

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: SEPTEMBER 13, 2007**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: SUP-23485 - APPLICANT: TORRE ROMERO - OWNER:**  
**BRIO'S PIZZERIA, LLC**

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

**STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:

***Planning and Development***

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for Auto Smog Check use, including parking requirements, except as amended herein.
2. 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.
3. A Waiver from Conditional Use Regulation 1 for an Auto Smog Check use is hereby approved, to allow a facility of 120 square feet where 400 square feet is the minimum area required for this type of use.
4. A Waiver from Conditional Use Regulation 6 for an Auto Smog Check use is hereby approved, to allow no stacking lane where a stacking lane that can accommodate at least three cars, while not taking up any onsite parking, is the minimum required.
5. Revised site plan shall be submitted to and approved by the Planning and Development Department prior to the time application is made for a building permit or business license to reflect the location of the accessibility space and access aisle.
6. This Special Use Permit shall be reviewed to determine if any negative impacts have resulted from the operation in two (2) years at which time the City Council may require the Auto Smog Check use be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the business license for the Auto Smog Check use be suspended.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**Public Works**

8. Vehicles shall not be permitted to queue or block the existing driveway or drive aisle. In addition, the stacking and testing of vehicles shall not be located within the onsite travel lanes for the Liberty Square commercial subdivision.

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

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit for an Auto Smog Check use with a waiver of the 400 square-foot minimum required area and a waiver of the car stacking lane requirement. The use is proposed to occupy a 120 square-foot existing kiosk in front of a retail plaza located at 4211 West Sahara Avenue, Suite G.

The subject proposal does not meet several of the conditions that are automatically applicable to Auto Smog Check uses per Title 19.04. Specifically, the use will be located in a structure that does not meet the 400 square-foot minimum required area and the site does not have sufficient area to meet the stacking lane requirements. This is a parking-impaired development and the site is physically insufficient to accommodate this activity. For these reasons, staff recommends denial of this request.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
01/25/94	The Board of Zoning Adjustment denied a request for a Special Use Permit (U-0287-93) to allow a Class III Secondhand Dealership for the Buying and Selling of Used Jewelry and Precious Metal and Gems within the retail plaza.
<b><i>Related Building Permits/Business Licenses</i></b>	
05/27/93	A business license, J01-01274, for a Jewelry Sales and Repairs category license was issued by the Department of Finance and Business Services. This license was reissued due to a change of location to the present address on 05/01/06. This license is issued to Suite F of the retail plaza.
06/11/01	A business license, C15-00350, for a Convenience Store category license was issued by the Department of Finance and Business Services. This license was reissued due to reclassification on 02/05/05. This license is issued to Suite D of the retail plaza.
11/18/02	A business license, M15-02786, for a Computer Sales and Service category license was issued by the Department of Finance and Business Services. This license is issued to Suite A of the retail plaza.
03/20/03	A business license, C05-02230, for a Tobacco Dealer - Retail category license was issued by the Department of Finance and Business Services. This license is issued to Suite D of the retail plaza.
12/05/03	A business license, C07-03146, for a Clothing Store category license was issued by the Department of Finance and Business Services. This license was reissued due to a change of location to the present address on 01/06/05. This license is issued to Suite B of the retail plaza.

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02/05/04	A business license, T11-00927, for a Television and Audio Sales/Service category license was issued by the Department of Finance and Business Services. This license was reissued due to a change of manager on 07/13/07. This license is issued to Suite C of the retail plaza.
02/23/04	A business license, W10-00050, for a Wire Service category license was issued by the Department of Finance and Business Services. This license was reissued due to a change of owner on 02/05/05. This license is issued to Suite C of the retail plaza.
12/23/04	A business license, A39-00316, for an Auto Part Sales category license was issued by the Department of Finance and Business Services. This license was marked as expired as of 08/01/07. This license was issued to Suite E of the retail plaza.
<b><i>Pre-Application Meeting</i></b>	
07/18/07	A pre-application meeting was held and elements of this application were discussed. It was noted that waivers for conditions 1 and 6 for the proposed use would need to be requested. Submittal requirements were explained.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required, nor was one held.	

<b><i>Field Check</i></b>	
08/13/07	The Department of Planning and Development conducted a site visit that found that this site is fully developed. The kiosk that is proposed for the Auto Smog Check use is situated to the front of the site. There were very few cars parked in the front parking lot.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	0.4 (entire retail plaza)

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	General Retail, Other than Listed	SC (Service Commercial)	C-1 (Limited Commercial)
North	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
South	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
East	Supper Club	SC (Service Commercial)	C-1 (Limited Commercial)
West	Liquor Establishment (Tavern)	SC (Service Commercial)	C-1 (Limited Commercial)

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	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	X		Y
<b>Trails</b>		X	n/a
<b>Rural Preservation Overlay District</b>		X	n/a
<b>Development Impact Notification Assessment</b>		X	n/a
<b>Project of Regional Significance</b>		X	n/a

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.04 and 19.10, the following parking standards apply:*

<i>Parking Requirement</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Parking Ratio</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>
			<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
General Retail, Other Than Listed	7,200 SF	1 Space / 175 SF GFA	40 Spaces	2 Spaces	30 Spaces	1 * Space	Y **
Auto Smog Check	120 SF	1 Space + Stacking Lane for at least 3 Cars	4 Spaces		1 Space		Y **
<b>SubTotal</b>			44 Spaces	2 Spaces	32 Spaces	1 Space	Y **
<b>TOTAL (including handicap)</b>			46 Spaces		33 Spaces		Y **

\* An approved 1981 site plan on file indicates there is one accessible space by notation. That space is not marked as such on the current site plan. An, if approved, condition has been added that a revised site plan be submitted that indicates the accessible space with the five-foot access aisle as originally approved.

\*\* The commercial development of which the subject parcel is a part of is a Parking-Impaired Development pursuant to Title 19.10010 (C). The Auto Smog Check use only

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requires one parking space and stacking lane able to accommodate three cars. If approved, a waiver would allow the elimination of the stacking lane and therefore not increase the parking burden at this site above the original development.

<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
To allow a facility of only 120 square feet	To provide a facility of 400 square feet of which 200 square feet must be within an enclosed structure and the remaining 200 feet may be below a service canopy.	Denial
To allow no stacking lane	To provide a stacking lane that will accommodate at least three cars and no parking spaces required for this use or another onsite use shall be used or eliminated in order to provide smog services.	Denial

**ANALYSIS**

The subject site is designated SC (Service Commercial) on the Southwest Sector Map of the General Plan. This land use category allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons and do not include more intense general commercial characteristics. The existing C-1 (Limited Commercial) zoning district is consistent with the General Plan, and an Auto Smog Check is a permitted use, provided all specified conditions are met. The proposed Auto Smog Check use does not meet the conditions required for approval; therefore a Special Use Permit is required.

The proposed Auto Smog Check use is intended to locate within an existing commercial development at 4211 West Sahara Avenue. The plans indicate that the applicant will utilize a vacant kiosk that exists beneath the Statue of Liberty monument at the front of the plaza.

Pursuant to Title 19.04 the Minimum Requirements of Approval for an Auto Smog Check use in a C-1 (Limited Commercial) district are:

1. The facility must have a minimum size of 400 square feet, of which a minimum of 200 square feet must be an enclosed structure, with the remainder of the facility allowed to be located under service canopies.
2. All equipment must be stored and utilized within the enclosed structure.

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3. If conducted as an accessory use to a service station, minor auto repair facility, or major auto repair facility, the auto smog check facility shall be designed to be architecturally compatible with the primary building on the site.
4. If service bay doors are provided, openings to service bay doors shall not face public right-of-way and shall be designed to minimize the visual intrusion into adjoining properties.
5. When operated as a primary use, no other automobile repair shall be permitted in conjunction with the facility.
6. Each station shall have a stacking lane that will accommodate at least three cars, and no parking spaces required for this use or another onsite use shall be used or eliminated in order to provide smog services.

The applicant is requesting waivers of the minimum space requirement and the stacking lane requirement; therefore a Special Use Permit is required for the subject site. Specifically, the waivers, if approved, would allow a facility of only 120 square feet where a facility of 400 square feet, of which 200 square feet must be within an enclosed structure and the remaining 200 feet may be below a service canopy, is the minimum area required and to allow no stacking lane where a stacking lane that can accommodate at least three cars is required.

The proposed use is not well-suited with the surrounding area based on standards set forth in Title 19.04 for Auto Smog Check uses as referenced above. The proposal is located on property that is too small to house the use and the existing businesses. As such, this use cannot be conducted in a manner that is harmonious and compatible with the surrounding development and staff is recommending denial of this Special Use Permit.

## **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.**

The proposed Auto Smog Check use can not be conducted in a manner that is harmonious and compatible with the existing surrounding land uses. The use has the potential to have significant impact with regards to the existing parking impairment and vehicular circulation of the subject site. The current and future land uses surrounding the subject site indicate a continued SC (Service Commercial) land use designation within the City and the area is intended as a commercial corridor; however, the proposed use can not be properly lodged at this location due to the sites size and the nature of the use.

**2. The subject site is physically suitable for the type and intensity of land use proposed.**

The subject site is not physically suitable for the proposed Auto Smog Check use. The existing kiosk that is proposed to house this use is not of sufficient size to meet the required 400 square feet total or 200 square feet enclosed space requirements. Further, the commercial center is parking impaired and can not accommodate the needed stacking lane of at least three car lengths without using the parking spaces required for the other onsite uses. Finally, Public Works has noted that the existing driveway is pan style and does not meet current City Standards for width or throat depth, which also reduces the operation of the driveway and contributes to the inappropriateness of this use at this location.

**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.**

The site is served by West Sahara Avenue (a 150-foot primary arterial). This thoroughfare is capable of accommodating the traffic flow created by the site and the 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.**

The Auto Smog Check use will be subject to regular City of Las Vegas Business Licensing inspections and thus the public health, safety, and welfare will not be compromised.

**5. The use meets all of the applicable conditions per Title 19.04.**

The use does not meet all applicable conditions of Title 19.04 for Auto Smog Check uses. The location of this use requires a waiver of the minimum area requirement and a waiver of the vehicle stacking lane requirements.

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**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 13

**ASSEMBLY DISTRICT** 8

**SENATE DISTRICT** 11

**NOTICES MAILED** 350

**APPROVALS** 0

**PROTESTS** 0