



**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: GPA-16201 - APPLICANT: JOHN VIVIER ARCHITECT -**

**OWNER: FRED NAZARYAN**

---

**\*\* CONDITIONS \*\***

The Planning Commission (7-0 vote) and staff recommend DENIAL.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This application seeks to change the General Plan land use designation of the subject property located at 5001 W. Charleston Boulevard from SC (Service Commercial) to GC (General Commercial). A companion rezoning (ZON-16196) to C-2 (General Commercial) from C-1 (Limited Commercial), Site Development Plan Review (SDR-16197), and two Special Use Permits for an Auto Repair Garage, Major (SUP-16198) & Towing Service (with no storage) (SUP-16200) have been filed with this request.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
Month/date/year	Action
09/26/63	The Board of Zoning Adjustment approved a request to allow a service station on property generally located on the south side of West Charleston between Montclair Street and Wilshire Street (U-61-63).
10/26/63	The Board of City Commissioners approved the request for reclassification of property generally located on the south side of West Charleston between Montclair Street and Wilshire Street (Z-100-62).
08/26/71	The Board of Zoning Adjustment approved a request for a Variance to allow the operation of a truck and trailer rental business on property located at 5001 West Charleston Boulevard (V-30-71).
08/18/99	The City Council approved GPA-14-99 to amend portions of the Southwest Sector Plan to indicate areas of potential transition, correct errors from GIS data conversion, and match actions since 1996.
09/06/00	The City Council approved the Las Vegas 2020 Master Plan. This site is within the Revitalization Area as described in the Plan.
12/01/04	The City Council approved a Special Use Permit (SUP-5291) for an Automotive Repair Garage, Minor.
10/05/06	The Planning Commission recommended denial of companion items ZON-16196, SUP-16198, SUP-16200, and SDR-16197 concurrently with this application.  The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item#29/mh).

<b><i>Related Building Permits/Business Licenses</i></b>	
1964	Primary 1540 sq. ft. building constructed at 5001 West Charleston Boulevard.
12/12/89	Permit #89047900: Ornamental iron fence installed.
05/11/93	L-894-93: Certificate of Occupancy issued on 1440 sq. ft accessory storage structure.
05/06/95	L-546-94: Permit for 20 freestanding sign expired. No final inspection recorded.
07/18/05	Business license A39-00337 Llantera Piolin issued for auto tire store.
02/26/06	L-231-05: Non-work Certificate of Occupancy issued.
08/16/06	Business license G02-00696 Family Auto Repair issued for Minor Auto Repair.
08/26/06	L-368-06: Permit for sign expired. No final inspection recorded.
<b><i>Pre-Application Meeting</i></b>	
08/04/06	During the pre-application meeting with the representative, John Vivier, staff addressed concerns with previous actions and citations regarding this property. The representative was told that those previous actions would be addressed at the Planning Commission and that the property owner has not been in compliance with the conditions of approval for the existing Special Use Permit (SUP-5291) for Minor Automotive repair.
<b><i>Neighborhood Meeting</i></b>	
9/14/06	<p>A neighborhood meeting was held at 5:44 pm at 5001 W. Charleston Blvd. In attendance were: three members of the development team; three members of the public; City Liaison Jeanne Maust; City Planner Doug Rankin; and the property owner.</p> <p>The following concerns were raised at the meeting:</p> <ul style="list-style-type: none"> <li>* Property needs to be cleaned up</li> <li>* Request for a 10 foot CMU block wall surrounding the property</li> <li>* Sales of used vehicles on site currently</li> <li>* Illegal signage on site currently</li> <li>* Request for a 3 foot block wall along Charleston</li> <li>* Will the driveways change?</li> <li>* Will vehicles be stored on site?</li> </ul> <p>The meeting was adjourned at 6:30 pm.</p>

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	0.51 Acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Minor Auto Repair	SC (Service Commercial)	C-1 (Limited Commercial)
North	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
South	Parking Lot	SC (Service Commercial)	C-1 (Limited Commercial)
East	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
West	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>		N	N/A
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>		N	N/A
A-O Airport Overlay District	Y		Y
<b>Trails</b>		N	N/A
<b>Rural Preservation Overlay District</b>		N	N/A
<b>Development Impact Notification Assessment</b>		N	N/A
<b>Project of Regional Significance</b>		N	N/A

## ANALYSIS

The subject area fronts Charleston Boulevard and is predominated by C-1 (Limited Commercial) zoned lots. Offices, limited retail, and parking are already established on several of the surrounding parcels. The request to C-2 (General Commercial) would depart in the uniformity of use across the whole of the applicants property in order to allow the more intense uses the applicant requests.

Since the proposed uses of this project initiates the need for a General Plan Amendment this demonstrates that the proposal is out of character with the area. The sum total of the change in the land use designation, zoning district, and two separate special use permits is, in effect, spot zoning.

An Auto Repair Garage (Major) and Towing Service (with no storage) are each only permitted with the approval of a Special Use Permit in the C-2 (General Commercial) zoning district. The reason for a Special Use Permit is to address concerns relating to noise, odors, lighting conditions and hours of operation caused by or are a part of activities typical to Auto Repair Garage (Major) uses that would be a nuisance to adjacent single family, office, and retail uses.

In addition, the subject site still contains razor wire, which is inappropriate in any commercial zoning designation. The project area had been previously conditioned to remove the existing razor wire to comply with *Title 19.08 Development Standards* for the approval of SUP-5291.

Since this project requires too many deviations from Title 19, none of which are minor, denial is recommended.

## **FINDINGS**

Section 19.18.030.I of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

1. The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,
2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,
3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and
4. The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.

### **In regard to 1:**

The site is designated SC (Service Commercial) on the Southwest Sector Land Use Plan Map of the General Plan. As proposed, the GC (General Commercial) Land Use designation neither the major automotive repair garage nor the Towing service is compatible with adjacent land uses, as most of these properties are zoned S-C (Service Commercial). This land use allows for commercial uses that primarily serve local area patrons and does not include more intense General Commercial characteristics whereas the proposed G-C (General Commercial) allows for uses of a more intense commercial character.

**In regard to 2:**

The proposed change to C-2 (General Commercial) Zoning designation is not in conformance with the General Plan. The proposed use is an increase in intensity of the prior auto repair garage. A major automotive repair garage is not compatible with adjacent land uses, as most of these properties are zoned C-1 (Limited Commercial). This district allows for commercial uses that primarily serve local area patrons and would not fall under the General Commercial Use Description.

**In regard to 3:**

The primary access to the site is provided via Charleston Boulevard, a 100-foot wide Primary Arterial roadway. Secondary access is provided via Montclair Street, a 60-foot wide residential collector street as described in the Master Plan of Streets and Highways.

**In regard to 4:**

The proposed amendment is not in conformance with the 2020 Master Plan.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 12

**ASSEMBLY DISTRICT** 3

**SENATE DISTRICT** 11

**NOTICES MAILED** 136 by Planning Department

**APPROVALS** 2

**PROTESTS** 1