

**AGENDA MEMO****CITY COUNCIL MEETING DATE: MARCH 3, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SUP-36905 - APPLICANT: DISCOUNT SMOG - OWNER:
SAHARA DURANGO, LIMITED PARTNERSHIP**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for an Auto Smog Check use.
2. Auto Smog Check services shall not be performed within any drive aisle.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for a Special Use Permit for an Auto Smog Check at 2535 South Durango Drive. The existing enclosed prefabricated structure is 80 square feet in size. The facility is located east of the existing commercial development within the parking lot near the existing landscape planter along Durango Drive. Two conditions for permitting the use cannot be met, resulting in the need for a Special Use Permit. Staff is recommending denial of the request because the existing structure is not adequate to provide the proposed services, is not compatible with the proposed services, and is not compatible with the surrounding land uses. If denied, the use will not be allowed on this site.

ISSUES

- The proposed use would be located in an existing structure that previously contained an Auto Smog Check use but has since expired.
- The proposed Auto Smog Check cannot meet a condition of the use that requires a minimum size of 200 square feet for the structure. The proposed facility is 80 square feet, enclosed on all three sides with a service bay door on the west side of the structure.
- The proposed Auto Smog Check cannot meet a condition of the use that requires a lane that can accommodate stacking for at least three vehicles.
- A condition has been added if approved that smog services shall not be performed within any drive aisle on the site.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales</i>	
08/15/84	The City Council approved the Reclassification (Z-0054-84) of property generally bounded by Sahara Avenue on the north, Durango Drive on east, Desert Inn Road on the south and Fort Apache Way on the west, from N-U (Non-Urban) to R-1 (Single Family Residence), R-PD3 (Residential Planned Development), R-PD4 (Residential planned Development) R-PD7 (Residential Planned Development), R-PD23 (Residential Planned Development), P-R (Professional Offices and Parking), C-1 (Limited Commercial) and C-V (Civic). The Planning Commission and staff recommended approval.
06/12/86	The Planning Commission approved a request for a Plot Plan Review [Z-0054-84(C)] for a proposed 127,500 square foot shopping center on 15 acres on the south side of Sahara Avenue, between Durango Drive and Lake Sahara Drive. Staff recommended approval.

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02/04/87	The City Council approved the Reclassification (Z-0104-86) of property located on the west side of Durango Drive, 600 feet south of Sahara Avenue, from N-U (Non-Urban) (under Resolution of Intent to R-PD23, P-R and C-1), to C-1 (Limited Commercial). The Planning Commission recommended approval.
07/09/87	The Planning Commission approved a request for a Plot Plan Review [Z-0054-84(5)] for a proposed restaurant and lounge at the southwest corner of Sahara Avenue and Durango Drive. Staff recommended approval.
08/30/90	A deed was recorded for change of ownership.
01/28/10	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #33/ao).
<i>Related Building Permits/Business Licenses</i>	
06/10/99	A building permit (#99011341) was issued for a change of address at 2535 South Durango Drive. A final inspection was completed 08/19/99.
05/14/99	A building permit (#99009249) was issued for a new 80 square foot building at 2535 South Durango Drive on the subject site. A final inspection was completed 09/03/99.
<i>Pre-Application Meeting</i>	
11/12/09	A pre-application meeting was held to discuss the application submittal requirements for an Auto Smog Check use. Topics included: - The applicant was informed that a Special Use permit is required because the site does not meet all conditional use regulations. The structure to be used as a smog check facility is less than the required 200 square feet; also, the site does not provide a stacking lane that can accommodate at least three cars. - The requirement for a parking analysis for the site, including an overall parking count and the square footage for each building.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	

<i>Field Check</i>	
12/22/09	Staff conducted a site visit and observed the following: The subject pad is well-maintained.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	5.56

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center/ Financial Institution, Specified	SC (Service Commercial)	C-1 (Limited Commercial)
North	Private Golf Course	PR-OS (Park/Recreation/Open Space)	R-PD4 (Residential Planned Development – 4 Units Per Acre)
South	Residential Condominiums	MLA (Medium-Low Attached Residential)	R-PD12 (Residential Planned Development – 12 Units Per Acre)
East	Retail Commercial, Financial Institution, Specified	CG (Commercial General –Clark County)	C-2 (General Commercial - Clark County)
West	Motel	SC (Service Commercial)	C-1 (Limited Commercial)

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

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	N/A	Approx. 632 Feet	Y
Min. Lot Size	642,495 Square Feet	Approx. 683,820 Square Feet	Y
Min. Setbacks • Front • Side • Rear	20 Feet 10 Feet 20 Feet	222 Feet 6 Feet 309 Feet	Y

**The existing structure is non-conforming for side yard setback.*

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ANALYSIS

The subject site is located at the southwest corner of Durango Drive and Sahara Avenue. The proposed Auto Smog Check use would be located in the parking area behind the existing perimeter landscape planter along Durango Drive. The use is permitted in a C-1 (Limited Commercial) zoning district, subject to six use conditions. The requested Special Use Permit is required because conditional use regulations cannot be met requiring the facility to be at least 400 square feet in size, at least 200 square feet of which must consist of an enclosed structure, and requiring a stacking lane for at least three vehicles to be provided. Although the subject site previously operated as an Auto Smog Check, the use has been discontinued for more than one year and the must therefore meet the current requirements of Title 19. The structure is outside of the public right-of-way. Because the existing structure is part of an existing commercial center, and was previously used for a similar use, the number of required parking spaces does not change. Currently, the commercial center provides 219 parking spaces.

The structure is an 80 square-foot enclosure with a service bay door that faces away from the public right-of-way. As the proposed location is adjacent to a drive aisle, no stacking lane can safely be provided without occupying more parking spaces. Staff recommends denial of the request, as the existing structure is not adequate for providing the proposed services and is not compatible with the surrounding uses.

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 Auto Smog Check use cannot be conducted in a manner that is compatible with the existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.

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

The site is located in a commercial plaza that is physically not suitable for the type and intensity of the land use proposed because there is no stacking lane for vehicles, which could impede onsite circulation.

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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 Durango Drive, a 100-foot wide Primary Arterial, and Sahara Avenue, a 100-foot Primary Arterial as designated by the Master Plan of Streets and Highways. These facilities are adequate to meet the requirements of the proposed Auto Smog Check 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.”

Approval of the Special Use Permit at this location for the Auto Smog Check facility as indicated by the site plan will not compromise the public health, safety, general welfare, or the overall objectives of the General Plan, as the proposed use will be subject to regular inspections.

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

An Auto Smog Check facility is a conditional use per Title 19.04. The proposed use on this site does not meet Condition 1 of the use, which requires a minimum size of 400 square feet, 200 square feet of which must be in an enclosed building. Additionally, this facility does not meet Condition 6, which requires the facility to have a stacking lane that will accommodate at least three vehicles. Therefore, a Special Use Permit must be approved for the use to operate at this location.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 732 (By City Clerk)

APPROVALS 0

PROTESTS 2