



## **AGENDA MEMO**

**CITY COUNCIL MEETING DATE: MARCH 4, 2009**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: SUP-31367 - APPLICANT: NOE ZUBIA - OWNER: MARIO PENA PENA**

---

***THIS ITEM WAS HELD IN ABEYANCE FROM THE FEBRUARY 4, 2009 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN BARLOW.***

### **\*\* CONDITIONS \*\***

The Planning Commission (6-1/ke vote) and staff recommend DENIAL.

#### **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. Conformance to all Title 19.10 parking and on-site loading requirements and standards. A revised site plan indicating full compliance shall be submitted to the Department of Planning and Development prior to issuance of any business license for the subject site.
3. No temporary signs such as banners, pennants, inflatable objects, streamers, flags, outdoor display of products or merchandise or other similar attention gaining items or devices shall be displayed upon the subject property without the appropriate permits. Vehicles shall not be sold or displayed at this location.
4. 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.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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

**PROJECT DESCRIPTION**

This request is for a Special Use Permit for an Auto Repair Garage, Minor with a Waiver to allow service bays to face the public right-of-way on the southwest corner of the intersection of Rancho Drive and Vegas Drive. The subject site was built in 1964 and is located on a .49 acre parcel at 1550 North Rancho Drive. The site has had numerous code enforcement complaints, and business and licensing citations pertaining to illegal business activity (tire installation) and the submitted proposal does not depict a Title 19.10 compliant parking scheme; therefore, staff recommends denial.

**BACKGROUND INFORMATION**

| <i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| c. 1964                                                            | Building constructed.                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 12/04/0089                                                         | <a href="#">The Planning Commission voted 6-1/ke to recommend DENIAL (PC Agenda Item #24/leh).</a>                                                                                                                                                                                                                                                                                                                                                         |
| <i>Related Building Permits/Business Licenses</i>                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 07/07/93                                                           | A business license was issued (#L04-00932) for a Gas Station Convenience Store. The license was reclassified for a Beer/Wine/Cooler Off-Sale (#L10-00089) license at 1550 North Rancho Drive. This license ceased on 11/15/06.                                                                                                                                                                                                                             |
| 12/02/02                                                           | Business licenses (#P35-00192, P35-00193) were issued for Outdoor Pay Phones at 1550 North Rancho Drive. These licenses ceased in 11/21/06.                                                                                                                                                                                                                                                                                                                |
| 04/07/04                                                           | Business licenses (#C05-01213, C20-02163, G01-02165, and C15-00203) were issued for Tobacco Sales, Convention Hall Gaming Tax, Restricted Gaming and Convenience Store at 1550 North Rancho Drive. These licenses ceased on 11/21/06.                                                                                                                                                                                                                      |
| 06/27/06                                                           | <a href="#">A Code Enforcement case (#43814) was processed for graffiti at 1550 N. Rancho Drive. The case was resolved on 08/02/07.</a>                                                                                                                                                                                                                                                                                                                    |
| 07/19/07                                                           | <a href="#">A building permit (#94108) was issued for a non-work certificate of occupancy at 1550 N. Rancho Drive. The permit was finaled on 10/29/07.</a>                                                                                                                                                                                                                                                                                                 |
| 08/01/07                                                           | A business license (#G02-00803) was issued for Tire Sales with No Installation at 1550 North Rancho Drive. This business license was reclassified from Automotive Accessory Sales to Automotive Accessory Sales (see entry for: #A39-94872) with a stipulation that the business owner indicate upon the license that no tire installation activity will take place at the subject location. This business license was marked out of business on 05/30/08. |
| 08/23/07                                                           | A business license (#G02-00782) was issued for Smog Check at 1550 North Rancho Drive. This license ceased on 03/31/08.                                                                                                                                                                                                                                                                                                                                     |
| 09/13/07                                                           | A business license (#R05-00556) was issued for a Restaurant Take Out Only at 1550 North Rancho Drive.                                                                                                                                                                                                                                                                                                                                                      |

|                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10/17/07                              | A Code Enforcement case (#58952) was processed for cars for sale on the property, non-permitted business activity, on premise signage in disrepair (referred from Business Licensing) at 1550 N. Rancho Drive. The case was resolved on 11/27/07.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 10/19/07                              | The Business Licensing Division inspected the property and witnessed unlicensed business activity and issued a citation (Case #3007003). The citation was resolved on 10/23/07.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 02/26/08                              | A Code Enforcement case (#62692) was processed for tire storage and hours of operation (open 24 hours per day) at 1550 N. Rancho Drive. The case was resolved on 08/28/08.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 04/22/08                              | <p>A Customer Service Request (CSR# 356348) was processed for unlicensed business activities (Tire Installation) at 1550 North Rancho Drive. The business owner was informed that a Special Use Permit was required for an Auto Repair Garage, Minor for tire installation. The following actions were taken:</p> <ul style="list-style-type: none"> <li>• On 04/23/08 a business and licensing inspection noted tire installation occurring on the subject site. A Notice of Violation was issued calling for all unlicensed business activity to cease and desist.</li> <li>• On 04/29/08 a business and licensing inspection noted three employees and tire installation equipment on site, ready for use. The inspector issued a warning to employees to remove the equipment from the site.</li> <li>• On 05/02/08 business and licensing inspectors observed workers on site installing and removing tires from vehicles (CSR#359694). A citation (#1-03729203-A) was issued to the business owner with a cease and desist order to stop all illegal business activity.</li> <li>• On 05/22/08 a citation (#1-03729204-A) was issued to the business owner and to the property owner with a cease and desist order to stop all illegal business activity. The citation was given a court date of 07/22/08.</li> <li>• On 05/30/08 the business was discontinued and business license (#A39-94872) was marked out of business.</li> </ul> |
| 08/01/08                              | Application was made for a business license (#A39-00475) for Auto Parts Sales at 1550 North Rancho Drive. This license was denied by the Planning and Development Department on 09/04/08 as a Special Use Permit for an Auto Garage, Minor is required before a business license is approved.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 09/22/08                              | A Code Enforcement case (#69894) was processed for food sales, a structure built without permits and hours of operation (open 24 hours per day) at 1550 N. Rancho Drive. The case was resolved on 10/16/08.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 10/14/08                              | A business license (#A39-93961) was denied by Planning and Development for Auto Parts Sales at 1550 North Rancho Drive as a Special Use Permit is required before a business license is approved.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b><i>Pre-Application Meeting</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 11/20/08                              | The requirements of a Special Use Permit application were discussed with the applicant                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

| <b>Neighborhood Meeting</b>                   |                                                                                                                                                                       |
|-----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A meeting was not required, nor was one held. |                                                                                                                                                                       |
| <b>Field Check</b>                            |                                                                                                                                                                       |
| 11/13/08                                      | Staff conducted a site visit and found the site unoccupied. Staff noted that there is currently no maintained landscaping on site and the parking lot is not striped. |

| <b>Details of Application Request</b> |     |
|---------------------------------------|-----|
| <b>Site Area</b>                      |     |
| Gross Acres                           | .49 |

| Surrounding Property | Existing Land Use                  | Planned Land Use            | Existing Zoning                 |
|----------------------|------------------------------------|-----------------------------|---------------------------------|
| Subject Property     | Vacant Convenience Store           | SC (Service Commercial)     | C-1 (Limited Commercial)        |
| North                | Convenience Store/Mobile Home Park | SC (Service Commercial)     | C-2 (General Commercial)        |
| South                | Single-Family Homes                | L (Low Density Residential) | R-1 (Single Family Residential) |
| East                 | Single-Family Homes                | L (Low Density Residential) | R-1 (Single Family Residential) |
| West                 | Financial Institution, Specified   | SC (Service Commercial)     | C-1 (Limited Commercial)        |
|                      | Single-Family Homes                | L (Low Density Residential) | R-1 (Single Family Residential) |

| <b>Special Districts/Zones</b>                    | <b>Yes</b> | <b>No</b> | <b>Compliance</b> |
|---------------------------------------------------|------------|-----------|-------------------|
| <b>Special Area Plan</b>                          |            |           |                   |
| West Las Vegas Plan                               |            | X         | N*                |
| <b>Special Districts/Zones</b>                    | <b>Yes</b> | <b>No</b> | <b>Compliance</b> |
| <b>Special Purpose and Overlay Districts</b>      |            |           |                   |
| A-O Airport Overlay District (70 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         | N/A               |

\* The subject property is located within the North Las Vegas Airport Overlay Map within the 70-foot height limitation contour. None of the buildings on the subject property extend beyond this limitation.

\*\*The proposed use does not meet the West Las Vegas Plan Neighborhood Revitalization and Preservation goals to attract high quality development and preserve the quality of life in existing residential areas.

## DEVELOPMENT STANDARDS

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

| Parking Requirement       |                                     |                  |         |              |          |              |            |
|---------------------------|-------------------------------------|------------------|---------|--------------|----------|--------------|------------|
| Use                       | Gross Floor Area or Number of Units | Required         |         |              | Provided |              | Compliance |
|                           |                                     | Parking Ratio    | Parking |              | Parking  |              |            |
|                           |                                     |                  | Regular | Handi-capped | Regular  | Handi-capped |            |
| Auto Repair Garage, Minor | 1,677                               | 5 Spaces + 1:200 | 13      | 1            | 13       | 0            | N*         |
| TOTAL                     |                                     |                  | 14      |              | 13       |              |            |
|                           |                                     |                  |         |              |          |              |            |
| Required loading spaces   |                                     | 1                |         |              | 0        |              | N*         |

*\*A condition has been added requiring compliance with all Title 19.10 parking and loading space requirements.*

## ANALYSIS

The applicant proposes to convert an existing building formerly utilized as a convenience store and service station with bay doors facing the public right of way to an Automotive Repair Garage, Minor use. The subject site was built in 1964 and is located on a .49 acre parcel at 1550 North Rancho Drive. The site has had numerous code enforcement complaints, and business and licensing citations pertaining to illegal business activity (tire installation). The submitted proposal does not meet minimum Title 19.10 parking requirements, including the number of spaces required, handicap parking and loading space requirements. Therefore, staff recommends denial.

- Zoning**

The SC (Service Commercial) category allows low to medium intensity retail, office or other commercial uses that serve primarily local area patrons and that do not include more intense general commercial characteristics. Examples include neighborhood shopping center and areas, theaters, bowling alleys and gathering places of public assembly and public and semi public uses. This category also includes offices either singly or grouped as office centers with professional and business services.

The subject site is located within a C-1 (Limited Commercial) zoning district. This district is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersection of primary and secondary thoroughfares along major retail corridors. The C-1 (Limited Commercial) district is consistent with the SC (Service Commercial) category of the General Plan.

- **Floor Plan & Elevations**

The floor plan depicts a 1,677 square-foot, stick-built building with two service bays, two storage rooms, a restroom and office. There is an existing fuel pump canopy on the western side of the building along the Rancho Drive frontage.

- **Use**

Title 19.04 defines the Automotive Repair Garage, Minor use as:

A facility for the performance of minor repairs and service on vehicles of 10,000 pounds gross vehicle weight or less. Such repairs and service are limited to electronic tune-ups, brake repairs (including drum turning), 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 excludes general engine repairs, engine installation, and the repair and installation of transmissions and differentials.

Minimum Special Use Permit Requirements:

1. All repair and service work shall be performed within a completely enclosed building.
2. Openings to the service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties.
3. No used or discarded automotive parts or equipments 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.

This application does not meet the Title 19.04 requirements for the proposed use as the service bay doors face Rancho Drive. Staff finds that with the current configuration, the subject site is not an appropriate location for an Auto Repair Garage, Minor. As proposed, this establishment will negatively impact the surrounding area and staff recommends denial.

## **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 Repair Garage, Minor will have a negative impact on the surrounding single-family residential properties due to noise, dust emanation, etc. The proposed use is inconsistent with the Neighborhood Revitalization and Preservation goals set forth in the West Las Vegas Plan to attract high quality compatible development to the area, while preserving and buffering existing residential development. Staff finds that the negative impact that the current configuration of the site would have is not harmonious or compatible with the surrounding area.

- 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 type and intensity of land use proposed as the existing structure on the site has bay doors facing a public right of way, and there is no buffer between the adjacent single-family residential properties and the subject site.

- 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 subject site is accessed by Rancho Drive, designated as a Freeway by the Master Plan of Streets and Highways, and Vegas Drive, designated as a 100-foot Primary Arterial by the Master Plan of Streets and Highways. These roadways provide more than adequate capacity for added traffic from 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.**

The property is subject to City of Las Vegas inspections, as well as the International Building Code and therefore public health and safety and welfare will not be adversely impacted by this proposed development.

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

The property does not meet Title 19.04 requirements as the applicant has requested a Waiver to allow service bays to face an adjacent public right-of-way.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

13

**ASSEMBLY DISTRICT**      6

**SENATE DISTRICT**      4

**NOTICES MAILED**      301 by City Clerk

**APPROVALS**      0

**PROTESTS**      0