



**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: SEPTEMBER 25, 2008**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: SUP-29394 - APPLICANT/OWNER: JESUS MARTIN PEDREGO**

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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 Repair Garage, Minor use, including parking requirements.
2. No outdoor storage is permitted.
3. No outside repairs or business activity is permitted.
4. One van accessible handicapped parking space shall provided pursuant to Title 19.10 requirements, prior to approval of a final inspection.
5. 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.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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

**PROJECT DESCRIPTION**

The applicant is requesting a Special Use Permit for an Auto Repair Garage, Minor at 2333 N. Martin Luther King Boulevard. The proposed use is to be located within an existing building. The existing building is approximately 2,840 square feet. The proposed use is permitted in a C-1 (Limited Commercial) zoning district. Minimum Conditional Use Regulations apply to the subject site, but are further restricted by the subject zoning district. Outdoor Storage, Accessory is prohibited within a C-1 (Limited Commercial) zoning district. A condition of approval has been added, which prohibits outdoor storage and any repairs/business activity. The proposed use is limited to business activities taking place only within an enclosed building including; no outside storage or display. The current site has no bay door to accommodate repairs in the existing building. Code Enforcement has an open case, pertaining to the installation of work done outside of the building, as well as illegal storage of used and discarded equipment. Therefore, as the site cannot be conducted in a harmonious manner, nor can it comply with the Title 19 requirements, staff is recommending denial of this application.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
10/04/01	The Planning Commission held the Special Use Permit (U-0128-01) for a 60-foot wireless communication tower on 0.46 acres at 2331 N. Martin Luther King Boulevard.
08/15/03	A Citation (#2022) was issued by Code Enforcement for trash and broken bottles surrounding the building at 2331 N. Martin Luther King Boulevard. The issue was resolved on 08/15/03.
10/25/05	A Citation (#35649) was issued by Code Enforcement for a junked vehicle at 2331 N. Martin Luther King Boulevard. The issue was resolved on 10/26/05.
12/03/07	A Citation (#60211) was issued by Code Enforcement for an illegal vendor selling food at 2331 N. Martin Luther King Boulevard. The issue was resolved on 12/07/07.
07/07/08	A Temporary Sign Permit (TSP-28897) was approved from 07/07/08 to 08/29/08 for the subject site.
07/09/08	A Citation (#67566) was issued by Code Enforcement at 2331 N. Martin Luther King Boulevard. The issues for the subject store include the following; outside storage, working outside of the building, a temporary shade structure in -front of the store, illegal signs including; pennants and wood signs, old trade-in or junk tires in-front waiting to be picked up by the disposal service. These issue has not been resolved to date.

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<b>Related Building Permits/Business Licenses</b>	
06/10/99	A Business License (#M01-01301) was issued for maintenance service janitorial at 2333 N. Martin Luther King Boulevard.
12/02/02	A Business License (#P35-00177) was issued for non-profit drug and alcohol counseling at 2333 N. Martin Luther King Boulevard.
12/04/06	A Business License (#A39-00396) was issued for auto parts at 2333 N. Martin Luther King Boulevard.
12/14/06	A Business License (#B23-00027) was issued for a banquet facility at 2333 N. Martin Luther King Boulevard.
<b>Pre-Application Meeting</b>	
07/29/08	A pre-application meeting was held and the submittal requirements for a Special Use Permit were discussed.
<b>Neighborhood Meeting</b>	
A neighborhood meeting is not required nor was one held.	

<b>Field Check</b>	
8/20/08	A field check was conducted and indicated the illegal outdoor storage of tires on the subject site. Additional items were also observed, which confirms the findings from Code Enforcement action (#67566).

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	0.44

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Auto Repair Garage, Minor	MXU (Mixed Use)	C-1 (Limited Commercial)
North	Commercial	MXU (Mixed Use)	C-1 (Limited Commercial)
South	Childhood Development Center and Dr. William U. Pearson Community Center	MXU (Mixed Use)	R-E (Residence Estates) under Resolution of Intent to C-V (Civic)
East	Retail	MLA (Medium Low Attached Density Residential)	C-2 (General Commercial)
West	Childhood Development Center and Dr. William U. Pearson Community Center	PF (Public Facilities)	C-1 (Limited Commercial) under Resolution of Intent to C-V (Civic)



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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>			
West Las Vegas Plan	X		N
<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 - (105 feet)	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		Y

**Redevelopment Plan Area** The subject site is located within the boundaries of the Las Vegas Redevelopment District. The proposed uses are in conformance with the Redevelopment Plan goals and policies that encourage innovative, mixed use projects in this area of the City.

**Airport Overlay** The site is within the 105-foot height limitation contour of the North Las Vegas Airport Overlay Map portion of the A-O (Airport Overlay) District. This is a developed site. The proposed use will not affect the height limitations within the Airport Overlay.

**West Las Vegas Neighborhood Plan** - The subject site is within the West Las Vegas Neighborhood Plan. The proposed Auto Repair Garage, Minor does not meet Goal number two (2) of the Land Use Goals, Objectives, and Policies, which states: Mature neighborhoods will be sustained and improved through appropriate and selective high quality redevelopment and preservation.

**Project of Regional Significance** The subject property is adjacent to the City of North Las Vegas. This meets the criteria of a Project of Regional Significance, which must be submitted if a Special Use Permit is made concerning property within 500 feet of the City boundary of Clark County or North Las Vegas. A Project of Regional Significance has been filed and submitted to the appropriate agencies.

**DEVELOPMENT STANDARDS**

*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>Parking Ratio</b>	<b>Required</b>		<b>Provided</b>		<b>Compliance</b>
			<b>Parking</b>		<b>Parking</b>		
			Regular	Handi-capped	Regular	Handi-capped	
Auto Repair Garage, Minor	2,840 SF	5 spaces, plus 1/200 SF of GFA	20	1	20	2	
<b>Total</b>	2,840 SF		21		22*		Y

\* The applicant fails to the minimum handicapped parking requirements pursuant to Title 19.10 for the proposed Auto Repair Garage, Minor use. A condition of approval has been added, which requires the applicant to properly stripe one van accessible parking space, pursuant to Title 19 requirements.

**ANALYSIS**

Minimum Conditional Use Regulations apply to the subject site, but are further restricted by the subject zoning district. Outdoor Storage, Accessory is prohibited within a C-1 (Limited Commercial) zoning district. The failure to comply with Title 19.04 requirements was confirmed by a site inspection and the current Code Enforcement action on the subject site. The proposed use cannot be supported, as it fails to meet the minimum requirements for an Auto Repair Garage, Minor use. Therefore, staff is recommending denial of the Special Use Permit.

- **Zoning**

The proposed Auto Repair Garage, Minor use is allowed in a C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit. The subject parcel is located in the SC (Service Commercial) designation of the General Plan and within the Southeast Sector Plan area. This district allows for low to medium intensity retail, office, or other commercial uses that are intended to serve residents of the immediate area. The current C-1 (Limited Commercial) zoning district complies with the General Plan and allows uses such as the one proposed, contingent upon approval of the Special Use Permit.

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- **Use**

An Auto Repair Garage, Minor use is defined by Title 19, as a facility for the performance of minor repairs and service of vehicles of 10,000 pounds gross vehicle weight or less. Such repairs and service are limited to electronic tune-ups, brake repairs (including drum tuning), air conditioning repairs, generator and starter repairs, tire repairs, front end alignments, battery recharging, lubrication, selling/installing minor parts and accessories, and other similar activities. This use also includes; the repair and installation of other minor elements of an automobile such as windshield wipers, hoses, windows, etc., but not excludes general engine repairs, engine installation, and the repair and installation of transmissions and differentials.

**Conditional Use Regulations:**

1. All repair and service work shall be performed within a completely enclosed building.
2. Openings to the service bays shall not face the public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties.
3. No used or discarded automotive parts or equipment shall be located or stored in any open area outside of the enclosed building.
4. No outside storage of stock, equipment or residual used equipment shall be located or stored in any open area outside of the enclosed building.
5. All disabled vehicles shall be stored in an area which is screened from view from the surrounding properties and adjoining streets. Vehicles shall not be stored on the property longer than 45 days.

**FINDINGS**

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

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 use cannot be conducted in a manner that is harmonious and compatible with existing surrounding land uses; as the proposed use fails to meet minimum Conditional Use Requirements and is further restricted; since Outdoor Storage, Accessory is not permitted in a C-1 (Limited Commercial) zoning district.

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

The subject site is not appropriate for the proposed Auto Repair Garage, Minor. The existing building does not provide an enclosed area for service work or a proper area designated for storage.

**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.**

Adequate site access is provided from Martin L. King Boulevard, a (100-foot) Primary Arterial as defined by the Master Plan of Streets and Highways.

**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.**

Approval of the subject use permit may compromise the public health, safety, and welfare or the overall objectives of the General Plan. The applicant has failed to comply with the Title 19.04 requirements. The outdoor storage of tires and outside repairs, pose potential health and safety issues.

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

The proposed Auto Repair Garage, Minor fails to the minimum Conditional Use Requirements and is further restricted; since Outdoor Storage, Accessory is not permitted in a C-1 (Limited Commercial) zoning district.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 10

**NOTICES MAILED** 104

**APPROVALS** 2

**PROTESTS** 0