

**AGENDA MEMO****CITY COUNCIL MEETING DATE: MARCH 17, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SUP-37017 - APPLICANT: CALVIN PETERSON - OWNER: KIMTARI FORTSON, ET AL**

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend DENIAL, if approved subject to conditions:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for an Auto Repair Garage, Minor use.
2. 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.
3. The existing chain link fence shall be repaired within 30 days of approval, and maintained in good condition thereafter.

Public Works

4. Contact the City Engineer's Office at 229-6272 to coordinate the development of this project with the Martin L King Boulevard widening project and any other public improvement projects adjacent to this site.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for an Auto Repair Garage, Minor to be located at 1501 West Carey Avenue. Currently, the site consists of an existing garage facility of 1,392 square feet with two service bays facing the public right-of-way. Previously, the site was occupied by a nonconforming Auto Garage, Major, which went out of business as of 03/18/08. The nonconforming status subsequently expired and a new Special Use Permit is required. Staff is recommending denial of the request because of the use of chain link fencing, which is aesthetically incompatible with surrounding development, and because the use cannot meet minimum Special Use Permit requirement #2 in Title 19.04.10. If denied, the proposed use will not be permitted at this proposed location.

ISSUES

- The existing garage facility has service bays facing the public right-of-way and has an existing chain link fence that is used to secure the rear and side of the garage facility.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
04/25/07	A deed was recorded for change of ownership.
02/11/10	The Planning Commission (6-0 vote) and staff recommend DENIAL (PC Agenda Item #6/ao).
<i>Related Building Permits/Business Licenses</i>	
01/01/51	A business license (G03-01050) was issued for a Garage-Major Auto at 2399 North Martin L. King Boulevard. The license was marked out of business on 03/18/08.
c. 1966	The existing Auto Garage was constructed.

<i>Pre-Application Meeting</i>	
12/02/09	A pre-application meeting was held to discuss the application submittal requirements for an Auto Repair Garage, Minor use. Topics included: • A discussion regarding the proximity to North Las Vegas, resulting in the Special Use Permit request being denied a Project of Regional Significance. • The on-site parking requirement, which requires five spaces, plus one space for each 200 square feet of gross floor area. • A waiver would have to be requested because of minimum Special Use Permit requirement #2 which states: "Openings to the service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties."

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Neighborhood Meeting	
A neighborhood meeting is not required for this application, nor was one held.	
Field Check	
01/07/10	Staff conducted a site visit and observed the following: • An existing vacant garage facility was on the property with abandoned trucks located at the rear of the property. • An existing chain link fence is used for screening the east and south portion of the property. • The widening construction project for Martin Luther King Boulevard was being done along the perimeter of the property on the Martin Luther King Boulevard side.

Details of Application Request	
Site Area	
Gross Acres	.44

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Auto Repair Garage	MXU (Mixed Use - Downtown Land Use)	C-1 (Limited Commercial)
North	Convenience Store	City of North Las Vegas	City of North Las Vegas
South	Vacant building	MXU (Mixed Use - Downtown Land Use)	C-1 (Limited Commercial)
East	Undeveloped	MXU (Mixed Use - Downtown Land Use)	R-2 (Medium Low Density Residential) / C-2 (General Commercial)
West	Community Center	PF (Public Facility)	C-V (Civic)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan			
West Las Vegas Plan	X		Y
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O Airport Overlay District (105 Feet)	X		Y
Las Vegas Redevelopment Plan (Downtown Redevelopment Area)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
			AO

Project of Regional Significance	X		Y
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DEVELOPMENT STANDARDS

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	100 Feet	145 Feet	Y
Min. Setbacks • Front • Side • Corner • Rear	20 Feet 10 Feet 15 Feet 20 Feet	72 Feet 48 Feet 66 Feet 24 Feet	Y
Max. Lot Coverage	50%	11%	Y
Max. Building Height	N/A	15 Feet	Y

Per Title 19.08.

Parking Requirement – Use the other table							
Use	Gross Floor Area or Number of Units	Base Parking Requirement		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Auto Repair Garage, Minor	1,392 SF	5 spaces plus 1:200 SF	11	1	11	1	Y
TOTAL	1,392 SF		12		12		Y
Loading Spaces		1			1		Y

Waivers		
Requirement	Request	Staff Recommendation
Per Title 19.04.010 Auto Repair Garage, Minor condition #2 “openings to the service bays shall not face public right-of-way.”	To allow the openings of the existing service bays to face public right-of-way.	Denial

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ANALYSIS

According to Title 19, an “Auto Repair Garage, Minor” is defined as “a facility for the performance of minor repair and service of vehicles of 10,000 pounds gross vehicle weight or less.” The subject site is independently parceled and has ample space for on-site parking. Located on the west side of the building and on the south of the building is a chain link fence used for security. Chain link fencing is not a permitted fencing material except as temporary construction fencing or unless approved as part of an overall site review, per Title 19.12.075 (H). However, the applicant wishes to keep the existing fencing and distribute the onsite parking perpendicular to the west wall of the site and perpendicular to the north property line. The existing chain link fence is in poor condition, and is not compatible with surrounding development. If approved, a condition has been added to require that the fence be repaired and maintained.

The hours of operation for the facility will be from 8:00 a.m. from 6:00 p.m., Monday through Saturday. The subject site was previously occupied by a nonconforming Auto Repair Garage, Major use. This garage ceased operation 03/18/08, and the nonconforming status expired one year later; therefore, a new Special Use Permit for the proposed use is required. The proposed use does not comply with the requirements of Title 19 because it does not meet minimum Special Use Permit requirements and chain link fencing is not a permitted fencing material. The use cannot therefore be conducted in a manner that is compatible with existing and surrounding land uses; therefore, staff recommends denial of this request.

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 use cannot be conducted in a manner that is harmonious and compatible with the existing surrounding commercial uses because of the use of chain link fencing.

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

The subject site has ample space on-site for parking that makes it physically suitable for the proposed Auto Repair Garage, Minor use.

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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.”

Access to the site is via Carey Avenue and Martin Luther King Boulevard. Both are designated as 100-foot Primary Arterials by the Master Plan of Streets and Highways. These thoroughfares are capable of accommodating the traffic flow created by the site and the 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.”

If approved, the proposed use on this site will be subject to periodic inspection by regulatory agencies for business licensing and environmental health, and it will therefore not compromise the public health, safety and welfare, or the overall objectives of the General Plan.

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

The proposed Auto Repair Garage Minor cannot meet minimum Special Use Permit requirement #2 for the use in Title 19.04.10 stating that opening a service bays should not face the public right-of-way.

PLANNING COMMISSION ACTION

Conditions one and two to be removed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 118 (By City Clerk)

APPROVALS 0

PROTESTS 0