



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MAY 14, 2013

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: TKO INSTALLATIONS - OWNER: WEINGARTEN
NOSTAT, INC.

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-48803	Staff recommends APPROVAL, subject to conditions:	
SDR-48805	Staff recommends APPROVAL, subject to conditions:	SUP-48803

** CONDITIONS **

SUP-48803 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Drive-Through use, except as modified herein.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-48805) shall be required.
3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. 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 Department of Building and Safety.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SDR-48805 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-48803) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 03/27/13, except as amended by conditions herein.
4. 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 Department of Building and Safety.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The application is requesting a Site Development Plan Review to allow a Drive-Through for an ATM to be located within the parking lot of an existing shopping center at 861 South Rainbow Boulevard. A Special Use Permit is also being requested to allow a stacking lane for three vehicles where the minimum required is six vehicles. Staff recommends approval of both applications.

ISSUES

- This project requires a Special Use Permit, since the condition requiring stacking for six vehicles is not being met.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
06/06/90	The City Council approved a Rezoning (Z-0051-90) application for the reclassification of property located on the southwest corner of Alta Drive and Rainbow Boulevard, from R-1 (Single Family Residential) to C-1 (Limited Commercial). The Site Plan for a Shopping Center was included in this application. The Planning Commission and staff recommended denial.
07/07/04	The City Council approved a Special Use Permit (SUP-4247) application for a financial institution, specified, for a waiver to allow the square footage to be less than 1,500 square feet, and to allow the use to closer than 200 feet from a residentially zoned parcel at 849 South Rainbow Boulevard. The Planning Commission and staff recommended denial.

<i>Most Recent Change of Ownership</i>	
10/22/97	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
04/15/92	A Building Permit (#92142608) was issued for a new building at 861 South Rainbow Boulevard.

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<i>Pre-Application Meeting</i>	
03/21/13	Staff met with the applicant and determined that a Site Development Plan Review application was needed to allow a drive-up ATM machine. It was also determined that a Special Use Permit would be required since the applicant was not going to meet the condition of providing stacking for six vehicles.

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

<i>Field Check</i>	
04/03/13	Staff visited the site and found an active shopping center. The site was clean and well maintained.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	9.9

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</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	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
West	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)

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Master Plan Areas	Compliance
No Applicable Master Plan Area	N/A
Special Purpose and Overlay Districts	Compliance
No Applicable Special Purpose or Overlay Districts	N/A
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Setbacks			
• Front	10 Feet	36 Feet	Y
• Side	10 Feet	N/A	N/A
• Corner	10 Feet	N/A	N/A
• Rear	20 Feet	N/A	N/A

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Rainbow Boulevard	Primary Arterial	Master Plan of Streets and Highways	100	Y

Pursuant to Title 19.08 and 19.12, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Parking Ratio	Required		Provided		Compliance
			Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	103,400 SF	1/250 SF	414				
TOTAL SPACES REQUIRED			414		488		Y
Regular and Handicap Spaces Required			405	9	471	17	Y
Loading Spaces	103,400 SF	1/50,000 SF and then 1 for every 100,000 SF thereafter	4		4		Y

YK

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ANALYSIS

The applicant is requesting to install an ATM Drive-Through in a fully developed shopping center with a home improvement anchor tenant. The proposed ATM would be located in the southeast section of the parking lot fronting on Rainbow Boulevard. This project would remove nine parking spaces, leaving 479 spaces for the shopping center use. This is well above the minimum number of parking spaces required for the site.

The Drive-Through use is defined as “The use of a dedicated drive lane that, incidental to a principal use, provides access to a station, such as a window, door or mechanical device, from which occupants of a motor vehicle receive or obtain a product or service.” The proposed use meets the definition as it is a standalone ATM with a dedicated drive lane. The purpose for the Special Use Permit application is due to the conditional use of providing a minimum stacking lane of six vehicles is not being met.

The lack of a six-vehicle stacking lane will not create a circulation issue with the parking lot due to the location of the proposed kiosk. The shopping center is over parked and the kiosk is located on the southeast portion of the parcel. This section of the parking lot is rarely, if ever, used. The kiosk will provide stacking for three vehicles. If more than three vehicles are waiting to use the kiosk, up to five parking spaces may be impeded. The primary circulation of traffic within the shopping center does not include the drive aisle that the kiosk will be located, and therefore, will not disrupt the circulation of the shopping center.

The applicant will be installing four, 24-inch box trees and nine, 5-gallon shrubs in the adjacent perimeter landscape buffer. This will screen the structure somewhat from the Rainbow Boulevard right-of-way and provide for greater aesthetics.

Staff recommends approval of both the Site Development Plan Review and the Special Use Permit for the proposed ATM kiosk, with conditions.

FINDINGS (SUP-48803)

In order to approve a Special Use Permit application, per Title 19.16.110(L) 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 ATM kiosk can be conducted in a harmonious and compatible manner within the shopping center location.

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

The shopping center, which exceeds the minimum parking space requirements by 74 spaces, is physically suitable for a Drive-Through ATM kiosk.

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.

Rainbow Boulevard, a Primary Arterial street, is adequate to meet the traffic that could be generated by a Drive-Through ATM kiosk.

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 public's health, safety and welfare will not be compromised by the proposed Drive-Through ATM kiosk.

5. The use meets all of the applicable conditions per Title 19.12.

The proposed Drive-Through ATM kiosk does not provide six stacking lanes as required by Title 19.12.

FINDINGS (SDR-48805)

In order to approve a Site Development Plan application, per Title 19.16.100(E) the Planning Commission and/or City Council must affirm the following:

1. The proposed development is compatible with adjacent development and development in the area;

The proposed ATM kiosk can be conducted in a harmonious and compatible manner within the shopping center location.

2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;

This project meets all code requirements with the approval of the related Special Use Permit, which will allow a Drive-Through to have a stacking lane for three vehicles where the minimum is six vehicles.

3.Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;

Rainbow Boulevard, a Primary Arterial street, is adequate to meet the traffic that could be generated by a Drive-Through ATM kiosk.

4.Building and landscape materials are appropriate for the area and for the City;

The proposed kiosk and landscape materials are appropriate for the site and will blend with the existing building and landscape already present.

5.Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

The proposed Drive-Through ATM kiosk is small and will not have an unsightly appearance and will be harmonious with surrounding development.

6.Appropriate measures are taken to secure and protect the public health, safety and general welfare.

The proposed Drive-Through ATM kiosk will not compromise the public health or general welfare, as the proposed development will be subject to building permit inspection and business licensing regulations.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 32

NOTICES MAILED 753

APPROVALS 0

PROTESTS 1