



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: OCTOBER 8, 2013

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: DOWNTOWN TATTOO - OWNER: MISSION SPRINGS PROPERTIES, LLC

** STAFF RECOMMENDATION **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-50810	Staff recommends APPROVAL, subject to conditions:	N/A

** CONDITIONS **

SUP-50810 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Tattoo Parlor/Body Piercing Studio use.
2. All signage shall be permitted and meet minimum code requirements within 30 days of final approval.
3. 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.
4. 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.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
6. 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 application is a request for a Special Use Permit for a proposed Tattoo Parlor/Body Piercing Studio use within a commercial shopping facility at 1106 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. The applicant intends to relocate his existing Tattoo Parlor use established at 624 East Carson Avenue to the new location at 1106 Fremont Street. The applicant has operated the Tattoo Parlor use at 624 Carson Avenue without incident for the past 10 years. The proposed use is located within an appropriate area and will be conducted in a manner that will not harm public welfare; therefore staff recommends approval of this request.

ISSUES

- The Tattoo Parlor/Body Piercing Studio use is permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.

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.

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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.
06/04/08	The City Council approved a Special Use Permit (SUP-27317) for a proposed Tattoo Parlor/ Body Piercing Studio use at 1104 Fremont Street. The Planning Commission and staff recommended approval. NOTE: The entitlement for this use expired on 02/14/12.
03/12/13	The Planning Commission approved a Special Use Permit (SUP-48179) for a Beer/Wine/Cooler On-Sale Establishment use within a proposed 3,310 square-foot Restaurant at 1126 Fremont Street. Staff recommended approval.

Most Recent Change of Ownership

07/30/99	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

05/06/94	A business license was issued for a grocery store (#C15-00133), tobacco sales (#C05-01664), off-premise beer/Wine/cooler sales (#L10-00129), and at 1102 Fremont Street. These licenses remain active.
07/09/03	A business license was issued for a restricted gaming (#G01-02132) at 1102 Fremont Street. This license remains active.
11/30/05	A business license was issued for a beauty salon (#B05-01110) at 1112 Fremont Street. This license remains active.
11/10/08	A business license for a Tattoo Establishment (#T08-00059) was issued at 1104 Fremont Street. This license was marked out-of-business on 02/14/11.
01/08/09	A business license was issued for a wire transfer service (#W10-00214) at 1102 Fremont Street. This license remains active.
07/18/12	A business license was issued for a consultant service (#M18-05543) at 1110 Fremont Street. This license remains active.
08/26/13	A building permit (#243549) for a tenant improvement at 1106 Fremont Street has been submitted for review. This permit has yet to be issued.

Pre-Application Meeting

08/07/13	A pre-application meeting was held to with the applicant to discuss the proposed relocation of a Tattoo Parlor/Body Piercing Studio use at 624 Carson Avenue to 1106 Fremont Street. It was determined that Special Use Permit would be required.
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<i>Neighborhood Meeting</i>
A neighborhood meeting is not required, nor was one held.

<i>Field Check</i>
08/28/13
A field check was conducted by staff and found a well-maintained commercial storefront located along Fremont Street with the parking lot located at the rear of the property. The proposed tenant space at 1106 Fremont Street is unoccupied.

<i>Details of Application Request</i>
<i>Site Area</i>
Net Acres
1.72

<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, Other Than Listed	C (Commercial)	C-2 (General Commercial)
North	Motel	C (Commercial)	C-2 (General Commercial)
South	Multi-Family, Residential	C (Commercial)	C-2 (General Commercial)
East	Undeveloped	C (Commercial)	C-2 (General Commercial)
West	General Retail, Other Than Listed	C (Commercial)	C-1 (Limited Commercial)

<i>Master Plan Areas</i>	<i>Compliance</i>
Downtown Centennial Plan	Y
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
Downtown Centennial Plan – East Village Overlay District	Y
Live/Work Overlay District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	Y
Las Vegas Redevelopment Plan Area	Y
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

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DEVELOPMENT STANDARDS

<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, Other Than Listed	33,755 SF	1:250					
TOTAL SPACES REQUIRED			135		73		
Regular and Handicap Spaces Required			130	5	71	2	N*

**Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, the above table is used to illustrate the requirements of an analogous project in another location in the City. Although the subject site is parking impaired, the proposed use does not constitute an increase in the required onsite parking.*

ANALYSIS

The Tattoo Parlor/Body Piercing Studio use is defined 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 use does not include a permanent makeup establishment.”

The proposed use meets the above definition, as the applicant will be relocating an existing Tattoo Parlor operation from 624 Carson Avenue to the proposed location at 1106 Fremont Avenue with the intent of continuing the practice of tattoo art at this location. The proposed Tattoo Parlor/Body Piercing Studio will be located within an existing commercial shopping center and will utilize approximately 1,000 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.

There are no Minimum Special Use Permit Requirements for this use.

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FINDINGS (SUP-50810)

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 use will be located within an existing commercial suite within a 33,755 square-foot shopping center, which can readily accommodate the 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 33,755 square-foot shopping center which can adequately handle the proposed Tattoo Parlor/Body Piercing use. The applicant will occupy an approximate 1,000 square-foot tenant space adjacent to a space that had been previously operating as a Tattoo Parlor /Body Piercing Studio until 02/14/11.

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 proposed use is located on Fremont Street with primary storefront access served by pedestrian access. Vehicular access is provided to the rear to the property with driveways 11th Street and Maryland Parkway, both classified as 80-foot Secondary Collectors, located parking lot.

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 building permit and business licensing requirements and will therefore not compromise the public health, welfare or safety

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

There are Minimum Special Use Permit Requirements listed for a Tattoo Parlor/Body Piercing Studio. This use, as proposed, is consistent with Title 19.12 and the Downtown Centennial Plan.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 38

NOTICES MAILED 213

APPROVALS 0

PROTESTS 0