the plaza area of a commercial lot, the use shall comply with required building setbacks for that location;

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- e. On any lot that is adjacent to a residentially zoned lot, the hours of operation of the use shall be limited to the period between 10 a.m. and 8 p.m.; and
- f. No supply or drainage pipes or power supply cords that pertain to the use may be placed on or across surface parking or unimproved areas, or be attached to adjoining or nearby buildings, unless the use is located immediately adjacent to the building so that the attached pipes or power cords have minimal exposure and do not present a potential hazard for passersby.
- g. The use may include the installation of use of temporary booths, tables, chairs, and similar structures.

This requirement does not apply, as it applies to Farmer's Markets.

FINDINGS (23-0646-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 Open Air Vending/Transient Sales Lot use can be conducted in a manner that is harmonious with existing commercial and residential uses in the surrounding area. The subject site is located near different commercial uses and the nearest residential development is located 160 feet away across Laurelhurst Drive.

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

The subject site is physically suitable for the proposed Open Air Vending/Transient Sales Lot 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 site is accessed from Vegas Drive, a 100-foot Primary Arterial and Laurelhurst Drive, a 55-foot Local Street. Both are adequate in size to meet the needs of the proposed Open Air Vending/Transient Sales Lot use.

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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 is subject to licensing requirements and regular inspections to ensure the public health, safety, and welfare are not compromised.

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

The proposed Open Air Vending/Transient Sales Lot use does not meet the Conditional Use Regulations set forth by Title 19.12 when measured from the closest point of the subject site parcel and nearest residential development parcel. However, when measured from the nearest residential development to the proposed northwest corner of the subject site there is a 160-foot separation.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
05/24/61	The Board of City Commissioners approved a Rezoning request (Z-0018-61) to allow a reclassification of property generally located at the southwest corner of Decatur Boulevard and Vegas Drive, from R-1 (Single Family Residential) to R-4 (High Density Residential District) and C-1 (Limited Commercial). Staff recommended approval.
11/30/77	The Board of Zoning Adjustment approved a Variance request (V-0099-77) to allow an Automotive Transmission and Service Garage where such use is not permitted in the C-1 District located at 4911 Vegas Drive. Staff recommended denial.

<i>Most Recent Change of Ownership</i>	
09/12/12	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
05/17/18	A Business License (#G66-03260) was issued for an Auto repair Garage (Minor) use located at 4911 Vegas Drive. The license is set to renew on 05/01/23

<i>Pre-Application Meeting</i>	
11/02/22	A pre-application meeting was held with the applicant to review the submittal process for a Special Use Permit.

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Neighborhood Meeting

A neighborhood meeting was not required, nor was one held.
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Field Check

02/28/22	Staff conducted a routine field check and found an existing commercial building and fenced tire storage area. Staff noted there was no landscaping and previously approved parking was restriped. A Code Enforcement case has been processed to review both concerns.
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Details of Application Request

Site Area

Net Acres	0.41
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Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Auto Repair Garage (Minor)	TOD-2 (Transit Oriented Development - Low)	C-1 (Limited Commercial)
North	Vacant		
South	Vacant		
East	General Retail, Other Than Listed		
West	Medium Density Residential	M (Medium - up to 25.49 du/ac)	

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Twin Lakes	Y
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District (105 Feet)	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

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DEVELOPMENT STANDARDS

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Vegas Drive	Primary Arterial	Master Plan of Streets and Highways Map	100	Y
Laurelhurst Drive	Local Street	Title 13	55	Y

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	
Auto Repair Garage, Minor	5,665 SF	5 spaces, plus 1 space for each 200 SF of GFA	34				
Open Air Vending/ Transient Sales Lot (Proposed)	5,665 SF	No additional parking required beyond the principal use	0				
TOTAL SPACES REQUIRED			34		18		*N
Regular and Handicap Spaces Required			34	2	18	**0	*N

*Variance (V-0099-77) was approved 12 spaces for the Auto Repair Garage, Minor use. The subject site currently has 20 spaces, but two will be taken up by the proposed food vending truck.

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**ADA spaces are not provided at the subject site and there has been restriping of the approved parking spaces per Variance (V-0099-77). A Code Enforcement case has been processed to resolve this issue.