



## AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: JUNE 10, 2014

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: FAITH LUTHERAN MIDDLE SCHOOL & HIGH SCHOOL - OWNER: O'BANNON PLAZA, LLC

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### \*\* STAFF RECOMMENDATION(S) \*\*

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-53750	Staff recommends APPROVAL, subject to conditions:	

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

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## SUP-53750 CONDITIONS

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### Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Thrift Shop use.
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 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.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. 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 to establish a 6,020 square-foot Thrift Shop use within an existing shopping center at 2211 South Rainbow Boulevard. The subject site is located with the C-1 (Limited Commercial) zoning district. The subject site is located in an existing 41,537 square-foot shopping center. As this request meets all the minimum Special Use requirements and can be conducted in a compatible and harmonious manner within the existing shopping center, staff recommends approval of this application. If denied, the applicant will not be allowed to conduct the Thrift Shop use at this location.

**ISSUES**

- The Thrift Shop use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc</i>	
03/28/86	The City Council approved a petition to annex (A-0009-85) area generally located south of Charleston Boulevard between Torrey Pines Drive and Fort Apache Road.
08/25/88	The Board of Zoning Adjustment approved a request for a Variance (V-0097-88) to allow 214 parking spaces in an existing shopping center where the proposed uses require 245 spaces at 2201 South Rainbow Boulevard.
12/20/89	The City Council approved a request for a Special Use Permit (U-0167-89) to allow a coin operated gaming (slot machine) in conjunction with an existing Laundromat business on property located at 2247 South Rainbow Boulevard. The Board of Zoning Adjustment recommended approval of the request.
08/24/06	The Planning Commission struck Variance (VAR-15498) to provide 202 parking spaces where 247 spaces are required, and 214 spaces were approved by Variance (V-0097-88) at 2219 South Rainbow Boulevard.
09/20/06	The City Council approved a request for a Special Use Permit (SUP-14974) for an Automobile Rental establishment at 2219 South Rainbow Boulevard.
01/16/07	The Planning Department approved a Temporary Sign Permit (TSP-19221) for five 36" x 42" signs located along Rainbow Boulevard and two 36" x 42" signs located near the store entrance. There will also be balloons and a flag pennant near the door. Valid from 01/16/07 to 03/16/07.

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<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc</i></b>	
12/11/08	The Planning Department approved a Temporary Sign Permit (TSP-19277) to allow one 7-foot portable sign at the northeast corner of O'Bannon Plaza. Valid from 01/26/07 to 03/26/07.

<b><i>Most Recent Change of Ownership</i></b>	
10/10/13	A deed was recorded for a change in ownership.

<b><i>Related Building Permits/Business Licenses</i></b>	
05/24/10	A business license (G50-03175) was issued for a general retail (Bedz 4 Kids) use at 2211 South Rainbow Boulevard. The license was marked inactive on 02/08/12.
02/24/11	A building permit (#182123) was issued for a wall sign (Bedz 4 Kids) at 2211 South Rainbow Boulevard. The permit was finalized 04/28/11.
	A building permit (#182124) was issued for a wall sign (Affordable Mattress) at 2211 South Rainbow Boulevard. The permit was finalized 04/28/11.

<b><i>Pre-Application Meeting</i></b>	
04/14/14	A pre-application meeting was conducted with the applicant to go over the application materials and submittal requirements for a Special Use Permit for a proposed thrift shop use.

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

<b><i>Field Check</i></b>	
05/01/14	A routine field check was conducted by staff and found a well maintained shopping center.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	3.69

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<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	General Retail	SC (Service Commercial)	C-1 (Limited Commercial)
	Office	SC (Service Commercial)	C-1 (Limited Commercial)
South	Motor Vehicle Sales (new)	GC (General Commercial)	C-2 (General Commercial)
East	Shopping Center	C (Commercial)	C-1 (Limited Commercial)
West	Office	O (Office)	P-R (Professional Office and Parking)
	Single-Family Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)

<b><i>Master Plan Areas</i></b>	<b><i>Compliance</i></b>
No Applicable Master Plan Area	N/A
<b><i>Special Purpose and Overlay Districts</i></b>	<b><i>Compliance</i></b>
No Applicable Special Purpose or Overlay Districts	N/A
<b><i>Other Plans or Special Requirements</i></b>	<b><i>Compliance</i></b>
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**

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Sahara Avenue	Primary Arterial	Planned Streets and Highways Map	100 Feet	Y
O'Bannon Drive	Minor Collector Street	Planned Streets and Highways Map	60 Feet	Y
Via Olivero Avenue	Minor Collector Street	Planned Streets and Highways Map	60 Feet	Y

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

<b>Parking Requirement</b>							
<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	41,537SF	1:250 SF	167				
<b>TOTAL SPACES REQUIRED</b>			167				Y
<b>Regular and Handicap Spaces Required</b>			161	6	177	8	Y

**ANALYSIS**

The applicant is proposing to establish a 6,020 square-foot Thrift Shop use within an existing shopping center at 2211 South Rainbow Boulevard. The subject site is located with the C-1 (Limited Commercial) zoning district. The subject site is located in an existing 41,537 square-foot shopping center. The existing commercial development provides shared access and parking throughout the subject site.

A Thrift Shop use is described in Title 19.12 as: “A retail facility that sells any new or used merchandise that has been donated to the facility.”

**Minimum Special Use Permit Requirements:**

\* 1. No outdoor display or sales of any merchandise shall be permitted.

*No outdoor displays of merchandise have been proposed with this application, the submitted floor plan indicates all sales areas are indoors*

\* 2. The use shall comply with the applicable requirements of LVMC Title 6.

*The proposed use will be subject to all business licensing requirements outlined in LVMC Chapter 6 if approved.*

3. Donations shall be accepted only during normal business hours, unless otherwise specifically approved in connection with the Special Use Permit. Where after-hours donation of items is approved, donation areas and containers, whether or not enclosed or screened, must be designed so that donated items are not visible to the general public.

*The applicant has indicated that the store hours would be Monday through Saturday 10am to 7pm and Sunday 11am to 6pm, and that donations will only be accepted during business hours. The proposed policy will comply with normal business hours of operation.*

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According to the submitted justification letter and floor plan, the proposed use meets the definition outlined above. The proposed Thrift Shop use adheres to all minimum special use permit requirements as outlined by Title 19.12. It has been determined that the proposed Thrift Shop use can be conducted in a manner that is compatible with the surrounding land uses, therefore, staff is recommending approval, as the use is considered appropriate for the surrounding area.

**FINDINGS (SUP-53750)**

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 subject tenant space was previously approved to operate as a general retail use. The proposed Thrift Shop use is compatible with the surrounding land uses and can be conducted in a manner that is harmonious with surrounding land uses.

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

The subject site currently is an existing 41,537 square-foot commercial shopping center that is physically suitable for the intensity of the proposed land 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.**

Access to the site will not change. Vehicles may enter the property from Rainbow Boulevard a 100-foot Primary Arterial or O'Bannon Drive and Via Olivero Avenue both are classified as Collector Streets by the Master Plan of Streets and Highways.

**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.**

Approval of this Special Use Permit will not compromise the public health safety and general welfare of the public. The use will be subject to regular inspections and is subject to licensing restrictions.

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

The proposed use meets all applicable conditions of approval for a Thrift Shop use per Title 19.12.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 18

**NOTICES MAILED** 105

**APPROVALS** 0

**PROTESTS** 0