

**AGENDA MEMO**

CITY COUNCIL MEETING DATE: OCTOBER 6, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: AZTLAN BAIL BONDS - OWNER:
CHARLESTON TOWERS, LLC

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-38864	Staff recommends APPROVAL, subject to conditions:	N/A

**** CONDITIONS ****

SUP-38864 CONDITIONS

Planning and Development

- 1.Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Bailbond Service use.
- 2.An off-site parking agreement for APN's 139-34-810-104 and 139-34-810-105 conforming to the requirements of Title 19.10.010(H)(1) shall be submitted to Planning and Development Department for approval and recorded prior to the issuance of a business license.
- 3.One van accessible handicap space conforming to the requirements of Title 19.10 shall be provided as depicted in the site plan date stamped 07/23/10.
- 4.All signage shall be in conformance with LVMC Title 19.14, or removed within 30 days of the date of final approval.
- 5.No vehicle signage shall be permitted as per LVMC Title 19.14.
- 6.The hours of operation shall not extend beyond the hours of 8:00 a.m. to 8:00 p.m.

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7. This approval shall be void two years from the date of final approval, unless a business license has been issued to conduct the activity. An Extension of Time may be filed for consideration by the City of Las Vegas.
8. 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 is a request for a Special Use Permit for a 1,100 square-foot Bailbond Service at 714 and 716 South 10th Street. If this application is denied, the proposed Bailbond Service use cannot be located within the subject site, nor can a business license be obtained for the use at this location.

ISSUES

- An off-Site Parking agreement for one handicapped parking space to be provided for the proposed use shall be recorded prior to the issuance of a business license.
- During a field check staff observed a sign installed on the roof of the building for the proposed use.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
05/03/72	The City Council approved a Rezoning (Z-0026-72) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) for the parcel at 717 South 9 th Street. The Planning Commission recommended approval.
02/06/91	The City Council approved a Rezoning (Z-0150-90) from R-1 (Single Family Residential), R-3 (Medium-Density Residential), R-4 (High-Density Residential), P-R (Professional Office and Parking) and C-1 (Limited Commercial) to C-1 (Limited Commercial) for two of the parcels that comprise the subject development. The Planning Commission recommended approval.
03/12/92	The Planning Commission approved the three Land Use Sector Maps of the General Plan.
08/26/10	The Planning Commission recommended APPROVAL (PC Agenda Item #14/rg).
09/06/99	The City Council approved a General Plan Amendment (GPA-0010-00) to amend portions of the Southeast Sector Plan to indicate areas of potential transition, correct errors from GIS data conversion, and to match actions taken since 1996.
09/06/00	The City Council approved the Las Vegas 2020 Master Plan. This site is within the Southeast Sector Area as described in the Plan.

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10/01/03	The City Council approved an amendment (GPA-2497) to Map 9 of the City of Las Vegas Downtown Redevelopment Plan to consolidate all land use categories into four use designations. The subject site was designated as MXU (Mixed-Use).
11/01/06	The City Council approved a request to amend the Downtown Redevelopment Area Land Use Plan (GPA-14325), from MXU (Mixed Use) to C (Commercial) on 1.33 acres at 700, 708, 712, 714 and 716 South 10th Street and 715 and 717 South 9th Street. The Planning Commission recommended denial, whereas staff recommended approval.
	The City Council approved a request for a Special Use Permit (SUP-14339) for a proposed Mixed-Use Development at the northwest corner of Charleston Boulevard and Tenth Street. The Planning Commission recommended approval, whereas staff recommended denial.
	The City Council approved a request for a Variance (VAR-14342) to allow no stepback beyond the building setback line where a 1:1 stepback to height ratio is required along a street classified as collector or larger in conjunction with a proposed Mixed-Use Development on 2.05 acres at the northwest corner of Charleston Boulevard and 10th Street. The Planning Commission and staff recommended denial.
	The City Council approved a request for a Variance (VAR-14345) to allow lot coverage of 56 percent where 50 percent is the maximum allowed in conjunction with a proposed Mixed-Use Development on 2.05 acres at the northwest corner of Charleston Boulevard and 10th Street. The Planning Commission and staff recommended denial.
	The City Council approved a petition for a Vacation (VAC-12884) to vacate public alleys generally located south of Garces Avenue, between 9th and 10th Streets. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Site Development Plan Review (SDR-14349) for a proposed Mixed-Use Development consisting of 350 residential condominium units and 18,000 square feet of commercial floor area within one 14-story and one 17-story building, and a waiver of the residential adjacency requirements on 2.05 acres at the northwest corner of Charleston Boulevard and 10th Street. The Planning Commission and staff recommended denial.
	The City Council approved a request for an Extension of Time (EOT-25370) of an approved Site Development Plan Review (SDR-14349) for a proposed Mixed-Use Development consisting of 350 residential condominium units and 18,000 square feet of commercial floor area within one 14-story and one 17-story building, and a waiver of the residential adjacency requirements on 2.05 acres at the northwest corner of Charleston Boulevard and 10th Street. The Planning and Development staff recommended approval.

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12/20/07	The Planning and Development Department administratively approved a request for an Extension of Time (EOT-25371) for an approved Petition to Vacate (VAC-12884) public alleys generally located south of Garces Avenue, between 9 th Street and 10 th Street.
12/17/08	The City Council approved a request for an Extension of Time (EOT-31559) of an approved Variance (VAR-14342) to allow no setback beyond the building setback line where a 1:1 setback to height ratio is required along a street classified as collector or larger in conjunction with a proposed Mixed-Use Development on 2.05 acres at the northwest corner of Charleston Boulevard and 10 th Street. The Planning and Development staff recommended approval.
	The City Council approved a request for an Extension of Time (EOT-31560) of an approved Special Use Permit (SUP-14339) for a proposed Mixed-Use Development at the northwest corner of Charleston Boulevard and 10 th Street. The Planning and Development staff recommended approval.
12/18/08	The City Council approved a request for an Extension of Time (EOT-31563) of an approved Variance (VAR-14345) to allow lot coverage of 56 percent where 50 percent is the maximum allowed in conjunction with a proposed Mixed-Use Development on 2.05 acres at the northwest corner of Charleston Boulevard and 10 th Street. The Planning and Development staff recommended approval.
	The City Council approved a request for an Extension of Time (EOT-31562) of an approved Site Development Plan Review (SDR-14349) for a proposed Mixed-Use Development consisting of 350 residential condominium units and 18,000 square feet of commercial floor area within one 14-story and one 17-story building, and a waiver of the residential adjacency requirements on 2.05 acres at the northwest corner of Charleston Boulevard and 10 th Street. The Planning and Development staff recommended approval.

Most Recent Change of Ownership

05/28/10	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

05/01/91	A building permit (#91104815) was issued for a demolition of an existing building at 714 South 10 th Street. The project was completed on 05/10/91.
05/03/91	A building permit (#91104981) was issued for a six-foot masonry wall at 714 South Tenth Street. The project was completed on 05/14/91.
06/01/10	A business license (#B01-01212) was processed by Business Licensing for a Bailbond Service at 716 South 10 th Street. The license request was denied by Planning and Development Department requiring a Special Use Permit for a Bailbond Service.

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<i>Pre-Application Meeting</i>	
06/25/10	A pre-application meeting was held with the applicant where elements of submitting a Special Use Permit for a Bailbond Service were discussed. The topic included: • Submitting a Site Plan showing the subject building and parking. • Handicapped parking shall be provided and comply with Title 19 standards. • Staff indicated to the applicant that the parking in front of the building does not comply with Title 19 standards and will not count towards the required parking.

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

Field Check	
07/22/10	During a field check staff observed a sign installed on the roof of the building for the proposed use without a building permit for a sign. The rear parking lot is elevated higher than the office building in front of the property.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.16

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Office and Parking Lot	C (Commercial)	C-1 (Limited Commercial)
North	Vacant	C (Commercial)	P-R (Professional Office and Parking)
South	General Retail	C (Commercial)	C-1 (Limited Commercial)
East	Convenience Store	C (Commercial)	C-2 (General Commercial)
West	Office	C (Commercial)	C-1 (Limited Commercial)

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<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		X	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Live/Work Overlay District	X		N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Pursuant to Rule 19A16, 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	
Bailbond Service	1,100 SF	1/300 SF	4		12		
Parking Lot (Off-Site Parking)					20		
TOTAL SPACES REQUIRED			4		32		
TOTAL (With Handicapped)			3	1	32	1	

ANALYSIS

The applicant is proposing to establish a Bailbond Service use within an existing Office Building. A Bailbond Service use is defined by Title 19.20.020 as “an establishment that makes available to the public undertakings of bail in connection with judicial proceedings.”

The submitted site plan depicts two lots, the southern lot containing the Bailbond Service with 12 existing parking spaces and the northern lot containing additional parking spaces, including one van accessible handicap space. Although the number of spaces provided on the southern lot exceeds the number of spaces required for the proposed use, the handicap space must be accommodated on the northern lot due to grade differences that do not meet the minimum requirements of the American with Disabilities Act (ADA) for handicap accessibility. As a result, an off-site parking agreement has been required for the northern lot to ensure that the required handicap accessible space meeting all code requirements is provided for the use.

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During a field check staff observed a sign installed on the roof of the building for the proposed use. No records of a building permit for such sign. A condition of approval has been added stating that the existing sign must be permitted in conformance with Title 19.14.

The proposed Bailbond Service use requires approval of a Special Use Permit within a C-1 (Limited Commercial) zoning district. The subject site is located within the Downtown Redevelopment Area and major land uses permitted within the Redevelopment Area include: Residential, Industrial, Commercial, Public/Semipublic and Park/Open Space. The property is within the Live/Work Overlay District; however, the proposed use is for a Bailbond Service and the overlay district standards are not applicable. The proposed use meets all applicable requirements as set forth pursuant to Title 19.04 requirements and can be conducted in a manner that is harmonious and compatible with existing surrounding development and land uses; therefore staff recommends approval with conditions of this request.

FINDINGS (SUP-38864)

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 Bailbond Service use can be conducted in a manner that is harmonious and compatible with existing surrounding development and land uses.

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

The proposed Bailbond Service use will be located within an existing office building, which is vacant. The proposed use is appropriate in the subject C-1 (Limited Commercial) zoning designation and is consistent with other Bailbond Service uses in the area.

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 access to the site is provided from 10th Street, an 80-foot right-of-way. An alley also provides access to the site. The alley is located adjacent to the west property line. 10th Street has sufficient capacity to accommodate 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.

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Approval of the Special Use Permit is consistent with the General Plan, and will not compromise the public health, safety, or welfare.

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

The proposed Bailbond Service use meets all applicable requirements as set forth pursuant to Title 19.04 requirements.

PLANNING COMMISSION ACTION

This item was on the Planning Commission One Motion One Vote agenda. Since then conditions 4 and 5 may be clarified:

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 26

NOTICES MAILED 241 (By City Clerk)

APPROVALS 3

PROTESTS 2