



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 1, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: FDIC AS RECEIVER FOR COMMUNITY BANK OF NEVADA

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
GPA-38525	Staff recommends APPROVAL.	
SUP-38590	Staff recommends APPROVAL, subject to conditions:	GPA-38525

** CONDITIONS **

SUP-38590 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Car Wash, Self Service 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. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Parking areas shall be striped in compliance with the site plan date stamped 06/15/10. The handicap parking space shall be van accessible in conformance with the requirements of Title 19.10.
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

The subject site is a one-lot commercial subdivision, a portion of which contains a self-service car wash at 3810 North Jones Boulevard. The site is zoned C-1 (Limited Commercial), with a non-conforming General Plan designation of DR (Desert Rural Density Residential). The requested General Plan Amendment to SC (Service Commercial) will bring the existing zoning into conformance with the proposed General Plan designation, and applies to the entire commercial subdivision. Staff is recommending approval of the request. The requested Special Use Permit applies to the portion of the overall site containing an existing abandoned car wash facility that ceased operations, and the business license was allowed to expire on 01/27/09. Pursuant to Title 19.16.030 regarding non-conforming uses, the discontinuation of the car wash use for more than one year resulted in the loss of its non-conforming status, and the need to re-establish the use through the approval of a Special Use Permit. Staff is recommending approval of the request as the use was previously operated, and can continue to operate, in a manner that is compatible with the surrounding uses. If the General Plan Amendment is denied, the existing zoning will remain non-conforming to the land use designation of the site. If the Special Use Permit is denied, the Self-Service Car Wash would not be permitted at the site, and it would have to be redeveloped for another use.

ISSUES

- The property, containing an existing Self-Service Car Wash, was annexed into the City in 2001. The established use was non-conforming due to the City's requirement for a Special Use Permit. When operations ceased for more than a year from January 2009 to the present, a Special Use Permit became necessary to re-establish the use at the site.
- Staff can support the requested waivers as the facilities were constructed prior to the current requirements and operated in a manner that was compatible with the surrounding residential and commercial developments for approximately 10 years before the use was discontinued.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
09/18/96	Clark County Action – The Board of Commissioners approved a Rezoning and Plot Plan Review (ZC-1220-96) from H-2 (General Highway Frontage) to C-1 (Local Business) for a commercial retail building along the east side of Jones Boulevard, approximately 900 feet south of Rancho Drive. The approved C-1 (Local Business) district was not in conformance to the existing DR (Desert Rural Density Residential) General Plan designation.
01/03/01	The City Council approved the Annexation (A-0009-00) of property located at the northeast corner of Jones Boulevard and Gilmore Avenue.

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07/29/10	The Planning Commission voted (7-0) to recommend APPROVAL of GPA-38525 and voted (6-1/vq) of companion item SUP-38590 (PC Agenda Items #26-27/sg).
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Most Recent Change of Ownership

06/11/08	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

c. 1999	The existing car wash facility was permitted and constructed through Clark County Development Services.
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Pre-Application Meeting

06/04/10	A pre-application meeting was held to discuss the requirements for submittal of a Special Use Permit, which is required due to the expiration of the non-conforming use of the subject site as a Self Service Car Wash. The non-conforming status expired as the existing car wash was out of business for more than one year. In addition, the site was annexed into the City in 2001 zoned C-1 (Limited Commercial) with a non-conforming General Plan designation of DR (Desert Rural Density Residential). The City shall sponsor a companion item to amend and correct the General Plan designation to SC (Service Commercial).
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Neighborhood Meeting

06/29/10	A neighborhood meeting was held from 5:30 to 6:00 pm at the Rainbow Library Auditorium, located at 3150 N. Buffalo Drive. In attendance were one member of the general public, two representatives for the applicant and one Planning and Development staff person. The resident had a question regarding the development of this site. The applicant provided an explanation and the resident has no objection to this request.
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Field Check

06/24/10	A field check was conducted by staff. The overall subject site is comprised of three commercial developments within a one-lot commercial subdivision, including a self service car wash, an office and an undeveloped portion. The site is well maintained, and although the car wash is vacant and fenced for security, the landscape is in good condition.
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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.93 (Entire subject site for General Plan Amendment)
Net Acres	0.80 (for car wash site only)

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Self Service Car Wash (Vacant)	DR (Desert Rural Density Residential) [Proposed: SC (Service Commercial)]	C-1 (Limited Commercial)
North	Mini-Storage Facility	SC (Service Commercial)	C-1 (Limited Commercial)
South	Church/House of Worship	RE (Rural Estates) – Clark County	Clark County
	Single Family Residences		
East	Undeveloped and Commercial Recreation/Amusement Facility (Indoor)	SC (Service Commercial)	C-1 (Limited Commercial)
West	Single Family Residences	DR (Desert Rural Density Residential)	R-E (Residence Estates)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		X	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (105 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		Y

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DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	34,768 SF	N/A
Min. Lot Width	100 Feet	157 Feet	Y
Min. Setbacks • Front • Side • Corner • Rear	20 Feet 10 Feet 15 Feet 20 Feet	55 Feet 0 Feet 38 Feet 44 Feet	Y Y* Y Y
Max. Building Height	N/A	1 Story (Existing)	Y*
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Existing	Y*

* As approved by Clark County prior to annexation into the City of Las Vegas.

Pursuant to Title 19.10 and 19.12, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees: • North • South • East • West	1 Tree / 30 Linear Feet 1 Tree / 20 Linear Feet 1 Tree / 30 Linear Feet 1 Tree / 20 Linear Feet	7 Trees 8 Trees 6 Trees 6 Trees	0 Trees 8 Trees 0 Trees 6 Trees	Y* Y* Y* Y*
TOTAL PERIMETER TREES		27 Trees	14 Trees	Y*
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	7 Trees	0 Trees	Y*
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width • North • South • East • West	8 Feet 15 Feet 8 Feet 15 Feet		0 Feet 6 Feet 0 Feet 6 Feet	Y* Y* Y* Y*
Wall Height			6 Feet (Existing)	Y

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Pursuant to Title 19.10, 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	
Car Wash, Self-Service	8 Stalls	2 Spaces per Stall	16				
TOTAL SPACES REQUIRED			16		23		Y
TOTAL (With Handicapped)			15	1	22	1	Y

Waivers		
Requirement	Request	Staff Recommendation
200-Foot distance separation from a residential property, unless separated from property by a street with a minimum width of 80 feet	Zero feet and no intervening street	Approval
The use must be operated in conjunction with another motor vehicle related use.	Operation of the car wash as the sole use of the property.	Approval

ANALYSIS

The subject site is a one-lot commercial subdivision, a portion of which is the site of a self-service car wash. The site is zoned C-1 (Limited Commercial), with a non-conforming General Plan designation of DR (Desert Rural Density Residential). The requested General Plan Amendment to SC (Service Commercial) will bring the existing zoning into conformance with the proposed General Plan designation, and applies to the entire commercial subdivision. Staff is recommending approval of the request. The requested Special Use Permit applies to a portion of the overall site containing an existing abandoned car wash facility that was constructed and opened for business when the property was located in Clark County. Subsequently, it was annexed into the City as a non-conforming use. The car wash ceased operations and the business license expired on 01/27/09. Pursuant to Title 19.16.030, the discontinuation of the car wash use for more than one year resulted in the loss of its non-conforming status, and the need to re-establish the use through the approval of a Special Use Permit. No changes to the site are proposed at this time. The requested waivers are required based on the current Special Use Permit requirements of Title 19.04, which were not applicable at the time that the existing facility was constructed. The car wash operated for approximately 10 years before ceasing operations, and was conducted in a manner that was compatible with the surrounding residential and commercial uses; consequently, staff can support the requested waivers and is recommending approval of both applications.

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FINDINGS (GPA-38525)

Section 19.18.030(I) of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

1.The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,

The proposed General Plan Amendment is compatible with the existing adjacent land use designations, and will be consistent with the existing zoning district.

2.The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,

The zoning designations allowed by the proposed amendment are compatible with the existing adjacent land uses or zoning districts. The existing C-1 (Limited Commercial) district conforms to and is the most intense zoning district allowed by the proposed land use designation.

3.There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and

The property is located in an established area where transportation, utility and other facilities already exist and are adequate to accommodate the uses allowed by the proposed General Plan Amendment.

4.The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.

There are no other applicable plans, policies or neighborhood plans.

FINDINGS (SUP-38590)

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.

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The proposed land use operated at the site for approximately 10 years before being abandoned. It can be operated in a manner that is compatible with the existing and future surrounding land uses.

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

The subject site was developed and operated as a car wash prior to abandonment of the use, and is physically suitable for re-establishing the use.

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 property is accessed from Jones Boulevard, designated an 80-foot Secondary Collector in the Master Plan of Streets and Highways, which is adequate in size to meet the requirements of the car wash 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 this Special Use Permit will not be inconsistent with or compromise the health, safety, or welfare of the general public as it will be subject to licensing and permitting by the City.

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

The use meets the applicable conditions of Title 19.04 with the exceptions of the requested waivers. Staff can support the requested waivers as the facilities were constructed prior to the current requirements and operated in a manner that was compatible with the surrounding residential and commercial developments for approximately 10 years before the use was discontinued.

PLANNING COMMISSION ACTION

The Planning Commission amended condition #2 for SUP-38590.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 289 (By City Clerk)

APPROVALS 2

PROTESTS 0