

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: APRIL 23, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SUP-33611 - APPLICANT/OWNER: HECTOR CAMACHO**

**** CONDITIONS ******STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:**Planning and Development**

1. Conformance to all Minimum Special Use Permit Requirements under LVMC Title 19.04.010 for Motor Vehicle Sales (Used) use.
2. Conformance to the conditions for Rezoning (ZON-2967), Special Use Permit (SUP-3223) and Site Development Plan Reviews (SDR-3224 and SDR-25148) if approved.
3. Prior to issuance of a business license, the applicant shall obtain all necessary building permits for a pedestrian doorway and a restroom.
4. A maximum of three vehicles for sale may be displayed on the subject property at any time.
5. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to the time application is made for a business license, indicating the location of the three parking spaces to be dedicated for display of vehicles for sale.
6. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
7. No temporary signs such as banners, pennants, inflatable objects, streamers, flags, or other similar attention gaining item or devices shall be displayed upon the subject property without the appropriate permits.
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

9. All motor vehicle deliveries must be to the onsite parking or open areas only. Delivery or display of motor vehicles for sale shall not be allowed within the public rightofway.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed Motor Vehicle Sales (Used) establishment at 4561 East Bonanza Road, Suite #125. The subject property contains an existing 16,250 square-foot Auto Repair Garage, Major building and has been approved through Site Development Plan Review (SDR-25148) for a 19,500 square-foot General Retail and Restaurant building. In addition, the subject property has also received a parking Variance (VAR-25220) to allow 201 parking spaces where 250 are required. The applicant is proposing to convert a 1,000 square-foot storage area of the existing 16,250 square-foot Auto Repair Garage, Major building into a Motor Vehicle Sales (Used) establishment. Placing an additional use on the subject property, in addition to the existing and approved uses, will create an overly developed site and will negatively impact the surrounding neighborhood; therefore, staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
09/02/03	A Code Enforcement complaint (#3208) was issued for trash, debris, high vegetation and large piles of dirt at 4561 East Bonanza Road. The case was resolved on 10/24/03.
10/30/03	A Code Enforcement complaint (#6336) was issued for high dry vegetation and litter at 4561 East Bonanza Road. The case was resolved on 12/15/03.
01/24/04	The City Council approved a General Plan Amendment (GPA-2966) from SC (Service Commercial) to GC (General Commercial), a Rezoning (ZON-2967) from R-E (Residence Estates) Zone under Resolution of Intent to O (Office) and C-1 (Limited Commercial) to C-2 (General Commercial), a Special Use Permit (SUP-3223) and Site Development Plan Review (SDR-3224) for an Auto Repair Garage (Major) and a proposed Self Serve Car Wash on 3.41 acres adjacent to the southeast corner of Bonanza Road and Page Street. The Planning Commission and staff recommended denial of these requests. The area designated Phase Two on the site plan was zoned to C-1 (Limited Commercial) by the City Council.
03/02/04	A Code Enforcement complaint (#10625) was issued for graffiti at 4561 East Bonanza Road. The case was resolved on 03/19/04.
06/21/04	A Code Enforcement complaint (#16380) was issued for trash on the vacant lot portion of the site. The case was resolved on 06/30/04.
07/27/04	A Code Enforcement complaint (#19314) was issued for trash and piles of debris at 4561 East Bonanza Road. The case was resolved on 12/06/04.

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10/27/04	A Reversionary Final Map (FMP-5529) was administratively approved by the Planning and Development Department on property located on the southeast corner of Bonanza Road and Page Street. The map was recorded 01/19/05.
03/02/05	A Code Enforcement complaint (#26624) was issued for graffiti and a broken fence at 4561 East Bonanza Road. The case was resolved on 04/04/05.
04/20/06	A Code Enforcement complaint (#40443) was issued for graffiti and abandoned cars at 4561 East Bonanza Road. The case was resolved on 07/06/06.
07/21/06	A Code Enforcement complaint (#44724) was issued for graffiti and a broken fence at 4561 East Bonanza Road. The case was resolved on 02/10/07.
03/21/07	A deed was recorded for change of ownership.
11/27/07	A Code Enforcement complaint (#59626) was issued for graffiti, storage code violations, refuse/waste code violations, vehicle code violations, dead landscape and non-permitted temporary signage. The case was resolved 08/12/08.
03/19/08	The City Council approved a Site Development Plan Review (SDR-25148) to add a proposed 20,400 square-foot General Retail Development to an existing 16,250 square-foot Auto Repair Garage, Major with Waivers of perimeter landscape buffers to allow a five-foot buffer along a portion of the south property line where 15 feet is required and a five-foot buffer along a portion of the east property line where eight feet is required and a Variance (VAR-25220) to allow 201 parking spaces where 250 spaces are required on 3.41 acres at the southeast corner of Page Street and Bonanza Road. The Planning Commission and staff recommended denial of these requests.
07/16/08	The City Council approved a Special Use Permit (SUP-27933) for a proposed Restaurant with Service Bar with Waivers to allow a zero-foot distance separation from a Child Care Facility and to allow a 58-foot distance separation from a school where 400 feet is required at 4561 East Bonanza Road. The Planning Commission and staff recommended denial of this request.
09/29/08	The Planning and Development Department administratively approved a Parcel Map (PMP-27923) for 3.42 acres located at 4561 East Bonanza Road. The map has not been recorded at this time.
03/24/09	The Planning and Development Department conducted a Planning Inspection at 4561 East Bonanza Road. At the time of inspection unmaintained landscape, non-permitted temporary signs, graffiti, a non-compliant trash enclosure, vehicles for sale within the parking lot, outside display and faded parking lot striping were noted. The violations were turned over to Code Enforcement 03/26/09 for further action.
<i>Related Building Permits/Business Licenses</i>	
01/25/05	A building permit (#05000428) was issued for on-sites at 4561 East Bonanza Road. The permit received final approval 11/22/05.
01/25/05	A building permit (#05000427) was issued for a shell building at 4561 East Bonanza Road. The permit received final approval on 05/17/06.

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06/22/06	A business license (#G03-02357) was issued for major auto repair at 4561 East Bonanza Road Suite #110. The license is currently active.
07/25/06	A business licenses (#G02-00753) was issued for an auto repair garage/tire sales at 4561 East Bonanza Road Suite #160. The license is currently active.
10/10/06	A business license (#G03-02372) was issued for major auto repair at 4561 East Bonanza Road Suite #120. The license is currently active.
03/17/07	A building permit (#07000850) was issued for a tenant improvement remodel at 4561 East Bonanza Road, Suite #125. The permit expired 09/08/07 without receiving final approval.
03/04/09	A business licenses (#S02-01136) was issued for a truck driving school at 4561 East Bonanza Road, Suite #130. The licenses is currently active.
03/09/09	A business license application (#R05-97501) was submitted for a hot dog cart at 4561 East Bonanza Road. The license is currently under review, awaiting proper documentation to be submitted.
03/09/09	A business license application (#G03-97502) was submitted for major auto repair/body work at 4561 East Bonanza Road, Suite #130. The license was reviewed by the Planning and Development Department 03/18/09, and is currently under review by other City departments.
<i>Pre-Application Meeting</i>	
02/06/06	A pre-application meeting was held with the applicant where the submittal requirements of a Motor Vehicle Sales (Used) establishment were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not held, nor was one required.	

<i>Field Check</i>	
03/19/09	A field check was performed by staff at the subject property. The subject property was observed to be a heavily-utilized auto repair center, with limited parking. Three vehicles for sale were noted on-site parked adjacent to Bonanza Road, numerous inoperable vehicles were noted within the parking lot area, weeds were noted within every landscape area, the trash enclosure was overflowing with debris, graffiti was noted along the west face of the building, and numerous non-permitted temporary signs (banners and flags) were noted on site. The subject suite was not addressed, located between suites #120 and 130, and was noted as a grey shell suite with no restroom facility, containing a roll-up door as the only means of ingress/egress.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	3.41

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Automotive Repair Center; Approved General Retail Development (SDR -25148)	GC (General Commercial)	C-1 (Limited Commercial) and C-2 (General Commercial)
North	Single-Family Residences	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
South	Child Care Facility	SC (Service Commercial)	R-E (Residence Estates)
	Elementary School	PF (Public Facilities)	C-V (Civic)
East	Condominiums	ML (Medium Low Density Residential)	R-PD12 (Residential Planned Development 12 Units per Acre)
West	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
	Undeveloped	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</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
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
<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	
Motor Vehicle Sales (Used)	1,000 SF; 3 Vehicle Display Spaces	1/500 SF of GFA	5*				

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Existing Auto Repair Garage, Major	15,250 SF	1/200 SF +5 spaces	82				
General Retail Store (Furniture Store)	11,280 SF	1/175 SF	65				
Restaurant 2,000 SF or more (without Drive-Through)	3,623 SF	1:50 SF of Public Seating	73				
	2,584 SF	1:200 SF of total remaining GFA	13				
General Retail Store (Meat Market)	2,035 SF	1/175 SF	12				
SubTotal			243	7	194	7	
TOTAL			250		201**		Y***
Loading Spaces			3		3		Y

* This figure represents the required parking for 1,000 square feet of a former Auto Repair Garage, Major use for Suite #125 on the subject property. The applicant is converting 1,000 square feet of space currently used as Auto Repair Garage, Major, which required five parking spaces, and is proposing the space be utilized for Motor Vehicle Sales (Used), which requires two parking spaces plus one additional space for each vehicle on display or for sale. A maximum of three vehicles on display or for sale may be placed upon the site in addition to the two required parking spaces.

** The subject property provides 201 proposed and existing parking spaces. The proposed Motor Vehicle Sales (Used) establishment has a parking requirement of two parking spaces plus one parking space for each vehicle on display or for sale; by converting 1,000 square feet of Auto Repair Garage, Major use to Motor Vehicles Sales (Used) use, five parking spaces are available for the Motor Vehicle Sales (Used) use. As only two spaces are required for the proposed 1,000 square-foot Motor Vehicle Sales (Used) use, the applicant may place up to three vehicles on the subject property on display or for sale.

***Variance (VAR-25220) was approved to allow 201 parking spaces where 250 are required.

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ANALYSIS

This is a request for a Special Use Permit for a proposed Motor Vehicle Sales (Used) establishment at 4561 East Bonanza Road, Suite #125. The applicant is proposing to convert 1,000 square feet of an existing 16,250 square-foot Auto Repair Garage, Major into a Motor Vehicle Sales (Used) establishment. A previous Variance (VAR-25220) approved 201 parking spaces for a 16,250 square-foot Auto Repair Garage, Major, a 6,207 square-foot Restaurant, and 13,315 square-feet of General Retail where 250 parking spaces are required.

The proposed Motor Vehicle Sales (Used) establishment requires 2 parking spaces, at a ratio of one parking space for each 500 square feet of enclosed gross floor area. Vehicles that are on display or for sale may not be parked or stored in parking spaces that are designated as off-street parking necessary to meet the minimum requirements of Title 19.04. The parking and storage of such vehicles must occur only in spaces that are in excess of the required minimum parking. As the applicant is converting 1,000 square feet of space currently used as Auto Repair Garage, Major with a parking requirement of five spaces, into a Motor Vehicle Sales (Used) establishment, five parking spaces are available for the Motor Vehicle Sales (Used) use. As only two spaces are required pursuant to Title 19.04 for the proposed 1,000 square-foot Motor Vehicle Sales (Used) use, the applicant may place up to three vehicles on the subject property on display or for sale. A condition has been added limiting the subject property to a maximum of three vehicles for sale to be displayed on the subject property.

The site plan submitted depicts the proposed and existing structures and parking spaces associated with the subject property. A total of 201 parking spaces are shown on the plans provided; however, indications have not been made as to which spaces are dedicated for the Motor Vehicle Sales (Used) use. Due to the limited parking availability on the subject property, a condition has been added requiring the applicant to submit a revised site plan indicating the location of the three parking spaces to be dedicated for display of vehicles for sale.

The floor plan submitted by the applicant indicates an open, 20-foot by 50-foot rectangular space. No indication of uses, rooms, or any modifications have been noted on the floor plan submitted, and no indication of a restroom has been noted. The only means of ingress and egress to the suite is by means of a roll-up garage-style door. A condition has been added requiring the applicant to obtain all necessary building permits for a pedestrian doorway and a restroom prior to the issuance of a business license.

The proposed use requires a Special Use Permit within the C-2 (General Commercial) zoning district. The applicant meets all of the Minimum Special Use Permit Requirements; however, the subject property contains existing high-intensity uses in addition to the approved Variance (VAR-25220), which allowed 201 parking spaces where 250 are required. Placing another intense use on the subject property, in addition to the existing and approved uses, will create an overly developed site and will negatively impact the surrounding neighborhood; therefore, staff recommends denial of this request.

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- **Zoning**

The subject site is located in the Southeast Sector of the General Plan and has a current land use designation of GC (General Commercial). The General Commercial category generally allows retail, service, wholesale, office and other general business uses of a more intense commercial character. These uses may include outdoor storage or display of products or parts, noise, lighting or other characteristics not generally considered compatible with adjoining residential areas without significant transition. Examples include new and used car sales, recreational vehicle and boat sales, car body and engine repair shops, mortuaries, and other highway uses such as hotels, motels, apartment hotels and similar uses. The General Commercial category allows Service Commercial uses, and may also allow Mixed-Use development with a residential component where appropriate.

The subject site is zoned both C-1 (Limited Commercial) and C-2 (General Commercial) as a result of Rezoning (ZON-2967). The proposed Motor Vehicle Sales (Used) use is proposed to be located only within the C-2 (General Commercial) zoned portion of the subject property. The C-2 (General Commercial) district is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as mixed-use developments. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The C-2 (General Commercial) district is also appropriate along commercial corridors. The C-2 (General Commercial) district is consistent with the General Commercial category of the General Plan. Under the current C-2 (General Commercial) zoning, the proposed Motor Vehicle Sales (Used) establishment will be permissible with the approval this Special Use Permit.

The C-1 (Limited Commercial) district is intended to provide most retail shopping and personal services, and may be appropriate for mixed-use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 (Limited Commercial) district is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan

- **Use**

A Motor Vehicle Sales (Used) establishment is defined by Title 19.04 as a facility or area used primarily for the display and sale or leasing of used automobiles, motorcycles and motor scooters. This use includes service bays and auto body shops which are incidental and accessory to the sales use.

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- **Minimum Special Use Permit Requirements**

1. The minimum site area designated for this used shall be 25,000 square feet.
2. The installation and use of an outside public address or bell system is prohibited.
3. No used or discarded automotive parts or equipment shall be located in any open area outside of an enclosed building.
4. All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel of land.
5. Openings in service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties.
6. Accessory automobile rental is permitted.

The proposed Motor Vehicle Sales (Used) meets all of the Minimum Special Use Permit Requirements. Staff notes that the subject property contains existing high-intensity uses in addition to the approved Variance (VAR-25220), which allowed 201 parking spaces where 250 spaces are required. Placing an additional use on the subject property, in addition to the existing and approved uses, will create an overly developed site and will negatively impact the surrounding neighborhood; therefore, staff recommends denial of this request.

FINDINGS

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 proposed land use can not be conducted in a manner that is harmonious and compatible with the existing and surrounding land uses as the surrounding businesses within the subject property are high-volume uses, and over 20,400 square feet of additional uses have been approved for the site through Site Development Plan Review (SDR-25148). The surrounding parcels are residential and commercial in nature, and the proposed use will not be harmonious or compatible with the adjacent residential land uses as the proposed use is too intense for the subject property.

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

The subject site is not physically suitable for the type and intensity of land use proposed as evidenced by the approved Variance (VAR-25220) for parking. The isolation of this parcel from others zoned C-2 (General Commercial) creates a significant conflict with adjacent, less-intense, zoned properties.

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.

Access to the site is provided by Bonanza Road, a 100-foot Primary Arterial as designated by the Master Plan of Streets and Highways, which will provide adequate access to the site. There is only one access driveway to the site with an emergency crash gate at the south end of the site, at Diamond Head Drive, a 60-foot Local Street, which will provide adequate emergency access. The subject property is also adjacent to Page Street, a 60-foot Local Street to the east, however no access is provided to this roadway.

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 19.04.

The proposed use meets all of the applicable conditions per Title 19.04; however, the parking provided on site is extremely limited, as evidenced by the approved Variance (VAR-25220) that reduced required parking by 19%.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 14

SENATE DISTRICT 10

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NOTICES MAILED 546

APPROVALS 0

PROTESTS 2