



AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 4, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-27317 - APPLICANT: ANTHONY TARVIN, ET AL -
OWNER: MISSION SPRING PROPERTIES, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE MAY 21, 2008 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN BARLOW.

**** CONDITIONS ****

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

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Tattoo Parlor/Body Piercing Studio use.
2. Handicap parking spaces must be provided in accordance with LVMC Title 19.10 standards.
3. 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.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The proposed Tattoo Parlor/Body Piercing Studio will be located within an existing commercial shopping center at 1104 Fremont Street. This use will comprise 1,000 square feet of this commercial center, including a 400 square-foot lobby and one artist station measuring 110 square feet. This proposed use is located in an appropriate area and will be conducted in a manner that will not harm public welfare; therefore staff recommends approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
07/01/92	The City Council approved a Variance (V-0066-92) to allow a Secondhand Dealer at 1104 East Fremont Street. The Board of Zoning Adjustment denied this request.
06/16/93	The City Council approved a One-Year Review [V-0066-92(1)] for a Secondhand Dealer at 1104 East Fremont Street.
01/19/94	The City Council approved a Special Use Permit (U-0263-93) to allow the Off-Premise Sale of Beer and Wine in conjunction with a grocery store/deli at 1102 Fremont Street. The Board of Zoning Adjustment and staff recommended approval
08/25/97	The City Council approved a Site Development Plan Review [V-0066-92(2)] for the expansion of an approved Variance (V-0066-92) for a Secondhand Dealer at 1104 East Fremont Street.
03/01/00	The City Council approved a Special Use Permit (U-0161-99) for a proposed Thrift Shop at 100 South Maryland Parkway, Suite 110. The Planning Commission and staff recommended approval
08/16/00	The City Council approved a required Three-Year Review [V-0066-92(3)] of firearm sales in conjunction with an approved Site Development Plan Review [V-0066-92(2)] which allowed for the expansion of a nonconforming use at 1104 East Fremont Street.
01/18/06	The City Council approved a Special Use Permit (SUP-10198) for a Financial Institution, Specified within an existing convenience store and a waiver to allow no separation from a parcel zoned or used for residential use where 200 feet is required at 1102 Fremont Street. The Planning Commission and Staff recommended approval of this request.
04/24/08	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #55/ed)

Related Building Permits/Business Licenses	
11/05/02	A business license (#C15-00133) was issued for a Grocery Store at 1102 Fremont Street.
01/03/05	A Certificate of Occupancy (#3398) was issued for 1104 Fremont Street.
11/30/05	A business license (#B05-01110) was issued for a Beauty Salon at 1112 Fremont Street.
12/24/07	A business license (#A23-02252) was issued for a Tax Preparer at 1104 Fremont Street.
01/31/08	A business license (#T08-97703) for a Tattoo Establishment was submitted for 1104 Fremont, but has not been issued. Upon approval of this Special Use Permit the applicant will be able to continue through the process of obtaining a business license for this use.
Pre-Application Meeting	
02/28/08	A pre-application meeting was held to discuss the requirements of submitting a Special Use Permit for a Tattoo Parlor/Body Piercing Studio.
Neighborhood Meeting	
A neighborhood meeting is not required nor was one held.	

Field Check	
03/17/08	A field check was conducted and found that the subject location has been modified by the applicant for this use. This modification includes interior paint, sample tattoo designs posted around the facility and necessary cabinetry for this use.
Details of Application Request	
Site Area	
Gross Acres	1.72

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shops, Convenience Store	C (Commercial)	C-1 (Limited Commercial and C-2 (General Commercial)
North	Motels	C (Commercial)	C-2 (General Commercial)
South	Urban Residential Lofts	C (Commercial)	C-1 (Limited Commercial)
East	Vacant Land	C (Commercial)	C-1 (Limited Commercial) and C-2 (General Commercial)
West	Shops, Apartments and a Bar	C (Commercial)	C-2 (General Commercial) and R-4 (High Density Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan (East Fremont)	X		Y
Redevelopment Plan Area (Downtown)	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Downtown 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

<i>Parking Requirement - Downtown</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Base Parking Requirement</i>			<i>Provided</i>		<i>Compliance</i>
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	33,755 SF	1/250	131	5	84	0	Y*
TOTAL	33,755 SF	1/250	131	5	84	0	Y*

* Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of standard parking requirements. This commercial center was built in 1955 with the applicable parking standards and is considered parking impaired.

ANALYSIS

- **Zoning**

The proposed Tattoo Parlor/Body Piercing Establishment will be located within an existing shopping center. This property has split zoning with half of the property zoned C-1 (Limited Commercial) and the other half C-2 (General Commercial). This use is located within the C-2 (General Commercial) zone and is permitted with the approval of a Special Use Permit. These zoning designations are consistent with a C (Commercial) General Plan designation.

- **Use**

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.

The proposed Tattoo Parlor/Body Piercing Studio will be located within an existing commercial shopping center and will utilize 1000 square feet of space. 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 one tattoo studio, a waiting room, a reception counter 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 131 parking spaces with five handicapped designated spaces. A staff site visit determined that this location has a total of 84 parking spaces, none of which are designated handicap spaces. This center was built in 1955 to applicable parking standards and therefore is considered a parking impaired development. Although parking is a noted concern, this is mitigated by this commercial centers parking impaired status and its location within the Downtown Centennial Plan. As this use is appropriate for this location, staff recommends approval of this request.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 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 use will be located within an existing commercial center, which is intended to have a variety of commercial uses. This includes the proposed Tattoo Parlor/Body Piercing studio, which can be conducted harmoniously with the surrounding land uses.

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

The subject site contains an existing shopping center. This site is more than adequate to handle the proposed Tattoo Parlor/Body Piercing 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 served by Fremont Street and Maryland Parkway, which are both 80-foot Secondary Collectors, as categorized by the citys Master Plan of Streets and Highways.

These facilities will be adequate to meet the requirements of the Tattoo Parlor/Body Piercing Studio use.

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 use will be subject to licensing requirements and will therefore not compromise the public health, welfare or safety.

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

There are no base conditions for consideration of a Special Use Permit for a Tattoo Parlor/Body Piercing Studio. This use is consistent with Title 19.04 and the Downtown Centennial Plan.

PLANNING COMMISSION ACTION

The applicant agreed to all conditions.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

ASSEMBLY DISTRICT 7

SENATE DISTRICT 4

NOTICES MAILED 184 by City Clerk

APPROVALS 2

PROTESTS 11