



**AGENDA MEMO - PLANNING**

PLANNING COMMISSION MEETING DATE: JUNE 13, 2017

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: POS PAQUE? TAKOS, LLC - OWNER: THE HASSAN SOLTANI TRUST

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**\*\* STAFF RECOMMENDATION(S) \*\***

<b>CASE NUMBER</b>	<b>RECOMMENDATION</b>	<b>REQUIRED FOR APPROVAL</b>
SUP-70219	Staff recommends DENIAL, if approved subject to conditions:	N/A

**\*\* NOTIFICATION \*\***

NEIGHBORHOOD ASSOCIATIONS NOTIFIED                      38

NOTICES MAILED    302

PROTESTS    0

APPROVALS    0

**\*\* CONDITIONS \*\***

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**SUP-70219 CONDITIONS**

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**Planning**

1. Conformance to Conditional Use Regulations 1 through 5 for an Open Air Vending/Transient Sales Lot use.
2. This Special Use Permit shall be exercised upon final approval.
3. 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.
4. 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.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The applicant is requesting a Special Use Permit for an existing Open Air Vending (Taco Cart) use within an existing commercial development at 1468 East Charleston Boulevard.

**ISSUES**

- Open Air Vending (Taco Cart) uses are a Conditional Use in the C-1 (Limited Commercial) zoning district, as is the case with this property.
- Conditional Use Regulations #6 and #7 prohibit Open Air Vending within 150 feet of residential development and hours of operation after 8pm when adjacent to residentially zoned property. The adjacent property across the alley to the south is zoned R-1 (Single Family Residential) and has a single family dwelling on it.
- A Condition Use Verification (CUV-69014) was approved by the Department of Planning on 02/09/17 contrary to these regulations.
- The applicant is requesting a Special Use Permit (SUP-70219) for Open Air Vending in accordance with Title 19.12.040.

**ANALYSIS**

On February 9, 2017 the Department of Planning approved Conditional Use Verification (CUV-69014), which approved the existing Open Air Vending (Taco Cart) use located at 1468 East Charleston Boulevard. On February 14, 2017 a business license (G65-00673), was issued for an Open Air Vending (Taco Cart) use at the subject property.

The Open Air Vending (Taco Cart), currently located at 1468 East Charleston Boulevard is adjacent to a property that is residentially zoned. Pursuant to Title 19.12 for an Open Air Vending/Transient Sales Lot, Conditional Use Regulation #6 states, "The vending/sales activity must be located at least 150 feet from residential development except where the location is part of a mixed-use development." Therefore, Conditional Use Verification (CUV-69014) was approved by staff in error by not determining the placement of the food cart within 150 feet of a residential development. The applicant was informed by the Department of Planning that the existing Open Air Vending (Taco Cart) requires a Special Use Permit.

**Staff Report Page Two**  
**June 13, 2017 - Planning Commission Meeting**

An Open Air Vending use is described in Title 19.12 as: "An outdoor area or lot that is used exclusively, or on a regular or periodic basis, for the sale or taking of orders for any merchandise, including food items, where:

1. Such merchandise is displayed or sold within or upon the area or lot; and
2. No permanent physical structures or facilities are used as integral parts of the sales or order taking operations.

In accordance with Title 19.12.040 the applicant has requested a Special Use Permit (SUP-70219), there are no specific Special Use Permit requirements.

The applicant is requesting a Special Use Permit for Open Air Vending/Transient Sales Lot to continue to conduct the use at the subject site. Staff has determined that, due to the limited distance from residential development and the proposed hours of operation, the use cannot be conducted in a manner that is harmonious and compatible with the surrounding land uses.

If approved, staff has required conformance to Conditional Use Regulations 1 through 5 for the use be included as a condition of approval. These regulations address signage, cleanliness of the site and the use of tables, chairs and other structures.

### **FINDINGS (SUP-70219)**

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 existing Open Air Vending (Taco Cart) use is compatible with the C (Commercial) General Plan land use designation and is located within an existing commercial development. Staff has determined that, due to the limited distance from residential development and proposed hours of operation the use cannot be conducted in a manner that is harmonious and compatible with the surrounding land uses.

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

Not suitable as it is too close to residentially zoned property.

**Staff Report Page Three  
June 13, 2017 - Planning Commission Meeting**

**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.**

Primary site access is from Charleston Boulevard, a 100-foot wide Primary Arterial and 15<sup>th</sup> Street, a 60-foot local street. The rights-of-way provide adequate capacity to serve 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.**

The existing Open Air Vending (Taco Cart) use will be subject to regular inspections by regulatory agencies for business licensing and will therefore not compromise the public's health, safety or general welfare, or the overall objectives of the General Plan.

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

There are no specific Special Use Permit requirements for the proposed use in the C-1 (Limited Commercial) zoning district.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
02/09/17	The Department of Planning staff approved a Conditional Use Verification (CUV-69014) for an Open Air Vending at 1468 East Charleston Boulevard. This use verification expires 07/01/17.

<b><i>Most Recent Change of Ownership</i></b>	
01/21/14	A deed was recorded for a change in ownership.

<b><i>Related Building Permits/Business Licenses</i></b>	
02/14/17	A business license (G65-00673) was issued for an Open Air Vender at 1468 East Charleston Boulevard. The license is currently active.

Staff Report Page Four  
 June 13, 2017 - Planning Commission Meeting

<b>Pre-Application Meeting</b>	
04/20/17	A pre-application meeting was conducted with the applicant to go over the application materials and submittal requirements for a Special Use Permit for an existing Open Air Vending with Waivers to allow the existing cart within the 150-foot distance from residentially zoned property and to amend the allowable hours of operation.

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

<b>Field Check</b>	
05/04/17	A field check conducted by staff noted a well maintained Open Air Vending (Taco Cart) use at the subject site.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	0.40

<b>Surrounding Property</b>	<b>Existing Land Use Per Title 19.12</b>	<b>Planned or Special Land Use Designation</b>	<b>Existing Zoning District</b>
Subject Property	General Retail Store, Other than Listed	C (Commercial)	C-1 (Limited Commercial)
North	General Retail Store, Other than Listed	C (Commercial)	C-1 (Limited Commercial)
South	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
East	Financial Institution, Specified	C (Commercial)	C-1 (Limited Commercial)
West	General Retail Store, Other than Listed	C (Commercial)	C-1 (Limited Commercial)

Staff Report Page Five  
 June 13, 2017 - Planning Commission Meeting

<b>Master Plan Areas</b>	<b>Compliance</b>
No Applicable Master Plan Area	N/A
<b>Special Purpose and Overlay Districts</b>	<b>Compliance</b>
No Applicable Special Purpose or Overlay Districts	N/A
<b>Other Plans or Special Requirements</b>	<b>Compliance</b>
Trails	N/A
Las Vegas Redevelopment Plan Area	Y
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

**DEVELOPMENT STANDARDS**

<b>Street Name</b>	<b>Functional Classification of Street(s)</b>	<b>Governing Document</b>	<b>Actual Street Width (Feet)</b>	<b>Compliance with Street Section</b>
Charleston Boulevard	Primary Arterial	Planned Streets and Highways Map	100 Feet	Y
15 <sup>th</sup> Street	Local Street	Title 13	60 Feet	Y