



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 6, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: GPA-32167 - APPLICANT: P'S AUTO SALES - OWNER: BEARD FAMILY TRUST

THIS ITEM WAS HELD IN ABEYANCE FROM THE APRIL 1, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

The Planning Commission (3-2/vq/gt vote) and staff recommend DENIAL.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request to Amend a portion of the Southeast Sector Plan of the General Plan from SC (Service Commercial) to GC (General Commercial) on 0.55 acres located at 3920 West Sahara Avenue. In addition to this application, the applicant has submitted a request for a Rezoning (ZON-32168) from C-1 (Limited Commercial) to C-2 (General Commercial), a Special Use Permit (SUP-32548) to allow Motor Vehicle Sales (Used) with a Waiver to allow a 23,900 square-foot lot where 25,000 square feet is the minimum required and a Major Amendment to an approved Site Development Plan Review (SDR-32549) for a proposed Motor Vehicle Sales (Used) Establishment. Staff has determined that the proposed General Plan Amendment would create an isolated General Plan land use designation of GC (General Commercial), with the nearest related uses located nearly one mile to the west at Decatur Boulevard. In addition, the range of uses permitted within a GC (General Commercial) land use designation will be much more intense than those permitted by the existing SC (Service Commercial) land use designation; therefore, denial of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
c. 1965	The existing structure at 3920 West Sahara Avenue was constructed.
11/15/95	The City Council approved a Variance (V-0136-95) to allow a 14-foot by 48-foot Off-premise Advertising (Billboard) Sign where such use is not permitted in a C-C (Neighborhood Commercial Center) zone. The Board of Zoning Adjustment recommended denial of this request.
05/27/97	The City Council approved a Rezoning (Z-0029-97) from C-C (Neighborhood Commercial Center) to C-1 (Limited Commercial) at 3920 West Sahara Avenue. The Planning Commission and staff recommended approval of this request.
01/17/01	The City Council approved a Required Five-Year Review [V-0136-95(1)] to allow a 14-foot by 48-foot Off-premise Advertising (Billboard) Sign where such use is not permitted in a CC (Neighborhood Commercial Center) zone. The Board of Zoning Adjustment made no recommendation due to a conflict of interest, staff recommended approval of this request.
07/17/02	The City Council approved a Special Use Permit (U-0053-02) to allow a Minor Automotive Repair Facility located at 3920 West Sahara Avenue. The Planning Commission and staff recommended approval of this request.
12/05/02	The Planning and Development Department administratively approved a request for a Site Development Plan Review (SDR-1167) for the conversion of an existing Retail building for use as a Minor Automotive Repair Facility on 0.55 acres located at 3920 West Sahara Avenue.

05/12/04	A Code Enforcement complaint (#14751) was issued against 3920 West Sahara Avenue for signage violations. The case was resolved 10/26/04.
09/13/04	A Code Enforcement complaint (#21525) was issued against 3920 West Sahara Avenue for a vehicle for sale on the subject property. The case was resolved 09/13/04.
04/19/06	The City Council approved a Required Two-Year Review (RQR-11432) of an approved Variance (V-0136-95) which allowed a 40-foot tall, 14-foot x 48-foot Off-Premise Advertising (Billboard) Sign where such use was not permitted at 3920 West Sahara Avenue. The Planning Commission and staff recommended approval of this request.
12/17/08	A Code Enforcement complaint (#72824) was issued against 3920 West Sahara Avenue for graffiti, signage, weeds, and landscape violations. The case is still open pending resolution.
02/04/09	The City Council will consider a request for a Required Review of an approved Variance (V-0136-95) for a 40-foot tall, 14-foot x 48-foot Off-Premise Sign (Billboard) where such use was not permitted at 3920 West Sahara Avenue. The Planning Commission and staff recommended approval of this request.
01/22/09	The Planning Commission recommended denial of companion items ZON-32168, SUP-32548 and SDR-32549 concurrently with this application. The Planning Commission voted 3-2/vq/gt to recommend DENIAL (PC Agenda Item #23/dc).
<i>Related Building Permits/Business Licenses</i>	
12/21/95	A building permit (#95885147) was issued for the installation of a 14-foot x 48-foot Off Premise Advertising (Billboard) Sign at 3920 West Sahara Avenue. The permit received final approval on 02/20/96.
01/16/03	A building permit (#03000927) was issued for the installation of a sign (Tag #06611) at 3920 West Sahara Avenue. The permit received final approval on 01/27/03.
01/23/03	A Non-Work Certificate of Occupancy (#03000658) was issued at 3920 West Sahara Avenue.
03/20/03	A business license (#G02-00652) was issued for minor automotive/brake repair at 3920 West Sahara Avenue. The business license was marked out on 12/11/08.
<i>Pre-Application Meeting</i>	
11/14/08	A pre-application meeting was held with the applicant to discuss the submittal requirements for a General Plan Amendment, Rezoning, Special Use Permit and a Site Development Plan Review to allow a proposed Motor Vehicle Sales, Used business were addressed.

Neighborhood Meeting	
12/10/08	A neighborhood meeting was held at the Palace Station Hotel and Casino, 2nd floor Training Room, 2411 West Sahara Avenue, Las Vegas, Nevada 89102. There was one representative of the applicant, one member of Planning and Development Staff, the Ward 1 Councilwoman and Liaison, and six members of the general public in attendance. The applicant explained the proposed change in the use of the property, and the associated requirement for a General Plan Amendment and Rezoning. Questions and comments from the public were as follows: • Concerns were raised about patrons test driving vehicles in the residential neighborhood to the north of the subject site. The applicant responded that they were amenable to restrictions on test drives and would also support right-turn restrictions from the property onto Las Verdes Street in order prevent commercial traffic from entering the residential neighborhood. • Concerns were raised about vehicular traffic and the fact that the property is along a route children use to walk to school, and that there is also a day care center north of the subject property. The Ward 1 Liaison noted that Las Verdes Street has been selected for pedestrian improvements under the "Safe Routes to School" program. • A question was raised regarding whether there would be limits on the number of cars on display. It was suggested that a restriction of approximately 10-12 cars as a condition of approval might be appropriate. • A resident asked if there would be adequate parking for patrons on site; the applicant responded that the code requires adequate parking for customers in addition to the space used for vehicle display. • A question was asked as to the age of the vehicles that would be sold; a concern was noted over the aesthetics of having numerous older vehicles stored on the property. The applicant stated that she didn't know the average age of the vehicles, but stated that the zoning code did not allow the storage of inoperative or "junked" vehicles under the proposed use category. • A resident asked if the existing buildings were going to be demolished for the new business; it was explained that the existing buildings would remain in place. • A question was raised as to whether repairs would be done on site; the applicant explained that minor repairs would be done in order to prepare the vehicles for sale, but that this was not to be an automotive repair facility. The general consensus among the residents was that the use would not be obtrusive as long as restrictions were put in place to prevent test drives in the residential neighborhood, and that it would be better to have the site occupied rather than sitting vacant.

Field Check	
12/17/08	A field check was performed by staff at the subject property. The site was noted as a vacant commercial building with weeds and debris on site. Some faded parking lot striping was noted, the building contained a non-permitted temporary sign (banner) and a dead tree was observed in the western landscape buffer. Additionally the site was noted to be in violation of Conditions #1 and #2 of Site Development Plan Review (SDR-1167), which required the rooftop mechanical equipment to be screened and a trash enclosure to be built on site.

Details of Application Request	
Site Area	
Gross Acres	0.55

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant	SC (Service Commercial)	C-1 (Limited Commercial)
North	Office	SC (Service Commercial)	C-1 (Limited Commercial)
South	General Retail Stores	SC (Service Commercial)	C-1 (Limited Commercial)
East	General Retail Stores	SC (Service Commercial)	C-1 (Limited Commercial)
West	General Retail Stores	SC (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	N/A
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O Airport Overlay District (200 Feet)	X		Y*
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

* The subject property is located within the North Las Vegas Airport Overlay Map within the 200-foot height limitation contour. The existing building on the subject property does not extend beyond this limitation.

ANALYSIS

The subject site is located in the Southeast Sector of the 2020 Master Plan and has a current General Plan designation of SC (Service Commercial). This is a proposal to amend the General Plan designation to GC (General Commercial). The General Commercial category generally allows retail, service, wholesale, office and other general business uses of a more intense commercial character. These uses may include outdoor storage or display of products or parts, noise, lighting or other characteristics not generally considered compatible with adjoining residential areas without significant transition. Examples include new and used car sales, recreational vehicle and boat sales, car body and engine repair shops, mortuaries, and other highway uses such as hotels, motels, apartment hotels and similar uses. The General Commercial category allows Service Commercial uses, and may also allow Mixed-Use development with a residential component where appropriate.

A companion application to Rezone (ZON-32168) the site from the C-1 (Limited Commercial) district to the C-2 (General Commercial) district has also been submitted by the applicant. The proposed C-2 (General Commercial) district is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as mixed-use developments. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The C-2 (General Commercial) district is also appropriate along commercial corridors. The C-2 (General Commercial) district is consistent with the General Commercial category of the General Plan.

With the approval of this proposed General Plan Amendment to the GC (General Commercial) land use designation and Rezoning (ZON-32168) to the C-2 (General Commercial) zoning district, the proposed Motor Vehicle Sales (Used) associated with this development is a permissible use. The surrounding parcels to the north, south, east and west all carry a SC (Service Commercial) General Plan land use designation with related zonings of C-1 (Limited Commercial). This request to amend a portion of the Southeast Sector Plan of the General Plan from SC (Service Commercial) to GC (General Commercial) is inconsistent with the surrounding land uses and will result in an isolated land use designation for the subject property. The range of uses permitted within a GC (General Commercial) land use designation are much more intense than those permitted under the current land use designation and will have a negative impact on the surrounding area; therefore, staff recommends denial of this request.

FINDINGS

Section 19.18.030.I of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

1. The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,

2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,
3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and
4. The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.

In regard to 1:

The proposed GC (General Commercial) General Plan designation for the subject property is not compatible with the existing SC (Service Commercial) properties that surround the site. The increase in the intensity will not only create an incompatibility and inconsistency with the surrounding area but will also set an undesirable precedent for the surrounding commercial properties.

In regard to 2:

The C-2 (General Commercial) zoning designation allowed by the proposed General Plan Amendment will be much more intense than the zoning districts permitted by the surrounding SC (Service Commercial) land use designations. The C-2 (General Commercial) zoning district will be the most intense use within the surrounding area and will permit the broadest scope of commercial development and therefore not compatible with the surrounding uses.

In regard to 3:

Access to the site is provided by Sahara Avenue, a 100-foot Primary Arterial as designated by the Master Plan of Streets and Highways. Las Verdes Street, a 51-foot Local Street, as designated by the Master Plan of Streets and Highways, provides secondary access to the subject site. The subject property is located within an area of the City where all utilities, fire and police services are currently in place and available. Therefore, there are adequate facilities available to accommodate the uses and densities permitted by the proposed General Plan Amendment.

In regard to 4:

No other plans apply to this site.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

ASSEMBLY DISTRICT 3

SENATE DISTRICT 11

NOTICES MAILED 301 by City Clerk

APPROVALS 0

PROTESTS 7