

*City of Las Vegas***AGENDA MEMO****PLANNING COMMISSION MEETING DATE: JUNE 24, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: APPLICANT/OWNER: RAY PISTOL****** STAFF RECOMMENDATION(S) ****

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
DIR-38357	Staff recommends DENIAL, if approved subject to conditions:	

**** CONDITIONS ******DIR-38357 CONDITIONS****Planning and Development**

1. Business hours shall be from 4:00 p.m. to 10:00 p.m., seven days per week.
2. Pursuant to Title 19.18.100(C)(4), the duration of this event is limited to 30 days from final approval. Any additional event(s) will require approval of another Temporary Commercial Permit.
3. This permit is not a business license.
4. This permit is not a substitute for any required state or local business license or for any required charitable solicitation permit.
5. This use shall not create a nuisance to nearby properties as a result of factors such as excessive illumination, glare, noise, vibration, smoke, dust, dirt, odors, gases or heat.
6. The use shall conform to the submitted plot plan date stamped 05/11/10.
7. No combustible materials shall be located within 50 feet of any structure on, or adjacent to this site.

Submitted after final agenda

Date 6/24/10 Item 36

SG

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8. No building or structure of any type shall be erected closer than 25 feet from any property line.
9. The applicant shall display a copy of this Temporary Commercial Permit during the hours of operation.
10. Sanitation facilities must be provided in accordance with the Clark County Health District and Republic Services of Southern Nevada.
11. The applicant shall provide private security officers as required by the Las Vegas Metropolitan Police Department.
12. The applicant shall be responsible for leaving the site free of debris, litter or any other evidence of occupancy upon completion or removal of the use.
13. Any signage for this temporary commercial use must be approved and permitted by the Planning and Development Department.
14. All applicable City code requirements shall be satisfied.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is an appeal of the Director's decision to deny a Temporary Commercial Permit for a promotional event in conjunction with the baseball season in the parking lot of a commercial development located at 1238 South Las Vegas Boulevard. The request was denied as the proposed event was determined to be incompatible with existing development in the surrounding area, and staff is recommending denial of this appeal.

ISSUES

- The subject site is located within the Downtown South District of the Downtown Centennial Plan, and is also part of the Las Vegas Boulevard Scenic Byway Overlay District.
- The materials and equipment to be used for the proposed event are industrial in nature, are not aesthetically compatible with the surrounding area, and do not enhance the overall image of downtown.
- The location of the event in the center of a parking area creates a safety hazard by injecting pedestrian activity into an area usually reserved for vehicular traffic.
- If this appeal is upheld, a Temporary Commercial Permit shall be issued for the proposed event. As such, the listed Conditions of Approval are standard conditions for the issuance of any Temporary Commercial Permit, pursuant to Title 19.18.100(F). Please note that events approved through a Temporary Commercial Permit are limited in duration to no more than 30 days for each event, and that a maximum of six events may be permitted at a location within one calendar year.

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.
06/24/10	The Planning Commission will consider a request for a Special Use Permit for a proposed Tattoo Parlor / Body Piercing Studio use within an existing 1,873 square-foot building at 1232 South Las Vegas Boulevard.

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<i>Most Recent Change of Ownership</i>	
05/18/98	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
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.
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.
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.
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.
04/05/10	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	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.

<i>Pre-Application Meeting</i>
A pre-application meeting is not required, nor was one held.

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

<i>Field Check</i>	
06/08/10	A field check was conducted on the subject site. The following items were noted: • The equipment for the proposed event is already in place at the subject site. • There is a bull riding apparatus also on site that is not approved, nor is it part of this appeal.

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

<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		N
Special Purpose and Overlay Districts	Yes	No	Compliance
Special Purpose and Overlay Districts			
Downtown Centennial Plan Overlay District (Downtown South District)	X		N
Live/Work Overlay District	X		Y
Las Vegas Boulevard Scenic Byway Overlay District	X		Y
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

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ANALYSIS

The subject site is located on the west side of Las Vegas Boulevard, approximately 415 feet north of the intersection of Las Vegas Boulevard and 4th Street. It is included in the Downtown South District of the Downtown Centennial Plan, and is also part of the Las Vegas Boulevard Scenic Byway Overlay District. Within the Downtown Centennial Plan, Las Vegas Boulevard is considered to be the "spine" of the plan area, and the intersection with 4th Street is designated as a "gateway" to the downtown area. Through landscape improvements, right-of-way width expansion, lighting, signage, and urban design standards, the boulevard has become a key urban design and orientation element for the downtown area. Furthermore, the plan calls for the creation of streetscapes that provide safety, comfort, and interest for pedestrians, and that establish a network of urban trails, open spaces and linkages that further the city's Urban Pathways System concept. These improvements are intended to enhance the overall image of downtown at gateways, primary urban trail corridors, civic plazas, and open spaces, and to establish a sense of place both within each District and in the Downtown as a whole.

The proposed dunk tank is present at the subject site, along with a bull riding apparatus that has not been approved, nor is it included as part of this appeal. The proposed activity is not aesthetically compatible with surrounding development in the area. While the proposed hours of operation are intermittent, the equipment remains set up at all times, and is not removed when idle. The materials used for the equipment are industrial in nature, including a large blue plastic tub, metal and plastic conduit, yellow plastic sheeting, and orange construction fencing, which do not contribute to an "enhanced overall image of downtown." In addition to the aesthetic shortcomings, the activity is located in the center of the parking lot with drive aisles to either side. One of these aisles is between the activity and the principle building on the site, which will inject a greater number of pedestrians, including spectators, participants and employees of the site, into an area that is usually reserved for vehicular traffic, thereby increasing the possibility of an accident.

FINDINGS

The proposed activity is not aesthetically compatible or harmonious with existing development in the surrounding area, and will increase the possibility of a pedestrian/vehicular accident; therefore, staff is recommending denial of the appeal.

NOTICES MAILED

NEWSPAPER ONLY

APPROVALS

0

PROTESTS

0

4TH STREET

222' PROPERTY LINE

43'

170' PROPERTY LINE

170' PROPERTY LINE

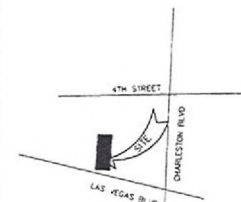
LAS VEGAS BLVD

SITE PLAN
SCALE: 1"=20'-0"

RECEIVED

JUN 23 2010

VICINITY MAP



PROJECT/PROPERTY INFORMATION:

PROPERTY ADDRESS:
1234 S LAS VEGAS BLVD
LAS VEGAS, NV 89101

SHEET INDEX

AS COVER SHEET & SITE PLAN
ARCHITECTURAL
A1 BUILDING ELEVATIONS
A2 FLOOR PLAN & DETAILS

Nebraska Licensed Contractor Use Only

Subcontractor Signature

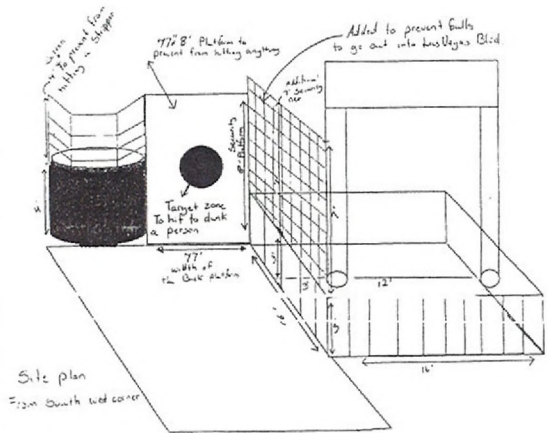
Architectural drawings have been signed by a Licensed Nevada Contractor as required per NRS 203.212 paragraph 1. Sub paragraph 4) and under the provisions of chapter 224 of NRS who provides his own drawings for his own construction activities.

PROPOSED FACELIFT TO EXISTING FACADE @
TALK OF THE TOWN STRIP CLUB

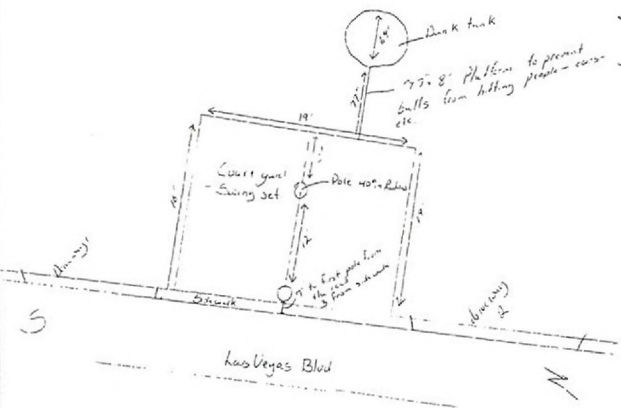
CMC CONSTRUCTION

DATE	DATE	DATE
07/22/2010	07/22/2010	07/22/2010
COVER SHEET & SITE PLAN		
DATE	DATE	DATE
07/22/2010	07/22/2010	07/22/2010

DIR-38357



Site plan
From South west corner



10-219