



**LAS VEGAS
CITY COUNCIL**

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October 18, 2023

J Dapper
985 White Drive, Suite 100
Las Vegas, Nevada 89119

**RE: 23-0388 [SUP1 AND SDR1]
CITY COUNCIL MEETING OF OCTOBER 18, 2023**

Dear Applicant:

The City Council at a regular meeting held on *October 18, 2023* voted to **APPROVE** the following Land Use Entitlement project requests on 2.63 acres at the southeast corner of Charleston Boulevard and Maryland Parkway (APNs 162-02-110-015 through 018), C-2 (General Commercial) Zone, Ward 3 (Diaz).

23-0388-SUP1 - SPECIAL USE PERMIT - FOR A PROPOSED 51,421 SQUARE-FOOT ALCOHOL, ON-PREMISE FULL USE WITH 5,852 SQUARE FEET OF OUTDOOR SEATING AREA WITH A WAIVER TO ALLOW A 145-FOOT DISTANCE SEPARATION FROM A CITY PARK WHERE 400 FEET IS REQUIRED

23-0388-SDR1 - SITE DEVELOPMENT PLAN REVIEW - FOR A PROPOSED TWO-STORY, 23,681 SQUARE-FOOT ADDITION TO AN EXISTING 34,879 SQUARE-FOOT THEATER AND PARKING LOT RECONFIGURATION WITH A WAIVERS OF THE APPENDIX F INTERIM DOWNTOWN LAS VEGAS DEVELOPMENT STANDARDS

This approval is subject to the following conditions:

23-0388-SUP1 Conditions:

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Alcohol, On-Premise Full use.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (23-0388-SDR1) shall be required, if approved.
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.

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4. A Waiver from Title 19.12 is hereby approved, to allow a 145-foot distance separation from a city park where 400 feet is required.
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 Division.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for a building permit, as well as submitted as part of any business license application.
7. Approval of this Special Use Permit does not constitute approval of a liquor license.
8. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
9. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

23-0388-SDR1 Conditions:

Planning

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (23-0388-SUP1) shall be required, if approved.
2. 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.
3. All development shall be in conformance with the building elevations, date stamped 07/20/23, and the site plan and landscape plan, date stamped 08/31/23, except as amended by conditions herein.
4. A Waiver from Title 19.08 is hereby approved, to allow a six-foot landscape buffer adjacent to a portion of the northern property line.
5. A Waiver from Title 19.08 is hereby approved, to allow a six-foot landscape buffer adjacent to a portion of the western property line.
6. A Waiver from Title 19.08 is hereby approved, to allow a 52-foot residential adjacency setback where 99 feet is required.
7. A Waiver from Title 19.12 is hereby approved, to allow 122 parking spaces where 779 are required.
8. An Exception from Title 19.08 is hereby approved, to allow one tree where seven are required adjacent to the northern property line.

9. An Exception from Title 19.08 is hereby approved, to allow one tree where five are required adjacent to the western property line.
10. An Exception from Title 19.08 is hereby approved, to allow 10 trees where 21 are required within the parking lot area.
11. 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 Division.
12. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
13. The applicant shall coordinate with the City Surveyor and other city staff to determine the most appropriate mapping action necessary to consolidate the existing lots. The mapping action shall be completed and recorded prior to the issuance of any building permits.
14. All utility or mechanical equipment shall comply with the provisions of the Interim Downtown Las Vegas Development Standards, unless approved by a separate Waiver.
15. A revised site plan shall be submitted to and approved by the Department of Community Development, prior to the time application is made for a building permit, to reflect the changes herein.
 - All handicapped parking spaces shall be at least nine feet wide and shall have an adjacent access aisle (a minimum of five feet in width) on each side. Two handicapped parking spaces may share a common access aisle.
16. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer, or Civil Engineer, must be submitted prior to or at the same time the application is made for a building permit. A permanent underground sprinkler system is required, which shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede the visibility of any traffic control device. The technical landscape plan shall include the following changes from the conceptual landscape plan:
 - Japanese Blueberry Trees (*Elaeocarpus Decipiens*) shall be replaced with drought-tolerant 24-inch box trees in compliance with the Urban Forest Resolution (R-43-2022) planting list.
17. A fully operational fire protection system, including fire apparatus roads, fire hydrants, and water supply, shall be installed and shall be functioning prior to the construction of any combustible structures.
18. This property is listed on the Las Vegas Historic Property Register and is therefore subject to additional review by the City of Las Vegas Historic Preservation Commission per LVMC Title 19.10.150.

19. Prior to the submittal of a building permit application, the applicant shall meet with Department of Community Development staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
20. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

21. Prior to the issuance of permits grant an easement for a bus turnout on Charleston Boulevard in conformance with Standard Drawing #234.4 as acceptable to the City Traffic Engineer and grant Bus Shelter Pad Easements to the Regional Transportation Commission (RTC) for both Charleston Boulevard and Maryland Parkway, unless the RTC acknowledges in writing that such easement(s) is/are not required. Construction of the bus turnout is not required at this time.
22. In accordance with Section 2.2 of the City's Vision Zero Action Plan, the sidewalk adjacent to this site shall meet Public Right-of-Way Accessibility Guidelines (PROWAG) in accordance with code requirements of Title 13.56.040 to the satisfaction of the City Engineer concurrent with the development of this site. Grant any Pedestrian Access Easement needed to complete this requirement.
23. Unless otherwise allowed by the City Engineer, construct a sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with the development of this site. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network and shall be terminated on-site with a handicap ramp.
24. Coordinate with the Environmental Compliance & Enforcement staff of the Department of Public Works to locate any required grease interceptor and sand/oil interceptors in acceptable locations prior to the submittal of sewer-related plans. Comply with the recommendations and requirements of the Environmental Compliance & Enforcement staff prior to issuance of permits. The team may be contacted at 702-229-6594 or emailed at ece@lasvegasnevada.gov.
25. Contact the City Traffic Engineer's Office at 702-229-6327 to coordinate the development of this project with the Maryland Parkway Bus Rapid Transit project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
26. Landscape and maintain all unimproved right-of-way adjacent to this site. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

27. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings, or the recordation of a Map subdividing this site, whichever may occur first. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3, in accordance with Section 2.2 of the City's Vision Zero Action Plan, to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights of way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. The Traffic Impact Analysis shall also include a pedestrian circulation/access plan, in accordance with Section 2.2 of the City's Vision Zero Action Plan, to identify nearby pedestrian attractors and recommend measures to accommodate pedestrians, such as but not limited to pedestrian access, crosswalk, pedestrian-activated flashers, and temporary sidewalks. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
28. Queues for the overall center shall not extend into the public right-of-way as a result of the pick-up or drop-off operations on this site.
29. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with the development of this site.

Fire and Rescue

30. The fire protection system shall be modified based on proposed use, square footage, or other code requirements. The system shall be installed by a licensed State of Nevada fire protection contractor.
31. A Fire alarm system with voice evacuation shall be required due to code and occupancy type/load requirements. The system shall be installed by a licensed Nevada fire alarm Contractor.

The Notice of Final Action was filed with the Las Vegas City Clerk on *October 18, 2023*.

Sincerely,



Seth T. Floyd
Director of Community Development
Department of Planning

STF:PL:bp

Cc:
Dapper Development
985 White Drive, Suite 100
Las Vegas, Nevada 89119