



## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: APRIL 12, 2011**

**DEPARTMENT: PLANNING**

**ITEM DESCRIPTION APPLICANT: DRIVETIME CAR SALES COMPANY, LLC -**

**OWNER: LINDA LEE WARD REVOCABLE LIVING TRUST**

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### \*\* STAFF RECOMMENDATION(S) \*\*

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
<b>GPA-40839</b>	Staff recommends APPROVAL.	N/A
<b>SUP-41115</b>	Staff recommends APPROVAL, subject to conditions:	GPA-40839
<b>SDR-41114</b>	Staff recommends APPROVAL, subject to conditions:	GPA-40839 SUP-41115

### \*\* CONDITIONS \*\*

## SUP-41115 CONDITIONS

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### Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for an Auto Repair Garage, Major use.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-41114) shall be required.
3. Conformance to the approved conditions for Rezoning (Z-0003-76), except as amended herein.
4. This approval shall be void two years from the date of final approval, unless exercised pursuant to Title 19.18. An Extension of Time may be filed for consideration by the City of Las Vegas.
5. 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.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

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7.All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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## SDR-41114 CONDITIONS

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### Planning

- 1.Approval of a General Plan Amendment (GPA-40839) from PF (Public Facilities) to GC (General Commercial) and conformance to the Conditions of Approval for Special Use Permit (SUP-41115) shall be required, if approved.
- 2.Conformance to the Conditions of Approval of Site Development Plan Review (Z-0003-76), except as amended herein.
- 3.This approval shall be void two years from the date of final approval, unless exercised pursuant to Title 19.18. An Extension of Time may be filed for consideration by the City of Las Vegas.
- 4.All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 03/23/11, except as amended by conditions herein.
- 5.Any changes based upon right-of-way, traffic or drainage studies or street improvements required by the city or public utilities shall not reduce the widths of perimeter landscape buffers, height of walls or quantities of plant materials from that on submitted landscape plans date stamped 03/23/11. Any changes based upon subsequently submitted studies must be accommodated elsewhere on the site.
- 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.A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device.

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9. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
12. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

15. Remove all substandard sidewalk improvements adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. The existing "pan" style driveways accessing this site from McLeod Street may remain.
16. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request to amend the general Plan designation from PF (Public Facilities) to GC (General Commercial) at 2301 McLeod Street. The purpose for the General Plan Amendment is to amend the land use designation to be consistent with the existing C-2 (General Commercial) Zoning District of the property. The site was previously utilized by a government entity, but has since transitioned to private commercial use. As a result, the PF (Public Facilities) land use designation is no longer appropriate. Staff recommends approval as the intensity of the proposed General Plan land use designation is compatible with the existing zoning designation. If this application is denied, the General Plan land use designation would remain PF (Public Facilities), with a non-conforming C-2 zoning district.

The applicant is requesting a companion Special Use Permit (SUP-41115) to convert a 4,800 square-foot building, previously approved for an Auto Repair Garage, Minor use to an Auto Repair Garage, Major use at this location. The subject property of the proposed use is to be operated in conjunction with two properties located at 3000 and 3030 East Sahara Avenue, which has been entitled for Motor Vehicle Sales (Used). Staff is recommending approval of the request, as the use is compatible with surrounding development. If denied, the proposed use will not be permitted at the proposed location.

The applicant is requesting a companion Site Development Plan Review (SDR-41114) for a Major Amendment to a previously approved Site Development Plan Review (Z-0003-76) for a proposed Auto Repair Garage, Major within an existing 4,800 square-foot building formerly used for Auto Repair Garage, Minor. Staff recommends approval, as the proposed use is compatible with the surrounding Commercial zoning. If this application is denied the subject site would remain vacant.

**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.
- This item has been deemed a Project of Regional Significance. No comments were received in response to this.
- Improvements to the site are proposed for buffering, landscaping and building aesthetics.

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**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc</i></b>	
03/03/76	The Board of City Commissioners approved a request for Rezoning (Z-0003-76) from R-1(Single Family Residential) to C-2 (General Commercial), with a proposed use of a Federal Motor Pool facility on property generally located on the east side of McLeod Street between Sahara Avenue and Holly Hill Avenue. The Planning Commission and staff recommended approval.

<b><i>Most Recent Change of Ownership</i></b>	
07/12/04	A deed was recorded for a change in ownership.

<b><i>Related Building Permits/Business Licenses</i></b>	
04/14/76	A building permit (1922) was issued for a 4,780 square-foot Motor Pool at 2301 McLeod Street. The permit was finalized on 08/27/76.
05/13/76	A building permit (2806) was issued for a 6-foot high by 60-foot long block wall at 2301 McLeod Street. The permit was finalized on 08/27/76.
No business licenses are associated with the subject property.	

<b><i>Pre-Application Meeting</i></b>	
12/02/10	A pre-application meeting was held with the applicant, where the submittal requirements for a General Plan Amendment, Special Use Permit and Site Development Plan Review were discussed.

<b><i>Neighborhood Meeting</i></b>	
03/22/11	A neighborhood meeting was held at 3333 Fremont Street, Sunrise Manor, NV 89104 at 5:30 p.m. There were three representatives for the applicant, a member of the Planning department staff and no members of the public present. The applicant and staff remained at the meeting location until 6:00 p.m.

<b><i>Field Check</i></b>	
03/03/11	A site visit by staff noted the subject property is clean and free of debris. It has an existing chain link fence along the west, south, north and a portion of the east property lines. A freestanding canopy and accessory structure are located to the east of the main building. (No building permits were located for either structure). Landscape islands that are filled with concrete and light poles that exceed Title 19.08 lighting standards were observed.

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<i>Details of Application Request</i>			
<i>Site Area</i>			
Net Acres	1.80		
<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	Vacant, Auto Repair Garage, Minor	PF (Public Facilities)	C-2 (General Commercial)
North	Single Family Residence	L (Low Density Residential)	R-1 (Single Family Residential)
South	Motor Vehicle Sales (Used)	GC (General Commercial)	C-2 (General Commercial)
East	Motor Vehicle Sales (New)	GC (General Commercial)	C-2 (General Commercial)
West	Government Facility	PF (Public Facilities)	R-1 (Single Family Residential)

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

## DEVELOPMENT STANDARDS

*Pursuant to 19.08, the following standards apply:*

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	100 Feet	195 Feet	Y
Min. Setbacks (Auto Repair Building)			
• Front	20 Feet	20 Feet	Y
• Side (N)	10 Feet	177 Feet	Y
• Side (S)	10 Feet	120 Feet	Y
• Rear	20 Feet	125 Feet	Y
Min. Distance Between Buildings	6 Feet	8 Feet	Y
Max. Building Height	N/A Feet	20 Feet	N/A
Mech. Equipment	Screened	Screened	Y

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*Pursuant to Title 19.12, the following standards apply:*

<b>Landscaping and Open Space Standards</b>				
<b>Standards</b>	<b>Required (Per Z-0003-76)</b>		<b>Provided</b>	<b>Compliance</b>
	<b>Ratio</b>	<b>Trees</b>		
Buffer Trees:				
• North	0 Trees	1 Tress	9 Trees	Y
• South	0 Trees	1 Trees	1 Trees	Y
• West	1 Tree / 8 Linear Feet	29 Trees	13 Trees	N
<b>TOTAL PERIMETER TREES</b>		<b>31 Trees</b>	<b>23 Trees</b>	<b>N</b>
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	0 Trees	4 Trees	Y
<b>LANDSCAPE BUFFER WIDTHS</b>				
Min. Zone Width				
• North		5 Feet	5 Feet	Y
• South		5 Feet	5 Feet	Y
• East		5 Feet	5 Feet	Y
• West		5 Feet	5 Feet	Y
Wall Height	6 to 8 Feet Adjacent to Residential		Not Indicated	N/A

<b>Functional Classification of Street(s)</b>	<b>Governing Document</b>	<b>Street Width (Feet)</b>	<b>Compliance with Street Section</b>
<i>McLeod Street</i>	N/A	60	N/A

*Pursuant to Title 19.04, the following parking standards apply:*

<b>Parking Requirement</b>							
<b>Use</b>	<b>Gross Floor Area or Number of Units</b>	<b>Parking Ratio</b>	<b>Required</b>		<b>Provided</b>		<b>Compliance</b>
			<b>Parking</b>		<b>Parking</b>		
			Regular	Handi-capped	Regular	Handi-capped	
Auto Repair Garage, Major	4,800 SF	5 spaces, plus 1/200 SF	29		137		
<b>TOTAL SPACES REQUIRED</b>			29				
<b>Regular and Handicap Spaces Required</b>			27	2	135	2	Y

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## **ANALYSIS**

The PF (Public Facilities) category is intended to provide for existing public and quasi-public uses and for the development of new schools, libraries, and public parks, in addition to any public or quasi-public use operated or controlled by any recognized religious, fraternal, veteran, civic or service organization. As the subject site is currently under private ownership, the existing land use designation is no longer appropriate. However, the GC (General Commercial) category is consistent with the existing C-2 zoning district and generally allows retail, service, wholesale, office and other general business uses of a more intense commercial nature. These uses may include outdoor storage or display of products or parts, noise, lighting or other characteristics not generally considered compatible with adjoining residential areas without significant transition. The proposed amendment is compatible with the surrounding uses; therefore, staff recommends approval of this request.

An Auto Repair Garage, Major is defined by Title 19.20.020 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.” The applicant is proposing an Auto Repair Garage, Major use on property that was formally the Federal Motor Pool facility, that was approved for an Auto Repair Garage, Minor use. The proposed hours of operation would be from 10:00 a.m. to 8:00 p.m. Monday through Thursday, from 8:30 a.m. to 8:30 p.m. Friday and Saturday and closed on Sunday. The proposed use complies with Title 19.04 minimum Special Use Permit Requirements and can be conducted in a manner that is compatible with existing and surrounding land uses; therefore, staff recommends approval with conditions.

The applicant is requesting a Major Amendment to a previously approved Site Development Plan Review (Z-0003-76) to convert an existing 4,800 square-foot building that was approved for an Auto Repair Garage, Minor use to an Auto Repair Garage, Major use. The applicant is proposing site improvements that will increase compatibility with the residential neighborhood to the north. This includes the removal of the existing 60-foot light poles, which will be replaced with 30-foot light poles that meet the current Title 19.08 lighting requirements, the removal of the unpermitted accessory and canopy structures are to be removed from the site, and additional perimeter landscaping to buffer the use.

The submitted landscape plan depicts a new landscape buffer along the north perimeter abutting single family residences with nine 24-inch box trees and 32-five gallon shrubs. No buffer was previously provided or required at this location. The applicant is upgrading the landscaping buffer along McLeod Drive, with 13, 24-inch box Chaste trees and 51 five-gallon shrubs. Previously, only pine trees at eight feet on center were provided. The proposed parking lot landscaping will consist of a 24-inch box tree and four five-gallon shrubs in each parking lot island, where five gallon shrubs were originally approved.

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Staff supports the improved landscaping as the applicant has provided adequate landscape materials where possible. This is an improvement over the previously approved landscape plan, which provided no shrubbery along the perimeter landscape buffer areas, and limited trees in perimeter landscape buffer areas.

The applicant is proposing to upgrade the existing building by adding windows, paint and architectural elements to enhance the building exterior. The building materials are appropriate for the area and city and will improve the aesthetics of the existing building from a spartan governmental building.

Comments were received from the Las Vegas Valley Water District, and include the following: An existing 1 1/2" meter with 1/12" RPPA. This property does not have a fire line, just domestic. If fire sprinklers will be needed, plans will need to be submitted to LVVWD.

The proposed development is compatible with the development in the area; therefore, staff is recommending approval of the Site Development Plan Review with conditions, along with the General Plan Amendment and Special Use Permit.

**FINDINGS (GPA-40839)**

Section 19.18.030(I) of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

**1. The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,**

The proposed amendment is compatible with the surrounding uses as the properties to the south and east has the existing GC (General Commercial) land use designation.

**2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,**

The zoning designations allowed by the proposed amendment to GC (General Commercial) are compatible with the existing adjacent land uses and zoning districts.

**3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and**

The subject property is located within an area of the City where all utilities, fire and police services are currently in place and available. Therefore, there are adequate facilities available to accommodate the uses and densities permitted by the proposed General Plan Amendment.

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**4. The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.**

No applicable plans are affected by this request.

**FINDINGS (SUP-41115)**

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 use will be located on a former Auto Repair Garage, Minor site. The proposed use can be conducted in a manner that is harmonious and compatible with the existing and future surrounding land uses as conditioned.

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

The subject site has ample area for on-site parking, circulation and required landscaping 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 McLeod Street, which is 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 use complies with the minimum Special Use Requirements for an Auto Repair Garage, Major use.

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**FINDINGS (SDR-41114)**

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

**1. The proposed development is compatible with adjacent development and development in the area;**

The property is located in a C-2 (General Commercial) Zoning District. While there are residential properties to the north, the additional landscaping and parking lot lighting modification will provide adequate buffering to minimize the negative impact of the development.

**2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The proposed development is consistent with the General Plan and Title 19.

**3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

The site is accessed by existing driveways from McLeod Drive and will not have a negative impact on the adjacent residential neighborhood.

**4. Building and landscape materials are appropriate for the area and for the City;**

The building materials are appropriate for the area and for the city and will be enhanced by the proposed improvements. The landscape materials as conditioned are appropriate for the area and the city.

**5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The existing single story structure will remain, but aesthetic improvements are proposed to ensure the structure is compatible with the development in the area.

**6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

The proposed development is subject to permit review and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare.

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**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**NOTICES MAILED**            156

**APPROVALS**                    0

**PROTESTS**                     0