



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 19, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: MARIO PENA PENA

THIS ITEM WAS HELD IN ABEYANCE FROM THE MAY 5, 2010 CITY COUNCIL MEETING AT THE REQUEST OF COUNCIL

**** CONDITIONS ****

Staff recommends DENIAL, if approved, subject to conditions:

Planning and Development

1. Conformance to the conditions of approval for Special Use Permit (SUP-31367) and all other site related actions as required by the Planning and Development Department and Department of Public Works.
2. All illegal signage on the property shall be removed within 10 days of City Council action or permitted within 30 days of City Council action.
3. No outside storage of stock, equipment or residual used equipment shall be located or stored in any open area outside of the enclosed building.
4. All City Code requirements and design standards of City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The site has an Auto Repair Garage, Minor with the service bay doors facing the right-of-way at 1550 North Rancho Drive. There is no new development or changes in land use for properties in the surrounding area. Staff conducted a field check of the subject site on 4/6/10 and found the property free of debris with the landscaping areas being properly maintained. The building and canopy were free of any signage, but there was illegal signage (not permitted) at the corner of Rancho Drive and Vegas Drive in the landscaping island advertising tires for sale, along with an A-framed wooden sign in front of the business on Rancho Drive advertising window tinting. Tires are being stored behind the building in a gated/fenced area.

The business does not comply with Condition A of the previous Required Review (RQR-35347) dated 10/21/09 that mandated that all tires be stored in an enclosed structure to be fully permitted and receive a final inspection prior to this review. A request for a building permit (158339) for the structure was processed on 3/11/10, but a permit has not yet been issued as various City departments are currently reviewing the plans for code compliance. Additionally, the business is non-compliant with Condition of Approval #3 by having illegal signage still on the subject site. As the applicant is not in compliance with the previous conditions imposed by the City Council, staff is recommending denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/04/09	The City Council approved a request for a Special Use Permit (SUP-31367) for an Auto Repair Garage, Minor with service bay doors facing the right-of-way at 1550 North Rancho Drive. The Planning Commission recommended denial on 12/04/08.
04/01/09	The Planning and Development Department administratively approved a request for a Minor Site Development Plan Review (SDR-33534) for exterior improvements to an existing building and landscape area for an Auto Repair Garage, Minor (sale and installation of tires) at 1550 North Rancho Drive.
10/21/09	The City Council approved a request for a Required Review (RQR-35347) of a previously approved Special Use Permit (SUP-31367) for an Auto Repair Garage, Minor with service bay doors facing the right-of-way at 1550 North Rancho Drive.
12/13/09	A Code Enforcement case (84969) was processed for illegal signs on a pole located at 1550 North Rancho Drive. Code Enforcement closed the case on 01/22/10.

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<i>Related Building Permits/Business Licenses</i>	
07/19/07	A building permit (94108) was issued for a Non-Work Certificate of Occupancy at 1550 North Rancho Drive. The permit was finalized was 10/29/07.
08/20/09	A business license (R05-00642) was issued for a take-out cart at 1550 North Rancho Drive. The license is still active.
03/04/10	A business license (G02-93519) was issued for an Auto Repair Garage, Minor at 1550 North Rancho Drive. The license is still active.
03/11/10	A request for a building permit (158339) was processed for a tire storage building located at 1550 Rancho Dr. The plans are currently being reviewed, but a building permit has not yet been issued.
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required for this type of application, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of application, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.49

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Auto Repair Garage, Minor	SC (Service Commercial)	C-1 (Limited Commercial)
North	Retail Establishments, Auto Garage	SC (Service Commercial)	C-2 (General Commercial)
South	Single Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)
East	Single Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)
West	Financial Institution, Specified	SC (Service Commercial)	C-1 (Limited Commercial)
	Single Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
West Las Vegas Plan	X		Y

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (70 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

ANALYSIS

This is the second Required Review of a previously approved Special Use Permit (SUP-31367) for an Auto Repair Garage, Minor with service bay doors facing the right-of-way at 1550 Rancho Drive. Staff conducted a field check of the subject site on 4/6/10 and found the property free of debris with the landscaping areas being properly maintained. The building and canopy were free of any signage, but there was illegal signage (not permitted) at the corner of Rancho Drive and Vegas Drive in the landscaping island advertising tires for sale, along with an A-framed wooden sign in front of the business on Rancho Drive advertising window tinting. Additionally, staff found tires are being stored behind the building in a gated/fenced area. On 3/11/10, the applicant submitted a request for a building permit (158339) for a structure to store tires; as of 4/7/10, the plans submitted are still being reviewed by various City departments. There is no new development or changes in land use for properties in the surrounding area.

FINDINGS

The business does not comply with condition of approval A and # 3 of the previous Required Review (RQR-35347). Title 19.04 mandates that an Auto Repair Garage, Minor have no outside storage of stock, equipment or residual used equipment located or stored in any open area outside of an enclosed building. Condition 'A' mandated that all tires be stored in an enclosed structure to be fully permitted and receive a final inspection prior to this review: no such structure exists. Condition Number 3 required the applicant to remove all illegal signage within 10 days of City Council or permitted within 30 days of City Council action. The signage in the landscape area on the corner of Rancho Drive and Vegas Drive is the same signage noted during the previous field check dated 08/18/09. Staff recommended denial of Required Review (RQR-35347) as the business was not in compliance with the conditions of approval. Staff is recommending denial of this Required Review (RQR-37430) as the business still remains non-compliant.

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NOTICES MAILED 306 (By Planning)

APPROVALS 1

PROTESTS 2