

**PLANNING COMMISSION
STAFF REPORT**

Date: March 4, 2020

To: Reno City Planning Commission

Subject: 4.4. Staff Report (For Possible Action): Case No. LDC20-00042 (Flowing Tide Pub Condition Amendment) - A request has been made to amend special use permit Condition No. 11 associated with Case No. LDC16-00035 (The Hellfire Saloon/3372 S. McCarran Blvd) to allow 24 hour operations for a new bar and restaurant operator. The ±4,500 square foot tenant space is located within an existing ±8.69 acre commercial center on the southeast corner of South McCarran Boulevard and Mira Loma Drive. The site is located in the Arterial Commercial (AC) zone and has a Master Plan land use designation of Suburban Mixed-Use (SMU).

From: Kyle Chisholm, Assistant Planner

Ward #: 3

Case No.: LDC20-00042 (Flowing Tide Pub Condition Amendment)

Applicant: Jason Tolotti

APN: 021-281-12

Request: A request has been made to amend special use permit Condition No. 11 associated with Case No. LDC16-00035 (The Hellfire Saloon/3372 S. McCarran Blvd) to allow 24 hour operations for a new bar and restaurant operator.

Location: The ±4,500 square foot tenant space is located within an existing ±8.69 acre commercial center on the southeast corner of South McCarran Boulevard and Mira Loma Drive. The site is located in the Arterial Commercial (AC) zone and has a Master Plan land use designation of Suburban Mixed-Use (SMU).

Proposed Motion: Based upon compliance with the applicable findings, I move to approve the amended special use permit, subject to the conditions listed in the staff report.

Recommended Conditions of Approval:

All conditions shall be met to the satisfaction of Community Development Department staff, unless otherwise noted.

1. The project shall comply with all applicable City codes, plans, reports, materials, etc., as submitted. In the event of a conflict between said plans, reports, materials and City codes, City codes in effect at the time the application is submitted, shall prevail.
2. The applicant shall apply for all building permits for the project within 18 months from the date of final approval, and continuously maintain the validity of those permits, or this approval shall be null and void.
3. The applicant, developer, builder, property or business owner, as applicable, shall continuously maintain a copy of this approval letter on the project site during the construction and operation of the project/business. The project approval letter shall be posted or readily available upon demand by City staff.
4. Prior to the issuance of any building and/or a business license, the applicant shall attach a copy of the final approval letter.

Background: The ±8.69 acre subject site consists of an existing commercial center containing a variety of commercial uses. The ±4,500 square foot tenant space associated with the request is located in tenant space #2 (3372 South McCarran Boulevard), as shown in the map of the existing center (**Exhibit A**).

On January 20, 2016, the Planning Commission approved LDC16-00035 (The Hellfire Saloon/3372 S. McCarran Blvd) with 11 conditions of approval allowing for a: (1) bar with a restaurant; (2) nightclub offering live entertainment; and (3) operations between 11:00 p.m. and 6:00 a.m. The decision letter and Planning Commission meeting minutes associated with LDC16-00035 are attached as **Exhibit B**. The applicant associated with case LDC16-00035 has since vacated the subject tenant space and a new operator (Flowing Tide Pub) has signed a lease for the facility and intends to operate a bar and restaurant facility. This request is for an amendment to remove Condition No. 11 associated with LDC16-00035, in order to allow 24 hour operations. Based on discussion at the January 20, 2016 Planning Commission public hearing, Condition No. 11 was added by the Planning Commission in order to limit the potential for a future tenant being able to operate a traditional 24 hour night club under the SUP, and to restrict the previous applicant's hours of operation to what was proposed. The current applicant's business license has been placed on-hold pending the outcome of this request.

The applicant has stated that the proposed operation will not include night club activities and will consist only of bar and restaurant activities. Due to the night club component being removed and based on the analysis of the required findings as discussed throughout this report, staff

recommends removal of **Condition Nos. 5 through 11**, which were primarily related to the previous night club operation. This approval will supersede the previous approval if approved by the Planning Commission. The staff recommended changes to the Conditions of Approval are as follows:

5. ~~Construction hours shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday. No construction activities may occur on Sundays or Federal holidays.~~
6. ~~Trash pickup, parking lot sweeping, deliveries and all other exterior maintenance activities shall be limited between the hours of 7:00 a.m. and 9:00 p.m. daily.~~
7. ~~If noise complaints arise from the business, the owner or operator shall work with the Community Development Department to demonstrate via a sound study prepared by a licensed acoustical consultant, that noise generated by the project will not exceed the existing ambient noise levels between the hours of 11:00 p.m. and 6:00 a.m. at the property line of the nearest residential property line. The sound study shall determine what mitigation is necessary (e.g. additional sound baffling, volume reduction, etc.) as applicable, to prevent noise levels from exceeding 49dB at the nearest residential property line between the hours of 11:00 p.m. and 6:00 a.m.~~
8. ~~Prior to operations, the applicant shall place a sign in the window or exterior door containing the operations managers phone number to notify the operator directly of any concerns (e.g. noise, loitering, etc.).~~
9. ~~Prior to the issuance of a business license for a night club, security camera plans shall be submitted to the approval of the Community Development Department to cover the exterior and interior of the business. Cameras shall be High Definition (HD), infrared enabled, vandal resistant and installed according to the approved plans. Cameras must be continuously maintained and operational on the inside and outside of the establishment during business hours. Signs shall be clearly placed indicating that the area is under video surveillance.~~
10. ~~Prior to issuance of a business license for a night club, the applicant shall demonstrate that a sign with the business name will be installed on the rear door of the facility and be externally illuminated in order to create a concept of ownership over space.~~
11. ~~The business operations shall be allowed to extend to 1:00 a.m. on Friday and Saturday nights.~~

Analysis: Per Reno Municipal Code (RMC), all special use permit (SUP) findings a through h must be made in order to approve this request. The following is an analysis of each of the required SUP findings as they relate to the request.

a. The proposed use is compatible with existing surrounding land uses and development.

Land uses surrounding the site consist of a public park (Mira Loma Park) located to the north, multifamily residential located to the east and south, and single-family residential located to the west. The subject site contains a variety of commercial uses such as bar, retail, restaurant, personal service, financial service, and office. A table is provided below showing surrounding area land uses, Master Plan designations, and zoning districts:

AREA DESCRIPTION			
	LAND USE	MASTER PLAN DESIGNATION	ZONING
NORTH	Public Park	Parks, Greenways, and Open Space (PGOS)	MF14
SOUTH	Multifamily	Suburban Mixed-Use (SMU)	AC
EAST	Multifamily	Suburban Mixed-Use (SMU)	CC
WEST	Single-Family	Single-Family Neighborhood (SF)	SF6

The single-family zoned properties located to the west are separated from the subject site by South McCarran Boulevard and a concrete sound wall and are not anticipated to be impacted by this request. The multifamily property located to the east is zoned Community Commercial (CC) and is separated from the tenant space by a ±63 foot wide driveway and a five foot tall concrete wall and mature evergreen trees. The multifamily property located to the south is separated from the tenant space by existing buildings and a five foot tall solid wall and is not anticipated to be impacted by this request. Currently, there are several tenants that operate 24 hours per day located in the existing commercial center. Since the applicant will not be hosting live entertainment venues, the impacts to nearby residences as a result of the proposed hours of operation are not anticipated to be increased beyond existing conditions.

b. The project is in substantial conformance with the master plan.

The original SUP application for LDC16-00035 (The Hellfire Saloon/3372 S. McCarran Blvd) was submitted prior to the adoption of the Reimagine Reno Master Plan and was evaluated under the previously adopted Reno Master Plan policies. The subject site is located within the Suburban Mixed-Use Master Plan designation, and identified as a Neighborhood Center located in an Outer Neighborhood, per the Structure Plan Framework. As proposed and with recommended conditions, the request is in conformance with the following applicable Master Plan policies:

- 1.2C: Existing Businesses – Support and encourage the expansion of existing businesses when not in conflict with the City’s efforts to diversify its economy through its targeted efforts;

- 2.1A: Growth Tiers - Support the efficient use of existing public facilities and services by prioritizing development, infrastructure improvements, and public investments (Identified Priority 1 – Infill and redevelopment priority areas);
- 4.4C: Revitalization of Existing Centers – Support the continued revitalization of and reinvestment in established neighborhood centers...;
- 4.4D: Mix of Uses – Support a mix of uses as part of community/neighborhood centers that reflect needs of adjoining residents and the characteristics of individual neighborhoods...;
- CNC-G.1: Overall Mix – Incorporate a mix of uses as part of community/neighborhood centers that reflect the size, type, and location of the center and the needs of adjoining neighborhoods...;
- CNC-G.18: Expanded Mix of Uses – Incorporate a greater mix of uses as part of efforts to revitalize existing single-use centers where feasible...; and
- N-ON.2: Neighborhood Centers – Support opportunities for the development of community/neighborhood centers to increase access to supporting services and employment in outer neighborhoods that are currently underserved.

c. There are or will be adequate services and infrastructure to support the proposed development.

Public Safety (Exhibit D): The Reno Police Department (RPD) provided comments noting that the proposed hours of operation are appropriate due to historic maintenance and management practices of the facility for similar uses and based on the proposed operator’s (Flowing Tide Pub) history of Calls for Service (CFS) being at or below average for the type of use.

The Reno Fire Department (RFD) provided comments noting that all development will be required to comply with the adopted edition of the International Fire Code, as amended and adopted by the City of Reno, at the time development is proposed. Such compliance includes, but is not limited to, fire department access, fire sprinkler systems, fire alarm systems and fire hydrant placement.

Infrastructure Improvements: This site is already developed and all necessary public improvements are already in place. Upgrades to the existing infrastructure will not be required with this request. From submitted application materials, there is no indication that the project will have any adverse effect/impact to City infrastructure facilities beyond existing use.

d. The proposal adequately mitigates the project’s traffic impacts and provides a safe pedestrian environment.

All access and circulation concerns were addressed with the development of the site. The subject site is accessed from South McCarran Boulevard and Mira Loma Drive. The existing level of service for the local road network will not be impacted by this request. Existing sidewalk infrastructure along South McCarran Boulevard and Mira Loma drive and internal sidewalks are currently in place.

- e. The proposed site location and scale, intensity, density, height, layout, setbacks, architectural and overall design of the development and the uses proposed, contribute to and enhance the character of the area in which it is located.**

As previously noted, the proposed tenant space is located in a fully developed commercial center and no changes to the site design or items related to this finding are proposed. As noted by the listed Master Plan policies under SUP Finding b, the new operator (Flowing Tide Pub) is an existing local business that is planning to update and revitalize the proposed tenant space of an existing commercial center and provides a supporting use to the adjacent neighborhood.

- f. The project does not create adverse environmental impacts such as smoke, noise, glare, dust, vibrations, fumes, pollution or odor which would be detrimental to, or constitute a nuisance to area properties.**

The existing brick and mortar type building is oriented west toward South McCarran Boulevard. Information provided by the applicant states that the primary entrance to the facility will be located on the west side (front) of the building and that the doors on the east side (rear) will remain locked at all times and currently have automatic closing mechanisms installed. The rear doors will not be used other than for emergencies between the hours of 12:00 a.m. and 8:00 a.m. and outside these hours will be used only for delivery and trash removal purposes.

Existing lighting is provided throughout the shopping center, including security lighting on the rear of the building. There are no plans to add new fixtures. Staff has not received any code enforcement complaints with regards to existing lighting, noise, or any other nuisances related to the previous bar and night club uses. No additional impacts to the area are anticipated as a result of this request.

- g. Project signage is in character with project architecture and is compatible with or complementary to surrounding uses.**

The applicant is proposing to install a single ±46 square foot illuminated tenant identification wall sign located above the sole customer entrance on the west side of the building (**Exhibit C**). The sign is within the ±72 square feet allowed for wall signs in the AC zone based on the lineal business frontage of the tenant space and the proposed letter heights are within the four feet

allowed for line shops in the zone. The sign will not be visible from nearby residences and is consistent with signs of existing line shops in the commercial center.

h. The structure has been designed such that the window placement and height do not adversely affect the privacy of existing residential uses.

No windows exist or are proposed that will adversely affect privacy of existing residences.

Neighborhood Advisory Board (NAB): This project was reviewed by the Ward 3 NAB on February 4, 2020. At the time this report was prepared no comments had been received by staff. Future comments will be forwarded to the Planning Commission for consideration upon receipt.

Public Input: At the time this report was prepared no comments had been received from by staff. Future comments will be forwarded to the Planning Commission for consideration upon receipt.

Agency Comments (Exhibit D): The Washoe County Health District, Air Quality Management Division provided a letter outlining agency goals for development standards furthering attainment of air quality standards. The proposed facility will utilize and revitalize an existing commercial tenant space, which will help in attaining these goals.

Legal Requirements:

RMC 18.06.405(e)(1) Special Use Permit

Findings:

Special Use Permit: General special use permit findings. Except where specifically noted, all special use permit applications shall require that all of the following general findings be met, as applicable.

- a. The proposed use is compatible with existing surrounding land uses and development.
- b. The project is in substantial conformance with the master plan.
- c. There are or will be adequate services and infrastructure to support the proposed development.
- d. The proposal adequately mitigates traffic impacts of the project and provides a safe pedestrian environment.

- e. The proposed site location and scale, intensity, density, height, layout, setbacks, and architectural and overall design of the development and the uses proposed, is appropriate to the area in which it is located.
- f. The project does not create adverse environmental impacts such as smoke, noise, glare, dust, vibrations, fumes, pollution or odor which would be detrimental to, or constitute a nuisance to area properties.
- g. Project signage is in character with project architecture and is compatible with or complementary to surrounding uses.
- h. The structure has been designed such that the window placement and height do not adversely affect the privacy of existing residential uses.

Attachments:

- Case Maps (PDF)
- Exhibit A - January 20, 2016 PC Decision Letter and Minutes (LDC16-00035 - The Hellfire Saloon-3372 S. McCarran Blvd) (PDF)
- Exhibit B - Tenant Space Map (PDF)
- Exhibit C - Tenant Sign (PDF)
- Exhibit D - Agency Comments (PDF)