



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: SEPTEMBER 11, 2018

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: AVATAR FOODS, INC. - OWNER: KEITH B & DENISE M AINSWORTH

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
ZON-73886	Staff recommends DENIAL.	
SUP-73889	Staff recommends DENIAL, if approved subject to conditions:	ZON-73886

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 18

NOTICES MAILED 257 - ZON-73886 and SUP-73889

PROTESTS 1 - ZON-73886 and SUP-73889

APPROVALS 4 - ZON-73886 and SUP-73889

**** CONDITIONS ****

SUP-73889 CONDITIONS

Planning

1. Approval of a Rezoning (ZON-73886) and approval and conformance to the conditions of approval of a Variance (VAR-74101) shall be required.
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. 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

The applicant is proposing to remodel an existing building at 5240 West Charleston Boulevard to accommodate a proposed bakery. The site is currently occupied by a vacant commercial/retail building. The bakery would include retail sales and a small dining area for customers, and would be configured in such a way such that customers could see bakery operations.

ISSUES

- These items were abeyed to the September 11, 2018 Planning Commission meeting at the applicant's request.
- A Rezoning (ZON-73886) is requested from C-1 (Limited Commercial) to C-2 (General Commercial), in which Food Processing is a conditional use. Staff recommends denial.
- By a previously recorded agreement, this site shares parking with the parcel to the east. The sites collectively are parking impaired. The change of the building at 52490 West Charleston Boulevard to a Food Processing use does not increase the parking impairment of the two sites.
- The proposal does not meet Conditional Use Regulations for the Food Processing use that permit a maximum of 5,000 square feet of floor area for the use. Pursuant to Title 19.12.040 a Special Use Permit is therefore required. Staff recommends denial.

ANALYSIS

The C-2 (General Commercial) zoning district allows for the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as mixed-use developments. Many of these uses are incompatible with the uses allowed by the C-1 (Limited Commercial) and R-CL (Single Family Compact -Lot) zoning districts on adjacent properties. The site is located midblock along a commercial corridor with established C-1 (Limited Commercial) zoning. Rezoning of the subject site would establish a precedent for more intense uses along this corridor that is not appropriate in this location. Staff therefore recommends denial of the Rezoning request.

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Per Title 19.16.100, an interior remodel (tenant improvement) qualifies as a Minor Review. The building improvements include alterations which will result in a change of use or type of occupancy within part or all of an existing building or structure, and alterations which do not affect the external dimensions of an existing building or structure. No formal Site Development Plan Review submittal is required; instead, the site will be reviewed at the time of building permit review.

A cross access/parking agreement was recorded in 2008 to allow sharing of all parking spaces between this site and the parcel to the east. The two sites together are considered to be “parking impaired” as defined by Title 19.18.030. The current number of spaces provided (73) is the parking impaired requirement for the two sites. The change of use of the building at 5240 West Charleston Boulevard to Food Processing does not carry a more intense parking requirement than the parking impaired requirement of one space per 500 square feet of gross floor area. Therefore, the current number of spaces provided between the two sites is sufficient to accommodate both the existing and proposed uses.

The Food Processing use is defined as “a facility in which food for human consumption is provided in its final form, such as candy, baked goods and ice cream, and the food is distributed to retailers or wholesalers for resale on or off the premises. The term does not include food or beverage processing which uses any mechanized assembly line production of canned or bottled goods.” The proposed use meets the definition, as foods are prepared and packaged onsite, sold onsite and distributed to other retailers. No canned or bottled goods are produced.

A bakery is considered a Food Processing use in Title 19.12. This use is not permitted in the C-1 (Limited Commercial) District but is a conditional use in the C-2 (General Commercial) District.

The Conditional Use Regulations for this use are:

1. Food processing shall be permitted only in conjunction with retail use.

This condition will be met by the proposal, as baked goods will be sold at retail onsite.

2. A maximum of 5000 square feet in floor area shall be permitted.

This condition cannot be met by the proposal, as the existing building floor area is 20,544 square feet.

Pursuant to Title 19.12.040, a Special Use Permit is required when one or more of the Conditional Use Regulations cannot be met. There are no Minimum Special Use Permit Requirements for the Food Processing use.

The Food Processing use proposed for this site is too intense to be conducted in a manner that is harmonious and compatible with the limited commercial and residential land uses on adjacent parcels. Staff therefore recommends denial of the Special Use Permit, with conditions if approved.

FINDINGS (ZON-73886)

In order to approve a Rezoning application, pursuant to Title 19.16.090(L), the Planning Commission or City Council must affirm the following:

1.The proposal conforms to the General Plan.

The existing MXU (Mixed Use) General Plan designation on this site may accommodate a range of commercial and residential zoning districts. The proposed C-2 (General Commercial) zoning district conforms to the MXU designation.

2.The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.

The C-2 (General Commercial) zoning district allows for the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as mixed-use developments. Many of these uses are incompatible with the uses allowed by the C-1 (Limited Commercial) and R-CL (Single Family Compact-Lot) zoning districts on adjacent properties.

3.Growth and development factors in the community indicate the need for or appropriateness of the rezoning.

The site is located midblock along a commercial corridor with established C-1 (Limited Commercial) zoning. Rezoning of the subject site would establish a precedent for more intense uses along this corridor that is not appropriate in this location.

4.Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.

Access to the property is provided by Charleston Boulevard, a 100-foot Primary Arterial that is adequate to meet the requirements of the proposed C-2 (General Commercial) zoning district.

FINDINGS (SUP-73889)

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 Food Processing use is too intense to be conducted in a manner that is harmonious and compatible with the adjacent commercial and residential uses on adjacent parcels.

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

The subject site is parking impaired; however, the proposed use will not increase the parking impairment between this site and the adjacent site to the east. The site will be able to accommodate deliveries to and from this location.

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 property is provided by Charleston Boulevard, a 100-foot Primary Arterial. This roadway is adequate in size to accommodate the proposed Food Processing 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 proposed Food Processing use will be subject to permit and licensing review and inspection, thereby protecting the public health, safety and welfare.

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

The proposed bakery cannot meet the maximum floor area requirement for the Food Processing use in a C-2 (General Commercial) zoning district, and therefore approval of a Special Use Permit is required. There are no applicable Special Use Permit conditions for this use.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
03/02/66	The Board of City Commissioners approved a request for a Rezoning (Z-0006-66) from R-1 (Single Family Residence) to C-1 (Limited Commercial) on the subject property as part of a larger request.
08/09/90	The Planning Commission approved a Plot Plan Review [Z-0006-66(33B)] for a proposed 20,862 square-foot retail building on the north side of Charleston Boulevard between Mohawk Street and Brush Street. Staff recommended approval.
12/19/96	The Planning Commission approved a Plot Plan Review [Z-0006-66(37)] for a proposed 18,359 square-foot retail building at 5220 West Charleston Boulevard. Staff recommended approval. A condition of approval required a joint parking and access agreement between 5220 and 5240 West Charleston to satisfy parking requirements for the retail store.

<i>Most Recent Change of Ownership</i>	
06/07/16	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
03/19/92	A building permit (#92139743) was issued for a retail building (furniture store) at 5240 West Charleston Boulevard. A final inspection was approved 08/27/92.
08/30/99	A business license (N36-00012) was issued for a nonprofit thrift store at 5220 West Charleston Boulevard. The license is still active.
01/03/17	A building permit (329849) was issued for a tenant improvement for a change of occupancy from retail to office at 5240 West Charleston Boulevard. A final inspection was not completed and the permit expired 01/16/18.
There is no record of an active business license at 5240 West Charleston Boulevard.	

<i>Pre-Application Meeting</i>	
06/25/18	A pre-application meeting was held with the applicant to discuss submittal requirements for Rezoning and Special Use Permit applications. It was determined that the requested site improvements could be achieved through issuance of a building permit.

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Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
07/03/18	The site contains a vacant building with a loading dock on the east side. The building and freestanding sign associated with this site appear to be too close to the front property line.

Details of Application Request	
Site Area	
Net Acres	0.86

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	General Retail Store	MXU (Mixed Use)	C-1 (Limited Commercial)
North	Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
South	General Retail Store	MXU (Mixed Use)	C-1 (Limited Commercial)
East	Thrift Shop	MXU (Mixed Use)	C-1 (Limited Commercial)
West	General Retail Store	MXU (Mixed Use)	C-1 (Limited Commercial)

Master and Neighborhood Plan Areas	Compliance
No Applicable Master Plan Area	N/A
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District (175/200 Feet)	Y
Other Plans or Special Requirements	Compliance
Trails	N/A
Redevelopment Area 2	Y
Interlocal Agreement	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 (C-2)	Existing	Compliance
Min. Lot Size	N/A	37,462 SF	N/A
Min. Lot Width	100 Feet	155 Feet	Y
Min. Setbacks			
• Front	10 Feet	2 Feet	N*
• Side	10 Feet	12 Feet	Y
• Rear	20 Feet	104 Feet	Y
Max. Lot Coverage	50 %	28 %	Y
Max. Building Height	Limited by Residential Adjacency	21 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Existing—not roofed	Y*
Mech. Equipment	Screened	Screened	Y

*Legally nonconforming with respect to these development standards.

Residential Adjacency Standards	Required/Allowed	Existing	Compliance
3:1 proximity slope	87 Feet	164 Feet	Y
Adjacent development matching setback	10 Feet	164 Feet	Y
Trash Enclosure	50 Feet	60 Feet	Y

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Charleston Blvd	Primary Arterial	Master Plan of Streets and Highways Map	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	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Existing General Retail Store [original Furniture Store] (5240 W Charleston)	20,862 SF	1 space per 500 SF GFA	73*				
Existing Thrift Shop (5220 W Charleston)	15,000 SF	1 space per 250 SF GFA					
Proposed Food Processing (5240 W Charleston)	20,544 SF	1 space per 500 SF GFA	0*				
TOTAL SPACES REQUIRED			73		73		Y*
Regular and Handicap Spaces Required			70	3	69	4	Y*
Loading Spaces	35,506 SF	30,000-50.000 SF	1*		1		Y*

*Parking is shared between the sites at 5220 and 5240 West Charleston Boulevard through a recorded parking agreement. The sites are collectively parking impaired per Title 19.18.030. The change of use from a General Retail Store (1992 Zoning Code) to Food Processing (current UDC) does not increase the impairment of the site and therefore no additional regular, handicapped or loading spaces are required.