



City of Las Vegas

Agenda Item No.: 14.

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

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT: TABLED - RENOTIFICATION SUP-3-B - SPECIAL USE PERMIT - PUBLIC HEARING
APPLICANT/TOWNER/DIRECTOR: AMY CHO - Request for a Special Use Permit FOR A
PROPOSED MOTOR VEHICLE SALES (USED) USE at 4561 East Bonanza Road, Suite #130
(APN 140-32-0010) C-2 (General Commercial) Zone, Ward 3 (Reese). Staff recommends
DENIAL.

C.C.: 01/19/2011

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

13

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

1

City Council Meeting

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RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest Postcards and Telephone Protest/Approval Log

Motion made by STEVEN EVANS to Deny

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)

Minutes:

CHAIR TRUESDELL declared the Public Hearing open.

DOUG RANKIN, Planning and Development, stated the applicant proposes to convert 2,000 square feet of the existing footage for motor vehicle sales, which would negatively impact the neighborhood and is not compatible with the area. The current site is not in conformance to the conditions of SUP-3223. Staff recommended denial.

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HECTOR CAMACHO stated the requested additional use is in conformance with the area and the existing use of mechanic shop. He is only trying to obtain the Special Use Permit in order to comply with the direction of staff. He indicated that he filed an injunction against the City because he believes City staff is trying to destroy him. Code Enforcement Officers of the Neighborhood Response Division cited him for activity that was not taking place on his property, which was subsequently verified by staff, and he offered to submit paperwork to that effect. He accused MR. RANKIN of lying regarding the condition of his property. CHAIR TRUESDELL countered that he viewed the property and verified that it is in poor condition, and cautioned MR. CAMACHO that he would only listen to comments about the use, not to accusations against staff.

After trailing this matter to allow MR. CAMACHO to retrieve paperwork, MR. CAMACHO alleged that staff never sent anyone to check his property and demanded that staff tell him how he is violating the Code. The City attempted to fine him \$164,000, but it cannot prove anything, so he would like to know what is wrong with his property. DEPUTY CITY ATTORNEY JAMES LEWIS advised the Commissioners that the issue before the Planning Commission was the Special Use Permit application, not for the Commissioners to judge whether MR. CAMACHO'S complaints against Code Enforcement were valid. MR. CAMACHO countered that he has a right to defend himself when he is repeatedly told that he is in violation of the Municipal Code. He claimed that he is being targeted because he is not Caucasian.

CHAIR TRUESDELL stated that with a special use permit, the Commissioners have the right to judge whether the property is maintained and will be used in a positive and compatible manner. He was not aware of all the violations, but in visiting the site, he found dead grass and no trees. And a concern about how the property is maintained currently is valid in considering a special use permit request.

MR. CAMACHO referred to a document on the overhead and asked that it be made a part of the record, and added that he has never received any complaints from the neighbors. He wants to add the mechanic repair use to his business to increase his income.

DEPUTY CITY ATTORNEY LEWIS insisted that with this special use permit application, the applicant has the burden to show that 1) the proposed land use can be conducted in a manner that is harmonious and compatible with the existing and surrounding land uses; 2) the site is suitable for the type and intensity of the land use proposed; 3) the street or highway facilities providing access to the property are adequate; 4) approval of the special use permit in question will not be inconsistent or compromise the public, health safety and welfare or the overall objectives of the General Plan; and 5) the use meets all applicable conditions of Las Vegas Municipal Code 19.04. Therefore, DEPUTY CITY ATTORNEY LEWIS advised CHAIR TRUESDELL to approve or deny this special use permit request based on these elements.

MR. CAMACHO advised COMMISSIONER EVANS that he wants to be able to sell cars on his property, along with the other existing uses.

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COMMISSIONER TROWBRIDGE indicated that the property already carries a parking waiver and taking up more spaces for auto sales will not leave enough parking for current and future businesses in the plaza. MR. CAMACHO said that C-2 requires 10 or 11 parking spaces.

COMMISSIONER GOYNES regarded MR. CAMACHO'S intentions as being disingenuous, because according to the letter he provided, MR. CAMACHO merely wants to show the judge that he is trying to generate more income. The Commissioner added that a resident submitted a letter complaining about the ongoing activity and noise on the property and urging the City to bring MR. CAMACHO into compliance.

COMMISSIONER FLANGAS felt that MR. CAMACHO had not made a compelling case for his request.

TODD FARLOW, Las Vegas resident, expressed concern about the safety of the property. He asked if past performance could be taken into consideration for this request. DEPUTY CITY ATTORNEY LEWIS indicated that the Commission has had plenty of dealings with MR. CAMACHO and has the discretion to make a judgment based on the merits of the applicant. MR. FARLOW pointed out that MR. CAMACHO is doing business as a fair with a minor auto repair license.

COMMISSIONER EVANS commented that contrary to MR. CAMACHO'S belief, it is his logic that is flawed, not his language or ethnic background. Assisted by DEPUTY CITY ATTORNEY LEWIS, the Commission urged the applicant to show why the Special Use Permit is needed.

CHAIR TRUESDELL declared the Public Hearing closed.

