



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MAY 27, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
TXT-37855	Staff has NO RECOMMENDATION	

** PROPOSED AMENDMENT(S) **

- Table 2 of Title 19.04.010 is hereby amended by amending the Conditional Use Regulations of the use “Motor Vehicle Sales (New)” in the “Auto & Marine Related” element of Table 2 as follows:

Table 2 – Auto & Marine Related

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
Motor Vehicle Sales (New)	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
																		C		C	C
Description: A facility or area for the display and sale (or leasing) of new automobiles, trucks, motorcycles and motor scooters, but excluding mopeds. The term includes service bays and auto body shops which are incidental and accessory to the sales use.																					
Conditional Use Regulations: 1. Motor vehicle sales may include an outdoor used car sales lot when operated by a franchised, new car dealer. The used car sales shall be located directly adjacent to the new car sales and service facility and be operated as an incidental use. 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. All accessory service shall be performed inside an enclosed area. 6. Openings in service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties. 7. Accessory automobile rental is permitted. *8. Any motor vehicle sales use to be located north of Cheyenne Avenue must be within the GC-TC, SC-TC or EC-TC special land use designation of the T-C (Town Center) District.																					
On-site Parking Requirement: One 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 this Table 2. The parking and storage of such vehicles must occur only in spaces that are in excess of the required minimum parking.																					

- Subsection B.2 Table 1 of the Town Center Development Standards Manual, “Permitted Uses - Table 1,” is hereby amended as follows:

USES	GC	SC	UC	SX	MS	EC	L	ML	MLA	M	PF
Motor Vehicle Sales (New)	C	<u>S</u>				C					

RTS

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3. Subsection B.4.B of the Town Center Development Standards Manual, “Special Use Permits – Minimum Requirements,” is hereby amended as follows:

##) MOTOR VEHICLE SALES (NEW)

- a. Motor vehicle sales may include an outdoor used car sales lot when operated by a franchised, new car dealer. The used car sales shall be located directly adjacent to the new car sales and service facility and be operated as an incidental use.
- b. The installation and use of an outside public address or bell system is prohibited.
- c. No used or discarded automotive parts or equipment shall be located in any open area outside of an enclosed building.
- d. All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel of land.
- e. All accessory services shall be performed inside an enclosed structure.
- f. Openings in service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties.
- g. Accessory automobile rental is permitted.
- h. The minimum site area shall be 25,000 square feet.
- i. Parking of vehicles in landscaped areas is prohibited.

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**** STAFF REPORT ****

APPLICATION REQUEST

This is a request to amend Table 2 of Title 19.04 and the Town Center Development Standards Manual to update standards and applicable districts for the Motor Vehicle Sales (New) use. The requested amendment would require a Special Use Permit for the approval of the Motor Vehicle Sales (New) use in the SC-TC (Service Commercial – Town Center) Special Land Use Designation where it was previous not permitted. This request includes a modification to the existing Conditional Use Regulations for the use as listed in Table 2 of Title 19.04 and introduces provisions for this use in the Special Use Permits section of the Development Uses chapter of the Town Center Development Standards Manual.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/04/06	The City Council adopted Ordinance #5860 which amended the Town Center Development Standards Manual to standardize various uses, including the car sale uses, with Title 19. The Planning Commission and staff recommended approval of the Text Amendment (TXT-13863) which was heard at the City Council as Bill Number 2006-53.

The Town Center Development Standards Manual establishes the list of permitted uses in the T-C (Town Center) District. In an effort to streamline the review of projects within the Town Center area, the uses allowed within the district were reviewed for their consistency with Title 19 in 2006. Among other changes, the review culminated in the revision and reorganization of the Town Center Development Standards Manual - Development Uses chapter. Necessary adjustments to the listed uses were made with the adoption of Ordinance #5860. Prior to that amendment the permitted car sale uses were listed as Auto Sales (New) and Auto Sales (Used, with new car sales). As a part of the changes made by Ordinance #5860, the permitted car sale uses listed in the Permitted Uses - Table 1 for the district, Auto Sales (New) and Auto Sales (Used, with new car sales), were changed to Motor Vehicle Sales (New) and Motor Vehicle Sales (Used).

The uses continued to be Conditional Uses within the GC-TC (General Commercial – Town Center) and EC-TC (Employment Center Mixed Use – Town Center) special land use categories. The minimum requirement for the approval as a Conditional Use for Motor Vehicle Sales (New) remained the same as that for Auto Sales (New) and included provisions for the sale of used cars as a part of the new car sales dealership.

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The SC-TC (Service Commercial – Town Center) special land use category is intended to allow low to medium intensity retail, office or other commercial uses that are intended to serve primarily the Centennial Hills area and do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, bowling alleys and other places of public assembly and public/quasi-public uses. The special land use category allows for local supporting land uses such as parks, other public recreational facilities, some schools and churches and provides for hotels, motels and resort uses of a lower intensity under certain conditions.

ANALYSIS

Motor Vehicle Sales (New) has the potential to be incompatible with the Service Commercial district concept and therefore like other such potentially incompatible uses, if allowed, should require a special use permit. To that end, the Motor Vehicle Sales (New) use, which allows a facility or area for the display and sale or leasing of new automobiles, trucks, motorcycles and motor scooters and may include service bays and auto body shops which are incidental and accessory to the sales use, is proposed to be listed in the Permitted Uses – Table 1 as requiring a Special Use Permit within the SC-TC (Service Commercial – Town Center) special land use category.

Further, the Special Use Permits section of the manual should be revised to include an entry for the Motor Vehicle Sales (New) use to set the minimum requirements within the SC-TC (Service Commercial – Town Center) special land use categories as follows:

- a. Motor vehicle sales may include an outdoor used car sales lot when operated by a franchised, new car dealer. The used car sales shall be located directly adjacent to the new car sales and service facility and be operated as an incidental use.
- b. The installation and use of an outside public address or bell system is prohibited.
- c. No used or discarded automotive parts or equipment shall be located in any open area outside of an enclosed building.
- d. All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel of land.
- e. All accessory services shall be performed inside an enclosed structure.
- f. Openings in service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties.
- g. Accessory automobile rental is permitted.
- h. The minimum site area shall be 25,000 square feet.
- i. Parking of vehicles in landscaped areas is prohibited.

Finally, the proposed amendment would modify the Title 19.04, Table 2 entry for the Motor Vehicle Sales (New) use to accurately reflect the Town Center districts where the use is permissible, including the expansion of the use into the SC-TC (Service Commercial – Town Center) special land use district. Currently, the use entry indicates that the location of any Motor Vehicle Sales (New) use north of Cheyenne Avenue must be within the GC-TC (General

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Commercial – Town Center) special land use designation. However, the Town Center Development Standards Manual, Table 1 indicates that the use is conditionally allowed within both the GC-TC (General Commercial – Town Center) and EC-TC (Employment Center Mixed Use – Town Center) special land use designations.

The proposed amendment would clarify any ambiguity between the Motor Vehicle Sales (New) conditions under Title 19 and the permissibility of the use within the TC (Town Center) District and provide clear standards for the allowance of Motor Vehicle Sales (New) as a use within the SC-TC (Service Commercial – Town Center) special land use district.

The Special Use Permit process provides an opportunity to ensure a higher level of compatibility with neighboring development and the goals of the community; however, staff finds that expanding the permissibility of the Motor Vehicle Sales (New) use into the SC-TC (Service Commercial – Town Center) special land use category may not be consistent with the intent of the Town Center concept or the development intensity of the SC-TC (Service Commercial – Town Center) special land use category. Therefore, staff has no recommendation regarding the advancement of this amendment.

FINDINGS

The proposed text amendment will achieve the following:

- Expand the permissibility, by approval of a Special Use Permit, of the Motor Vehicle Sales (New) use to the SC-TC (Service Commercial – Town Center) special land use category
- Introduce minimum requirements to the Special Use Permits section of the manual for the Motor Vehicle Sales (New) use
- Make the Motor Vehicle Sales (New) use condition in Title 19.04 Table 2, which limits the location of the use north of Cheyenne Avenue, consistent with the Permitted Uses – Table 1 of the Town Center Development Standards Manual

The following table summarizes all proposed changes:

Code Requirements	Existing Regulations	Proposed Regulations
Town Center Development Standards Manual – Development Uses: Permitted Uses – Table 1	• Motor Vehicle Sales (New) use identified as a Conditional Use within the GC-TC (General Commercial – Town Center) and EC-TC (Employment Center Mixed Use – Town Center) special land use categories	• Adds Motor Vehicle Sales (New) use, identified as requiring a Special Use Permit, within the SC-TC (Service Commercial – Town Center) special land use category

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Town Center Development Standards Manual – Development Uses: Special Use Permits – Minimum Requirements	• n/a	• Add minimum requirements for Motor Vehicle Sales (New) use
Title 19.04.010 Land Use Tables – Motor Vehicle Sales (New)	• Condition 8 requires that the use, located north of Cheyenne Avenue must be located in GC-TC	• Modifies Condition 8 to indicate that the use, when located north of Cheyenne Avenue, must be located in GC-TC, EC-TC, or SC-TC special land use designations of the T-C (Town Center) District

NOTICES MAILED

NEWSPAPER ONLY

APPROVALS

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PROTESTS

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