

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: DECEMBER 16, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: BEL AIR RG, LLC

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-39886	Staff recommends DENIAL, if approved subject to conditions:	N/A

**** CONDITIONS ****

SUP-39886 CONDITIONS

Planning and Development

- 1.Conformance to all Minimum Requirements under LVMC Title 19.04.010 for an Auto Repair Garage, Major use.
- 2.This approval shall be void two years from the date of final approval, unless a business license has been issued to conduct the activity. An Extension of Time may be filed for consideration by the City of Las Vegas.
- 3.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.
- 4.All necessary building permits shall be obtained for all unpermitted existing signage within 60 days of final approval, or the signage shall be removed.
- 5.All abandoned signage, signage encroaching into the public rights-of-way, vehicle display platforms and graffiti shall be removed from the subject sites within 60 days of final approval.

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6. All existing perimeter chain link fence and razor wire shall be removed within 60 days of final approval. In addition, any interior chain link fencing that prohibits vehicular circulation shall also be removed.
7. A revised site plan shall be submitted prior to approval of a business license for an Auto Repair Garage, Major for approval by the Planning and Development Department that depicts all handicapped parking in conformance to Title 19.10. The first two parking spaces at the southwest corner of Bruce Street and the alley shall be removed, as well as the two parking spaces located at the northwest corner of Bruce Street and Fremont Street. The lot located north of the alley (APN 139-35-312-062) shall be excluded from the revised plan.
8. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
9. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site is located at 1715 and 1735 Fremont Street. The applicant proposes to convert two buildings, which total 21,900 square feet of Auto Repair Garage, Minor use, to an Auto Repair Garage, Major use. A Waiver to allow service bays to face the right-of-way is required. Previously, the site was occupied by a nonconforming Auto Garage, Major, which went out of business as of 02/03/09. The nonconforming status subsequently expired and a new Special Use Permit is required. Staff is recommending denial of the request, as the use cannot meet minimum Special Use Permit requirement #3 pursuant to Title 19.04.10 because of the use of chain link fencing and razor wire, which is aesthetically incompatible with surrounding development. If denied, the proposed use will not be permitted at the proposed locations.

ISSUES

- An Auto Repair Garage, Major use is permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.
- A Waiver is required to allow the service bays to face public rights-of-way for approval of a Special Use Permit for an Auto Repair Garage, Major use.
- The existing facility has an existing chain link fence topped with razor wire, which is used for securing the rear perimeter of the property along the existing alley. Chain link and razor wire are prohibited for use as perimeter fencing materials, unless approved as part of an overall development plan.
- The existing facility has fencing throughout the property which limits site accessibility and vehicle circulation throughout the site by creating dead-end drive aisles.
- An additional lot located north of the alley (APN 139-35-312-062) is shown on the submitted plans, but is not part of this request. Vehicular storage is depicted on the site, but is not a permitted use within the C-1 (Limited Commercial) zoning district. An Auto Repair Garage, Major use is also not a permitted use in that district.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
11/18/82	The Board of Zoning Adjustment approved a request for a Variance (V-0035-82) to allow an automobile repair garage, an auto body shop and a machine shop with more than 2 employees in an existing auto parts store located at 1715 Fremont Street. The Planning and Development staff recommended approval.
11/21/02	The Planning Commission denied a request for a Special Use Permit (SUP-1101) for a Towing Service, with no storage at 1731 Fremont Street. The Planning and Development staff recommended approval.

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<i>Most Recent Change of Ownership</i>	
07/30/07	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
C.1947	The commercial building at 1715 Fremont Street was constructed.
C.1963	The commercial building at 1735 Fremont Street was constructed.
12/13/90	A business license (G03-01591) was issued for an Auto Repair Garage, Major at 1731 Fremont Street. The license was marked out of business on 05/04/08.
10/06/93	A building permit (93203892) was issued for fire restoration at 1715 Fremont Street. The permit was finalized on 02/22/94.
05/31/02	A business license (A16-01238) was issued for Auto Sales at 1717 Fremont Street. The license was marked out of business on 06/21/10.
05/26/04	A business license (C41-00072) was issued for a Construction Cleanup Service at 1717 Fremont Street. The license was marked out of business on 04/03/08.
11/29/05	A business license (G02-00740) was issued for an Auto Repair Garage, Minor at 1717 Fremont Street. The license was marked out of business on 03/24/08.
12/08/05	A business license (E03-00471) was issued for a Delivery Service at 1717 Fremont Street. The license was marked out of business on 09/20/10.
11/06/06	A business license (C41-00129) was issued for a Construction Cleanup Service at 1717 Fremont Street. The license was marked out of business on 12/01/09.
10/02/07	A business license (A16-01283) was issued for an Auto Sales at 1715 Fremont Street. The license was marked out of business on 10/06/09.
08/16/07	A business license (G03-01591) was issued for an Auto Repair Garage, Major at 1717 Fremont Street. The license was marked out of business on 02/13/09.
05/07/09	A business license (R05-00634) was issued for a Take-out Restaurant at 1717 Fremont Street. The license was marked out of business on 01/27/10.
05/07/10	A business license (G03-94209) for Body Repair was denied at 1715 Fremont Street, Suite 100. A Special Use Permit is required.
08/20/10	A business license (G02-97303) was issued for an Auto Repair Garage, Minor at 1735 Fremont Street, Suite 170. The license is presently active.

<i>Pre-Application Meeting</i>	
10/12/10	A pre-application meeting was held with the applicant where the submittal requirements for a Special Use Permit were discussed. Topics included: • A Waiver is required to allow service bays to face the right-of-way. • No vehicle may be parked on the premises for the purpose of offering the vehicle for sale.

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Neighborhood Meeting

A neighborhood meeting is not required, nor was one held.

Field Check

11/09/10	During a site visit, staff noted two parcels with one tenant for an Auto Repair Garage, Minor. Chain link fencing, razor wire and graffiti were present along the rear property line. Various signs from businesses no longer in operation, and multiple vehicle display units were present and the parking lot was not striped.
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Details of Application Request

Site Area

Net Acres	1.84
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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Retail and Auto Repair, Minor	C (Commercial)	C-2 (General Commercial)
North	Vacant	MXU (Mixed Use)	C-1 (Limited Commercial)
	Single Family Residential	MXU (Mixed Use)	R-1 (Single Family Residential)
South	General Retail	MXU (Mixed Use)	C-2 (General Commercial)
East	Elementary School	PF (Public Facility)	C-V (Civic)
West	Motel	C (Commercial)	C-2 (General Commercial)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area			
Downtown Centennial Plan (East Village)	X		Y
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Downtown Centennial Plan Overlay District	X		Y
Live/Work Overlay District	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

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DEVELOPMENT STANDARDS

<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>Fremont Street</i>	Primary Arterial	Master Plan of Streets and Highways	100	Y
<i>Bruce Street</i>	Secondary Collector	Master Plan of Streets and Highways	80	Y

<i>Parking Requirement - Downtown</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Base Parking Requirement</i>		<i>Provided</i>		<i>Compliance</i>	
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Auto Repair Garage, Major	19,681 SF	5 spaces, plus 1/200 SF	105				
Office	2,219 SF	1/200 SF	11				
TOTAL SPACES REQUIRED			116		122		N
Regular and Handicap Spaces Required			111	5	116	6	N

Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, the above table should be used to illustrate the requirements of an analogous project in another location in the City. The analysis should take a number of factors into consideration when discussing parking availability, including pedestrian access, nearby parking structures, on-street parking, etc.

<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
Opening in service bays shall not face public rights-of-way.	Opening in service bays face public rights-of-way.	Denial

ANALYSIS

An Auto Repair Garage, Major use is defined by Title 19.20.02 as "a facility for the repair or reconditioning of any type of motorized vehicle, other than the types of repair and service authorized to be performed in a minor auto repair garage. The term includes a facility which performs any repairs to vehicles with a gross vehicle weight over ten thousand pounds."

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The parcel (APN 139-35-312-062), which is addressed as 125 North Bruce Street, is indicated on the site plan as vehicle storage, but is not a part of this Special Use Permit application. The current zoning of C-1 (Limited Commercial) does not allow vehicle storage or an Auto Repair Garage, Major use as permitted uses.

The subject site is located in the Downtown Centennial Plan (East Village), Live/Work Overlay District and the Las Vegas Redevelopment Plan Area, and the proposed use would not have a negative impact relating to the above mentioned Special Plan Areas. A proposed on-street bike path along the southern property line adjacent to Fremont Street will not be negatively impacted nor will the proposed off-street bike path along the east property line adjacent to Bruce Street. The landscaping is non-conforming, as the properties were developed prior to the current requirements of Title 19. The proposed site plan depicts handicapped parking that does not conform to Title 19.10 design standards and an additional four parking spaces must be removed, due to issues with on-site and off-site circulation. A condition has been added to address the deficiencies, and it is anticipated the required revised site plan will have a reduction of approximately seven to ten parking spaces.

The proposed use requires a Waiver to allow service bays to face public rights-of-way in order to comply with all minimum Special Use Requirements of Title 19.04 requirements for an Auto Repair Garage, Major use. Located on the north side of the buildings is a chain link fence topped with razor wire used for security. The site also includes chain link fencing throughout the properties. Pursuant to Title 19.12.075(H), chain link is not an acceptable material for use as screen or perimeter walls. The existing chain link fence is in poor condition, and is not compatible with surrounding development. If approved, a condition of approval has been added requiring all existing perimeter chain link fence and razor wire shall be removed. The proposed use does not comply with the requirements of Title 19, because it does not meet minimum Special Use Permit requirements. The proposed use is located in close proximity to a school and residential properties, and cannot be conducted in a manner that is compatible with existing and surrounding land uses; therefore, staff recommends denial of this request.

FINDINGS (SUP-39886)

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 Auto Repair Garage, Major use cannot be conducted in a manner that is harmonious and compatible with the existing surrounding commercial and residential uses.

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

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The subject site has ample area for on-site parking, which makes it physically suitable for the proposed Auto Repair Garage, Major use.

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 by Fremont Street and Bruce Street. These streets are of sufficient size to accommodate the needs of the proposed Auto Repair Garage, Major 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 a Special Use Permit for this use at this location will not compromise the public health, safety, or welfare, as the use is subject to licensing and inspections by the City of Las Vegas.

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

The proposed Auto Repair Garage Major cannot meet minimum Special Use Permit requirement #3 for the use in Title 19.04.10, stating that opening of service bays should not face the public right-of-way.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 401

APPROVALS 2

PROTESTS 1