

**AGENDA MEMO****CITY COUNCIL MEETING DATE: APRIL 21, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: APPLICANT: STEPHEN MURPHY - OWNER: ROGER FOSTER**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (7-0 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. All signage shall conform to Title 19 standards and all necessary building permits shall be obtained [within 30 days of final approval](#).
4. All necessary building permits shall be obtained [for the Smog Check structure](#), and final inspections completed in compliance with Title 19 and all codes as required by the Department of Building and Safety [within 30 days of final approval](#).
5. 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.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

7. The Smog testing for vehicles shall be as per the submitted plan date stamped March 1, 2010. Vehicles shall not park in such a manner that would affect traffic on Decatur Boulevard. Meet with the Traffic Engineering Representative for assistance in the final location of the smog check facility and vehicle queue prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site is located at the northwest corner of Decatur Boulevard and Smoke Ranch Road, which contains an existing Car Wash, Self Service use and Auto Smog Check use. The applicant is requesting to relocate the existing Auto Smog Check structure closer in proximity to Decatur Boulevard for better visibility. The enclosed structure is 36 square feet in size. A Special Use Permit is required because a condition cannot be met requiring the structure to be at least 400 square feet in size, of which 200 square feet must be an enclosed structure with the remainder of the facility allowed to be located under service canopies. Staff is recommending denial of the request because the existing structure is not adequate to provide the smog check services and is not compatible with surrounding land uses, particularly, the residentially zoned property to the west. If denied, the use must remain in its current location on the site.

ISSUES

- The proposed Auto Smog Check use cannot meet a condition that requires a minimum size of 400 square feet for the structure, of which 200 square feet must be an enclosed structure with the remainder of the facility allowed to be located under service canopies. The proposed facility is 36 square feet, all enclosed.
- A condition has been added to require that smog services shall not be performed within any drive aisle on the site.
- A condition has been added to require that all signage must adhere to Title 19 standards and proper building permits must be obtained.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
01/31/94	A deed was recorded for a change in ownership.
06/21/95	The City Council approved a Special Use Permit (U-0036-95) for a 40-foot high, 14-foot by 48-foot Off-Premise Sign at 2401 Decatur Boulevard. The Board of Zoning Adjustment recommended denial. Staff recommended approval.
08/03/00	The City Council approved a Five-Year Review [U-0036-95(1)] on a Special Use Permit for a 40-foot high, 14-foot by 48-foot Off-Premise Sign at 2401 Decatur Boulevard. The Planning Commission and staff recommended approval.

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09/18/02	The City Council approved a Two-Year Review [U-0036-95(2)] on a Special Use Permit for a 40-foot high, 14-foot by 48-foot Off-Premise Sign at 2401 Decatur Boulevard. The Planning Commission and staff recommended denial.
10/20/04	The City Council approved a Required Two-Year Review (RQR-4959) of an approved Special Use Permit (U-0036-95) which allowed a 40-foot high, 14-foot by 48-foot Off-Premise Sign at 2401 North Decatur Boulevard. The Planning Commission and staff recommended denial.
07/11/07	The City Council approved a Required Two-Year Review (RQR-17764) of an approved Special Use Permit (U-0036-95) which allowed a 40-foot high, 14-foot by 48-foot Off-Premise Sign at 2401 North Decatur Boulevard. The Planning Commission and staff recommended approval.
03/25/10	The Planning Commission (7-0 vote) recommended APPROVAL (PC Agenda Item #21/gk).
<i>Related Building Permits/Business Licenses</i>	
c.1981	The existing building was constructed.
c.1996	An ongoing business license for a car wash was reclassified to C02-00026 at 2401 North Decatur Boulevard. The license is still active.
03/13/07	A business license (G02-00773) was issued for a smog testing use at 2401 North Decatur Boulevard. The license is still active.
11/02/07	A Code Enforcement Case (59475) was opened for a noise nuisance. The case was closed by Code Enforcement on 01/22/10.
07/21/08	A Code Enforcement Case (67969) was opened for illegal signage. The case was closed by Code Enforcement on 01/22/10.
07/22/08	A Code Enforcement Case (68021) was opened for illegal signage. The case was closed by Code Enforcement on 01/22/10.
09/23/08	A building permit (#124026) was issued for three non-illuminated wall signs and one freestanding sign at 2401 North Decatur Boulevard. The building permit has not been finalized.
10/10/08	A building permit (#125667) was issued for a two-sided fabric sign on an existing freestanding sign at 2401 North Decatur Boulevard. The building permit has not been finalized.
06/26/09	A Code Enforcement Case (79478) was issued for illegal signage. The case was closed by Code Enforcement on 01/22/10.
10/26/09	A Code Enforcement Case (83482) was issued for illegal signage. The case was closed by Code Enforcement on 01/22/10.

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<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. The following items were discussed: • The applicant was informed that a Special Use Permit is required, as the smog check structure is less than the required 400 square feet. • A parking analysis must be included on the site plan including the existing car wash use. • A Project of Regional Significance assessment is required, as the site is located within 500 feet of the City boundary.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	
<i>Field Check</i>	
02/18/10	Staff conducted a field check on the indicated date. The following items were noted: • No parking spaces are provided on the subject site. • Multiple illegal non-illuminated signs were noted. • No landscaping on the north and west property lines.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.63

<i>Surrounding Property</i>	<i>Existing Land Use</i>	<i>Planned Land Use</i>	<i>Existing Zoning</i>
Subject Property	Car Wash, Self Service	SC (Service Commercial)	C-1 (Limited Commercial)
North	Auto Repair Garage, Minor	SC (Service Commercial)	C-1 (Limited Commercial)
South	Office, Other than Listed	SC (Service Commercial)	C-1 (Limited Commercial)
East	Office, Other than Listed	LI/R (Light Industry/Research)	C-M (Commercial/Industrial)
West	Undeveloped	Clark County	R-E (Residential Estates - Clark County)

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District – 35 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		Y

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	27,442 SF	N/A
Min. Lot Width	100 Feet	105 Feet	Y
Min. Setbacks			
• Front	20 Feet	31 Feet	Y
• Side	10 Feet	42 Feet	Y
• Corner	15 Feet	122 Feet	Y
• Rear	20 Feet	122 Feet	Y
Max. Lot Coverage	50%	20%	Y
Max. Building Height	N/A	8 Feet 6 Inches	N/A
Trash Enclosure	Screened, Gated with a Roof or Trellis	Existing on-site, screened	Y

Pursuant to Title 19.10, the following parking standards apply:

Applicable to Title 1916, 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 Smog Check	36 SF	1 space	1				
Car Wash, Self Service	8 Stalls	2 per stall	16				
SubTotal			16	1			
TOTAL			17		5		N*

**The subject site is parking impaired, per Title 19.10.*

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Waivers		
Requirement	Request	Staff Recommendation
19.04.010 Auto Smog Check #1 – Minimum size of 400 SF, of which a minimum of 200 SF must be in an enclosed structure, with the remainder allowed under service canopies.	36 SF, all of which is enclosed	Denial

ANALYSIS

The subject site is located at the northwest corner of Decatur Boulevard and Smoke Ranch Road, which contains an existing Car Wash, Self Service use and Auto Smog Check use. The applicant is requesting to relocate the existing Auto Smog Check structure closer in proximity to Decatur Boulevard for better visibility. The existing Auto Smog Check use would be relocated approximately 31 feet to the west of Decatur Boulevard from its current location adjacent to the west property line. The use is conditionally permitted in a C-1 (Limited Commercial) zoning district, subject to six use conditions. The requested Special Use Permit is required because a condition cannot be met requiring the structure to be at least 400 square feet in size, of which 200 square feet must be an enclosed structure with the remainder of the facility allowed to be located under service canopies. The existing Auto Smog Check structure is 36 square feet and does not include any awnings or canopies.

The site is a parking impaired development per Title 19.10.010(C). The existing Car Wash, Self Service use requires 16 parking spaces and the existing Auto Smog Check use requires one parking space. In total, the site is required to have 17 parking spaces between the two existing uses. The site currently has zero parking spaces, based on a physical inventory conducted by staff during a field check.

Per Title 19.04.010, an Auto Smog Check use is required to have a stacking lane that will accommodate at least three cars. The existing site does not have such a stacking lane. The applicant will provide a three car stacking lane adjacent to the north property line, five parking spaces, and a fixed service area adjacent to the west side of the Smog Check structure. Although all conditions for the Auto Smog Check use cannot be met, the relocation will further separate the existing Smog Check use from the residentially zoned property to the west and will decrease the existing on-site deficiencies by providing additional parking, service area, and stacking lane.

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Over the past seven years, and as recently as 10/26/09, numerous code enforcement complaints regarding illegal signage have been investigated at the subject site. A condition has been added requiring the owner to obtain all necessary building permits prior to erecting any signage. Also, the necessary building permits were never obtained for the existing 36 square foot structure. Another condition has been added requiring the applicant to obtain permits for this structure.

As the Auto Smog Check use cannot meet minimum conditional requirements and the use is not compatible with surrounding land uses, 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 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 subject site is not physically suitable for the proposed Auto Smog Check use. The existing kiosk that is proposed to house this use is not of sufficient size to meet the required 400 square feet total or 200 square feet enclosed space requirements.

- 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 by Smoke Ranch Road and Decatur Boulevard. Both are designated as 100-Foot Primary Arterials by the Master Plan of Streets and Highways, and will be adequate in size to meet the requirements of the Auto Smog Check use. Site access and circulation will not negatively impact adjacent roadways and neighborhood traffic.

- 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.”**

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Approval of the Special Use Permit at this location for the Auto Smog Check facility as indicated on the site plan will not compromise the public health, safety, or general welfare, or the overall objectives of the General Plan, as the 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 does not meet Condition 1 of the Auto Smog Check use, which requires a minimum size of 400 square feet, 200 square feet of which must be in an enclosed building. Therefore, a Special Use Permit must be approved for the use to operate at this location.

PLANNING COMMISSION ACTION

The Planning Commission amended conditions 3 & 4 as shown, to which the applicant agreed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 151 (By City Clerk)

APPROVALS 1

PROTESTS 0