



City of Las Vegas

Agenda Item No.: 9.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: DECEMBER 16, 2010**

**DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER**

☐ Consent ☒ Discussion

SUBJECT: SUP-3996 - SPECIAL USE PERMIT PUBLIC HEARING - APPLICANT/OWNER: FOSTER RAY, INC. Request for a Special Use Permit TO RE-ESTABLISH AN ABANDONED CAR WASH, SELF SERVICE USE WITH OWNERS TO ALLOW THE OPENING OF THE WASH BAYS TO FACE PUBLIC RIGHT OF WAY, TO ALLOW A ZERO-FOOT DISTANCE SEPARATION FROM RESIDENTIAL PROPERTY WHERE A MINIMUM OF 200 FEET IS REQUIRED, AND TO ALLOW THE USE TO NOT BE OPERATED IN CONJUNCTION WITH ANY OTHER MOTOR VEHICLE RELATED USE at 7501 Alta Drive (APN 138-34-301-003), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). Staff recommends APPROVAL.

**MAY GO TO CITY COUNCIL ON 01/19/2011 OR MAY BE FINAL ACTION
(Unless Appealed Within 10 Days)**

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

10

City Council Meeting

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APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

5

City Council Meeting

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RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards and Protest Letter from Allen and Adelle Lee Van
7. Condition Confirmation Letter

Motion made by VICKI QUINN to Hold in abeyance to 2/8/2011

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1

GUS FLANGAS, VICKI QUINN, GLENN TROWBRIDGE, RICHARD TRUESDELL,
STEVEN EVANS, BYRON GOYNES; (Against-None); (Abstain-None); (Did Not Vote-None);
(Excused-TODD L. MOODY)

NOTE: COMMISSIONER GOYNES disclosed that although he has known MR. FOSTER for many years through his wife who worked in the same mortgage division as MR. FOSTER, he felt comfortable in voting on this matter.

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Minutes:

CHAIR TRUESDELL declared the Public Hearing open.

STEVE GEBEKE, Planning and Development, reported that the existing carwash lost the Special Use Permit because it was not exercised for over one year. Staff is recommending approval of this request.

ROGER FOSTER, representing the Foster Day Corporation, was present.

TODD FARLOW, Las Vegas resident, asked if the carwash meets the current standards.

ADELLE MAN, who lives behind the carwash, stated the noise emanating from the former carwash operation disrupted her life considerably. She read a letter she submitted for the backup documentation opposing the Special Use Permit because the extreme noise from car stereos, people talking and children screaming will disrupt her privacy and quality of life. The trees installed by the previous owner that were supposed to provide a sound and visual barrier ended up costing her \$1,500 a year to have the pine needles snatched from her backyard cleaned up. She indicated that she would not be opposed if the applicant were to provide sound and visual protection to her property. She showed a picture depicting the proximity of the carwash to her property and noted that only one other resident has remained in the neighborhood longer than her. She pointed out that the applicant already had a sign posted advertising the opening of the carwash.

ROY KLUMPS stated his house is located behind the carwash. He questioned the hours of operation and requested that should the carwash be approved to open Sundays, installation of a bathroom be required because he does not want a Porta-Potty from where people can look into his back yard, especially because he has small children. He requested his wall be raised.

MR. FOSTER explained that he started to advertise the opening of his carwash to gear up for opening and because he had spoken with COUNCILWOMAN TARKANIAN prior to purchasing this property, which had been vacant for over two years. The hours will be no different than under the previous owner, but he noted that he installed new equipment that is quieter. A major cleanup was done on the property, including revamping the landscaping. He objected to raising MR. KLUMPS wall, because he intends to have surveillance cameras on the property and because MR. KLUMPS home is along Alta Drive. He offered to post signage prohibiting loud music.

COMMISSIONER QUINN expressed concern about the request for a zero-foot setback, an open base toward the street, longer hours of operation and the possibility of providing smog-check service, which is already being provided at a nearby location. MR. FOSTER assured the Commissioner that he is not requesting nor has any intention to operate a smog check.

COMMISSIONER QUINN expressed her preference to reduce the hours of operation, to require that an attendant be on premise during the hours of operation and to provide Porta-Potties for

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both sexes.

COMMISSIONER EVANS thought that requiring a full-time attendant would not pencil out for MR. FOSTER'S business. Perhaps it would be better for MR. FOSTER to shut down the vacuums at specific times to lessen any disturbance to the neighbors.

COMMISSIONER EVANS suggested holding this matter in abeyance so that MR. FOSTER could work with the neighbors and attempt to bring back a better business plan.

COMMISSIONER QUINN was firm on having a full-time attendant. MR. FOSTER indicated that it would be cost prohibitive in this economy to have a full-time attendant. He pointed out that the previous car wash owner did not provide an attendant for as many hours as he intends to and still operated until 10:00 p.m. This property was blighted when he acquired it. He owns many car wash establishments in Las Vegas and has never received any complaints regarding his business practices.

CHAIR TRUESDELL could not understand how MR. FOSTER could get away with not providing a bathroom for an attendant.

COMMISSIONER EVANS wondered if MR. FOSTER could give some consideration to MS. VANS' requests and concerns. COMMISSIONER TRUESDELL suggested MR. FOSTER meet with the residents at his car wash so that he could run the equipment to demonstrate that the new equipment emits reduced sound levels. He appreciated MR. FOSTER'S willingness to invest in a property that is an eyesore.

COMMISSIONERS EVANS and QUINN and MR. FOSTER discussed holding this matter or going forward with approval, subject to reduced hours of operation and a full-time attendant. MARGO WHEELER, Director of Planning and Development, explained that if held in abeyance, it would have to be to 2/8/2011 in order to allow sufficient time to process the application in light of the change in Planning Commission meeting dates. MR. FOSTER agreed to having his application held in abeyance so that he could work with the neighbors.

See Item 6 for related discussion.

CHAIR TRUESDELL declared the Public Hearing closed.