



**AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: MARCH 8, 2011**

DEPARTMENT: PLANNING

DIRECTOR: FLINN FAGG, Acting

☐ Consent ☒ Discussion

SUBJECT:

UP-4077 - SPECIAL USE PERMIT PUBLIC HEARING - APPLICANT: RODO, LLC -
OWNER: JUAL PROPERTY LEASING, LLC - Request for a Special Use Permit FOR AN 11,361
SQUARE-FOOT MOTOR VEHICLE SALES (USED) USE at 5600 West Sahara Avenue (APNs
163-01-404-0000, 163-01-404-0001, C-1 (General Commercial) Zone, Ward 1 (Tarkanian). Staff
recommends APPROVAL.

C.C.: 04/06/2011

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

2

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

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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 Postcards

Motion made by VICKI QUINN to Approve subject to conditions and adding the following conditions as read for the record:

- A. The business shall be closed on Sundays.
- B. Hours of operation shall be six days per week, Monday through Saturday, 7:00 a.m. to 9:00 p.m.
- C. No vehicles shall be displayed for sale in the south or west landscape areas at any time.
- D. The loading and unloading of vehicles for delivery to and from the subject site shall be accommodated on site. No such activity shall be allowed in the public right-of-way.
- E. Employee parking spaces shall be designated on the site.
- F. An administrative Review shall be required one year after issuance of a business license.

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Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

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

Minutes:

CHAIR EVANS declared the Public Hearing open.

STEVE GEBEKE, Planning, indicated the applicant is proposing a used motor vehicles sales establishment, including service bays on property formerly licensed for the same activity. However, the use expired on October 22, 2010, after being discontinued for one year. The site can be accessed by Sahara Avenue or Westwind Road with ample space on site for vehicle deliveries and turn-in for trucks. The proposed use can be conducted in a manner compatible with surrounding uses. Staff recommended approval.

JEFF DONATO and DOUG MARTIN, Fenimore Craig, P.C., 300 South Fourth Street, appeared on behalf of the applicant. MR. DONATO accepted the conditions and clarified that three service bays face the front of the property. It was clarified that the waiver was not required, thus they did not apply for one.

FLINN FAGG, Acting Planning Director, verified that because the bays are completely obscured from view from the street by an intervening building, the waiver is not required and the applicant is in compliance with the minimum standards.

MR. MARTIN indicated that a previous condition imposed on Z-0051-95 required that the repair facility be limited to only five service bays, however, the property has nine service bays. DOUG RANKIN, Planning, clarified that in 1997 the application was amended to include additional service bays.

Regarding Condition 4, MR. MARTIN asked that the two properties not be joined together in the event the property is sold for future use. MR. FLINN remarked that if the parcels are under a single ownership, there is control over conditions of approval and the use of the property. Because there are residential properties immediately behind that second parcel, there are concerns in terms of the operation of used car sales. By joining them together, it eliminates that layer of ownership that has to be dealt with in resolving issues that impact the neighborhoods.

TODD FARLOW, Las Vegas resident, agreed that the parcels should be kept as one lot.

GARY SWANCIGER stated it is important to maintain the property as one because there is no access to the other lot. He verified that the dealership is closed on Sundays. He asked that music played through the loud speakers be shut off at close of business, that the test driving route plan not include driving through residential neighborhoods, and asked how this can be enforced.

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CONITA JONES indicated that transport trucks continue to drive through O'Bannon Drive and then unload the vehicles on Sahara Avenue. It is impossible to monitor this and something needs to be done to ensure this does not happen.

MR. MARTIN responded that the applicant agrees not to be open on Sundays, to shut the music off after hours, to comply with the requirements with the route plan and make sure it is followed, and to comply with unloading requirements. The applicant does not want to cause any concerns to the neighbors.

COMMISSIONER TROWBRIDGE asked what on-site employee parking provisions the applicant has made. MR. MARTIN responded that there will be approximately 25 employees and there is sufficient parking on site. Only 50 vehicles will be on site for sale.

DOUG RANKIN, Planning, added that no loudspeakers are permitted on the site. A waiver would be required if they want loudspeakers, thus requiring notification. The test drive plan is enforced by Code Enforcement and violations should be referred to that division. He added a condition that all deliveries must occur on site.

CHAIR EVANS questioned how complaints will be handled by Code Enforcement. MR. RANKIN replied that Code Enforcement will contact the business owner and will conduct a series of investigations.

COMMISSIONER GOYNES stated that over the years residents of this area have complained about the same issue. Test driving will still occur on O'Bannon Drive until a substantial fine is imposed on the business owner. These issues should be incorporated into the conditions.

COMMISSIONER QUINN requested that no light shine into adjacent residences, verified the hours of operations, including the business to be closed on Sundays, no vehicles displayed for sale in the south and west landscape areas, loading and unloading of vehicles to occur on site and not in the public right-of-way, employee parking to be designated on the site and a one-year administrative review.

MR. RANKIN verified for COMMISSIONER GOYNES that the test drive is a standard condition and the applicant must submit a test drive plan to Planning for approval and it will become part of the record; without it the applicant will not be able to obtain a business license.

CHAIR EVANS was pleased to see a business open in one of the many empty car lots along Sahara Avenue.

CHAIR EVANS declared the Public Hearing closed.