

**AGENDA MEMO**

CITY COUNCIL MEETING DATE: JULY 21, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: DISCOUNT SMOG/STEPHEN MURPHY -
OWNER: FOSTER-DAY, CORP.**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
ROC-38439	Staff recommends DENIAL, if approved subject to conditions:	None

**** CONDITIONS ******ROC-38439 CONDITIONS****Planning and Development**

1. Conformance to all conditions of approval of the Special Use Permit (SUP-37301) and all other site related actions as required by the Planning and Development Department and Department of Public Works.
2. All signage shall conform to Title 19 standards with building permits issued and an approved final inspection received within 30 days of City Council approval.
3. 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

Located at the northwest corner of Smoke Ranch Road and Decatur Boulevard is a car wash and smog testing facility. On 04/21/10, City Council approved the relocation of an existing 36 square-foot Auto Smog Check on the same lot located at 2401 North Decatur Boulevard. Condition #4 required the applicant to obtain all necessary building permits and receive an approved final inspection for the facility within 30 days of final approval. As of 06/24/10, no building permits have yet to be issued for the structure, nor have any building permits been issued for the illegal signage on property as directed by Condition #3. The applicant is requesting Condition #4 deleted or extended to 24 months.

During the pre-application meeting for the Review of Condition, staff from the Department of Building and Safety informed the applicant that the complete permit process for the structure could be accomplished well within the initial timeframe specified by City Council; therefore staff is recommending denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
06/21/95	The City Council approved a request for 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 on 04/21/95.
08/02/00	The City Council approved a request for a Required Review [U-0036-95(1)] of a previously approved Special Use Permit (U-0036-95) for a 40-foot high, 14-foot by 48-foot Off-Premise Sign at 2401 Decatur Boulevard. The Planning Commission recommended approval on 06/22/00.
08/22/02	The City Council approved a request for a Required Review [U-0036-95(2)] of a previously approved Special Use Permit (U-0036-95) for a 40-foot high, 14-foot by 48-foot Off-Premise Sign at 2401 Decatur Boulevard. The Planning Commission recommended approval on 09/18/02.
10/20/04	The City Council approved a request for a Required Review (RQR-4959) of a previously approved Special Use Permit (U-0036-95) for a 40-foot high, 14-foot by 48-foot Off-Premise Sign at 2401 Decatur Boulevard. The Planning Commission recommended denial on 09/23/04.
07/11/07	The City Council approved a request for a Required Review (RQR-17764) of a previously approved Special Use Permit (U-0036-95) for a 40-foot high, 14-foot by 48-foot Off-Premise Sign at 2401 Decatur Boulevard. The Planning Commission recommended approval on 04/17/07.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
07/21/08	A Code Enforcement case (67969) was processed for numerous illegal sign at 2401 North Decatur Boulevard. Code Enforcement closed the case on 01/22/10.
07/22/08	A Code Enforcement case (68021) was processed for illegal signs at 2401 North Decatur Boulevard. Code Enforcement closed the case on 01/22/10.
06/26/09	A Code Enforcement case (79478) was processed for illegal signs at 2401 North Decatur Boulevard. Code Enforcement closed the case on 01/22/10.
10/26/09	A Code Enforcement case (83482) was processed for illegal signs and a new building without permits at 2401 North Decatur Boulevard. Code Enforcement closed the case on 03/29/10.
04/21/10	The City Council approved a request for a Special Use Permit (SUP-37301) to relocate an existing 36 square-foot Auto Smog Check on the same lot at 2401 North Decatur Boulevard. The Planning Commission recommended approval on 03/25/10.

<i>Related Building Permits/Business Licenses</i>	
c.1981	The existing building was constructed
01/09/96	A business license (C02-00026) was issued for a car wash at 2401 North Decatur Boulevard. The license is still active.
05/14/07	A business license (G02-00773) was issued for a smog testing facility at 2401 Decatur Boulevard. The license is still active.
09/23/08	A building permit (124026) was issued to install three (3) non-illuminating signs, which was modified to only one freestanding sign parallel to Smoke ranch street frontage. The permit was not 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 permit was not finalized.

<i>Pre-Application Meeting</i>	
05/27/10	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Review of Condition application to delete condition #4 entirely or extend the time limit to two-years.

<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required nor was one held.	

<i>Field Check</i>	
06/09/10	Staff conducted a field check of the subject site with the following observations: • The smog check facility was open and conducting business out of a brick office facility that is attached to the vacuuming area carports. • Numerous illegal signs are posted all over the sight including on the brick perimeter wall, in the driveway, and landscape areas.

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Details of Application Request	
Site Area	
Gross Acres	0.64

Surrounding Property	Existing Land Use Per Title 19.04	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Car Wash and Smog Check facility	SC (Service Commercial)	C-1 (Limited Commercial)
North	Auto Repair Garage, Minor	SC (Service Commercial)	C-1 (Limited Commercial)
South	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
East	Offices	LI/R (Light Industry/Research)	C-M (Commercial/Industrial)
West	Undeveloped Land- Clark County	RN (Rural Neighborhood)- Clark County	R-E (Rural Estates Residential- Clark County)

Master Plan Areas	Yes	No	Compliance
Master Plan Area		X	N/A
Special Purpose and Overlay Districts	Yes	No	Compliance
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
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

The applicant is requesting a Review of Condition of a previously approved Special Use Permit (SUP-37301) to delete Condition #4 or extend the time frame specified from 30 days to 24 months to obtain a building permit and receive an approved final inspection for a relocated smog check facility at 2401 North Decatur Boulevard. As of 06/24/10, no building permits have yet to be issued for the structure. Staff conducted a field inspection of the subject site on 06/09/10 and found numerous illegal signs posted on the property advertising the smog facility. Condition #3 of the Special Use Permit (SUP-37301) directed the applicant to obtain building permits and receive an approved final inspection for all the illegal signage on property within 30 days of final approval, but as of yet no permits have been issued. Two (2) previous building permits (#124026 and 125667) were issued for a total of three (3) signs in 2008, but were never finalized; therefore, all signage on property advertising the smog facility is not permitted.

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FINDINGS

The applicant is not in conformance with Condition #3 and #4 of the Special Use Permit (SUP-37301) to obtain permits and receive an approved final inspection for all the illegal signage on property and the smog testing facility within 30 days of City Council approval. Planning and Development Department staff met with personnel from the Department of Building and Safety who affirmed that the complete permit process for the smog check structure could be accomplished well within the initial timeframe of 30 days specified by City Council; therefore staff is recommending denial of this request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 151

APPROVALS 0

PROTESTS 0