



AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 5, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-33755 - APPLICANT/OWNER: DOUGLAS B KAYS, ET AL

THIS ITEM WAS HELD IN ABEYANCE FROM THE JULY 1, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE COUNCILWOMAN TARKANIAN.

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend DENIAL.

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Recreational Vehicle and Boat Storage use.
2. Conformance to the conditions for Site Development Plan Review (Z-0018-67), if approved.
3. Approval of this application shall expunge the previous Special Use Permit (SUP-2859), which allowed an Auto Dealer Inventory Storage use, if approved.
4. The applicant shall revise the site plan to provide one Van Accessible Handicapped parking space, pursuant to Title 19 requirements, if approved.
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.

Public Works

7. No washing of recreational vehicles allowed onsite unless specific written approval for such is obtained from the Industrial Waste Section of the Department of Public Works.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a proposed Recreational Vehicle and Boat Storage use located at 1717 South Decatur Boulevard with a Waiver to allow a six-foot screening device where eight feet is required. The proposed Recreation Vehicle and Boat Storage use is to be located in an enclosed portion of an existing parking lot, which previously stored automobiles. The overall site is currently utilized as a Swap Meet use with associated parking. The applicant indicates that used Recreational Vehicles will be the only thing being stored within the enclosed area. The applicant has also indicated that none of the Recreational Vehicles will be for sale.

The proposed use cannot be conducted in a compatible and harmonious manner, as the six-foot wrought iron fencing and existing trees do not adequately screen the existing residents and the public street from the proposed Recreational Vehicle and Boat Storage use; therefore staff is recommending denial of this application.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/06/67	The Board of Zoning Adjustment approved a Rezoning (Z-0018-67) from R-1 (Single Family Residential and R-3 (Medium Density Residential) to C-1 (Limited Commercial) for a Shopping Center at 1717 South Decatur Boulevard.
01/14/86	The Planning Commission approved a Plot Plan Review (Z-0018-67) of an Off -Premise Advertising (Billboard) Sign at 1717 South Decatur Boulevard.
12/17/96	The Board of Zoning Adjustment approved a Special Use Permit (U-0143-96) for the Storage of Automobiles at 1717 South Decatur Boulevard.
05/16/01	The City Council approved a Special Use Permit (U-0036-01) for a Psychic Arts use at 1717 South Decatur Boulevard. The Planning Commission and staff recommended approval of this request.
08/15/01	The City Council approved a Special Use Permit (U-0085-01) for a 60-foot tall Wireless Communications Facility Monopole on the southeast corner of Oakley Boulevard and Decatur Boulevard. The Planning Commission and staff recommended approval of this request.
07/25/03	A Code Enforcement complaint (#1929) was processed for illegal car storage at 1717 South Decatur Boulevard. The issue was resolved on 12/23/03.

12/17/03	The City Council approved a request for a Special Use Permit (SUP-2859) for an Auto Dealer Inventory Storage use at 1717 South Decatur Boulevard. The Planning Commission recommended approval. Staff recommended denial of the request.
06/03/04	A Code Enforcement complaint (#15944) was processed for improperly maintained fencing at 1717 South Decatur Boulevard. The issued was resolved on 06/22/04.
01/19/05	The City Council approved a Required One Year Review (RQR-5544) of an approved Special Use Permit (SUP-2859) for an Auto Dealer Inventory Storage at 1717 South Decatur Boulevard. The Planning Commission recommended approval. Staff recommended denial of the request.
09/13/05	A Code Enforcement complaint (#34500) was processed for water damage, which resulted from a fire at 1717 South Decatur Boulevard. The issue was resolved on 01/12/06.
04/19/06	The City Council approved a request for a Required Review (RQR-11657) one-year review of an approved Special Use Permit (SUP-2859) for an Auto Dealer Inventory Storage use at 1717 South Decatur Boulevard. The Planning Commission and staff recommended approval.
02/07/07	The City Council approved a request for a Review of Condition (ROC-18775) number six of an approved Special Use Permit (SUP-2859) to allow the existing use to continue three years subject to a Required Review within three years at 1717 South Decatur Boulevard.
09/17/08	The City Council approved Special Use Permit (SUP-28826) for a 100 square-foot Massage Establishment use within an existing Swap Meet with Waivers to allow a zero-foot distance separation where 400 feet is required from a residential parcel and to allow a 312-foot distance separation from another Massage Establishment where 1,000 feet is required at 1717 South Decatur Boulevard. The Planning Commission recommended approval. Staff recommended denial of the request.
10/07/08	Staff administratively approved a Temporary Commercial Permit (TCP-30680) for a carnival at 1717 South Decatur Boulevard.
03/03/09	Staff administratively approved a Temporary Commercial Permit (TCP-33677) for a carnival at 1717 South Decatur Boulevard.
04/23/09	The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #33/bts).
<i>Related Building Permits/Business Licenses</i>	
10/23/91	A Building Permit (#91123851) was issued for a tenant improvement at 1717 South Decatur Boulevard. The permit was finaled on 11/14/91.
10/24/91	A Building Permit (#9114089) was issued for a tenant improvement at 1717 South Decatur Boulevard. The permit was finaled on 11/14/91.
11/21/91	A Business License (#M06-1680) was issued for a swap meet at 1717 South Decatur Boulevard. The business license remains active.
03/03/92	A Building Permit (#92137843) was issued for a remodel at 1717 South Decatur Boulevard. The permit was finaled on 06/01/92.

04/23/92	A Building Permit (#92143542) was issued for a remodel at 1717 South Decatur Boulevard. The permit was finalized on 05/01/92.
08/27/92	A Building Permit (#92157991) was issued for a sign at 1717 South Decatur Boulevard. The permit was finalized on 11/17/92.
08/28/92	A Building Permit (#92158302) was issued for a sign at 1717 South Decatur Boulevard. The permit was finalized on 11/23/92.
01/05/94	A Building Permit (#94214337) was issued for a certificate of completion at 1717 South Decatur Boulevard. The permit was finalized on 04/15/94.
10/06/92	A Building Permit (95388040) was issued for a tenant improvement at 1717 South Decatur Boulevard. The permit was finalized on 04/06/96.
02/01/96	A Building Permit (#96002137) was issued for a tenant improvement at 1717 South Decatur Boulevard. The permit expired on 11/29/97.
02/07/96	A Building Permit (#96002580) was issued for a non-work certificate of occupancy at 1717 South Decatur Boulevard. The permit was finalized on 11/29/97.
03/18/97	A Building Permit (#97005414) was issued for a tenant improvement at 1717 South Decatur Boulevard. The permit was finalized on 06/06/97.
05/20/99	A Building Permit (#9909763) was issued for a non-work certificate of occupancy at 1717 South Decatur Boulevard. The permit expired on 11/20/99.
10/29/01	A Building Permit (#1020247) was issued for a monopole at 1717 South Decatur Boulevard. The permit expired on 01/14/02.
06/01/05	A Building Permit (#43903) was issued for a block wall at 1717 South Decatur Boulevard. The permit was finalized on 01/02/09.
<i>Pre-Application Meeting</i>	
02/23/09	Staff met with the applicant and reviewed the requirements for a Special Use Permit application.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required nor was one held for this request.	

<i>Field Check</i>	
03/19/09	A field check was completed on the indicated date. A Swap Meet currently exists on the subject site. There is also an existing six-foot wrought iron fence on a portion of the parking lot, which previously stored automobiles. The overall site is free of debris and graffiti.

Details of Application Request	
Site Area	
Net Acres	15.17

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Swap Meet	SC (Service Commercial)	C-1 (Limited Commercial)
North	Office/Service Station/Apartments	SC (Service Commercial)/M (Medium Density Residential)	C-1 (Limited Commercial)/R-3 (Medium Density Residential)/R-1 (Single Family Residential)
South	Restaurants /Auto Repair Garage /Condominiums	M (Medium Density Residential)/GC (General Commercial)/PF (Public Facilities)	C-1 (Limited Commercial)/C-2 (General Commercial)/R-3 (Medium Density Residential)
East	Single-Family Residences	ML (Medium Low Density Residential)	R-PD8 (Residential Planned Development 8 Units per Acre)
West	Retail	SC (Service Commercial)/GC (General Commercial)	C-1 (Limited Commercial)/C-2 (General Commercial)

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

***Trails** A Pedestrian Path is located adjacent to the subject site. The existing sidewalk conforms to the requirements for this trail type.

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	
Swap Meet	134,881 SF	1 space/175 SF	755	16	963	43	Y
Recreational Vehicle and Boat Storage	N/A	1 space/50 storage spaces, plus a minimum of five spaces for each customer use the exterior side of the security fence	7	1	5	0	Y*
TOTAL			771		1006		Y

*The table indicates that the applicant fails to meet the minimum parking requirements as set forth in Title 19.04 for a proposed Recreational Vehicle and Boat Storage use. However, adequate parking is provided as the site is a portion of an overall existing site, which provides 235 additional parking spaces, which are more than required pursuant to Title 19.10 Parking, Loading and Traffic requirements. The applicant has failed to provide a required van accessible handicapped parking space. Therefore, a condition of approval has been added, which requires the applicant to revise the site plan and include one van accessible handicapped parking space pursuant to Title 19.10 Parking, Loading and Traffic requirements.

Waivers		
Request	Requirement	Staff Recommendation
To allow a six-foot screening device	Storage areas that are not screened by an intervening building shall be screened completely from view from any public street by a screening device at least eight feet in height.	Denial

ANALYSIS

This request is for a Special Use Permit for a proposed Recreational Vehicle and Boat Storage use at 1717 South Decatur Boulevard. The proposed Recreational Vehicle and Boat Storage use is located in the eastern portion of an existing parking lot for the current Swap Meet use. The applicant intends to utilize the site for the storage of used Recreational Vehicles only. This portion of the overall site was previously used as an Auto Dealer Inventory Storage use. No business license was found for the previous Auto Dealer Inventory Storage use. The applicant indicates that the previous use ceased operation on February 28, 2009. A condition of approval has been added, which requires Special Use Permit (SUP-2859) to be expunged, if approved.

The enclosed parking area is surrounded on all sides by an existing six-foot wrought iron fence. There are a total of 86 Recreational Vehicle spaces indicated on the submitted site plan. There are also five parking spaces located on the outside of the enclosure, which is required for the proposed use pursuant to Title 19.04 requirements. Six Mondel Pines currently exist adjacent to Oakley Boulevard, which partially screen the subject site.

The proposed Recreation Vehicle and Boat Storage use requires the approval of a Special Use Permit within a C-1 (Limited Commercial) zoning designation. The applicant fails to comply with the Minimum Special Use Permit Requirement number two which states: Storage areas that are not screened by an intervening building shall be screened completely from view from any public street by a screening device at least eight (8) feet in height. In addition, storage areas shall be screened completely from view from adjoining property by a screening device at least eight feet in height, except along the property line of any adjoining property that is zoned C-M or M. A Waiver is requested as the applicant is proposing to utilize the existing six-foot fence, which currently surrounds the area intended for storage. The proposed Recreational Vehicle and Boat Storage use fails to meet minimum Title 19.04 requirements. Therefore, staff is recommending denial of the subject Special Use Permit.

- **Zoning**

This project is located within a C-1 (Limited Commercial) zoning district. The C-1 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 intersections of primary and secondary thoroughfares along major retail corridors. The C-1 district is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan.

- **Use**

A Recreational Vehicle and Boat Storage use is defined by Title 19 as an area or facility used for storage of recreational vehicles, boats, or any combination thereof. For purposes of this description, a recreational vehicle is a towed, or self-propelled on its own chassis, or attached to the chassis of another vehicle and designed or used for recreational or sporting purposes. This use includes, but is not limited to, travel trailers, pick-up campers, camping trailers, motor coach homes and converted trucks or buses.

- **Minimum Special Use Permit Requirements**

1. Storage of recreational vehicles and boats is not permitted within required setbacks or buffer areas. Within the N-S District, no such storage is permitted within 50 feet of property zoned for residential use.
2. Storage areas that are not screened by an intervening building shall be screened completely from view from any public street by a screening device at least eight feet in height. In addition, storage areas shall be screened completely from view from any adjoining property by a screening device at least eight feet in height, except along the property line of any adjoining property that is zoned C-M or M.
3. The commercial repair of recreational vehicles, boats, trailers and other like vehicles is prohibited.

The proposed use is not in conformance with the minimum Special Use Permit Requirements for Recreational Vehicle and Boat Storage, specifically requirement number two.

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 subject site fails to comply with Title 19.04 requirements, which is evidenced by the requested Waiver. The six-foot wrought iron fence does not adequately screen the existing single-family residences to the east or the adjacent right-of-way and therefore cannot be conducted in a harmonious and compatible manner with existing surrounding land uses.

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 Recreational Vehicle and Boat Storage use as demonstrated by the associated Waiver. The requested Waiver fails to adequately screen the existing single-family residences to the east. The storage of Recreational Vehicles adjacent to residential homes without proper screening is too intense of a land 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 accessed from both Decatur Boulevard, a 100-foot Primary Arterial, and Oakey Boulevard, an 80-foot Secondary Collector as designated by the Master Plan of Streets and Highways. These thoroughfares are capable of accommodating the traffic flow created by the existing Swap Meet and 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 proposed Recreation Vehicle and Boat Storage use, which is to be located within the existing six-foot fenced enclosure; will precipitate an increase in the visual intrusion upon the existing single-family residences to the east and therefore will impact their overall welfare.

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

The applicant fails to meet Minimum Special Use Permit requirement, condition number two pursuant to Title 19.04 for a Recreational Vehicle Boat Storage use which states storage areas shall be screened completely from view from any adjoining property by a screening device at least eight feet in height. The proposed six-foot fence fails to adequately screen the existing single-family residences to the east and adjacent right-of-way.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

ASSEMBLY DISTRICT 42

SENATE DISTRICT 11

NOTICES MAILED 478 by City Clerk

APPROVALS 0

PROTESTS 0