

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: FEBRUARY 28, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-26427 - APPLICANT: CLARENCE LONG - OWNER:
DECATUR SHOPPING CENTER ASSOCIATES, LP.

**** CONDITIONS ****

STAFF RECOMMENDATION: **APPROVAL**, subject to:

Planning and Development

1. There shall be no loitering in front of the premises.
2. Conformance to the Conditions of Approval for Rezoning (Z-0018-61) and Variance (VAR-4340) shall be required.
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.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a Social Service Provider within an existing shopping center at 1401 North Decatur Boulevard, suites #3 and 4. This Social Service Provider has been operating within suite #3 and hopes to add additional space provided by suite #4 of this complex.

The applicant is a non-profit organization that receives donations and fundraises to provide a meeting space for former addicts to follow a twelve-step program. The members of this group share their experiences and encourage each other to remain sober. There are five meetings daily in small groups between five and 45 people. This organization does not have any counselors, therapists or other treatment professionals on staff, but instead uses group support to remain sober. This non-profit organization is located within an existing shopping center and is adequately accessed by Decatur Boulevard and Vegas Drive; staff recommends approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/24/61	The Board of Commissioners approved a Rezoning (Z-0018-61) from R-1 (Single Family Residential) to C-1 (Limited Commercial). The Planning Commission recommended approval of this request.
07/07/04	The City Council approved a Special Use Permit (SUP-4168) for a Non-Profit Thrift-shop at 1401 North Decatur Boulevard, Suite #34. The Planning Commission and staff recommended approval of this request.
10/06/04	The City Council approved a Required Two Year Review (RQR-5009) for an approved Special Use Permit (U-0086-02) for a Banquet Facility at 1401 North Decatur Boulevard Suite #13. Staff recommended approval of this request.
12/15/04	The City Council approved a Variance (VAR-4340) to allow 276 parking spaces where 534 are required at 1401 North Decatur Boulevard. The Planning Commission and staff recommended approval of this request.
08/16/06	The City Council approved a Special Use Permit (SUP-13991) for a secondhand dealer, thrift-shop, non-profit at 1401 North Decatur Boulevard. The Planning Commission and staff recommended approval of this request.
<i>Related Building Permits/Business Licenses</i>	
10/18/01	A Business License (R09-00914) was issued for a Restaurant Seating 45 or more at 1401 North Decatur Boulevard.
03/27/02	A Business License (C15-00293) was issued for a Meat Market at 1401 North Decatur Boulevard, Suite #32.

08/28/02	A Business License (G05-99228) was issued for Grocery/Food Products at 1401 North Decatur Boulevard, Suite #33.
10/28/04	A Business License (E02-00572) was issued for Equipment Rental and Leasing at 1401 North Decatur Boulevard, Suite #13.
05/06/03	The Building Department (#9060) issued a building permit for Tenant Improvements for 1401 North Decatur Boulevard, Suite #3.
08/02/06	A Business License (N31-00044) was issued for Non-Profit Community Service at 1401 North Decatur Boulevard, Suite #3.
09/12/06	A Business License (M06-02914) was issued for Miscellaneous Sales at 1401 North Decatur Boulevard, Suite #6.
02/05/07	A Business License (N31-00004) was issued for a Non-Profit Community Service at 1401 North Decatur Boulevard, Suite #23. The Planning and Development Department did not review this application for this business license.
12/07/07	A Business License (F11-00148) was issued for a Specialty Food Store at 1401 North Decatur Boulevard, Suite #31.
01/23/08	A Business License (M18-91237) was applied for Management and Marketing Services at 1401 North Decatur Boulevard, Suites #3,#4.
<i>Pre-Application Meeting</i>	
12/27/07	A pre-application was held and the requirements of submitting a Special Use Permit for a Social Service Provider were discussed.

<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	

<i>Field Check</i>	
01/25/08	A field check was conducted and it was found that suite #3 is currently being used by 3 M Recovery Club for meetings. The second suite #4 is not being used by the applicant, but there are tables in the facility in anticipation for the approval of this Special Use Permit.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	5.88

SUP-26427 - Staff Report Page Three
 February 28, 2008 - Planning Commission Meeting

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Vacant land	SC (Service Commercial)	C-1 (Limited Commercial)
South	Residences and vacant land	M (Medium Density Residential)	R-3 (Medium Density Residential)
East	Ed Fountain Park	PR-OS (Parks/Recreation/Open Space)	C-V (Civic)
West	Vacant land	M (Medium Density Residential)	R-3 (Medium Density Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		
A-O (Airport Overlay) District 100 feet	X		*Yes
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

A-O (Airport Overlay) District 100 Feet

* The subject location is within the North Las Vegas A-O (Airport Overlay) District within the 100-foot height limitation contour, the existing building is below this height of 100-feet and is in compliance with this overlay district.

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Parking Ratio</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>
			<i>Parking</i>		<i>Parking</i>		
			<i>Regular</i>	<i>Handi-capped</i>	<i>Regular</i>	<i>Handi-capped</i>	
Shopping Center	142,026	1/250	557	12	254	13	*Yes
TOTAL			569		267		*Yes

* A Variance (VAR-4340) was approved to allow 267 spaces.

SUP-26427 - Staff Report Page Three
February 28, 2008 - Planning Commission Meeting

ANALYSIS

- **Zoning**

The subject site is zoned C-1 (Limited Commercial) and is in conformance with the existing SC (Service Commercial) General Plan Designation. A Social Service Provider use is permitted in the C-1 (Limited Commercial) Zoning District with the approval of a Special Use Permit.

There are vacant lots located to the west and north of this property. The properties to the west are zoned R-3 (Medium Density Residential) and to the north the property is zoned C-1 (Limited Commercial). The property to the south is a mixture of vacant residential land and three parcels with residences zoned R-3 (Medium Density Residential). The property located to the east of this property is zoned C-V (Civic) and has a City of Las Vegas Park (Ed Fountain Park).

- **Use**

A Social Service Provider is defined in Title 19.20 as a facility that provides assistance to persons with limited ability for self-care, but for whom medical care is not a major element. The term includes a facility that provides assistance concerning psychological problems, employment, learning disabilities or physical disabilities, but does not include a rescue mission or homeless shelter, or an adult day care center.

The applicant is a nonprofit organization that receives donations and fund raises to provide meeting space for former addicts to follow a twelve-step program. The members of this organization share their experiences and support each other to remain sober. There are a total of five meetings daily, in small groups between five and 45 people. This organization does not have any counselors, therapists or other treatment professionals on staff. Prior to this application, this applicant was located in suite #3 of this shopping center. This suite provided of 416 square-feet towards this use. The applicant hopes to increase the size of this use by the addition of 896 square-feet provided by suite #4.

The existing parking facilities onsite do not meet current Title 19 requirements. This shopping center requires a total of 569 parking spaces, but this center provides 267 spaces. A previous Variance (VAR-4340) was granted to allow 267 spaces, due to the loss of an additional 1,500 spaces provided by a previous shared parking agreement. Although this location is short on required parking spaces it does provide the necessary handicap accessible spaces. The approval of this Variance (VAR-4340) allows for 267 spaces, thereby meeting the required parking spaces.

SUP-26427 - Staff Report Page Four
February 28, 2008 - Planning Commission Meeting

- **Conditions**

There are no base conditions for consideration of a Special Use Permit for a Social Service Provider.

- A condition has been added prohibiting loitering around the subject location.
- The hours of operation are tentatively scheduled for 9:00 A.M. to 8:00 PM, Monday through Sunday, with an occasional after hours events on weekends.

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.**

The proposed Social Service Provider can be conducted in a manner that is harmonious and compatible with the commercial, park facility and residential uses that surround it.

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

The subject site is physically suitable for this Social Service Provider location. The additional suite requested for this Social Service Provider use provides adequate space, parking and access.

- 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.**

This site is accessed mainly through North Decatur Boulevard, a 100-foot Primary Arterial. This street also intercepts with Vegas Drive, an 80-foot Secondary Collector. There is also a bus stop located at the intersection of North Decatur Boulevard and Vegas Drive, within 850 feet from the subject site. These facilities are adequate to meet the requirements of the Social Service Provider 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 use will be subject to licensing requirements and conditions of approval and will therefore not compromise the public health, welfare or safety.

**SUP-26427 - Staff Report Page Five
February 28, 2008 - Planning Commission Meeting**

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

There are no base conditions for consideration of a Special Use Permit for a Social Service Provider. However, a condition has been placed on the use prohibiting loitering outside the building.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

ASSEMBLY DISTRICT 34

SENATE DISTRICT 4

NOTICES MAILED 259

APPROVALS 1

PROTESTS 0