



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: JULY 12, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: DANNY ITZHAKI - OWNER: TOMER ITZHAKI

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-41880	Staff recommends DENIAL, if approved subject to conditions:	N/A

** CONDITIONS **

SUP-41880 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Motorcycle/Motor Scooter Sales use.
2. Conformance to the approved conditions for Rezoning (Z-0081-94) and Site Development Plan Review [Z-0081-94(3)].
3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. 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 Department of Building and Safety.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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Public Works

7.No displaying of vehicles for sale or parking shall be permitted in the Rainbow Boulevard or Oakey Boulevard public rights-of-way.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed 4,162 square-foot Motorcycle/Motor Scooter Sales use at 1820 South Rainbow Boulevard, Suites #100-104. The proposed use does not comply with all Title 19.12 requirements, and waivers of the two minimum Special Use Permit requirements are requested. The proposed use cannot be conducted in a manner that is harmonious and compatible with existing surrounding development and land uses; therefore, staff recommends denial of this Special Use Permit. If this application is denied, the proposed Motorcycle/Motor Scooter Sales use cannot be conducted at this location, nor can a business license for this use be issued.

ISSUES

- A Motorcycle/Motor Scooter Sales use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.
- A Waiver of Condition #1 of the minimum Special Use Permit requirements is required, as the applicant is proposing outdoor display and sales.
- A Waiver of Condition #2 of the minimum Special Use Permit requirements is required, as the applicant is providing 4,162 square feet of gross floor area, where 7,000 square feet is required.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
10/19/94	The City Council approved a request for Rezoning (Z-0081-94) from N-U (Non-Urban) to C-1 (Limited Commercial) on property generally located on the east side of Rainbow Boulevard, between Oakey Boulevard and O'Bannon Drive. The Planning Commission and staff recommended approval.
03/26/98	The Planning Commission approved a request for a Site Development Plan Review [Z-0081-94(3)] for a 13,242 square-foot retail/office building on property generally located on the south side of Oakey Boulevard and east of Rainbow Boulevard. The Department of Planning staff recommended denial.

<i>Most Recent Change of Ownership</i>	
01/05/11	A deed was recorded for a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
10/22/98	A building permit (98021067) was issued for a shell building Certificate of Completion at 1820 South Rainbow Boulevard. The permit was finalized on 03/24/99.
03/16/99	A building permit (99005147) was issued for a trash enclosure at 1820 South Rainbow Boulevard. The permit was finalized on 03/23/99.
07/06/99	A building permit (99013158) was issued for a Tenant Improvement build out at 1820 South Rainbow Boulevard. The permit was finalized on 10/01/99.
03/15/10	A business license application (M15-94750) was submitted for a Vehicle Wrapping service at 1820 South Rainbow Boulevard, Suite #100. The application was denied by the City of Las Vegas Fire Department and marked out of business on 08/31/10.
11/18/10	A business license application (S15-99113) was submitted for a Smoke Shop at 1820 South rainbow Boulevard, Suite #100. The applicant withdrew the application on 03/15/11.
	A business license application (G04-99115) was submitted for Gifts and novelties at 1820 South Rainbow Boulevard, Suite #100. The applicant withdrew the application on 03/19/11.
	A business license application (H18-99174) was submitted for a Hookah Lounge at 1820 South Rainbow Boulevard, Suite #100. The applicant withdrew the application on 03/19/11.
	A business license application (C05-99114) was submitted for a Tobacco Dealer at 1820 South Rainbow Boulevard, Suite #100. The applicant withdrew the application on 03/19/11.

<i>Pre-Application Meeting</i>	
05/12/11	A pre-application meeting was held with the applicant where the submittal requirements for a Special Use Permit were discussed.

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

<i>Field Check</i>	
06/06/11	During a site visit, staff noted a clean and well maintained Shopping Center.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.45

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	Single Family, Detached	R (Rural Density Residential)	R-E (Residence Estates)
West	Tavern	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		X	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
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

DEVELOPMENT STANDARDS

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Oakey Boulevard	Secondary Collector	Master Plan of Streets and Highways	80	Y
Rainbow Boulevard	Primary Arterial	Master Plan of Streets and Highways	150	Y*

*Per the Master Plan of Streets and Highways Rainbow Boulevard is listed as a 100-foot Primary Arterial.

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Pursuant to Title 19.08 and 19.12, 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	
Shopping Center	6,297 SF	1/250 SF	26				
Shopping Center	(-4,162 SF)	1/250 SF	-17				
Motorcycle /Motor Scooter Sales (Proposed)	4,162 SF	1/250 SF	17				
Office, Other Than Listed	6,297 SF	1/300 SF	21				
TOTAL SPACES REQUIRED			47		55	Y	
Regular and Handicap Spaces Required			45	2	53	2	Y*

*The approved Site Development Plan Review [Z-0081-94(3)] parking was calculated with both retail and office at (1/300 SF). However, this is an eight acre commercial subdivision with a reciprocal parking agreement.

Waivers		
Requirement	Request	Staff Recommendation
No outdoor display and sales.	To allow outdoor display and sales.	Denial
7,000 square feet minimum gross floor area is required.	4,162 square feet of gross floor area.	Denial

ANALYSIS

The applicant is proposing to establish a Motorcycle/Motor Scooter Sales use within an existing shopping center. A Motorcycle/Motor Scooter Sales use is defined by Title 19.18.020 as “a facility or area for the display and sales of motorcycles and motor scooters, whether new or used, but excluding mopeds. This use includes service bays which are incidental and accessory to the sales use. The term “motorcycle/motor scooter sales” is used for the sole purpose of allowing the use by means of a Special Use Permit in the C-1 District. For all other purposes, the use described here shall be treated under the appropriate category of motor vehicle sales.”

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The applicant has requested waivers to allow an outdoor display and sales area and to allow 4,162 square feet of gross floor area. Staff is recommending denial of this application because outside display of vehicles for sales is permitted in the C-2 (General Commercial) zoning district. Within the C-1 (Limited Commercial) zoning district outside display/storage is not permitted. The proposed use cannot be conducted in a manner that is compatible with the surrounding land uses, as is evidenced by the requested waiver of the minimum gross floor area and outdoor display and sales. The applicant has not provided sufficient evidence that would warrant the granting of waivers to allow outdoor display and sales and the lack of the minimum gross floor area requirement.

FINDINGS (SUP-41880)

In order to approve a Special Use Permit application, per Title 19.16.110(L) 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 cannot be conducted in a manner that is harmonious and compatible with the uses on the existing site and with the commercial uses on adjacent properties, due to the waivers for minimum gross floor area and outdoor display and sales.

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

The subject site is not physically suitable for the type and intensity of the proposed Motorcycle/Motor Scooter Sales use, as the suite where the proposed Motorcycle/Motor Scooter Sales use is to be located is 4,162 square feet, which is less than the minimum Special Use Permit requirement of 7,000 square feet dedicated to the 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 Oakey Boulevard and Rainbow Boulevard, which are sufficient to accommodate the amount of vehicular trips associated with the proposed 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.

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Outside display is not consistent with SC (Service Commercial) land use. Per the 2020 Master Plan GC (General Commercial) land use includes outdoor storage or display, where SC (Service Commercial) land use is characterized as medium intensity retail that does not include more intense general commercial characteristics.

5.The use meets all of the applicable conditions per Title 19.12.

The proposed use does not meet all Minimum Special Use Permit Requirements pursuant to Title 19.12. Waivers are required to allow outdoor display and sales area and to allow 4,162 square feet of gross floor area, where 7,000 square feet is required.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 400

APPROVALS 0

PROTESTS 0