City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 20, 2006
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - SUP-16198 - APPLICANT: JOHN VIVIER ARCHITECT - OWNER: FRED NAZARYAN

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. Conformance to all Minimum Requirements under LVMC *Title 19.04.050* for Major Auto Repair use.

2. 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, if approved.

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 Major Automotive Repair Facility with a waiver to the condition requiring all service bays to not face public rights-of-way lat 5001 W. Charleston Boulevard. A companion plan amendment (GPA-16201), Site Development Plan Review (SDR-16197), and a Special Use Permit (SUP-16200) have been filed with this request.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
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-16200 and SDR-16197 concurrently with this application. The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item#31/mh).
Related Building Permits/Business Licenses	
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.

Pre-Application Meeting	
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.

Neighborhood Meeting	
9/14/06	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. The following concerns were raised at the meeting: * Property needs to be cleaned up * Request for a 10 foot CMU block wall surrounding the property * Sales of used vehicles on site currently * Illegal signage on site currently * Request for a 3 foot block wall along Charleston * Will the driveways change? * Will vehicles be stored on site? The meeting was adjourned at 6:30 pm.

Details of Application Request	
Site Area	
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							
	Gross Floor Area or Number of Units	***Required***			***Provided***		***Compliance***
			Parking		*Parking*		
Use		***Parking Ratio***	Regular	Handi-capped	Regular	Handi-capped	
Auto Repair Garage (Major)	3,169 SF.	1 space per 200 SF GFA plus 5 additional spaces	21	1	23	1	Y
TOTAL (including handicap)			23	1	23	1	Y
Loading Spaces			1		1		Y

Waivers		
Request	**Requirement**	**Staff Recommendation**
To allow service bay openings to face public rights-of-way	Openings to the service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties.	As the applicant has submitted plans depicting the bays As Existing and has made no effort to remedy the problem, we are recommending denial.

ANALYSIS

An Automotive Repair Garage, Major, is only permitted with the approval of a Special Use Permit in the C-2 (General Commercial) zoning district. The subject area fronts Charleston Boulevard and is predominated by C-1 (Limited Commercial) zoned lots. 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 an Automotive Repair Facility, Major that would be a nuisance to adjacent uses. It is worthy to note that the applicant has previously received approval for a Special Use Permit for an Automotive Repair Garage, Minor in which certain conditions of approval have not been maintained. Specifically, conditions #8 and #9, requiring the removal of razor-wire fencing and illegal signage.

The proposed use of this application is an increase in intensity of use and that there has been no proposed remedy addressing the service bays facing public rights-of-way staff cannot support this request.

Ultimately, the need for a General Plan Amendment and a Rezoning in order to apply for Special Use Permit that is an increase in intensity of use from a previously granted Special Use Permit demonstrates 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. 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 facility, as proposed, does not meet the conditions for an Auto Repair Garage, Major as that there is inadequate screening of the service bays and that the intensity of land use proposed is out of character with the surrounding area. Also, there is question as to the adequacy of the area dedicated to the storage of vehicles and parts.

In regard to 3:

The subject site is located along Charleston Boulevard which would adequately serve an Auto Repair Garage, Major. With the additional uses proposed, there may be question as to adequate interior access.

In regard to 4:

The Auto Repair Garage, Major is an increase in use to the already existing Auto Repair garage, Minor that has received complaints. As such, since the proposed use is part of an ensemble of uses, the end result is an Auto Repair facility that is better suited in an industrially-zoned area.

In regard to 5:

The facility, as proposed, does not meet the conditions for an Auto Repair Garage, Major per 19.04 as that there is inadequate screening of the service bays and there is question as to the adequacy of the area dedicated to the storage of vehicles and parts.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 3

SENATE DISTRICT 11

NOTICES MAILED 140 by City Clerk

APPROVALS 2

PROTESTS 1