



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: NOVEMBER 4, 2014

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT HOUSE OF BARGAINS - OWNER: DUCK HORN, LLC

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-55786	Staff recommends APPROVAL, subject to conditions:	N/A

SUP-55786 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Thrift Shop use.
2. All signage shall be permitted and meet minimum code requirements within 30 days of final approval.
3. Outdoor donation bins or drop off areas shall be prohibited.
4. 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.
5. 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.
6. 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.
7. This business shall operate in conformance to Chapter 6 of the City of Las Vegas Municipal Code.
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Staff Report Page One
November 4, 2014 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant has requested a Special Use Permit for a 5,950 square-foot Thrift Shop use at 4000 West Sahara Avenue. Staff recommends approval of this application, as all minimum Title 19.12 requirements for a Thrift Shop use are met and the use can be conducted in a harmonious and compatible manner with the surrounding area. If denied, a Thrift Shop will not be allowed to open at this location.

ISSUES

- A 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&D, Fire, Bldg., etc</i>	
02/17/60	The Board of City Commissioners approved a Rezoning (Z-0044-59) request from R-1 (Single Family Residential) to CC (Neighborhood Commercial). The Planning Commission recommended approval.
06/02/76	The Board of City Commissioners approved a Plot Plan Review (Z-0044-59) request for the property located on the northwest corner of West Sahara Avenue and Las Verdes Street. The Planning Commission recommended approval.
05/27/97	The City Council approved a Rezoning (Z-0029-97) request from CC (Neighborhood Commercial) to C-1 (Limited Commercial) as part of broad rezoning action. 4000 West Sahara Avenue was included in this rezoning case. The Planning Commission and staff recommended approval.
08/29/07	A complaint (#57334) was filed with Code Enforcement for a non-permitted sign on a block wall. The complaint was resolved on 09/13/07.
07/09/08	A complaint (#67565) was filed with Code Enforcement for graffiti on the north side of the building. The complaint was resolved on 07/10/08.
12/28/09	A complaint (#85198) was filed with Code Enforcement for the business not being handicapped accessible. The complaint was resolved on 01/05/09.
10/14/14	The Planning Commission voted to hold this item in abeyance to the 11/04/14 Planning Commission meeting at the request of the Planning Commission.

Staff Report Page Two
November 4, 2014 - Planning Commission Meeting

<i>Most Recent Change of Ownership</i>	
01/22/09	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
1977	The building was constructed.
06/26/06	A business license (G50-01768) was issued for General Retail Sale at 4000 West Sahara Avenue. The permit was marked out on 12/01/11.
07/27/09	A building permit (#144228) was submitted; however, no permit was issued. The building permit application expired on 05/01/12.
10/02/13	A building permit (#244252) for HVAC change out was issued. The permit was not finalized.
08/05/09	Civil Improvement Plans (#24921 L-CIVIL) were submitted; however, they were not approved.

<i>Pre-Application Meeting</i>	
08/20/14	A pre-application meeting was held with the applicant to discuss the Special Use Permit submittal requirements for a Secondhand Dealer or Thrift Shop use at 4000 West Sahara Avenue.

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

<i>Field Check</i>	
08/28/14	Staff conducted a field check of the site and found a commercial building vacant and graffiti free; however, there is signage from a prior tenant.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.43

<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	General Retail Store, Other Than Listed	MXU (Mixed Use)	C-1 (Limited Commercial)
North	Office, Other than Listed	MXU (Mixed Use)	C-1 (Limited Commercial)

Staff Report Page Three
November 4, 2014 - Planning Commission Meeting

<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>
South	Restaurant	C (Commercial)	C-1 (Limited Commercial)
East	Auto Repair, Minor	C (Commercial)	C-1 (Limited Commercial)
West	Single-Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)

<i>Master Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District (200 Feet)	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	Y
Las Vegas Redevelopment Plan Area	Y
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

Pursuant to Title 19.08 and 19.12, 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	
Thrift Shop	5,950 SF	1:250 SF	24*				
TOTAL SPACES REQUIRED			20		20		Y*
Regular and Handicap Spaces Required			19	1	19	1	Y*

*The site is Parking Impaired as detailed in Title 19.18.030 (D)

ANALYSIS

The Thrift Shop use is defined by Title 19.18 as “A retail facility that sells any new or used merchandise that has been donated to the facility.” Per the justification letter, date stamped 08/26/14, the applicant intends to sell purchased and donated items.

The Minimum Special Use Permit Requirements for this use include:

Staff Report Page Four
November 4, 2014 - Planning Commission Meeting

1. No outdoor display or sales of any merchandise shall be permitted (non-waivable condition).

The proposed use will meet this requirement, as the submitted site plan and floor plan show conformance to this condition, and it is a condition of approval of the Special Use Permit.

2. The use shall comply with the applicable requirements of LVMC Title 6 (non-waivable condition).

The proposed use will meet this requirement, as it is a condition of approval of the Special Use Permit.

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 provided floor plan and justification letter illustrate the donation bins are located inside the building and will be received during business hours.

The applicant is requesting a Special Use Permit for Thrift Shop use located at 4000 West Sahara Avenue. The site is parking impaired, as detailed in Title 19.18.030 (D). The prior use was General Retail Store, Other Than listed (which has a parking requirement of one parking space for every 175 square feet of gross floor area) that has a greater parking requirement than the proposed use of a Thrift Shop (which has a parking requirement of one parking space for every 250 square feet of gross floor area). The submitted site plan and floor plan illustrate donation bins are located inside the existing building. A condition of approval was added that prohibits donation bins or a drop off area outside to ensure code requirements are met and required parking will not be utilized as a drop off area. Staff recommends approval of this application, as the minimum Title 19 requirements for a Thrift Shop use are being met and the use can be conducted in a harmonious and compatible manner with the surrounding neighborhood. If denied, a Thrift Shop use will not be allowed to open at 4000 West Sahara Avenue.

FINDINGS (SUP-55786)

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.**

Staff Report Page Five
November 4, 2014 - Planning Commission Meeting

The proposed Thrift Shop use can be conducted in compatible and harmonious manner with the existing and future surrounding land uses.

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

The site is physically suitable for the type and intensity of land use proposed, as the use would be located within an existing single tenant building with adequate parking and easy site access. The site is designed to accommodate a number of uses such as offices, retail shops, thrift shops and other similar uses.

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 site has direct access to Sahara Avenue, which is a 100-foot wide Primary Arterial and secondary access is provided by Las Verdes Street, a 60 foot wide local street. Both roadways provide adequate capacity to serve 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.

The Thrift Shop use is subject to regular inspections and will not compromise the public health and safety. Additionally, the donation drop off area and bins are located inside the building.

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

The use meets all Title 19.12 requirements for a Thrift Shop use and no Waivers are required.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

39

NOTICES MAILED

320

APPROVALS

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PROTESTS

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