



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: JUNE 21, 2023
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: TEN15 HUNTRIDGE, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0098-SUP1	Staff recommends APPROVAL, subject to conditions:	
23-0098-SUP2	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 36

NOTICES MAILED 683 (by City Clerk)

PROTESTS 1

APPROVALS 10

**** CONDITIONS ****

23-0098-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Gaming Establishment, Restricted (1 to 5 Machines) 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.

23-0098-SUP2 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.

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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.

Public Works

8. 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.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Special Use Permit for a Gaming Establishment, Restricted use to allow five gaming devices and a Special Use Permit for an Alcohol, On-Premise Full use at 608 South Maryland Parkway, Suite #160.

ISSUES

- Title 19 requires a Special Use Permit for the Gaming Establishment, Restricted use within the C-2 (General Commercial) zoning district. Staff recommends approval of the requested Special Use Permit (23-0098-SUP1).
- Title 19 requires a Special Use Permit for the Alcohol, On-Premise Full use within the C-2 (General Commercial) zoning district. Staff recommends approval of the requested Special Use Permit (23-0098-SUP2).
- The proposed Restaurant is a permitted use in the C-2 (General Commercial) zoning district.
- A Waiver of Appendix F Interim Downtown Las Vegas Development Standards for parking has been requested.
- The subject site is located within Downtown Las Vegas Area 2 (Founders District).

ANALYSIS

The subject site is zoned C-2 (General Commercial) with a C (Commercial) land use designation where it is subject to the Title 19 development standards. The site is also located within Downtown Las Vegas Area 2 (Founders District), which is intended to provide developments will add a new dimension to the neighborhood, while improving affordability, amenity, and overall quality of life for residents. Moderate density residential, both for sale and rental, with ground floor amenities especially at key intersections could create an attractive live/work/shop atmosphere. Pedestrian activity will be promoted through engagement by ground-floor restaurants, cafes and live/work units oriented towards the street. The surrounding area consists of restaurants, bars, and general retail uses.

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The applicant is requesting a Special Use Permit to allow for the Gaming Establishment, Restricted use to install five gaming devices within a proposed restaurant. The applicant is also requesting a Special Use Permit to allow for the Alcohol, On-Premise Full to a proposed restaurant. The proposed restaurant is a permitted use in the C-2 (General Commercial) zoning district. As stated by the applicant in the justification letter, date stamped 03/05/23, the applicant is proposing to bring a vintage themed Five Star Dive Bar/Restaurant concept to the Huntridge neighborhood. With this new restaurant addition to the neighborhood, the momentum of redevelopment continues throughout the Charleston corridor and is consistent with other land uses nearby.

The proposed Alcohol, On-Premise Full use would bring this property out of compliance with the established Title 19.12 parking minimums. The Alcohol, On-Premise Full requires a parking ratio of 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. A total of 88 parking stalls are the minimum required where 10 parking stalls are provided. However, the subject site is located within Downtown Las Vegas Area 2 (Founders District), per Tittle 19 Appendix F.C.2.b, a Waiver of appendix F interim downtown Las Vegas development standards for parking has been requested. Staff supports the request as there are adequate alternative parking in the surrounding area.

Special Use Permit (23-0098-SUP1)

The Minimum Special Use Permit Requirements for the Gaming Establishment, Restricted use include:

*1. Pursuant to its general authority to regulate gaming, 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 a Gaming Establishment, Restricted use and certain other uses that should be protected from the impacts associated with that establishment, or that otherwise should be separated so as to minimize impacts on surrounding areas. Therefore, except as otherwise provided in these Requirements, the following distance separation requirements apply:

- a. For one to five gaming machines, no less than 400 feet to the nearest:
 - I. Church/house of worship;
 - II. School;
 - III. Individual care center licensed for more than 12 children; or
 - IV. City park.
- b. For six to fifteen gaming machines, no less than 1500 feet to the nearest:
 - I. Church/house of worship;
 - II. School;
 - III. Individual care center licensed for more than 12 children; or
 - IV. City park;

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- V. Gaming Establishment, Restricted use with six to fifteen gaming machines; or
- VI. Gaming Establishment, Non-restricted use
- c. For one to fifteen gaming machines, and operating independently of Requirement 1.b. above, no less than 1500 feet to the nearest Gaming Establishment, Restricted use or Gaming Establishment, Non-restricted use located within the Resort & Casino District, as described in LVMC Title 19, Appendix F.

This requirement has been met, as the applicant has requested one to five machines and there are no protected land uses within 400 feet of the subject site.

2. The distance separation requirement set forth in Requirement 1.b. may be waived in accordance with the provisions of LVMC 19.12.050(C) for the following:

- a. An establishment located on property within one or more of the following Special Area and Overlay Districts:
 - I. The Civic District, as described in LVMC 19.10.010;
 - II. The Market District or the Symphony Park District within the Downtown Las Vegas Overlay District, as described in LVMC Title 19, Appendix F; or
 - III. The Gaming Enterprise Overlay District, as described in LVMC 19.10.130, except for any portion of the Gaming Enterprise Overlay District that falls entirely within the Resort & Casino District, as described in LVMC Title 19, Appendix F.
- b. An establishment located within a Regional Mall, as defined by LVMC 19.18.020;
- c. An establishment located within a Mixed-Use development, as defined by LVMC 19.18.020;
- d. An establishment that will be separated from an existing protected use by a street or highway with a minimum right-of-way width of 100 feet; or
- e. An establishment that is located on a site, or within a building or structure, that is designated on the City of Las Vegas Historic Property Register.

This requirement is not applicable, as there are no protected land uses within 400 feet of the subject site.

*3. The use shall conform to, and is subject to, the provisions of LVMC Chapter 6.40.

The proposed use will be subject to all business licensing requirements outlined in LVMC Chapter 6.40 if approved.

Staff finds that the proposed Gaming Establishment, Restricted use can be conducted in a manner that is harmonious and compatible with the existing surrounding commercial

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land uses. Therefore, staff recommends approval of the proposed Gaming Establishment, Restricted use Special Use Permit, subject to conditions.

Special Use Permit (23-0098-SUP2)

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”; the Gaming Establishment, Restricted use is defined as “An establishment which is primarily used for some business other than gaming but in which restricted gaming is permitted pursuant to Title 6. For informational purposes, this description refers to an establishment whose gaming operations are limited to not more than 15 slot machines, and no other game or gaming device”. Those uses require approval of Special Use Permit within the C-2 (General Commercial) zoning district.

The Minimum Special Use Permit Requirements for the Alcohol, On-Premise Full 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

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- 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. Therefore, staff recommends approval of the proposed Alcohol, On-Premise Full Special Use Permit, subject to conditions.

FINDINGS (23-0098-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 Gaming Establishment, Restricted 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 Gaming Establishment, Restricted 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 Maryland Parkway, a 100-foot Primary Arterial 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 Gaming Establishment, Restricted use meets the minimum requirements set forth by Title 19.12.

FINDINGS (23-0098-SUP2)

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 Maryland Parkway, a 100-foot Primary Arterial 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. with a Waiver of appendix F interim downtown Las Vegas development standards for parking

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
08/07/73	The Board of Zoning Adjustment approved a use permit to allow an astrology office use at 602 South Maryland Parkway.
11/18/82	The Board of Zoning Adjustment approved a Class III secondhand store for the sale of used women's clothing at 600A South Maryland Parkway.
09/21/16	An administrative Site Development Plan review was approved for proposed building elevation changes and parking lot re-striping at the southwest corner of Bonneville Avenue and Maryland Parkway
05/09/23	<p>The Planning Commission voted (7-0) to recommend APPROVAL of the following Land Use Entitlement project requests on 0.41 acres at 608 South Maryland Parkway (APN 139-34-801-013), C-2 (General Commercial) Zone, Ward 3 (Diaz)</p> <p>23-0098-SUP1 - SPECIAL USE PERMIT - FOR A PROPOSED GAMING ESTABLISHMENT, RESTRICTED USE (1 TO 5 MACHINES)</p> <p>23-0098-SUP2 - SPECIAL USE PERMIT - FOR A PROPOSED ALCOHOL, ON-PREMISE FULL USE WITH A WAIVER OF APPENDIX F INTERIM DOWNTOWN LAS VEGAS DEVELOPMENT STANDARDS FOR PARKING</p>

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<i>Most Recent Change of Ownership</i>	
10/12/15	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
06/16/21	A General License (#G69-04291) was issued for a wholesale and retail sales (to-go only) of donuts located at 608 S Maryland Parkway Suite 120. The business license is set to renew on 08/01/23.
05/11/22	A General License (#G70-03207) was issued for restaurant - food service located at 608 S Maryland Parkway Suite 140. The business license is set to renew on 05/01/23.

<i>Pre-Application Meeting</i>	
02/21/23	A pre-application meeting was held with the applicant to review the submittal process for a Gaming Establishment, Restricted Special Use Permit and Alcohol, On-Premise Full Special Use Permit.

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

<i>Field Check</i>	
04/05/23	Staff conducted a routine field check of the subject site and did not note anything of concern.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.41

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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	Restaurant	C (Commercial)	C-2 (General Commercial)
	Vacant		
North	Multi-Family Residential	MXU (Mixed Use)	R-4 (High Density Residential)
South	General Retail, Other Than Listed	C (Commercial)	C-2 (General Commercial)
	Restaurant		
East	General Retail, Other Than Listed	C (Commercial)	C-2 (General Commercial)
	Financial Institution, Specified		
	Restaurant		
West	Multi-Family Residential	C (Commercial)	R-4 (High Density Residential)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Downtown Las Vegas	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
DTLV-O (Downtown Las Vegas Overlay) District – Area 2 Founders District	Y
LW-O (Live/Work Overlay) District	Y
<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

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	Handicapped	Regular	Handicapped	
Alcohol, On-Premise Full	4,365 SF	1 per 50 SF of public seating and waiting area, plus 1 per 200 SF of remaining GFA	88				
Gaming Establishment, Restricted	2,845 SF	No additional parking required beyond that which is required for the principal use(s) on the site.					
TOTAL SPACES REQUIRED			88		10		Y*
Regular and Handicap Spaces Required			84	4	8	2	Y*

*A Waiver of appendix F interim downtown Las Vegas development standards for parking has been requested. Staff supports the request as there are adequate alternative parking in the surrounding area.

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<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>
South Maryland Parkway	Primary Arterial	Master Plan of Streets and Highways Map	100	Y