



City of Las Vegas

Agenda Item No.: 140.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: AUGUST 16, 2006**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT:
SPECIAL USE PERMIT

SUP-13862 PUBLIC HEARING APPLICANT: MALCO ENTERPRISES - OWNER:
HELMUT JACOBI Request for Special Use Permit FOR AUTOMOBILE RENTAL AND
A WAIVER OF THE MINIMUM LOT SITE AREA REQUIREMENT IN CONJUNCTION
WITH AN EXISTING AUTO REPAIR (MINOR) FACILITY at 6700 West Sahara Boulevard
(APN 163-02-41-006) C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). Staff
recommends DENIAL. The Planning Commission (5-1 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	1	Planning Commission Mtg.	0
City Council Meeting	0	City Council Meeting	0

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (5-1 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting documentation
4. Justification Letter
5. Backup referenced from the 07-13-06 Planning Commission meeting item 66

Motion made by LOIS TARKANIAN to Approve Subject to Conditions

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0
LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

Minutes:
MAYOR GOODMAN declared the Public Hearing open.

ATTORNEY TONY CELESTE, 3800 Howard Hughes Parkway, appeared on behalf of the applicant and stated that the parcel is ideal for car rentals as it is allowable under the zoning regulations with a Special Use Permit. He agreed to all conditions and requested approval.

CITY COUNCIL MEETING OF: AUGUST 16, 2006

TONY HENZLEY, Associate Pastor of the Potter House Church, opposed the application because of the lack of parking. Currently, the church allows Lexus to use the parking lot during the day and this approval would further restrict parking for the Church's special events that take place throughout the week.

ATTORNEY CELESTE referenced a cross parking agreement that allows for 1,208 spots where 1,240 are available; however, the cross-parking agreement restricts any allowance to sublease the area.

PASTOR HENZLEY acknowledged the agreement and restrictions and clarified that no monies are collected nor expected of Lexus. Though it is unfortunate, Lexus would probably utilize the area regardless of their understanding as they have created the sense of ownership.

COUNCILWOMAN TARKANIAN stated she has discussed this issue with the applicant and noted there would be some conditions of approval that would mitigate that situation. She pointed out that these entitlements are constantly abused and though Code Enforcement patrols monitors the area, the violators are not concerned. Since the applicant is only requesting five cars there is a cross-parking agreement, COUNCILWOMAN TARKANIAN requested a six-month review to enforce the matter. She also noted that the Department of Motor Vehicle is assisting with enforcing the restrictions.

Upon COUNCILWOMAN TARKANIAN'S request MARGO WHEELER, Director of Planning and Development, read the condition that no more than five cars may be rented onsite and no trucks may be rented. MS. WHEELER also read the condition added by the Planning Commission that the item shall be reviewed at a Public Hearing before the Planning Commission within one year of issuance of a business license.

DEPUTY CITY ATTORNEY BRYAN SCOTT suggested the church revoke Lexus' permission to use their lot. PASTOR HENZLEY noted he is too kind and, when requested to adhere, Lexus normally takes immediate action.

MAYOR GOODMAN declared the Public Hearing closed.