



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 23, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: RP SLOTS, LLC - OWNER: CHARLESTON
HEIGHTS SHOPPING CENTER, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-38996	Staff recommends APPROVAL, subject to conditions:	N/A

** CONDITIONS **

SUP-38996 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Gaming Establishment, General Business-Related use.
2. Approval of this Special Use Permit does not constitute approval of a gaming license.
3. Conformance to the approved conditions for Rezoning (Z-0053-60), Site Development Plan Review (Z-0053-60) and Site Development Plan Review [Z-0053-60(2)].
4. 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.
5. All signage shall conform to Title 19 standards. Sign permits shall be obtained for all unpermitted signage within 30 days of final approval, or removed.
6. Complete separation of 542 and 544 South Decatur Boulevard is required. Such separation shall consist of a full wall with no interior access between the two individual suites, and shall be completed prior to the installation of any gaming machines in the suite addressed 542 South Decatur Boulevard. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

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 proposed Gaming Establishment, General Business Related (10 Gaming Devices) within an existing 6,440 square-foot General Retail Store located at 542 South Decatur Boulevard. The existing General Retail Store is part of an existing 141,250 square-foot Shopping Center. Staff recommends approval with conditions, as the proposed use meets Title 19 minimum requirements and is compatible with surrounding land uses. If this application is denied the existing 6,440 square-foot General Retail Store would remain.

ISSUES

- A Gaming Establishment, General Business-Related use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.
- Complete separation of 542 and 544 South Decatur Boulevard is required. Such separation shall consist of a full wall with no interior access between the two individual suites, and shall be completed prior to the installation of any gaming machines in the suite addressed 542 South Decatur Boulevard

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
04/18/61	The Board of City Commissioners approved a Rezoning (Z-0053-60) from R-4 (High Density Residential) to C-1 (Limited Commercial) on property located south of Alta Drive, between Brush Street and Decatur Boulevard. The Planning Commission recommended approval.
10/19/83	The City Council approved a Site Development Plan Review (Z-0053-60) for a proposed addition to an existing shopping center. The Planning Commission recommended approval.
12/21/93	The Planning Commission approved a Site Development Plan Review [Z-0053-60(2)] for a proposed 22,000 square-foot addition to an existing shopping center located at 560 South Decatur Boulevard.
02/10/94	The Planning Commission approved a request for a Review of Condition [Z-0053-60 (3)] regarding landscaping along the west property line and to revise the parking layout on property located at 560 South Decatur Boulevard.

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<i>Most Recent Change of Ownership</i>	
08/01/06	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
C.1964	The original shopping center was constructed.
08/01/08	A building permit (117786) was issued for a Tenant Improvement at 542 South Decatur Boulevard. The permit was never finalized.
03/17/09	A business license (D11-00229) was issued for a Drug Store at 542 South Decatur Boulevard. The license is still active.
03/17/09	A business license (Q04-00097) was issued for a Pharmacy at 542 South Decatur Boulevard. The license is still active.
05/25/10	Business license applications were submitted for (C20-96187) Convention Hall Gaming Tax and (G01-96188) Gaming Restricted at 542 South Decatur Boulevard. The applications have been denied by Planning and Development pending approval of a Special Use Permit.

<i>Pre-Application Meeting</i>	
07/20/10	A pre-application meeting was held with the applicant where the submittal requirements for a Special Use Permit were discussed.

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

<i>Field Check</i>	
08/19/10	Staff conducted a field check and noted a well maintained Shopping Center with two unpermitted banners on the Pharmacy.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	11.61

<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	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Vacant	SC (Service Commercial)	R-3 (Medium Density Residential)
South	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)

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East	Shopping Center	SC (Service Commercial)	C-2 (General Commercial)
West	Single Family Residence	L (Low Density Residential)	R-1 (Single Family Residential)

<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			
A-O (Airport Overlay) District (175 feet)	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Street Width (Feet)</i>	<i>Compliance with Street Section</i>
<i>Decatur Boulevard-Primary Arterial</i>	Master Plan of Streets and Highways	<i>100 foot</i>	Y
<i>Alta Drive- Secondary Collector</i>	Master Plan of Streets and Highways	<i>80 foot</i>	Y

Pursuant to Title 19.04 and 19.10, the following parking standards apply:

<i>Parking Requirement</i>							
<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	141,146 SF	1/250 SF	565		1,430		Y
TOTAL SPACES REQUIRED			565		1,430		Y
Regular and Handicap Spaces Required			536	29	1,400	30	Y

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ANALYSIS

A Gaming Establishment, General Business Related use is defined by Title 19.20.020 as “a building or structure which is primarily used for some business other than gaming but in which restricted gaming is permitted pursuant to Title 6. For purposes of the Special Use Permit requirements of this Title, the term does not include a location that has obtained and maintains current licensing and zoning approvals to sell alcoholic beverages.” Currently, no licenses have been issued for the sale of alcoholic beverages on this site, and none are proposed. The applicant is requesting 10 Gaming devices to be located at the front of the General Retail Store.

The existing General Retail Store is within the A-O (Airport Overlay) District and meets the restriction of 175 feet. An existing bike route runs along the northern property line on Alta Drive as designated by the Master Plan Transportation Trails Element, which does not impact the subject site.

No additional parking is required for a Gaming Establishment, General Business Related use. There are no minimum use conditions for the Special Use Permit and the use can be conducted in a manner that is compatible with existing and surrounding land uses; therefore, staff recommends approval of this request, with conditions.

FINDINGS (SUP-38996)

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 Gaming Establishment, General Business Related use can be conducted in a manner that is harmonious and compatible with the existing surrounding commercial uses. The proposed use will be operated in conjunction with the existing General Retail Store.

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

The subject site has more than sufficient on-site parking facilities that make it physically suitable for the proposed Gaming Establishment, General Business Related 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.

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Access to the subject site is provided via Decatur Boulevard and Alta Drive. These streets are capable of accommodating the traffic flow created by the site and the 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.

If approved, the proposed use on this site will be subject to periodic inspection by regulatory agencies for business licensing and environmental health, and it will therefore not compromise the public health, safety and welfare, or the overall objectives of the General Plan.

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

The proposed Gaming Establishment, General Business Related use meets all applicable conditions of Title 19.04.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 424

APPROVALS 2

PROTESTS 1