



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 14, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-28613 APPLICANT/OWNER: AAMAX ENTERPRISES,
LLC - OWNER: ETHOS THREE ARCHITECTURE

**** CONDITIONS ****

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

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Swap Meet.
2. 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.
3. 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 an Indoor Swap Meet in an existing building at 540 N. Eastern Avenue, Suite #150. The project does comply with the Minimum Special Use Permit Requirements in accordance with Title 19.04.010; therefore staff recommendation is for approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/18/02	The City Council approved a request for a Rezoning (Z-0062-02) from: R-E (Residence Estates) to C-1 (Limited Commercial) on 1.79 acres at 540 North Eastern Avenue (APN: 139-36-110-003). Staff recommended Approval.
09/18/02	The City Council approved a request for a Site Development Plan Review [Z-0062-02(1)] and a Reduction of the Perimeter Landscaping Requirements to allow a five-foot wide landscape planter on the north property line where an eight-foot wide landscape planter is required for a proposed 25,200 square-foot center on 1.79 acres at 530 and 540 North Eastern Avenue. Planning Commission recommended approval.
03/17/04	The City Council approved a request for a for a Special Use Permit (SUP-3636) for a liquor establishment (Off-Premise Consumption) in conjunction with a proposed grocery store adjacent to the east side of Eastern Avenue 150 feet north of Mesquite Avenue Planning Commission recommended approval.
03/16/05	The City Council approved a request for a Reinstatement and Extension of Time for an approved Rezoning (Z-0062-02) from R-E (Residence Estates) to C-1 (Limited Commercial) on 1.79 acres at 540 North Eastern Avenue (APN 139-36-110-003). Staff recommended approval.
08/14/06	The City Council approved a request for a Variance (VAR-13881) to allow 103 parking spaces where 167 spaces are required and to allow two loading zones where three are required in conjunction with a proposed 30,904 square-foot retail center on 2.07 acres on the east side of Eastern Avenue, approximately 153 feet north of Mesquite Avenue. Planning Commission recommended denial.
<i>Related Building Permits/Business Licenses</i>	
01/11/08	A business license (#C07-03796) was issued for a Clothing Store at 540 N. Eastern Avenue, Suite #130.

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<i>Pre-Application Meeting</i>	
06/12/08	A pre-application meeting was held with the applicant and the minimum special use requirements for a Indoor Swap were reviewed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required nor was one held.	

<i>Field Check</i>	
07/11/08	A field check was conducted and found that the subject location is an existing building with some retail establishments and interior renovations will be needed for the proposed Indoor Swap Meet.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	2.07

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	R-E ROI C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Multi-Family Residential, Commercial	SC (Service Commercial), M (Medium Density Residential)	R-3 (Medium Density Residential), C-1 (Limited Commercial)
East	Multi-Family Residential	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Retail	SC (Service Commercial)	C-1 (Limited Commercial)

<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>
Airport Overlay District		X	N/A
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

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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>Required</i>			<i>Provided</i>		<i>Compliance</i>
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	26,499 SF	1/250	161	6	100	5	
TOTAL			167		105		N*

* A Variance (VAR-13881) was approved to allow 103 parking spaces where 167 are required and to allow two loading zones where three are required.

ANALYSIS

- **Zoning**

The proposed project is located at 540 N. Eastern Avenue Suite#150, in the Redevelopment Plan Area and is located on a parcel with a general plan designation of SC (Service Commercial). The proposed commercial project is consistent with the land use designation. An Indoor Swap Meet is a permitted use within the C-1 (Limited Commercial) zoning district via a Special Use Permit and compliance to the stated minimum requirements of Title 19.04.010

- **Use**

The proposed use is for an Indoor Swap Meet in an existing 4,405 square-foot retail space. The subject site is within a new commercial center located with access from Eastern Avenue. There is a clothing store operating on site at 540 N. Eastern Avenue, Suite #130 and numerous businesses in operation in the second building on the site with an address of 530 N. Eastern Avenue.

- **Conditions**

The conditions of approval for an Indoor Swap Meet are as follows:

1. No outdoor display, sales or storage of any merchandise or equipment is permitted, except in connection with temporary activities that have been authorized by means of a Temporary Commercial Permit.
2. No repair, installation or service work is permitted outside of an enclosed building.

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3. All signage, including any temporary signage, shall comply with LVMC Chapter 19.14.*
4. The swap meet operation shall comply with all applicable requirements of LVMC Title 6.
 * This condition is not met as there is a non-permitted banner sign on the front façade.

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 use is part of a development that is harmonious and compatible with existing surrounding development.

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

The proposed Indoor Swap Meet is capable of accommodating the proposed use as the project location is an existing developed commercial area with existing surface parking; however there was a parking Variance granted on this site indicating there are other sites within the City of Las Vegas that would be more suitable.

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 site will be adequately accessible from Eastern Avenue, a 100-foot Primary Arterial, as designated in the Master Streets and Highways Plan, to meet the requirements of the proposed 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 proposed Indoor Swap Meet is subject to inspections and business license requirements therefore, 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.

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

The proposed use meets all applicable conditions of Title 19.04.010 Minimum Special Use Permit Requirements with the exception of condition #3.

ASSEMBLY DISTRICT 11

SENATE DISTRICT 2

NOTICES MAILED 184

APPROVALS 0

PROTESTS 1