



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: NOVEMBER 2, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: PLANET HYUNDAI - OWNER: TCP REAL
PROPERTY LP

***THIS ITEM WAS HELD IN ABEYANCE FROM THE OCTOBER 19, 2011
CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT***

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-42678	Staff recommends DENIAL, if approved subject to conditions:	N/A

**** CONDITIONS ****

SUP-42678 CONDITIONS

Planning

1. There shall be a one-year administrative review
2. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Outdoor Storage, Accessory use.
3. Conformance to the approved conditions for Rezoning (Z-0011-99) and Site Development Plan Review [Z-0011-99(2)].
4. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
5. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
7. 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

This is a request for a Special Use Permit for Outdoor Storage, Accessory use to allow two existing storage containers to remain at an existing Motor Vehicle Sales (New) dealership located at 7150 West Sahara Avenue. The applicant has placed the storage containers in the east side yard, within the landscape buffer without permits or the approval of a Special Use Permit for Outdoor Storage, Accessory use. A business license for Auto Sales, Auto Leasing and Auto Repair Garage, Major are current.

Staff recommends denial of the proposed use, as it cannot be conducted in a manner that is harmonious and compatible with existing surrounding land uses due to the negative visual impacts on the adjacent properties as well as the public rights-of-way. Relocation of the containers to the interior of the site would allow conformance with Conditional Use regulations. If this request is denied, the existing storage containers would have to be removed or relocated on the subject site.

ISSUES

- A Special Use Permit for the Outdoor Storage, Accessory use on this site is required because conditional use regulations disallowing storage within required setbacks or buffer yards cannot be met, nor will adequate screening be provided.
- A Project of Regional Significance report is required and was submitted with this application.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
08/21/96	The City Council approved a Rezoning (Z-0068-96) from N-U (Non-Urban) to C-1 (Limited Commercial) and P-R (Professional Offices and Parking) for a proposed 50,000 square foot commercial center.
05/24/99	The City Council approved a General Plan Amendment (GPA-0006-99) at 7150 West Sahara Avenue to GC (General Commercial). The Planning Commission recommended approval.
	The City Council approved a Rezoning (Z-0011-99) from U (Undeveloped) to C-2 (General Commercial) at 7150 West Sahara Avenue. The Planning Commission recommended approval.

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08/18/99	The City Council accepted the applicant's request to withdraw without prejudice a Special Use Permit (U-0064-99) to allow the sales of used cars at 7150 West Sahara Avenue.
05/17/00	The City Council approved an Extension of Time [Z-0011-99(1)] of an approved Rezoning from U (Undeveloped) to C-2 (General Commercial) and a Site Development Plan Review [Z-0011-99(2)] for a 26,276 square foot new car dealership (Planet Hyundai) at 7150 West Sahara Avenue. The Planning Commission and staff recommended approval of both requests.
08/20/03	The City Council denied a Variance (VAR-2501) to allow a fifty four-foot seven-inch (54'7") freestanding sign where 40 feet is the maximum height permitted at 7150 West Sahara Avenue. The Planning Commission and staff recommended denial.
10/05/05	The City Council approved a Site Development Plan Review (SDR-8316) for a 5,320 square foot addition of four service bays and an auto detailing area to an existing auto dealership at 7150 West Sahara Avenue. The Planning Commission and staff recommended approval.
09/13/11	The Planning Commission voted (7-0) to recommend APPROVAL (PC Agenda Item 28/jg).

Most Recent Change of Ownership

03/30/10	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

09/21/00	A building permit (#00017608) was issued for a new building for Motor Vehicle Sales (New) at 7150 West Sahara Avenue. The permit was finalized on 07/06/01.
05/15/01	A business license (A16-01233) was issued for Auto Sales at 7150 West Sahara Avenue. The license was marked out of business on 07/14/10.
03/01/10	A business license (A16-01325) was issued for Auto Sales at 7150 West Sahara Avenue. The license is currently active.
	A business license (A28-01040) was issued for Auto Leasing at 7150 West Sahara Avenue. The license is currently active.
03/10/11	A business license (G03-02445) was issued for a Garage Major Auto at 7150 West Sahara Avenue. The license is currently active.
06/14/11	A code enforcement case (102910) was initiated for Vehicles on display in landscape. Storage containers on property on east side of property. The case is presently open.

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<i>Pre-Application Meeting</i>	
07/19/11	A pre-application meeting was held with the applicant, where the submittal requirements for a Special Use Permit were discussed. Outdoor Storage, Accessory use is a Conditional use in the C-2 (General Commercial) zoning district if all conditional use requirements are met. The applicant indicated that the two storage containers had been placed for easy accessibility. The applicant was informed that the Conditional Use requirements for Outdoor Storage, Accessory use could be met without approval of a Special Use Permit.

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

<i>Field Check</i>	
08/04/11	Staff conducted a field check of the subject site and noted an Automobile Dealership with two unpermitted shipping containers located in the eastern parking lot and landscape buffer and two trash enclosures filled with loose trash and debris.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	4.46

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Motor Vehicle Sales (New)	GC (General Commercial)	C-2 (General Commercial)
North	Single Family Residence	DR (Desert Rural)	R-E (Residence Estates)
South	Clark County - Office	CG (Commercial General)	C-1 (Local Business)
			C-2 (General Commercial)
East	Vacant Motor Vehicle Sales (New)	GC (General Commercial)	C-2 (General Commercial)
West	Motor Vehicle Sales (New)	SC (Service Commercial)	C-2 (General Commercial)
		R (Rural)	

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<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		X	N/A
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

DEVELOPMENT STANDARDS

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Sahara Avenue	Primary Arterial	Master Plan of Streets and Highways	150	Y*

* Sahara Avenue is listed as a 100-foot Primary Arterial on the Master Plan of Streets and Highways.

ANALYSIS

An Outdoor Storage, Accessory use is defined per Title 19.18.020 as “The use of a significant portion of a lot or area for the long term retention (more than 24 hours) of materials and machinery or equipment, regardless of whether the materials, machinery or equipment are to be bought, sold, repaired, stored, incinerated, or discarded. This use does not include new or used motor vehicle sales and rental display, nor does it include accessory and incidental parking of vehicles for residents, guests, customers or employees in connection with a principal use.”

The proposed Outdoor Storage, Accessory use does not meet the following Conditional Use Regulations: #1. Storage shall not be permitted within the required setbacks or buffer yards, and #2. Except as otherwise provided in this Title or as specifically allowed in connection with the approval of a Special Use Permit: a. Outside storage areas that are not screened by an intervening building shall be screened from view of any public street by a screening device at least eight feet in height. b. Outside storage areas shall be screened from view of any adjoining property by a screening device at least eight feet in height, except along adjacent property lines of property zoned C-M or M. The containers are partially screened from view by the existing trash enclosures, which are not being used for trash, as the dumpsters are out in the open on the lot. The storage containers can be relocated elsewhere on the site in conformance with the Conditional Use requirements.

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The proposed use cannot be conducted in a manner that is harmonious and compatible with existing surrounding land uses due to the negative visual impacts on the adjacent properties as well as the public rights-of-way; therefore, staff recommends denial.

FINDINGS (SUP-42678)

In order to approve a Special Use Permit application, per Title 19.16.110(L) 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 proposed use cannot be conducted in a manner that is harmonious and compatible with the existing and surrounding land uses, as the proposed Outdoor Storage, Accessory use is within the east side yard within the landscape buffer and lacks adequate screening.

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

The subject site is physically suitable for the type and intensity of the proposed use, but the location of the use on the site is not appropriate.

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 Sahara Avenue. This street is of sufficient size to accommodate the needs of the proposed Outdoor Storage, Accessory 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.

The proposed development is subject to permit review and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare.

5. The use meets all of the applicable conditions per Title 19.12.

The proposed use does not meet all Minimum Conditional Use permit Requirements pursuant to Title 19.12. As such, the proposed Outdoor Storage, Accessory use requires the approval of a Special Use Permit.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

NOTICES MAILED 115 (By City Clerk)

APPROVALS 0

PROTESTS 1