

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 16, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-26487 - APPLICANT: LV INK - OWNER - SOLADA GROUP

**** CONDITIONS ****

The Planning Commission (6-0-1/rt vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for the Tattoo Parlor Body/Body Piercing Studio use, including parking requirements.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.
4. The signage for the site must comply with Las Vegas Scenic Byway requirements.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The proposed Tattoo Parlor/Body Piercing Studio will be located in an existing commercial building, and the use will not significantly change the physical appearance or characteristics of the subject site. Staff finds that the required parking for this site is five parking spaces. A site visit determined that the submitted site plan differs slightly from the actual site conditions. The current signage at the subject site does not meet Las Vegas Boulevard Scenic byway standards, and a condition requiring compliance has been added. The staff recommendation is for approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/28/1993	The City Council approved a Variance (V-0099-93) to allow the expansion of a non-conforming sexually oriented business (Olympic Gardens) and to allow 267 parking spaces where 355 are required.
06/27/1995	The City Council approved a Special Use Permit (U-0075-95) for the on-premise sale of beer and wine in conjunction with an existing restaurant (Boston Pizza).
11/12/2002	The City Council approved a Variance (VAR-1277) on the parcel to the east of the subject site to allow the expansion of a non-conforming use (Sexually Oriented Business) on property located at 1531 South Las Vegas Boulevard (APN: 162-03-210-090). The City Council also approved a Variance (VAR-1276) to allow a four-foot side yard setback where ten feet is the minimum required at 1531 Las Vegas Boulevard South (APN: 162-03-210-090).
10/05/2005	The City Council approved a petition to Vacate (VAC-8256) a portion of 10-foot wide right-of-way generally located between Oakey Boulevard and Las Vegas Boulevard South.
11/16/2006	The Planning Department approved an Extension of Time (EOT-17017) of an approved Vacation (VAC-8256) that allowed a vacation of a portion of 10-foot wide right-of-way generally located between Oakey Boulevard and Las Vegas Boulevard South. The approval expired 10/05/2007.
03/13/08	The Planning Commission voted 6-0-1/rt to recommend APPROVAL (PC Agenda Item #10/leh).
<i>Pre-Application Meeting</i>	
12/18/2007	The requirements of the Special Use Permit application were discussed with the applicant.
<i>Neighborhood Meeting</i>	
No meeting was required, nor was one held.	
<i>Field Check</i>	
02/15/08	Signage for the site does not meet Scenic Byways standards, five parking spaces were counted on site, though the fifth space appears to be very close to the property line.

Details of Application Request	
Site Area	
Gross Acres	.22

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant commercial	C (Commercial)	C-2 (General Commercial)
North	Wedding Chapel	C (Commercial)	C-2 (General Commercial)
South	Restaurant and Sexually Oriented Business	C (Commercial)	C-2 (General Commercial)
East	Sexually Oriented Business	C (Commercial)	C-2 (General Commercial)
West	Hotel/Motel, Restaurant	C (Commercial) and MXU (Mixed Use)	C-2 (General Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan			
Downtown Centennial Plan	X		Y
John S. Park Historic Neighborhood	X		Y
Redevelopment Plan Area	X		Y
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
Las Vegas Boulevard Scenic Byway Overlay District		X	Y*
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

*Signage does not comply with the Las Vegas Scenic Byway plan requirements, a condition has been added requiring compliance.

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	
	1138 Square Feet	1 per 250 square feet	5	1	4	1	Yes*
TOTAL (including handicap)			5	1	4	1	Yes*

*Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements.

ANALYSIS

• Zoning

The proposed use will be located within an existing, unoccupied retail plaza and is permitted within the underlying C-2 Zone with a Special Use Permit. Tattoo Parlor/Body Piercing Studio is defined by Title 19 as a business whose principle function is to place designs, letters, figures, symbols or other marks upon or under the skin, using ink or other substances which result in permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.

• Use

The proposed Tattoo Parlor/Body Piercing Studio will be located in an existing 1,138 square-foot commercial building which fronts Las Vegas Boulevard. The use will not significantly change the physical appearance or characteristics of the subject site, and is compatible with the surrounding uses in the area.

The floor plan indicates that there will be three tattoo studio rooms, a waiting room, a cashier area, an office and a restroom. Though the site is located in the Downtown Centennial Plan area and not subject to the automatic application of parking requirements, staff finds that the required parking for this site is five parking spaces with one handicapped designated space. A staff site visit determined that the submitted site plan differs slightly from the actual site conditions, however building layout, placement and on site parking appears to be accurate. The current signage at the subject site does not meet Las Vegas Boulevard Scenic byway standards, though the structure predates the adoption of the Las Vegas Scenic Byways plan. The staff recommendation is for approval.

In 2001 the State of Nevada designated Las Vegas Boulevard as a scenic byway in order to preserve its iconic character. The intent of the Las Vegas Boulevard Scenic Byway Overlay District is to provide signage standards what will maintain and enhance the scenic qualities of Las Vegas Boulevard. The Las Vegas Boulevard Scenic Byway Overlay District standards require that 75% of the total sign surface areas consist of illuminated signage, in the form of neon signs, animated signs, or a combination thereof. The subject site has a small backlit and non-neon marquee style sign with no neon or animation and is therefore not in compliance with Title 19.06.140.

FINDINGS

The following findings must be made for a Special Use Permit:

- 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 use is allowed in a C-2 (General Commercial Zone) with a Special Use Permit and is compatible with the surrounding area

- 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 use, there is adequate site access.

- 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 fronts Las Vegas Boulevard, which is a 100-foot primary arterial and access to the site is adequate.

- 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.**

This proposed use will have no adverse impacts to public health or safety. The business will be subject to Southern Nevada Health District requirements and oversight.

- 5. The use meets all of the applicable conditions per Title 19.04.**

The use does meet all of the applicable conditions of Title 19.04.

PLANNING COMMISSION ACTION

Note: Condition #1 needs to be removed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 187 by City Clerk

APPROVALS 1

PROTESTS 6