



## **AGENDA MEMO**

**CITY COUNCIL MEETING DATE: FEBRUARY 3, 2010**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-36588 - APPLICANT: VEGAS BAIL - OWNER: JACK E. CASON AND MAXINE CASON FAMILY TRUST**

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### **\*\* CONDITIONS \*\***

The Planning Commission (7-0 vote) and staff recommend DENIAL.

#### **Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Bailbond Service use.
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 request is for a Special Use Permit for a Bailbond Service within an existing 3,288 square-foot vacant building at 3325 West Sahara Avenue. The Bailbond Service is not an appropriate or compatible use in this area, approximately 80 feet to the east of a single-family residential subdivision. This use would be more appropriately located in proximity to the Office Core District in the Downtown Centennial Plan area, where judicial and correctional facilities are located. Therefore, staff is recommending denial of the subject application. If this application is denied, the proposed Bailbond use cannot be located at the subject site, nor can a business license be obtained for the use at this location.

**BACKGROUND INFORMATION**

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc. and Property Sales</i></b> |                                                                                                                                                                                                                              |
|----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11/28/88                                                                                     | A deed was recorded for a change in ownership at 3325 West Sahara Avenue.                                                                                                                                                    |
| 12/17/09                                                                                     | <a href="#">The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #24/gk).</a>                                                                                                                               |
| <b><i>Related Building Permits/Business Licenses</i></b>                                     |                                                                                                                                                                                                                              |
| 07/09/02                                                                                     | The Planning & Development Department approved a building permit (541186) for a monument sign at 3325 West Sahara Avenue. The permit received final approval on 08/20/02.                                                    |
| 06/14/04                                                                                     | A business license (F02-00271) was issued for a cash loan business at 3325 West Sahara Avenue. The license was marked out of business on 07/14/09.                                                                           |
| <b><i>Pre-Application Meeting</i></b>                                                        |                                                                                                                                                                                                                              |
| 09/30/09                                                                                     | The Planning & Development Department met with the applicant and reviewed the requirements for a Special Use Permit application.                                                                                             |
| <b><i>Neighborhood Meeting</i></b>                                                           |                                                                                                                                                                                                                              |
| A neighborhood meeting was not held, nor was one required.                                   |                                                                                                                                                                                                                              |
| <b><i>Field Check</i></b>                                                                    |                                                                                                                                                                                                                              |
| 11/12/09                                                                                     | A field check was completed on the indicated date. The following items were observed by Planning and Development staff. <ul style="list-style-type: none"><li>• Staff observed a well maintained, vacant building.</li></ul> |

| <b><i>Details of Application Request</i></b> |      |
|----------------------------------------------|------|
| <b><i>Site Area</i></b>                      |      |
| Net Acres                                    | 0.35 |

| Surrounding Property | Existing Land Use | Planned Land Use        | Existing Zoning                       |
|----------------------|-------------------|-------------------------|---------------------------------------|
| Subject Property     | Vacant            | SC (Service Commercial) | C-1 (Limited Commercial)              |
| North                | Office            | SC (Service Commercial) | C-1 (Limited Commercial)              |
| South                | Parking Lot       | SC (Service Commercial) | P-R (Professional Office and Parking) |
| East                 | Vacant            | SC (Service Commercial) | C-1 (Limited Commercial)              |
| West                 | Automobile Rental | SC (Service Commercial) | C-1 (Limited Commercial)              |

| <i>Special Districts/Zones</i>                    | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---------------------------------------------------|------------|-----------|-------------------|
| <b>Special Purpose and Overlay Districts</b>      |            |           |                   |
| A-O Airport Overlay District – 200 Feet           | X          |           | Y                 |
| <b>Trails</b>                                     |            | X         | N/A               |
| <b>Rural Preservation Overlay District</b>        |            | X         | N/A               |
| <b>Development Impact Notification Assessment</b> |            | X         | N/A               |
| <b>Project of Regional Significance</b>           |            | X         | N/A               |

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.10, the following parking standards apply:*

| Previous Parking Requirement   |                                     |               |         |              |          |              |            |
|--------------------------------|-------------------------------------|---------------|---------|--------------|----------|--------------|------------|
| Use                            | Gross Floor Area or Number of Units | Required      |         |              | Provided |              | Compliance |
|                                |                                     | Parking Ratio | Parking |              | Parking  |              |            |
|                                |                                     |               | Regular | Handi-capped | Regular  | Handi-capped |            |
| Finance Institution, Specified | 3,288 S.F.                          | 1:250         | 13      | 1            | 9        | 2            |            |
| TOTAL                          |                                     |               | 14      |              | 11       |              |            |
| Proposed Parking Requirement   |                                     |               |         |              |          |              |            |
| Bailbond                       | 3,288 S.F.                          | 1:300         | 10      | 1            | 9        | 1            |            |
| TOTAL                          |                                     |               | 11      |              | 10       |              | N*         |

*\*The subject site is parking impaired, per Title 19.10.*

## ANALYSIS

The applicant is proposing to establish a Bailbond Service use within an existing 3,288 square-foot vacant retail/office building. The use will operate seven days a week, 24 hours a day. The site is a parking impaired development per Title 19.10.010(C). The previous use at 3325 West Sahara Avenue was a Financial Institution, Specified, which required 14 parking spaces and provided 11 parking spaces. The proposed Bailbond Service use requires 11 parking spaces. However, to provide a van accessible handicap space as required by current Title 19.10 standards, the applicant must eliminate one parking stall for an additional access aisle. The parking requirement for a Bailbond Service use will not increase the parking impairment of the site.

The Bailbond Service is not an appropriate or compatible use, as it is located close to single-family residences on the east of the subject site. The use fails to comply with Objective 2.2 of the Las Vegas Master Plan 2020. Objective 2.2 seeks compatibility between low density residential land uses within mature neighborhoods to exist in close proximity to non-residential land uses, by incorporating appropriate design or buffer elements to mitigate adverse visual, audible or aesthetic impacts. The proposal for a Bailbond use operated 24-hours per day close to residentially zoned properties will not mitigate these adverse impacts, but rather increase them. The use would be more appropriately located in proximity to the Office Core District in the Downtown Centennial Plan area, where judicial and correctional facilities are located. The addition of a Bailbond Service use will negatively affect the existing adjacent land uses; therefore, staff is recommending denial of this Special Use Permit request.

## FINDINGS

The following findings must be made for a Special Use Permit:

- 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 compatible with the SC (Service Commercial) General Plan designation and is located within an existing retail/office building. However, the use cannot be conducted in a manner that is harmonious and compatible with the surrounding residential uses to the east of the subject property.

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

The proposed Bailbond Service use will be located in an existing retail/office building, which is physically suitable for the type and intensity of the land use proposed.

**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 is accessed by Sahara Avenue, which is designated as a 100-Foot Primary Arterial by the Master Plan of Streets and Highways, and Tamrich Drive, a 60-Foot Collector street. The streets provide adequate access to and from the subject property.

**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 Bailbond Service use fails to comply with Objective 2.2 of the Las Vegas Master Plan 2020. Objective 2.2 seeks compatibility between low density residential land uses within mature neighborhoods to exist in close proximity to non-residential land uses, by incorporating appropriate design or buffer elements to mitigate adverse visual, audible or aesthetic impacts. The proposal for a Bailbond use operated 24-hours per day close to residentially zoned properties will not mitigate these adverse impacts, but rather increase them.

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

The proposed Bailbond Service use complies with the conditions per Title 19.04.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**NOTICES MAILED**

164 by City Clerk

**APPROVALS**

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**PROTESTS**

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