

## AGENDA MEMO

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

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SDR-16197 - APPLICANT: JOHN VIVIER ARCHITECT -  
OWNER: FRED NAZARYAN**

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

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

#### **Planning and Development**

1. Approval of and conformance to the Conditions of Approval for General Plan Amendment (GPA-16201), Rezoning (ZON-16196), and Special Use Permits (SUPs 16198 & 161200) shall be required.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 09/07/06, except as amended by conditions herein.
4. A Waiver from 19.08 is hereby approved, to allow a 5 landscape buffer where a 15 ROW landscape buffer is required and a 0 interior-lot landscape buffer where 8 is required.
5. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
6. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
7. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC *Title 19.12.040*.
10. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
11. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
12. Relocate the Trash Enclosure as depicted in the plans date stamped 09/07/06 so as to avoid access through public right-of-way.
13. All signage will comply with the Standards as listed in *Title 19.14 Sign Standards*
14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

15. All new or modifications to existing driveways shall be designed, located and constructed in accordance to meet the intent of Standard Drawing #222a. Driveways on Charleston Boulevard shall also receive approval from the Nevada Department of Transportation.
16. Unless otherwise allowed by the City Engineer, construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network and shall be terminated on-site with a handicap ramp.
17. Landscape and maintain all unimproved rightofway, if any, adjacent to this site. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
18. Site development to comply with all applicable conditions of approval for ZON-16196 and all other site-related actions.

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

**PROJECT DESCRIPTION**

This application seeks a Site Development Plan Review of the subject property located at 5001 W. Charleston Boulevard. The proposal has been presented As-is with minimal changes provided in landscaping. A companion plan amendment (GPA-16201), Rezoning (ZON-16196), and two Special Use Permits (SUP-16198 & SUP-16200) have been filed with this request.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
<b>Month/date/year</b>	<b>Action</b>
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 GPA-16201, ZON-16196, SUP-16198 and SUP-16200 concurrently with this application. The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item#33/mh).
<b><i>Related Building Permits/Business Licenses</i></b>	
1964	Primary 1540 sq. ft. building constructed.
12/12/89	Permit #89047900: Ornamental iron fence completed.
5/11/93	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.
08/26/06	L-368-06: Permit for sign expired. No final inspection recorded.

2/26/06

L-231-05: Non-work Certificate of Occupancy issued.

<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 been violating 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 adjourned at 6:30 pm</p>

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

<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)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		N	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<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

**DEVELOPMENT STANDARDS**

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

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	N/A	N/A
Min. Lot Width	100	150	Y
Min. Setbacks			
• Front	20	68	Y
• Side	10	35*	Y
• Corner	15	47	Y
• Rear	20	24*	Y
Min. Distance Between Buildings	6	11-8	Y
Max. Lot Coverage	50%	14%	Y
Max. Building Height	NA	15	Y
Trash Enclosure	1	1	Y
Mech. Equipment	All Mechanical Equipment screened	Y	Y

\*An existing non-conforming 1,440 sq. ft. accessory structure located at the northeast corner of the property is 2 feet from both the rear and side property lines.

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

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree: 6 uncovered spaces w/ 1 tree per landscape island	3 Trees	0 Trees	N
Buffer: Min. Trees	1 Tree:30 Linear Feet	10 Trees	10 Trees	Y
<b>TOTAL</b>		13 Trees	10 Trees	N
Min. Zone Width	15 Feet ROW buffer & 8 interior lot buffer			N

**Pursuant to Title 19.10, the following parking standards apply:**

<b>Parking Requirement</b>							
<b>Use</b>	<b>Gross Floor Area or Number of Units</b>	<b>Required Parking Ratio</b>	<b>Required Parking</b>		<b>Provided Parking</b>		<b>Compliance</b>
			Regular	Handi-capped	Regular	Handi-capped	
			Auto Repair Garage (Major)	3,169 SF.	1 space per 200 SF GFA plus 5 additional spaces	21	
Tow Service no storage		1 space per employee plus one space per truck	2	0	2	0	Y
<b>TOTAL (including handicap)</b>			23	1	23	1	Y
Loading Spaces			1		1		Y

<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
To allow 5 landscape buffer where 15 min. landscape buffer adjacent to ROW is required; To allow 0 landscape buffer where 8 min. landscape buffer on interior lot lines is required.	15 min landscape buffer adjacent to ROW; 8 min. landscape buffer on interior lot lines	Denial
To allow no trees where three (3) 24 box trees are required for parking lot landscaping.	One (1) 24box tree provided per 6 uncovered spaces w/ 1 tree per landscape island	Denial

## **ANALYSIS**

The applicant has proposed Site Development Plan review for the property As Existing with only minor changes coming in the form of planted trees and a trash enclosure that is accessed across a public right-of-way. In addition to the inadequate landscaping the applicant has yet to address the issues that arose during the Special Use Permit (SUP-5291) for a Minor Auto Repair Facility. Since that approval, this property has been cited for sign violations and zoning violations. Specifically, 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**

The following findings must be made for an SDR:

1. The proposed development is compatible with adjacent development and development in the area;
2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;
3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;
4. Building and landscape materials are appropriate for the area and for the City;
5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;
6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

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

A major automotive repair garage with Tow Service is not compatible with adjacent land uses, as most of these properties are zoned C-1 (Limited Commercial).

**In regard to 2:**

The proposed development is not In addition, the applicant has requested a parking lot and perimeter landscape waiver. As such, this design is not consistent with Title 19.

**In regard to 3:**

The subject site is located along Charleston Boulevard. As the Tow Service has been dedicated to the eastern side it will most likely access the property via Montclair St This district allows for commercial uses that primarily serve local area patrons.

**In regard to 4:**

The subject site still contains the razor wire that was to be removed for approval of SUP-5291, which is inappropriate for any commercially-zoned location. Therefore, the project has been again conditioned to remove the existing razor wire to comply with *Title 19.08 Development Standards*. The Development Standards section of Title 19 states: Unless otherwise approved as part of an overall development plan, the following materials shall not be acceptable for use as screening or perimeter walls. In addition, the applicant has requested a parking lot and perimeter landscape waiver. As such, this design is not consistent with Title 19.

**In regard to 5:**

Since the proposed projects seeks to submit a development review as existing it warrants to note that it has been previously cited for code violations for undesirable and o

**In regard to 6:**

As this Site Development Plan Review stems from an existing location with recent Code Enforcement citations and the applicant is proposing the project

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12**

**ASSEMBLY DISTRICT 3**

**SENATE DISTRICT 11**

**NOTICES MAILED 136 by Planning Department**

**APPROVALS 2**

**PROTESTS 1**