

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: JANUARY 14, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SUP-36809 - APPLICANT: THE SMOG SHOP, LLC - OWNER: JAMES AND NANCY BRACKIN**

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

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for an Auto Smog Check use.
2. Conformance to the conditions for Special Use Permit (U-0094-96).
3. Approval of and conformance to the Conditions of Approval for Variance (VAR-36808) shall be required.
4. Auto Smog Check services shall not be performed within any drive aisle.
5. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

7. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. We note that this site is within a Special Flood Hazard Area, Floodzone "AE".

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for a Special Use Permit for an Auto Smog Check at 4005 North Rancho Drive. The proposed enclosed prefabricated structure is 120 square feet in size. The facility would be constructed south of the existing convenience store on two required parking spaces near the existing landscape planter along Alexander Road. A Special Use Permit is required because two conditions for permitting the use cannot be met. As conditions for the Auto Smog use cannot be met, required parking spaces on the convenience store site must be used for the structure, and the site is not suitable to accommodate the use, staff recommends denial of the request. If denied, the use will not be able to operate on this site.

Issues:

- The proposed Auto Smog Check cannot meet a condition of the use that requires a minimum size of 200 square feet for the structure. The proposed facility is 120 square feet, all enclosed.
- The proposed Auto Smog Check cannot meet a condition of the use that requires a lane that can accommodate stacking for at least three vehicles.
- The proposed Auto Smog Check cannot meet a condition of the use that prohibits the use of required parking spaces for this use or other uses on the site for providing smog services.
- A condition has been added if approved that smog services shall not be performed within any drive aisle on the site.
- A related Variance (VAR-36808) to allow 551 parking spaces on the overall commercial site where 555 spaces are required must be approved prior to approval of a Special Use Permit for the proposed Auto Smog Check use.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
10/16/96	The City Council approved a Special Use Permit (U-0094-96) for the off-premise sale of beer and wine, for the sale of gasoline in conjunction with a proposed 3,150 square-foot convenience store, and to allow a 5,340 square foot retail lease space at the northwest corner of Alexander Road and Rancho Drive. The Board of Zoning Adjustment and staff recommended approval.
02/07/97	A final subdivision map (FM-0052-96) for a one-lot commercial subdivision (Rancho Town & Country Shopping Center) on 18.58 acres at the northwest corner of Alexander Road and Rancho Drive was recorded. The Planning Commission had approved the Final Map on 03/28/96.

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02/20/97	A deed was recorded for change of ownership on the subject property (0.98 acre).
04/23/98	The Planning Commission approved a Site Development Plan Review (SD-0010-98) and a waiver of perimeter landscape requirements for a proposed 200,510 square-foot, one-story commercial retail center on 18.58 acres located at the northwest corner of Alexander Road and Rancho Drive. Staff recommended approval.
07/11/02	Planning and Development Department staff administratively approved a Minor Site Development Plan Review (SDR-19751) for a proposed 45-foot tall Wireless Communication Facility, Stealth Design at 4005 North Rancho Drive.
05/06/04	Planning and Development Department staff administratively approved a Minor Site Development Plan Review (SDR-19794) for a slimline wireless communication facility at 4005 North Rancho Drive.
07/22/04	The Planning Commission denied a request for a Special Use Permit (SUP-4612) for an Open Air Vending/Transient Sales Lot on the subject site. Staff recommended denial.
08/27/09	Planning and Development Department staff administratively approved a Minor Site Development Plan Review (SDR-35466) for the replacement of three (3) antennas and addition of three (3) antennas (total of six) at the 41'-7" centerline of an existing 55-foot tall Wireless Communication Facility, Non-Stealth Design (Monopole) located at 4005 North Rancho Drive.
01/14/10	The Planning Commission will hear a related request for a Variance (VAR-36808) to allow 525 parking spaces where 528 spaces are required for a shopping center on 18.07 acres at the northwest corner of Alexander Road and Rancho Drive.
<i>Related Building Permits/Business Licenses</i>	
04/11/97	A building permit (#97007259) was issued for a convenience store building at 4005 North Rancho Drive. A final inspection was completed 08/20/97.
06/19/97	A building permit (#97012574) was issued for a sign at 4005 North Rancho Drive. A final inspection was completed 09/18/97.
06/25/97	A building permit (#97012999) was issued for a trash enclosure at 4005 North Rancho Drive. A final inspection was completed 08/04/97.
07/08/97	A building permit (#97013926) was issued for a sign at 4005 North Rancho Drive. A final inspection was completed 09/18/97.
08/19/97	A business license (C05-01829) was issued for sale of tobacco products at 4005 North Rancho Drive. The license is still active.
08/19/97	A business license (C15-00178) was issued for a convenience store at 4005 North Rancho Drive. The license is still active.
08/19/97	A business license (G01-01800) was issued for general business related gaming (slot machines) at 4005 North Rancho Drive. The license is still active.

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08/19/97	A business license (L10-00169) was issued for the off-premise sale of beer and wine at 4005 North Rancho Drive. The license is still active.
09/08/97	A building permit (#97018476) was issued for two single-faced illuminated wall signs at 4005 North Rancho Drive. A final inspection was completed 09/16/97.
10/10/02	A building permit (#02018335) was issued for a wireless communication facility (monopole) with equipment shelter at 4005 North Rancho Drive. A final inspection was completed 01/03/03.
11/12/02	A building permit (#02020315) was issued for a city-design masonry wall at 4005 North Rancho Drive. A final inspection was completed 12/06/02.
08/16/04	A building permit (#04019042) was issued for collocation of three wireless antennas on an existing wireless communications facility at 4005 North Rancho Drive. A final inspection was completed 03/10/05.
09/10/09	Partial fees were paid for a building permit (B-147168) for collocation of three new wireless antennas and relocation of three existing antennas on an existing wireless communications facility at 4005 North Rancho Drive. The permit requires additional payment of fees prior to issuance.
<i>Pre-Application Meeting</i>	
11/16/09	Research on previously approved land use approvals showed that the overall site is parking impaired. The applicant was informed that a Variance would be required for the additional spaces needed for the Smog Shop use. Submittal requirements for Special Use Permit and Variance applications were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	
<i>Field Check</i>	
12/08/09	Staff conducted a site visit and observed the following: • The convenience store pad is well-maintained; • There is a clothing donation bin in the parking spaces adjacent to those proposed for the Auto Smog Check facility; • Several pad sites within the commercial subdivision are undeveloped with no additional parking provided for other uses.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.98 (shopping center is 18.07 acres)

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Service Station with Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
North	Undeveloped	SC (Service Commercial)	C-1 (Limited Commercial)

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South	Undeveloped	GC (General Commercial)	C-2 (General Commercial)
East	Undeveloped	SC (Service Commercial)	C-2 (General Commercial)
West	Undeveloped	GC (General Commercial)	C-2 (General Commercial)

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply to the subject proposal:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	0.98 acre	N/A
Min. Lot Width	100 feet	140 feet	Y
Min. Setbacks			
• Front	20 feet	170 feet	Y
• Side	10 feet	170 feet	Y
• Corner	15 feet	24 feet	Y
• Rear	20 feet	32 feet	Y
Max. Lot Coverage	50%	12%	Y
Max. Building Height	One story/35 feet	8.8 feet	Y
Trash Enclosure	Walled, roofed, gated	Existing onsite	Y

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirements – Parking Impaired Development		
	Spaces	Compliance
Current number of spaces provided (18.07 acres)	553	
Spaces to be occupied by proposed Auto Smog Check building	2	
Spaces to be occupied by smog-serviced vehicle	1	
Spaces required for Auto Smog Check use	1	
Number of additional spaces required for proposed Auto Smog Check use (<i>1 space, plus 3 spaces needed for proposed building and servicing of vehicles</i>)	4	
Total number of spaces required (18.07 acres)	555	
Proposed number of spaces provided (18.07 acres)	551	
Percent Deviation	0.72%	N

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Waivers		
Requirement	Request	Staff Recommendation
19.04.010 Auto Smog Check #1 – Minimum size of 400 SF, of which a minimum of 200 SF must be in an enclosed structure, with the remainder allowed under service canopies	120 SF, all of which is enclosed	Denial
19.04.010 Auto Smog Check #6 – Shall accommodate stacking for at least three cars, and no required parking spaces may be used or eliminated to provide smog services	Cannot accommodate stacking for three vehicles; using two parking spaces for the building	Denial

ANALYSIS

The subject site is located at the southwest corner of Rancho Drive and Alexander Road, which currently contains an existing convenience store with fuel pumps. The proposed Auto Smog Check use would be located in the parking area behind the existing perimeter landscape planter along Alexander Road. The use is permitted in a C-1 (Limited Commercial) zoning district, subject to six use conditions. The requested Special Use Permit is required because conditions cannot be met (a) requiring the structure to be at least 200 square feet in size, (b) requiring a stacking lane for at least three vehicles to be provided and (c) prohibiting the use of parking spaces required for this use or other onsite uses. In addition, four parking spaces will be needed for the use, requiring a Variance (VAR-36808), which is also requested.

The structure is a 120 square-foot prefabricated enclosure and does not include any awnings or canopies. Because it would be situated in the existing parking lot, two parking spaces will be physically occupied by the structure. In addition, the facility will need to occupy at least one extra space to perform smog check services, and one space is required for the use by Title 19. As the proposed location is adjacent to a drive aisle, no stacking lane can safely be provided without occupying more parking spaces. Because the proposed use cannot meet minimum conditional requirements, additional parking spaces to accommodate the use cannot be provided and the site is not physically suitable for this use, staff recommends denial.

FINDINGS

The following findings must be made for a Special Use Permit:

- 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 Auto Smog Check use cannot be conducted in a manner that is compatible with the onsite Convenience Store use or surrounding uses unless a Variance (VAR-36808) is approved to allow fewer parking spaces and smog check operations as shown on the site plan do not disrupt traffic circulation.

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

The site is located in a shopping center near a convenience store use. As it was not constructed to accommodate this use, there is no stacking lane for vehicles, which could impede onsite circulation.

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 from Rancho Drive, a 125-foot wide Expressway, and Alexander Road, a 100-foot Primary Arterial as designated by the Master Plan of Streets and Highways. These facilities are adequate to meet the requirements of the proposed Auto Smog Check 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 the Special Use Permit at this location for the Auto Smog Check facility as indicated by the site plan will not compromise the public health, safety, or general welfare.

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

An Auto Smog Check facility is a conditional use per Title 19.04. The proposed use on this site does not meet Condition 1 of the use, which requires a minimum size of 400 square feet, 200 square feet of which must be in an enclosed building. Additionally, this facility does not meet Condition 6, which requires the facility to have a stacking lane that will accommodate at least three vehicles, and prohibits the use of required parking spaces for the provision of smog services. Therefore, a Special Use Permit must be approved for the use to operate at this location.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED

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APPROVALS 5

PROTESTS 2