



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MARCH 16, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: FOSTER DAY, INC.

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-39963	Staff recommends APPROVAL, subject to conditions:	

**** CONDITIONS ****

SUP-39963 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 two years 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. A One year administrative review after issuance of a business license shall be required.
4. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
5. One 55-gallon trash receptacle labeled "Recyclables" shall be provided on site.
6. All landscaping and common areas shall be permanently maintained in a satisfactory manner

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7. All required building permits for the accessory shade structure located in the southeast corner of the property must be secured, or the structure shall be removed within 30 days of this approval.
8. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
9. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.
10. The hours of operation shall be limited to 7 a.m. to 10 p.m., seven days a week.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Special Use Permit to re-establish an abandoned Car Wash, Self-Service use at 7501 Alta Drive. Pursuant to Title 19.16.030, the existing Car Wash lost its nonconforming status after the discontinuation of business operations for over one year. Because the Car Wash no longer maintains its legal nonconforming status, the applicant is required to obtain a Special Use Permit with Waivers that address the existing physical layout. Staff recommends approval of this request, with conditions. If denied, the subject site may not operate as a Car Wash, Self-Service facility.

ISSUES

- The existing Car Wash Self-Service use was constructed in 1996. When operations ceased on 03/04/2008 and the use was abandoned for more than one year, a Special Use Permit, with Waivers, became necessary to re-establish the use at the site.
- The applicant is requesting Waivers to allow the opening of the wash bays to face public rights-of-way, a zero foot separation distance from a residential property where a minimum of 200 feet is required, and that the use not be operated in conjunction with another motor vehicle related use.
- The requested waivers are based on physical constraints that were approved under the original entitlement. Since the facilities were constructed prior to the current requirements and operated in a manner that was compatible with the neighboring residential development to the south and east for approximately 12 years before the use was discontinued, staff supports these requested Waivers.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
05/06/70	The Board of City Commissioner approved the request for reclassification of property (Z-0009-70) to Rezone the subject site from R-E (Residence Estates) to C-1 (Limited Commercial).
08/08/90	The Planning Commission approved a request for a (Z-9-70) Plot Plan and Building Review regarding a proposed Shopping Center at the southeast corner of Buffalo Drive and Alta Drive.
02/28/91	The Board of Zoning Adjustment approved a Special Use Permit (U-0021-91) to allow gasoline sales in conjunction with a proposed Convenience Store. This entitlement expired on 02/28/92.

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02/15/95	The City Council approved the appeal of the Board of Zoning Adjustment's recommendation for denial of a Special Use Permit (U-0328-94) for a Customer Operated Car Wash on property located on the southeast corner of Alta Drive and Buffalo Drive.
03/01/04	The previous property owner was cited by Code Enforcement (Case #10604) for operating a car wash facility between the hours of 11 p.m. to 1 a.m. with loud music. The car wash is supposed to close at midnight. This case was resolved on 09/03/04.
07/19/06	The previous property owner was cited by Code Enforcement (Case #44680) for allowing someone to live on the property within an RV with cords running to the car wash. This case was resolved on 07/28/06.
03/10/08	The previous property owner was cited by Code Enforcement (Case #63061) for keeping the property in disrepair with vandalized equipment. The owner was referred for graffiti cover up, trash removal and boarding up to prevent access to machinery. This case was resolved on 06/23/08.
06/27/09	The previous property owner was cited by Code Enforcement (Case #79492) for graffiti with trash and debris on the premises. This case was resolved on 07/27/09. The subject site has been fenced off stemming from this citation.
07/08/09	The previous property owner was cited by Code Enforcement (Case #79732) for graffiti and property not being maintained. This case was resolved on 07/08/09.
07/29/10	The previous property owner was cited by Code Enforcement (Case #93197) regarding the problem with graffiti becoming a chronic nuisance.
12/16/10	The Planning Commission voted to hold this item in abeyance to the February 8, 2011 meeting.
02/08/11	The Planning Commission voted (7-0) to recommend APPROVAL (PC Agenda Item 16/mh).

<i>Most Recent Change of Ownership</i>	
09/13/10	A deed was recorded for a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
04/05/96	A Plan Check, #C-312-95, was issued for a Self-Serve Car Wash at 7501 West Alta Drive. A final inspection was completed on 08/27/96.
07/31/96	A Business License, #C02-00080, was issued for a Car Wash, Self Service at 7501 West Alta Drive marked Out-of-Business 03/04/08.

04/05/96	A Plan Check, #C-312-95, was issued for a Self-Serve Car Wash at 7501 West Alta Drive. A final inspection was completed on 08/27/96.
07/31/96	A Business License, #C02-00080, was issued for a Car Wash, Self Service at 7501 West Alta Drive marked Out-of-Business 03/04/08.

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<i>Pre-Application Meeting</i>	
10/06/10	A pre-application meeting was held with the applicant to discuss the requirements necessary to re-activate an abandoned Car Wash, Self-Service facility. The applicant was informed that the existing facility no longer maintains a legal, non-conforming status and will require a Special Use Permit for the appropriate Waivers from the Minimum Requirements for a Car Wash, Self-Service Facility.

<i>Neighborhood Meeting</i>	
01/13/10	A neighborhood meeting was held by the applicant. Six members of the public, one member of the Council Office, and one member of the Planning Department were in attendance. Concerns: • The applicant indicated that wall heights would be raised and that he would provide each neighbor with the means to do so. • A smog check would not be supported by the neighbors. Overall, those in attendance supported the reopening of the Car Wash.

<i>Field Check</i>	
11/09/10	A field check was performed by staff with the following observations: • The existing Car Wash, Self Service Facility was in the process of undergoing property maintenance. • New perimeter landscaping was being installed and graffiti was being painted over.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.93

<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	Car Wash	SC (Service Commercial)	C-1 (Limited Commercial)
North	General Retail	SC (Service Commercial)	C-1 (Limited Commercial)
South	Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)

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East	Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)
West	Auto Repair	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		X	NA
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	NA
Trails		X	NA
Rural Preservation Overlay District		X	NA
Las Vegas Redevelopment Plan Area		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

DEVELOPMENT STANDARDS

Pursuant to Title 19.04 and 19.10, the following parking standards apply:

<i>Parking Requirement</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>	
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Carwash, Self-Service	6 Stalls	2 spaces per Stall	12				
TOTAL SPACES REQUIRED			12		13		Y
Regular and Handicap Spaces Required			11	1	12	1	Y

<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
A 200-foot distance separation from a residential property.	A zero-foot separation distance from a residential property	Approval
The use must be operated in conjunction with another motor vehicle related use.	To operate without another motor vehicle related use	Approval
The opening of the wash bays may not face public rights-of-way.	The opening of the wash bays to face public rights-of-way	Approval

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ANALYSIS

The subject site contains an existing Car Wash, Self Service facility that was constructed in 1996. The site is zoned C-1 (Limited Commercial), with a General Plan designation of SC (Service Commercial). The car wash ceased operations and the business license expired on 03/04/08. 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 reestablish 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 12 years before ceasing operations, and was conducted in a manner that was compatible with the surrounding residential and commercial uses; consequently, staff supports the requested waivers and is recommending approval. A condition of approval has been placed requiring that the hours of operation be limited to 7a.m. to 10p.m., seven days a week. If denied, the applicant will not be allowed to operate a Car Wash, Self-Service facility at this location.

FINDINGS (SUP-39963)

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.

The abandoned Car Wash, Self-Service use is compatible with the existing with the SC (Service Commercial) land use designation, and will remain consistent with uses typical of the existing C-1 (Limited Commercial) zoning district upon the approval of a Special Use Permit. The Car Wash, Self-Service use had operated for approximately 12 years prior to going out of business on 03/04/08.

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

The subject site had operated as a car wash prior to abandonment of the use. The applicant has taken steps in renovating the landscaping and removing graffiti in order to ensure that the site 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.

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The property is accessed from Alta Drive, 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, Self-Service 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. Additionally, the re-establishment of the Car Wash, Self-Service use will reduce the ongoing neighborhood issues such as graffiti and loitering.

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

With the exceptions of the requested waivers, the proposed use meets the applicable conditions of Title 19.04. Staff supports 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 12 years before the use was discontinued on 03/04/08.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED

427 (By City Clerk)

APPROVALS

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PROTESTS

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