



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MARCH 25, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: TXT-37401 - TEXT AMENDMENT - PUBLIC HEARING -

APPLICANT/OWNER: CITY OF LAS VEGAS

** CONDITIONS **

Staff recommends APPROVAL.

1. Table 2 of Title 19.04.010 is hereby amended by amending the description of the use “Shopping Center” in the “Retail and Personal Services” element of Table 2 as follows:

Table 2 – Retail & Personal Service

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
Shopping Center	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
																	P	P		P	P
Description: Any structure or group of structures that: 1. House any assemblage of various commercial tenants, including without limitation, retail uses, personal service uses, food service uses, and other ancillary uses; 2. Have a minimum combined gross floor area of 25,000 square feet and a maximum combined gross floor area of 350,000 square feet; 3. Are located upon a single parcel of land or upon contiguous parcels of land; and 4. Have common vehicular access and parking facilities. <u>This use includes a Regional Mall as defined in LVMC 19.20.010.</u>																					
On-site Parking Requirement: One space per 250 square feet of gross floor area.																					

2. Table 2 of Title 19.04.010 is hereby amended by deleting the use “Regional Mall” in the “Retail and Personal Services” element of Table 2.

3. Title 19.20.020 is hereby amended by adding hereto the term “Shopping Center” and its corresponding definition as follows:

Shopping Center. Any structure or group of structures that:

1. House any assemblage of various commercial tenants, including without limitation, retail uses, personal service uses, food service uses, and other ancillary uses;
2. Have a minimum combined gross floor area of 25,000 square feet;
3. Are located upon a single parcel of land or upon contiguous parcels of land;
and
4. Have common vehicular access and parking facilities.

This use includes a Regional Mall as defined in LVMC 19.20.020.

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**** STAFF REPORT ****

APPLICATION REQUEST

This is a request to amend Table 2 of Title 19.04 and Title 19.20 to modify the descriptions, minimum standards, parking regulations and definitions related to the Shopping Center and Regional Mall uses.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/02/06	The City Council adopted Ordinance 5842, which was introduced as Bill No. 2006-36, to update the Land Use Tables and include therein certain parking requirements and other development standards. The Shopping Center use was added to the “Retail and Personal Services” element of Table 2 . The Planning Commission and staff recommended approval of this Text Amendment (TXT-9890).

The Shopping Center use is permitted in the C-1 (Limited Commercial), C-2 (General Commercial), C-M (Commercial/Industrial) and M (Industrial) zoning districts. Shopping Center is described as any structure or group of structures that 1) house any assemblage of various commercial tenants, including without limitation, retail uses, personal service uses, food service uses, and other ancillary uses; 2) have a minimum combined gross floor area of 25,000 square feet and a maximum combined gross floor area of 350,000 square feet; 3) are located upon a single parcel of land or upon contiguous parcels of land; and 4) have common vehicular access and parking facilities. The Shopping Center use has an on-site parking requirement of one parking space per 250 square feet of gross floor area.

The Regional Mall use is conditionally permitted in the C-1 (Limited Commercial), C-2 (General Commercial), C-M (Commercial/Industrial) and M (Industrial) zoning districts and by a Special Use Permit in the N-S (Neighborhood Services) zoning district. There are no Conditional Use Regulations or Minimum Special Use Permit Requirements specified for this use. Regional Mall is defined as an enclosed structure with a minimum square footage in excess of 350,000 square feet 1) that is used or intended to be used as an assemblage of various tenants, including without limitation, retail uses, personal service uses, food service uses, and other ancillary uses; 2) that includes a minimum of 2 major anchor tenants; and 3) in which the typical means of access to the various uses is from inside the mall structure. The Regional Mall use has an on-site parking requirement of one parking space per 250 square feet of gross floor area.

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ANALYSIS

The proposed amendment will consolidate the Shopping Center and Regional Mall uses into a single use entry. Currently the Regional Mall use is conditional in the same districts that a Shopping Center use is permitted; however, there are no established Conditional Use Regulations to apply to the use. Both uses have the same on-site parking requirement of one parking space per 250 square feet of gross floor area. The main differences between the two uses are the configuration relationship of the assemblage of tenants and the size constraints indicated for said assemblage.

In the description of the Shopping Center use, the assemblage of tenants must either be on one parcel or on contiguous parcels to be considered a shopping center. No limitation is placed on the configuration (one building or multiple buildings, large enclosed structure or open-air center, etc.) of the shopping center other than it having common vehicular access and parking facilities. In contrast the Regional Mall use's assemblage of tenants are limited to an enclosed structure that has at least two "anchor" tenants and public access to the individual tenants is typically via the inside of the structure. This approach for larger-scale retail development is typical of the suburban shopping malls of previous decades but does not take into account the more open, less contained development patterns seen more often today with large open-air pedestrian malls like Premium Outlets in downtown Las Vegas or Town Square south of the Las Vegas Strip.

A shopping center as currently described is limited to a maximum of 350,000 square feet of gross floor area. Any retail development bigger than 350,000 square feet would be expected to conform to the description of the Regional Mall use. However, as indicated above the Regional Mall use description is limiting in terms of the configuration that a center may take and does not account for large retail centers that are not enclosed within a single structure. By removing the square-footage limitation on the Shopping Center use, the use, which has a broader description, expands to cover development currently associated with the Regional Mall use. This relatively minor change to the Shopping Center use will make the Regional Mall use redundant and allow for its removal while maintaining the applicable districts and parking standards appropriate for retail development over 350,000 square feet in size as currently provided.

There is one slight exception to the above in that currently there is an allowance for a Special Use Permit to locate a Regional Mall use within an N-S (Neighborhood Service) District. This allowance is proposed to be eliminated with the deletion of the Regional Mall use. The N-S (Neighborhood Service) District is intended for the development of convenience retail shopping, services and professional offices principally serving neighborhood needs and should be compatible in scale, character and intensity with adjacent residential development. The district is meant to be a buffer between residential development and more intense retail and commercial uses such as the Regional Mall use. By not allowing the Shopping Center use as a permitted, conditional, or special use within the N-S (Neighborhood Service) District, it indicated that the scale of a retail shopping center in excess of 25,000 square feet would not be appropriate within the district. As such it is not appropriate to allow a 350,000-plus square-foot retail structure within this zoning district and this amendment would eliminate this inconsistency.

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The proposed modification to the description of the Shopping Center use is relatively minor and incorporates the development activity anticipated under the Regional Mall use. The changes identified will allow the same intensity of uses without separate categories or titles. The addition of a definition for Shopping Center will make Title 19.20 consistent with the description included in Table 2 of Title 19.04. For these reasons staff recommends approval of this amendment.

FINDINGS

The proposed text amendment will achieve the following:

- Consolidate the Shopping Center and Regional Mall uses into one use entry;
- Remove the Regional Mall use from the Land Use Table; and
- Add a definition of Shopping Center to Chapter 19.20 consistent with the Land Use Table description.

The following table summarizes all proposed changes:

Code Requirements	Existing Regulations	Proposed Regulations
Title 19.04.010 Land Use Tables	• Shopping Center use has a maximum gross square-footage limitation of 350,000 SF • Regional Mall use, for retail centers with a gross square-footage of more than 350,000 SF, has a limited configuration	• Delete maximum gross square floor area from the Shopping Center use description • Adds that Regional Mall as defined in Chapter 19.20 is included within the Shopping Center use • Delete the Regional Mall use
Title 19.20.020 Definitions – Words and Terms Defined	• There is no definition for Shopping Center	• Adds a definition for Shopping Center

NOTICES MAILED

NEWSPAPER ONLY

APPROVALS

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PROTESTS

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