



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: FEBRUARY 28, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - SUP-23586 - APPLICANT: NEW GENESIS -
OWNER: GBSS PROPERTIES, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: **DENIAL.** If Approved, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Rescue Mission or Shelter for the Homeless use.
2. Conformance to the conditions for Rezoning (Z-0100-64), if approved.
3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. 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 to allow the operation of a Rescue Mission or Shelter for the Homeless at 307 South Main Street. The applicant proposes to use an existing hotel building during the interim that the buildings owner is seeking to sell the property. In addition to the proposed Rescue Mission, the applicant is also submitting a related Special Use Permit (SUP-23594) for a Social Service Provider at this same location. There is also a related request for a Special Use Permit to allow an additional Rescue Mission on the neighboring property located at 319 South Main Street.

Because this use has been requested as a temporary use, is not compatible with the current liquor license maintained on site, and has portions of the site deemed uninhabitable, staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/16/64	The City Council approved a request for rezoning from R-1 (Single Family Residential), R-4 (High Density residential), C-1 (Limited Commercial), C-2 (General Commercial), and C-V (Civic), to C-2 (General Commercial) on 230 acres on property bounded by Main Street to the west, Bonanza Road to the north, and Las Vegas Boulevard to the east, and Charleston Boulevard to the south. The Planning Commission approved this request on 12/10/64. Staff recommended approval.
1/14/04	Code Enforcement Case #8620: complaint regarding numerous Building Code violations related with interior plumbing throughout Victory Hotel. Case resolved 5/21/04
3/03/04	Code Enforcement Case #10682: complaint regarding apartment roof collapsing. Case resolved 5/17/04
8/10/05	Code Enforcement Case #33445 filed by Clark County Health District regarding general disrepair of single story units. Case resolved 2/01/06
7/18/07	Code Enforcement Case #55854: complaint regarding inoperable air conditioner set up not up to code, no drinking water, and infested with insects. Inspection scheduled 11/29/07.
11/29/07	The Planning Commission accepted the applicants request for an abeyance to the 1/24/08 Planning Commission Meeting.
<i>Related Building Permits/Business Licenses</i>	
5/17/06	Business License #M06-00912 issued for Miscellaneous Sales at 311 South Main Street
9/26/06	Business License #C05-00696 issued for a Convenience Store at 311 South Main Street.
5/10/07	Business License #H05-00035 for a 14-unit Hotel at 307 South Main Street

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6/21/07	Business License #L15-00021 for Package Liquor at 311 South Main Street placed in inactive status on 6/21/07.
6/20/06	CS-INSP #67842: Customer service inspection request issued to address no smoke detectors in rooms for 307 South Main Street. This inspection was closed upon demonstrated compliance on 6/22/06
<i>Pre-Application Meeting</i>	
6/28/07	A pre-application meeting was held with staff to discuss the process for requesting Special Use Permits in order to satisfy licensing requirements for both a Rescue Mission and a Social Service Provider use
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Field Check</i>	
10/30/07	<p>A field check was performed by staff at 307, 311, and 319 South Main Street with the following observations made:</p> <ul style="list-style-type: none"> • Concertina and barbed wire located sporadically at the front, sides, and back of all three properties • Windows boarded with plywood on portions of the 319 South Main Street Property. • Signage advertising liquor and beer for defunct store located at 311 South Main Street. • Trash and debris located on inaccessible portion of 307 South Main Street courtyard. • Signage advertising applicants services and individuals residing on site.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.33 acre

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Residence Hotel	C (Commercial)	C-2 (General Commercial)
North	Residence Hotel	C (Commercial)	C-2 (General Commercial)
South	Residence Hotel	C (Commercial)	C-M (Commercial/Industrial)
East	Alleyway/Parking lot	C (Commercial)	C-2 (General Commercial)
West	Parking lot	C (Commercial)	C-M (Commercial/Industrial)

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan	X		Y
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Downtown Overlay District	X		Y
H (Historic Designation) Victory Hotel	X		Y
Live/Work Overlay District	X		Y
Trails - Monorail	X		Y
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

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	
Rescue Mission or Shelter for the Homeless	12 beds	1 space per 4 beds, or 1 space per 750 SF GFA	3				
(SUP- 23594) Social Service Provider	293 SF	1:300 SF of GFA	1				
SubTotal			4	1	9	1	
TOTAL (including handicap)			5 spaces		10 spaces		Y

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ANALYSIS

- **Land Use and Zoning**

The applicant is proposing a Rescue Mission or Shelter for the Homeless use located at 307 South Main Street in conjunction with the related Special Use Permit request (SUP-23586) for Social Service Provider within the same building. There is an additional Special Use Permit request (SUP-23603) for a Rescue Mission or Homeless Shelter use located on adjacent property at 319 South Main Street. The subject site is located within the Las Vegas Downtown Centennial Plan where the permissible uses are referenced to Title 19.10.010. A Rescue Mission or Shelter for the Homeless use is allowed upon approval of a Special Use Permit in the C-2 (General Commercial) Zoning District. Staff finds that this proposal does not adhere to the intent of the Special Area Plans listed below nor does it offer a safe environment to operate from. Therefore, staff recommends denial of this request and the related Special Use Permit requests (SUP-23594 and SUP-23603) for the affiliated Social Service Provider and the Rescue Mission.

Special Area Plans

- **Downtown Centennial Plan**

The parcel is within the Las Vegas Downtown Centennial Plan boundaries, and is located in the Office Core District. The district is intended to accommodate a variety of commercial, hotel, casino, and mixed-use uses within a dense, urban environment. The proposed project is not consistent with the goals and objectives of the Downtown Centennial Plan in that no improvements to remediate the poor condition of the subject site have been stated.

- **Redevelopment Plan Area**

The subject site is located within the boundaries of the Las Vegas Redevelopment Area, with a C (Commercial) land use designation. The proposed uses are in conformance with the Redevelopment Plan. However, regarding the nature of the proposed use, in conjunction with the poor condition of the subject property, staff finds that this will create a detriment to ongoing redevelopment efforts.

- **Live/Work Overlay District**

The subject property is located within the Live/Work Overlay, which is intended to allow owners and operators of businesses to occupy joint living and work quarters in commercial and industrial areas where other types of residential uses are inappropriate. As the applicant is neither proposing any alterations to the building to accommodate the condition of the Residential Use Criteria (a provision of cooking facilities in addition to the sleeping and sanitary facilities), nor seeking a commercial use as described in Title 19.06.130. (B), staff finds that this proposal does not affected the intent of the Live/Work Overlay District.

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- **H (Historic Designation) Victory Hotel**

The proposed use is located within a hotel constructed in 1928 that is eligible for designation as a historical property. The effect of the historic designation is to preserve and enhance the distinctive character of the building or district and regulates the exterior feature and characteristics only. Since no request to alter the property accompanies this Special Use Permit request, staff finds that the proposed use does not affect the historic character of the building.

- **Trails**

While the development is adjacent to the Monorail Trail, there has been no progress regarding this project extension. Generally, urban trails are intended to be developed with grant funds or as capital improvement projects with individual property owners not being required to install the trail elements at this time.

- **Parking**

Due to the nature of this proposal, staff finds that adequate parking has been provided for a Rescue Mission or Shelter for the Homeless use. Per the Las Vegas Downtown Centennial Plan, parking requirements are not automatically applied, but considered on an on-case basis that takes the previous use, or an analogous use into account. As the applicant will be providing shelter indigent persons who qualify, staff finds that the existing parking lot will meet the low parking demands that currently satisfy the established Hotel use.

- **Minimum Special Use Permit Requirements**

Per Title 19.04.010, there are no minimum Special Use Permit requirements to operate a Rescue Mission or Shelter for the Homeless within an existing hotel.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 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.**

Staff has determined that the proposed Rescue Mission or Shelter for the Homeless cannot be conducted in a manner that is harmonious with the surrounding land use and the various Special Area Districts. Although there are no minimum conditional requirements for the proposed use, staff has concerns regarding the compatibility with the existing liquor use located on the same site and the safety of portions of the buildings that are in disrepair. Staff recommends denial of this proposal as there are no plans to improve the existing facilities for this proposal, or the other two related Special use Permit requests.

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

The proposed location does not present a suitable location for the Rescue Mission or Shelter for the Homeless use as there is still an active liquor license (L15-00021) maintained with the closed market located on the same parcel. There are additional concerns regarding the safety of the existing facilities as some portions of the buildings are boarded up and under disrepair and there are multiple areas with concertina and barbed-wire located at the top of walls and fences.

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 location is accessed primarily by Main Street, with secondary access provided by an alleyway to the east. Staff finds that access to the subject site would be primarily pedestrian in nature, considering the clientele that will utilize the services provided.

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.

Staff does not find this proposal to be consistent with the public health, safety, and welfare as the location has buildings unfit for this type of use and the temporary nature of the request does not outline a plan towards refinishing the existing structures.

5. The use meets all of the applicable conditions per Title 19.04.

There are no conditions listed for the Rescue Mission or Shelter for the Homeless use.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 44

APPROVALS 0

PROTESTS 1