



## **AGENDA MEMO**

**CITY COUNCIL MEETING DATE: DECEMBER 20, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ABEYANCE - ZON-16196 - - APPLICANT: JOHN VIVIER**

**ARCHITECT - OWNER: FRED NAZARYAN**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE DECEMBER 6, 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. A General Plan Amendment (GPA-16201) to GC (General Commercial) land use designation approved by the City Council.
2. A Resolution of Intent with a two-year time limit is hereby granted.
3. A Site Development Plan Review (SDR-16197) application approved by the City of Las Vegas is required prior to issuance of any permits, any site grading, and all development activity for the site.
4. Relocate the Trash Enclosure so as to avoid access through public right-of-way.
5. All signage will comply with the Standards as listed in Title 19.14 Sign Standards

#### **Public Works**

6. Dedicate an additional 10 feet of right-of-way for a total radius of 25 feet on the southwest corner of West Charleston Boulevard and Montclair Street prior to the issuance of any permits. This dedication shall not be enforced if the applicant submits information acceptable to Staff that shows existing permanent structures located within the area being requested for dedication.
7. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.

8. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the West Charleston Boulevard public rightofway adjacent to this site prior to the issuance of any permits.
9. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.

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

**PROJECT DESCRIPTION**

This application seeks a rezoning of the subject property located at 5001 W. Charleston Boulevard from C-1 (Limited Commercial) to C-2 (General Commercial). A companion plan amendment (GPA-16201), Site Development Plan Review (SDR-16197), 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, SUP-16198, SUP-16200 and SDR-16197 concurrently with this application.  The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item#30/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 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 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

<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>			
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

Wall Height	6 Feet		Y or N
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**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 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 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**

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

- 1. The proposal conforms to the General Plan.**

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. A C-2 (General Commercial) zoning would only be in conformance upon the approval of a General Plan Amendment to a GC (General Commercial) land use category.

**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 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 staff recommends denial.

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

There has neither been a demonstration for the need for nor the appropriateness of an Auto Repair Garage, Major with an additional Towing Service, (no storage) at this location. The applicant has previously received approval for an Auto Repair Garage, Minor and has operated it in violation of the conditions of approval and of the zoning code. This does not demonstrate a justified need for a rezoning to a more intensive use.

**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.**

Charleston Boulevard, a 100 thoroughfare classified as a Major Street, can provide adequate access to the property. There is, however, a question as to the adequacy of the eastern property access most likely to be used by the Towing Service- served by Montclair Street, a 40 thoroughfare classified as a Local Street.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 12

**ASSEMBLY DISTRICT** 3

**SENATE DISTRICT** 11

**NOTICES MAILED** 136 by Planning Department

**APPROVALS** 2

**PROTESTS** 1