



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JUNE 24, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: DANIEL P. JACKSON - OWNER: RAYMOND PISTOL

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-38225	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

SUP-38225 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Tattoo Parlor/Body Piercing Studio use.
2. All proposed signage shall be in full conformance with Title 19.14 sign standards and Title 19.06.140 Las Vegas Scenic Byway Overlay District standards, and shall be reviewed by the Downtown Design Review Committee prior to issuance of a sign permit.
3. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to or at the time application is made for a business license, to depict handicap accessible spaces in compliance with Title 19.10 requirements.
4. This approval shall be void two years from the date of final approval, unless a business license has been issued to conduct the activity. An Extension of Time may be filed for consideration by the City of Las Vegas.
5. 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 Department.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Staff Report Page One
June 24, 2010 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

The site contains three existing developments, which include a 1,873 square-foot building at 1232 South Las Vegas Boulevard, a former motel and restaurant at 1236 South Las Vegas Boulevard, and a 3,285 square-foot sexually oriented business at 1238 South Las Vegas Boulevard. The requested Special Use Permit for a proposed Tattoo Parlor/Body Piercing Studio use would be located within the existing building at 1232 South Las Vegas Boulevard. The business is not yet licensed and in operation at this location. The use is appropriate for the site and can be conducted in a manner that is harmonious and compatible with surrounding uses; therefore, staff recommends approval. If denied, the Tattoo Parlor/Body Piercing Studio use cannot be conducted within this building and on this site.

ISSUES

- Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. Since the proposed use and the previous use have the same parking requirement and no expansion of the existing building is proposed, no additional parking is required.
- The current signage on and adjacent to the building is not in compliance with the standards of the Las Vegas Boulevard Scenic Byway Overlay District. A condition of approval will require conformance to Title 19.14 and Title 19.06.140 signage standards and review of signage by the Downtown Design Review Committee prior to issuance of any sign permit for any proposed signage.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
05/24/99	The City Council denied a request for a Rezoning (Z-0019-99) from C-1 (Limited Commercial) and C-2 (General Commercial) to C-2 (General Commercial) on 7.60 acres at 1238 Las Vegas Boulevard South and on the southeast corner of Las Vegas Boulevard South and Park Paseo. The Planning Commission recommended denial and staff recommended approval.
10/29/03	The City Council approved the appeal from the Planning Commission denial of a Special Use Permit (SUP-2801) for a proposed 1,452 square-foot Tavern use and Waiver of the 1,500-foot distance separation requirement from other taverns on property located at 1236 Las Vegas Boulevard South. Staff recommended approval. The Special Use Permit approval expired 10/29/04.

Staff Report Page Two
June 24, 2010 - Planning Commission Meeting

11/06/03	The Planning Commission approved a Site Development Plan Review (SDR-3125) for a proposed tavern building on 1.79 acres at 1236 Las Vegas Boulevard South with Waivers of landscape buffer and parking lot landscaping requirements. Staff recommended approval.
01/11/05	Code Enforcement opened a case (#25098) regarding a vacant boarded up building at 1232 South Las Vegas Boulevard. The case was closed by Code Enforcement on 11/20/07.
07/06/05	The City Council approved a Special Use Permit (SUP-6582) for a proposed 1,452 square-foot Tavern use and a Waiver of the 1,500-foot distance separation requirement from another tavern use on property located at 1236 Las Vegas Boulevard South. A condition of approval required a minimum of 47 spaces including four handicap-accessible spaces; otherwise, the site plan must be submitted to the Planning and Development Department for review of a different parking configuration. The Special Use Permit expired 07/06/06.
12/01/05	The Planning Commission tabled Special Use Permit requests for a proposed 60-story mixed use development (SUP-9914) and for a 650-foot tall building in the Airport Overlay Zone (SUP-10055), and a request for a Site Development Plan Review (SDR-9912) for a proposed 60-story, 650-foot tall Mixed Use Development with 900 residential units and 8,580 square feet of retail, and Waivers of the sidewalk and amenity standards, of the upper floor stepback and build-to line requirements, of the eight-foot wide landscape requirements for parking lots facing public streets, and of the use of reflective, shiny or mirror-like materials as an exterior building finish on 1.79 acres located at 1232-1238 South Las Vegas Boulevard. Staff recommended denial of each item.
06/18/08	Code Enforcement opened a case (#66786) to check for banners, window signs, debris, junk vehicles, trash, graffiti, and zoning violations at 1232 South Las Vegas Boulevard. The case was closed by Code Enforcement on 06/24/08.
02/03/10	Code Enforcement opened a case (#86151) regarding two pylon signs and a non-functional neon sign at 1236 South Las Vegas Boulevard. The case was closed by Code Enforcement on 04/19/10.
06/24/10	The Planning Commission will consider an appeal (DIR-38357) of the Director's decision to deny a Temporary Commercial Permit (TCP-38255) per Title 19.18.100.D that would allow a temporary outdoor commercial event (promotional event) in conjunction with the baseball season on 1.79 acres in the parking lot at 1238 South Las Vegas Boulevard. The Planning and Development Department denied the initial request for a Temporary Commercial Permit on 05/13/10.

Most Recent Change of Ownership

05/18/98	A deed was recorded for a change in ownership.
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Staff Report Page Three
June 24, 2010 - Planning Commission Meeting

<i>Related Building Permits/Business Licenses</i>	
01/24/92	A business license (C07-01926) was issued for a clothing store at 1232 South Las Vegas Boulevard. The license was marked out of business on 07/16/09.
09/25/92	A business license (A32-00004) was issued for an adult book store at 1238 South Las Vegas Boulevard. The license is still active.
10/20/92	A building permit (#92164186) for a chain link fence was issued at 1238 South Las Vegas Boulevard. A final inspection was completed on 03/31/93.
10/26/92	A building permit (#92164819) for an interior remodel was issued at 1238 South Las Vegas Boulevard. A final inspection was completed on 11/10/92.
12/23/92	A business license (C08-01455) was issued for coin amusement machines at 1238 South Las Vegas Boulevard. The license is still active.
12/23/92	A business license (V06-00013) was issued for adult video booths at 1238 South Las Vegas Boulevard. The city license expired on 11/24/09.
01/05/93	A building permit (#93171869) for a wall sign was issued at 1238 South Las Vegas Boulevard. A final inspection was completed on 01/14/93.
04/07/93	A building permit (#93182402) for an electrical service change was issued at 1236 South Las Vegas Boulevard. A final inspection was completed 04/13/93.
04/19/93	A building permit (#93183676) for reroofing of Suites A and C was issued at 1236 South Las Vegas Boulevard, Suite #A. A final inspection was completed 07/29/93.
04/19/93	A building permit (#93183677) for interior demolition of Suites A, B and C was issued at 1236 South Las Vegas Boulevard, Suite #A. A final inspection was completed 06/22/93.
04/30/93	A building permit (#93185064) for reroofing was issued at 1236 South Las Vegas Boulevard. A final inspection was completed 06/07/93.
09/16/93	A building permit (#93201697) for a neon sign was issued at 1238 South Las Vegas Boulevard. A final inspection was not completed and the permit expired on 04/22/95.
11/17/93	A building permit (#03208938) for an interior remodel and Certificate of Occupancy was issued at 1238 South Las Vegas Boulevard. A final inspection was completed on 10/20/94.
11/30/93	A building permit (#93210158) for an interior remodel was issued at 1238 South Las Vegas Boulevard. A final inspection was not completed and the permit expired on 04/22/95.
02/01/94	A building permit (#94317553) for electrical work was issued at 1238 South Las Vegas Boulevard. A final inspection was completed on 10/20/94.
06/05/95	A building permit (#95873375) for a sign was issued at 1232 South Las Vegas Boulevard. A final inspection was not completed and the permit expired on 12/02/95.
12/29/95	A building permit (#95885694) for Class A reroofing was issued at 1236 South Las Vegas Boulevard. A final inspection was not completed and the permit expired 07/06/96.

Staff Report Page Four
June 24, 2010 - Planning Commission Meeting

02/21/97	A business license (E07-00003) was issued for an erotic dance establishment at 1238 South Las Vegas Boulevard. The license is still active.
04/09/97	A building permit (#97007123) for repair of the gas line to the meter was issued at 1236 South Las Vegas Boulevard. A final inspection was completed 04/10/97.
04/11/97	A building permit (#97007315) for a Non-Work Certificate of Occupancy for an antique store was issued at 1236 South Las Vegas Boulevard. A final inspection was not completed and the permit expired on 10/18/97.
03/17/99	A business license (T08-00020) was issued for a tattoo parlor at 1141 South Las Vegas Boulevard. The business owner filed to change the business location to 1232 South Las Vegas Boulevard on 03/23/10, but was denied pending a Special Use Permit (SUP-38225) to allow the Tattoo Parlor/Body Piercing Studio use at that location.
04/05/01	A building permit (#01005852) for a tenant improvement for Certificate of Occupancy was issued at 1236 South Las Vegas Boulevard. A final inspection was completed on 07/12/01.
06/20/02	A building permit (#02011255) for a Non-Work Certificate of Occupancy for a restaurant was issued at 1236 South Las Vegas Boulevard. A final inspection was completed on 06/25/02.
09/25/02	A building permit (#02017449) for a tenant improvement was issued at 1238 South Las Vegas Boulevard. A final inspection was not completed and the permit expired on 03/29/03.
06/09/04	A building permit (#04014801) for an interior remodel for certificate of occupancy was issued at 1238 South Las Vegas Boulevard. A final inspection was completed on 07/21/04.
04/05/10	Business license applications were filed for a single room residence hostel (H15-95178) and miscellaneous sales (M06-95179) at 1236 South Las Vegas Boulevard. The applications were denied 05/17/10 pending approval of a Special Use Permit.
05/11/10	Plans were submitted for review of a building permit application (162774) for a tenant improvement for a proposed youth hostel at 1236 Las Vegas Boulevard South for a certificate of occupancy. The Planning and Development Department denied its review on 05/12/10, and no permit has been issued.
05/11/10	A temporary business license (R05-95603) was issued for a non-alcoholic soda fountain at 1238 South Las Vegas Boulevard. The temporary license will expire 11/11/10.

Staff Report Page Five
June 24, 2010 - Planning Commission Meeting

<i>Pre-Application Meeting</i>	
04/27/10	At a required pre-application meeting, submittal requirements for a Special Use Permit were discussed, as well as the following items: • A site plan was not presented at the meeting. The applicant needs to include a site plan in the submittal; • The applicant has operated a similar use at another location since October 1998; • Handicap parking spaces should be striped to conform to Title 19.10 requirements if not to Code; • Total floor area should be included.

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

<i>Field Check</i>	
05/20/10	A field check was conducted on the subject site. The following items were noted: • The business at 1232 South Las Vegas Boulevard is using the existing freestanding sign in front of the building to advertise its services • A painted wall sign advertising the proposed use faces Las Vegas Boulevard • Small flags extend from the rooftop corners of the 1232 building facing Las Vegas Boulevard • A vehicle parked at 1236 South Las Vegas Boulevard serves as a directional sign advertising services of the proposed use • There is a large dumpster on the property set back from the street near the existing motel • Only the front portion of the site where parking is available is paved

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.79

Staff Report Page Six
June 24, 2010 - Planning Commission Meeting

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	General Retail (vacant); Motel (vacant); Sexually Oriented Business	C (Commercial)	C-2 (General Commercial)
North	Motel, Undeveloped	C (Commercial)	C-2 (General Commercial)
South	Motel	C (Commercial)	C-2 (General Commercial)
East	Hotel (vacant); Hotel/Tavern/ Massage Establishment; General Retail	C (Commercial)	C-2 (General Commercial)
West	4th/3rd Street Right-of-Way	ROW (Right-of-Way)	ROW (Right-of-Way)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area			
Downtown Centennial Plan	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 (Downtown South District)	X		Y
Live/Work Overlay District	X		Y
Las Vegas Boulevard Scenic Byway Overlay District	X		N
Trails (Scenic Byway)	X		Y
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

Staff Report Page Seven
June 24, 2010 - Planning Commission Meeting

DEVELOPMENT STANDARDS

Pursuant to the Downtown Centennial Plan (Downtown South District Standards), the following development standards apply to the subject site:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	77,972 SF	N/A
Min. Lot Width	100 Feet	293 Feet	Y
Min. Setbacks:			
• Front	70% of the first story façade shall align along the front property line	0% alignment/ 25-foot setback	Y
• Side	None	0 Feet	Y
• Corner	70% of the first story façade shall align along the corner side property line	N/A	N/A
• Rear	None	266 Feet	Y

Pursuant to Title 19.10, the following parking standards apply:

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	
Tattoo Parlor	1,873 SF	1 space/ 250 SF GFA	8				Y
Sexually Oriented Business	3,285 SF	1 space/ 175 SF GFA	19				Y
Motel	21 units	1 space/ unit	21				
TOTAL SPACES REQUIRED			48		82		Y
TOTAL (With Handicapped)			46	2	78	4	Y

Staff Report Page Eight
June 24, 2010 - Planning Commission Meeting

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 previous use of the subject building was retail, which has a similar parking requirement to the proposed Tattoo Parlor/Body Piercing Studio use. Therefore, since no expansion of the subject building is proposed, the parking requirements remain unchanged. The Downtown Centennial Plan, however, does require handicap-accessible parking to comply with Title 19.10 requirements, which include adequate striping to accommodate persons with disabilities.

ANALYSIS

The applicant has operated a Tattoo Parlor at 1141 South Las Vegas Boulevard since 1999 and proposes to move into the existing building at 1232 South Las Vegas Boulevard. A Tattoo Parlor/Body Piercing Studio is allowed in the C-2 (General Commercial) Zoning District with approval of a Special Use Permit. There are no minimum conditions required to allow this use; its compatibility with surrounding land uses must be determined on a case-by-case basis. The existing building is 1,873 square feet and is situated on the northern lot line. Both tattooing and body piercing are proposed at this location. Parking is more than adequate on the site to accommodate the use. As the use can be conducted in a manner that is harmonious and compatible with the commercial land uses on all sides of the site, staff recommends approval of the Special Use Permit request.

New and proposed signage for parcels adjacent to Las Vegas Boulevard, including the subject site, must comply with both Title 19.14 sign standards for the C-2 (General Commercial) Zoning District and the standards of the Las Vegas Boulevard Scenic Byway Overlay District pursuant to Title 19.06.140. This special district requires at least 75 percent of the total sign surface areas of the development to contain illuminated signage in the form of neon signs, animated signs or a combination of the two. A review of the signage by the Downtown Design Review Committee is also required prior to the issuance of any sign permits for proposed signage.

The proposed use is in conformance with the Downtown Centennial Plan, with the exception of the Title 19 signage requirements above, which it references as part of the Downtown South District standards. Since only the use at the existing building at 1232 South Las Vegas Boulevard would be changing as a result of approval of this request, no streetscape, setback, utility or design standards apply. The use is also in conformance with the Live/Work Overlay District and the policies of the Downtown Redevelopment Plan Area.

FINDINGS (SUP-38225)

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

Staff Report Page Nine
June 24, 2010 - Planning Commission Meeting

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 Shop use can be conducted in a manner that is harmonious and compatible with existing surrounding commercial land uses, which consist primarily of motels.

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

The subject site is sufficiently large to accommodate this use, as well as two other uses at separate addresses that contain additional parking.

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.

Las Vegas Boulevard, designated as a Primary Arterial by the city's Master Plan of Streets and Highways, provides access to the property. Access is possible only from the southbound lanes. These roadway facilities are adequate to serve the proposed 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.

The public health, safety and welfare and the primary objectives of the General Plan will not be compromised by approving the proposed Tattoo Parlor/Body Piercing Studio at this location, as the use will be subject to licensing and inspection.

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

There are no minimum conditions for allowing a Tattoo parlor/Body Piercing Studio use.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

21

NOTICES MAILED 197

APPROVALS 0

PROTESTS 0