



AGENDA MEMO

**CITY COUNCIL MEETING DATE: DECEMBER 6, 2006
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - SUP-16200 - APPLICANT: JOHN VIVIER
ARCHITECT - OWNER: FRED NAZARYAN**

THIS ITEM WAS HELD IN ABEYANCE FROM THE NOVEMBER 1, 2006 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

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

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Towing Service, no storage.
2. Approval of and conformance to the Conditions of Approval for General Plan Amendment (GPA-16201), Rezoning (ZON-16196), and Site Development Plan Review (SDR-16197) shall be required.
3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application seeks approval of a Special Use Permit for a Towing Service (with no storage) at 5001 W. Charleston Boulevard. A companion General Plan Amendment (GPA-16201), Rezoning (ZON-16196), Site Development Plan Review (SDR-16197), and Special Use Permit (SUP-16198) have been filed with this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&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 GPA-16201, ZON-16196, SUP-16198 and SDR-16197 concurrently with this application. The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item#32/mh).
<i>Related Building Permits/Business Licenses</i>	
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.

<i>Pre-Application Meeting</i>	
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.

<i>Neighborhood Meeting</i>	
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"> * Property needs to be cleaned up * Request for a ten-foot CMU block wall surrounding the property * Sales of used vehicles on site currently * Illegal signage on site currently * Request for a three-foot block wall along Charleston * Will the driveways change? * Will vehicles be stored on site? <p>The meeting was adjourned at 6:30 pm.</p>

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

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
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)

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

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Parking Ratio	Required		Provided		Compliance
			Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Tow Service no storage	N/A	One space per empl. + one space per truck	2	0	2	0	Y
TOTAL (including handicap)			2	1	2	1	Y
Loading Spaces			1		1		Y

ANALYSIS

A Towing Service (with no storage) is 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 a Towing Service that would be a nuisance to adjacent uses.

The subject area fronts Charleston Boulevard and is predominated by C-1 (Limited Commercial) zoned lots. Since the proposed use of this application necessitates the need for a General Plan Amendment and a Rezoning in order to apply for Special use Permit we feel that the proposal is out of character with the area. The sum total of the changes in the land use designation, zoning district, and two separate special use permits is, in effect, spot zoning for industrial use. Therefore, denial is recommended.

FINDINGS

The following findings must be made for a Special Use Permit:

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.
2. The subject site is physically suitable for the type and intensity of land use proposed.
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.
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.
5. The use meets all of the applicable conditions per Title 19.04.

In regard to 1:

The proposal, as presented in total, does not currently conform to the General Plan. The intent of the applicant is to seek approval for a series of applications that will allow for a greater intensity of use than what has been called out in the Master Plan.

In regard to 2:

The applicant is seeking approval for a series of applications that will allow for activities much greater in intensity than what would be allowed at neighboring properties. Due to this proposed increase in intensified uses we recommend denial.

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:

A Towing Service, (no storage) in and of itself would not likely compromise the public health and welfare. However, the request is part of an ensemble of uses resulting in an Auto Repair facility that is better suited in an industrially-zoned area and therefore inconsistent with the General Plan.

In regard to 5:

As proposed, the use conforms to the conditions set forth in Title 19.04 for a Towing Service, (no storage).

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 3

SENATE DISTRICT 11

NOTICES MAILED 140 by City Clerk

APPROVALS 2