



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MAY 22, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-27662 - APPLICANT: NEVADA HEALTH CENTERS, INC.

- OWNER: ABONA FAMILY, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for Social Service Provider use, including parking requirements.
2. Signage shall be posted requiring no loitering on the premises.
3. The reception area shall provide sufficient space to accommodate clients and shall remain open during the lunch hour.
4. Hours of operation shall be limited from 7:30 a.m. to 4:30 p.m., Monday through Friday.
5. 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.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-27662 - Staff Report Page One
May 22, 2008 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Special Use Permit to allow a Social Service Provider to operate within an existing office building located at 4601 West Sahara Avenue, Suite I.

The applicant is a nonprofit organization (WIC) that provides free nutritional education and counseling to women and children under the age of five. The proposed location is within a commercial center on West Sahara Avenue. Staff recommends approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/20/64	The Board of City Commissioners approved a Rezoning (Z-0039-64) from R-3 (Medium Density Residential) to C-1 (Limited Commercial) for the subject site with a six month Resolution of Intent (ROI). The Resolution of Intent (ROI) expired on 11/24/64.
07/25/73	The City Council approved a Rezoning (Z-0058-73) from R-3 (Medium Density Residential) to C-1 (Limited Commercial) for the subject site.
09/09/98	The City Council approved a request for a Special Use Permit (U-0079-98) on property located at 4601 West Sahara Avenue, Suite J, for a secondhand dealer (musical instruments). Planning Commission and staff recommended approval.
02/02/00	The City Council approved a Special Use Permit (U-0127-99) for minor auto repair. The Planning Commission and staff recommended approval.
05/17/00	The City Council approved a request for a Variance (V-0009-00) on property located at 4601 West Sahara to allow eight parking spaces where 15 parking spaces are the minimum required. The Board of Zoning Adjustment and staff recommended approval.
11/15/00	The City Council approved a Variance (V-0064-00) to expand a non-conforming tavern. The Hearings Officer and staff recommended approval.
06/05/02	The City Council denied a request for a Special Use Permit (U-0023-02) for a daily labor service at 4601 West Sahara Avenue, Suite E. The Planning Commission recommended approval and staff recommended denial.
<i>Related Building Permits/Business Licenses</i>	
02/16/93	A building permit (#93176080) was issued to allow for a freestanding sign. The permit was finalized on 09/08/93.
08/02/95	A building permit (#95875665) was issued to allow for masonry wall. The permit was finalized on 08/08/95.

SUP-27662 - Staff Report Page Two
May 22, 2008 - Planning Commission Meeting

05/26/00	A building permit (#10259) was issued to the Asset Protection Group, Inc. to allow for a non-work certificate of occupancy for Suite I to accommodate Miscellaneous Sales, business license #M06-02594-1-083771. The permit was finalized on 01/26/01.
10/11/00	A building permit (#18955) was issued to the Sahara West Plaza at 4601 W. Sahara Avenue to allow for an exterior remodel of the shopping center. The permit was finalized on 12/28/00.
12/20/02	A business license (#P35-00596) was issued to allow an Outdoor Pay Phone per Location at 4601 W. Sahara Avenue.
08/30/04	A building permit (#4019433) was issued to the Young Electric Sign Company to install a free-standing marquee sign, tag #07801, at the Sahara West Plaza at 4601 W. Sahara Avenue. The permit was finalized on 01/24/05.
<i>Pre-Application Meeting</i>	
03/20/08	The applicant explained the proposed use and the issues at their current location on Charleston Boulevard. Staff advised the applicant of the documents required for the submittal of a Special Use Permit (SUP) application for a Social Service Provider at 4601 West Sahara Avenue, Suite I.
<i>Neighborhood Meeting</i>	
02/28/08	A neighborhood meeting was held at the Nevada Health Center Administrative offices, located at 4415 Spring Mountain Road, Suite 103, on 02/28/08 at 5:30pm. Councilwoman Lois Tarkanian attended the meeting requesting the applicant to have an on-site security guard to maintain order, and ensure compliance with any code and health issues. It is noted there was no adverse neighborhood reaction.
<i>Field Check</i>	
04/14/08	A field check was performed by staff with the following observations: • The location for the Social Service Provider is a 3,000 square foot space within a commercial center on West Sahara Avenue. • The closest bus stops located are on the north side of West Sahara Avenue in front of the shopping center, and near the intersection of West Sahara Avenue and South Decatur Boulevard, approximately .24 of a mile west of the subject site. • The proposed office space has access at the rear of the property, adjacent to the single-family residence to the south. • Parallel parking spaces are provided against rear of the building, adjacent to the single-family residences to the south. • An existing 5-foot (approximate) block screen wall located at the rear of the subject property. • A large metal storage container takes up three parking spaces on the on the Southwest corner of the subject site.

SUP-27662 - Staff Report Page Three
May 22, 2008 - Planning Commission Meeting

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	2.29

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial Center	SC(Service Commercial)	C-1(Limited Commercial)
North	Commercial Center	SC(Service Commercial)	C-1(Limited Commercial)
South	Single-Family Dwellings	L(Low Density Residential)	R-1(Single Family Residential)
East	Undeveloped	SC(Service Commercial)	C-1(Limited Commercial)
West	Clark County / Automobile Dealership	CG [(Commercial General) Clark County Zoning]	C-2 [(General Commercial) Clark County Zoning]

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance	X		Yes

Pursuant to Ordinance #5477, the proposed Special Use Permit request has been deemed a Project of Regional Significance, as it concerns property located within 500 feet of the city boundary with Clark County. A questionnaire describing the impacts of the project to the area was submitted to various regional agencies for review. As of 04/29/08, no comments have been received.

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Social Service Provider	3,000 SF	1:300 s.f.	9	1	103	3	
TOTAL (including handicap)			10		106		Y

SUP-27662 - Staff Report Page Four
May 22, 2008 - Planning Commission Meeting

This is a parking impaired development as indicated in Title 19: *A land use or building which is existing on the effective date of this Title and which complied with applicable parking standards at the time the use or building was established, but which does not comply with the requirements of this Section, shall not be considered a nonconforming use or nonconforming building; but rather, it shall be considered a parking-impaired development.*

The previous tenant, Asset Protection Group, was a general retail store (less than 3500 square-feet), requiring one parking space for each 175 square-feet of gross floor area which is more intensive than the proposed social service provider which requires one parking space per 300 square-feet of gross floor area. The proposed social service provider would not negatively impact the parking for the subject site.

ANALYSIS

- **Land Use and Zoning**

The subject site is located within the C-1 (Limited Commercial) zoning district and is in conformance with the existing SC (Service Commercial) general plan land use designation. A Social Service Provider use is permitted in areas zoned C-1 (Limited Commercial) upon approval of a Special Use Permit by City Council.

As per Title 19.04 a Social Service Provider is *a facility that provides assistance to persons with limited ability for self-care, but for whom medical care is not a major element. This use includes a facility that provides assistance concerning psychological problems, employment, learning disabilities, but does not include a rescue mission, homeless shelter or an adult day care center.*

The applicant is a nonprofit organization that provides free nutritional education and counseling to women and children under the age of five. The proposed location is within a 3,000 square-foot space in an existing 29,156 square-foot commercial center on West Sahara Avenue. Operating hours are Monday through Friday, with hours from 7:30 a.m. through 4:30 p.m. Eight employees provide services for up to 75 patients a day. The center provides training classes each day for as many as 15 patients.

Parking is available in front and in back of the building. A bus stop is located approximately .24 of a mile west of the subject site on West Sahara Avenue and is the primary mode of transportation utilized by the patients.

SUP-27662 - Staff Report Page Five
May 22, 2008 - Planning Commission Meeting

- **Conditions**

Per Title 19.04.010, the Social Service Provider use does not have Minimum Special Use Permit Requirements. However, staff recommends the following conditions so as to ensure that the use remains compatible with the adjacent single-family residences to the south of the subject property and does not impact the businesses within the center:

- Hours of operation are 7:30 a.m. to 4:30 p.m., Monday through Friday.
- Signage shall be posted requiring no loitering on the premises.
- The reception area shall provide sufficient space to accommodate clients and remain open during the lunch hour.

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 use will be located within an existing commercial center and has provided the appropriate amount of required parking. The location of the proposed use faces towards West Sahara Avenue behind a parking lot. Staff finds that this use, upon conformance with the required conditions of approval, can be operated in a manner that is compatible with the existing and future surrounding land uses in the area.

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

The subject site is an existing commercial / retail center and can accommodate the Social Service Provider use.

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.**

Vehicular access to the subject site is provided by Sahara Avenue, a 100-foot Primary Arterial, as categorized by the city's Master Plan of Streets and Highways. West Sahara Avenue is also served by the Citizen Area Transit Bus Route #204 with the closest bus stops located at South Decatur Boulevard (#103) and Arville Street.

SUP-27662 - Staff Report Page Six
May 22, 2008 - Planning Commission Meeting

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 proposed Social Service Provider use seeks to provide nutritional counseling to the caregivers of infants and children up to five-years old. The applicant is a Federally-funded organization that seeks to improve the public health, safety, and welfare of a portion of the public that does not have access to adequate nutrition. Staff is aware of the concerns from the neighboring single family properties to the south of this property. Therefore, staff has conditioned the approval of this request pending the provision of adequate indoor waiting areas between the hours of 7:30 a.m. and 4:30 p.m. including the lunch hour.

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

There are no applicable conditions listed for the Social Service Provider use in the C-1 (Limited Commercial) zoning district. However, specific conditions regarding the hours of operation, provision of an indoor waiting area that will accommodate the maximum expected amount of clients, and the posting of signage prohibiting public loitering, have been placed on this request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 42

SENATE DISTRICT 11

NOTICES MAILED 126

APPROVALS 1

PROTESTS 1