



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: DECEMBER 16, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: HECTOR CAMACHO

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-38523	Staff recommends DENIAL, if approved subject to conditions:	N/A

** CONDITIONS **

SUP-38523 CONDITIONS

Planning and Development

1. Display of vehicles for sale shall be limited to the six spaces at the north end of the parking area, as designated in the site plan date stamped 06/11/10.
2. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Motor Vehicle Sales (Used) use.
3. Conformance to the approved conditions for Rezoning (ZON-2967), Special Use Permit (SUP-3223), Site Development Plan Review (SDR-3224), Site Development Plan Review (SDR-25148) and Variance (VAR-25220)
4. This approval shall be void two years from the date of final approval, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
5. 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.

Conditions Page Two
December 16, 2010 - Planning Commission Meeting

6. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Staff Report Page One
December 16, 2010 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed 2,000 square-foot Motor Vehicle Sales (Used) use at 4561 East Bonanza Road, Suite #130. 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, which has not yet been constructed. In addition, the subject property has an approved parking Variance (VAR-25220) to allow 201 parking spaces where 250 are required. The applicant is proposing to convert a 2,000 square-foot storage area of the existing 16,250 square-foot Auto Repair Garage, Major building into a Motor Vehicle Sales (Used) use. Placing an additional use on the subject property, in addition to the existing and approved uses, will create an overdeveloped site and will negatively impact the surrounding neighborhood; therefore, staff recommends denial of this request. If this application is denied, the existing 16,250 square-foot Auto Repair Garage, Major building and use would remain.

ISSUES

- Building permits were issued at 4561 East Bonanza Road, Suites # 125 and # 145, but were never finalized.
- There are currently four code enforcement cases open at 4561 East Bonanza Road.
- Pursuant to Title 19.04 Minimum Special Use Permit Requirement # 7 for the Auto Repair Garage, Major use, no vehicles may be parked on the premises for the purposes of offering the vehicle for sale. An approval of this Special Use Permit request would circumvent this requirement of the previously approved Special Use Permit (SUP-3223).

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
09/02/03	A Code Enforcement complaint (#3208) was issued for various code violations at 4561 East Bonanza Road. The case was resolved on 10/24/03.
10/30/03	A Code Enforcement complaint (#6336) was issued for various code violations at 4561 East Bonanza Road. The case was resolved on 12/15/03.

Staff Report Page Two
December 16, 2010 - Planning Commission Meeting

01/21/04	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 at 4561 East Bonanza Road. The case was resolved on 06/30/04.
07/27/04	A Code Enforcement complaint (#19314) was issued for various code violations at 4561 East Bonanza Road. The case was resolved on 12/06/04.
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 various code violations at 4561 East Bonanza Road. The case was resolved on 04/04/05.
04/20/06	A Code Enforcement complaint (#40443) was issued for various code violations at 4561 East Bonanza Road. The case was resolved on 07/06/06.
07/21/06	A Code Enforcement complaint (#44724) was issued for various code violations at 4561 East Bonanza Road. The case was resolved on 02/10/07.
11/27/07	A Code Enforcement complaint (#59626) was issued for various code violations at 4561 East Bonanza Road. 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.

Staff Report Page Three
December 16, 2010 - Planning Commission Meeting

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 recorded on 06/09/09.
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.
04/23/09	The Planning Commission denied a Special Use Permit (SUP-33611) for a proposed Motor Vehicle Sales (Used). The Planning and Development Department staff recommended denial.
05/11/10	A Code Enforcement complaint (#90670) was issued for various code violations at 4561 East Bonanza Road. The case is still open.
05/27/10	A Code Enforcement complaint (#91303) was issued for various code violations at 4561 East Bonanza Road, Suite #110. The case was resolved 07/14/10.
05/27/10	A Code Enforcement complaint (#91304) was issued for various code violations at 4561 East Bonanza Road, Suite #130. The case is still open.
05/27/10	A Code Enforcement complaint (#91305) was issued for various code violations at 4561 East Bonanza Road, Suite #140. The case is still open.
05/27/10	A Code Enforcement complaint (#91306) was issued for various code violations at 4561 East Bonanza Road, Suite #145. The case is still open.
07/29/10	The Planning Commission accepted the applicant's request to abey a Special Use Permit (SUP-38523) for a proposed 2,000 square-foot Motor Vehicle Sales (Used) use at 4561 East Bonanza Road, Suite #130.
08/18/10	The City Council approved an Extension of Time (EOT-38524) for a previously approved 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 and Development staff recommended denial of this request.
09/23/10	The Planning Commission tabled the applicant's request for a Special Use Permit (SUP-38523) for a proposed 2,000 square-foot Motor Vehicle Sales (Used) use at 4561 East Bonanza Road, Suite #130.

Most Recent Change of Ownership

03/01/07	A deed was recorded for a change in ownership when a parcel map was recorded to split the existing lot into two lots.
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Staff Report Page Four
December 16, 2010 - Planning Commission Meeting

<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.
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.
10/04/07	A business licenses (#A39-00431) was issued for auto parts sales at 4561 East Bonanza Road, Suite #160. The license is currently active.
03/04/09	A business licenses (#S02-01136) was issued for a truck driving school at 4561 East Bonanza Road, Suite #130. The license was marked out of business on 06/07/10.
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 never issued and was marked out of business on 02/18/10.
07/23/09	A business license (#G03-97502) was issued for major auto repair/body work at 4561 East Bonanza Road, Suite #130. The license was marked out of business on 09/21/09.
10/26/09	A building permit (#150118) was issued for a non-work certificate of occupancy at 4561 East Bonanza Road, Suite #145. The permit was never finalized.
06/11/10	A business license application (#R05-00693) was issued for a Taco Trailer / Take-out at 4561 East Bonanza Road. The license is currently active.

<i>Pre-Application Meeting</i>	
06/03/10	A pre-application meeting was held with the applicant where elements of submitting a Special Use Permit for Motor Vehicle Sales (Used) were discussed. The topics included the submittal of application materials, meeting dates, and deadlines.

<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

Staff Report Page Five
December 16, 2010 - Planning Commission Meeting

Field Check	
11/09/10	A poorly maintained site was noted with missing landscaping, disabled vehicles, trash enclosures used for storing various items, a destroyed trash enclosure, trash dumpsters that are out in the open, graffiti on buildings and inaccessible drive aisles. There are open Code Enforcement actions on the subject site.

Details of Application Request	
Site Area	
Net Acres	1.33

Surrounding Property	Existing Land Use Per Title 19.04	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Automotive Repair Center	GC (General Commercial)	C-2 (General Commercial)
North	Single-Family Residences	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
South	Child Care Facility/Elementary School	SC (Service Commercial)/PF (Public Facilities)	R-E (Residence Estates)/C-V (Civic)
East	Condominiums	ML (Medium Low Density Residential)	R-PD12 (Residential Planned Development – 12 Units per Acre)
West	Apartments/Undeveloped	M (Medium Density Residential)/SC (Service Commercial)	R-3 (Medium Density Residential)/C-1 (Limited Commercial)

Master Plan Areas	Yes	No	Compliance
Master Plan Area		X	N/A
Special Purpose and Overlay Districts	Yes	No	Compliance
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

Staff Report Page Six
December 16, 2010 - Planning Commission Meeting

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Proposed Motor Vehicle Sales (Used)	2,000 SF	1/500 SF of GFA	4 (+6 Display Spaces)				
Existing Auto Repair Garage, Major	14,250 SF	1/200 SF +5 spaces	77				
Existing Auto Repair Garage, Major to be Converted	2,000 SF	1/200 SF	(-10)				
Future General Retail Store (Furniture Store)	11,280 SF	1/175 SF	65				
Future Restaurant 2,000 SF or more (without Drive-Through)	3,623 SF	1:50 SF of Public Seating	73				
		1:200 SF of total remaining GFA	13				
Future General Retail Store (Meat Market)	2,584 SF	1:200 SF of total remaining GFA	12				
TOTAL SPACES REQUIRED			250		201		Y
TOTAL (With Handicapped)			243	7	194	7	Y
Loading Spaces			3		3		Y

Staff Report Page Seven
December 16, 2010 - Planning Commission Meeting

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Street Width (Feet)</i>	<i>Compliance with Street Section</i>
<i>Bonanza Road</i>	Primary Arterial	Master Plan of Streets and Highways	100	Y
<i>Diamond Head Drive</i>	Local	N/A	60	N/A

ANALYSIS

The applicant is proposing to convert 2,000 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. A previous request for a Special Use Permit (SUP-33611) was denied by the Planning Commission for a proposed 1,000 Motor Vehicle Sales (Used) at this site on April 23rd, 2009. This request would allow vehicle sales in conjunction with an Auto Repair Garage, Major, which was previously approved through Special Use Permit (SUP-3223), and would circumvent a Minimum Special Use Permit Requirement of that use, which prohibits the display and sale of vehicles at an Auto Repair Garage, Major site. Therefore, staff recommends denial of the request.

FINDINGS (SUP-38523)

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 cannot be conducted in a manner that is harmonious and compatible with the existing and surrounding land uses, as the surrounding parcels are residential and limited commercial in nature, including a child care facility immediately adjacent to the south of the site. The proposed use is too intense for the subject property.

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

The subject site is physically suitable for the type and intensity of land use proposed, but is not suitable for the combination of existing and proposed uses. In addition, there is a single driveway onto the site that will limit access for more intense uses, such as vehicle sales, that depend on a high volume of in-and-out traffic.

Staff Report Page Eight
December 16, 2010 - Planning Commission Meeting

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 is adequate for access to the site. However, 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. 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 request would allow vehicle sales in conjunction with an Auto Repair Garage, Major, which was previously approved through Special Use Permit (SUP-3223). This would circumvent a Minimum Special Use Permit Requirement of that use that prohibits the display and sale of vehicles at an Auto Repair Garage, Major site.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

14

NOTICES MAILED 543

APPROVALS 1

PROTESTS 8