



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: DECEMBER 7, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: DAVID TRAN - OWNER: 3RD & CHARLESTON, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-42982	Staff recommends APPROVAL, subject to conditions:	N/A

** CONDITIONS **

SUP-42982 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Tattoo Parlor/Body Piercing Studio use.
2. Conformance to the approved conditions for Variance (V-0019-82) and Special Use Permit (SUP-41046).
3. A revised site plan shall be submitted to and approved by the Department of Planning, prior to approval of a business license, to include one van accessible handicapped parking space.
4. 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.
5. Prior to occupancy, 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.

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6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

7. 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

This is a request for a Special Use Permit to allow a proposed Tattoo Parlor/Body Piercing Studio use within an existing 1,880 square-foot commercial building at 220 East Charleston Boulevard. The proposed use complies with all Title 19.12 requirements and can be conducted in a manner that is harmonious and compatible with existing surrounding development and land uses; therefore, staff recommends approval with conditions. If this application is denied, the proposed Tattoo Parlor/Body Piercing Studio use cannot be located within the subject property, nor can a business license be issued for this location.

ISSUES

- A Tattoo Parlor/Body Piercing Studio use is permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.
- One van accessible handicapped parking space shall be provided on site.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
03/25/82	The Board of Zoning Adjustment approved a Variance (V-0019-82) to allow eight parking spaces for a proposed restaurant and other commercial uses where 22 parking spaces are required at this site. Staff recommended denial.
04/12/11	The Planning Commission approved a Special Use Permit (SUP-41046) for an Urban Lounge in an existing Antique/Collectible Store at 1106 South 3rd Street. Staff recommended approval.
10/11/11	The Planning Commission voted (4-0-2/rt, ts) to recommend APPROVAL (PC Agenda #12/jg).
11/16/11	The City Council voted to hold this item in abeyance to the December 7, 2011 City Council meeting.

<i>Most Recent Change of Ownership</i>	
04/06/07	A deed was recorded for a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
C.1953	The buildings at 1102 South 3 rd Street were constructed.
05/14/03	A business license (C07-02982) was issued for a clothing store at 220 East Charleston Boulevard. The license was marked out of business on 10/29/08.

<i>Related Building Permits/Business Licenses</i>	
06/06/08	A business license (C07-03762) was issued for a clothing store at 220 East Charleston Boulevard. The license was marked out of business on 12/08/08.
11/10/09	A building permit (150950) was issued for a Non-work Certificate of Occupancy at 220 East Charleston Boulevard. The permit was finalized on 11/25/09.
11/16/09	A business license (S20-00529) was issued for a Secondhand dealer Class IV at 220 East Charleston Boulevard. The license was marked out of business on 11/08/10.
03/04/10	A business license (L26-00122) was issued for a Special Event Beer Wine at 220 East Charleston Boulevard. The license was marked out of business on 03/08/10.
03/30/10	A business license (L26-00122) was issued for a Special Event Beer Wine at 220 East Charleston Boulevard. The license was marked out of business on 04/05/10.

<i>Pre-Application Meeting</i>	
08/17/11	A pre-application meeting was held with the applicant, where the submittal requirements for a Special Use Permit were discussed.

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

<i>Field Check</i>	
09/01/11	During a field check staff noted a vacant commercial building, with building materials stored between two buildings and a parking lot with no van accessible parking space.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.16

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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	General Retail Store	C (Commercial)	C-2 (General Commercial)
	Urban Lounge		
North	Undeveloped	C (Commercial)	C-2 (General Commercial)
South	Office, Other than Listed	MXU (Mixed Use)	C-1 (Limited Commercial)
East	Church/House of Worship	C (Commercial)	C-1 (Limited Commercial)
West	Office, Other than Listed	C (Commercial)	C-2 (General Commercial)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area			
Downtown Centennial Plan (18b Las Vegas Arts District)	X		Y
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Downtown Centennial Plan Overlay District	X		Y
Live/Work Overlay District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

<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>
3 rd Street	Secondary Collector	Master Plan of Streets and Highways	80	Y

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<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	
General Retail Store	3,225 SF	1/300 SF	11				
Urban Lounge	1,160 SF	N/A	N/A				
General Retail Store (To Be Removed)	(-1,880 SF)	1/300 SF	(-7)				
Tattoo Parlor/Body Piercing Studio (To Be Added)	1,880 SF	1/250 SF	8				
TOTAL SPACES REQUIRED			12		6		Y
Regular and Handicap Spaces Required			11	1	5	1	Y

Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, the above table should be used to illustrate the requirements of an analogous project in another location in the City. The analysis should take a number of factors into consideration when discussing parking availability, including pedestrian access, nearby parking structures, on-street parking, etc.

ANALYSIS

A Tattoo Parlor/Body Piercing Studio use is defined per Title 19.18.020 as “an establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following:

- 1.The placing of designs, letters, figures, symbols or other marks upon or under the skin of any person, using ink or other substances which result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.
- 2.The creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration. This term does not include a permanent makeup establishment.”

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The proposed Tattoo Parlor/Body Piercing Studio use requires approval of a Special Use Permit within a C-2 (General Commercial) zoning district. The subject site is located in the Downtown Centennial Plan (18b Las Vegas Arts District); Live/Work Overlay District and the Las Vegas Redevelopment Plan Area. The submitted site plan depicts six parking spaces; none of the parking spaces meet Title 19 handicapped parking requirements. A condition has been added that a revised site plan shall be submitted to and approved by the Department of Planning, prior to approval of a business license, to include one van accessible handicapped parking space.

The proposed use will not have a negative impact on the Master Plan and Special Purpose and Overlay District if approved. The proposed use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses; therefore, staff recommends approval.

FINDINGS (SUP-42982)

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 Tattoo Parlor/Body Piercing Studio use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses.

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

The site is physically suitable for the type of land use proposed.

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.

Site access is provided from 3rd Street. This street is of sufficient size to accommodate the needs of the proposed 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.

Approval of the Special Use Permit will not compromise the public health, safety and general welfare, as the use will be subject to regular inspections.

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

There are no minimum requirements associated with the proposed Tattoo Parlor/Body Piercing Studio use.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 27

NOTICES MAILED 132 (By City Clerk)

APPROVALS 2

PROTESTS 2