



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: AUGUST 9, 2011

DEPARTMENT: PLANNING

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

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-42262	Staff recommends DENIAL, if approved subject to conditions:	SUP-42264
SUP-42264	Staff recommends DENIAL, if approved subject to conditions:	N/A

** CONDITIONS **

SUP-42262 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Motor Vehicle Sales (Used) use.
2. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-42264) shall be required.
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. All development shall be in conformance with the landscape plan date stamped 06/28/11, except as amended by conditions herein.
5. The applicant shall coordinate with the City Surveyor and other city staff to determine the most appropriate mapping action necessary to consolidate the existing lots. The mapping action shall be completed prior to the issuance of a business license.
6. All necessary building permits shall be obtained for all unpermitted existing signage within 60 days of final approval, or the signage shall be removed.

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7. All razor wire and barbed wire shall be removed within 60 days of final approval.
8. All abandoned signage, signage encroaching into the public rights-of-way, and graffiti shall be removed from the subject sites within 60 days of final approval.
9. Pursuant to Title 19.12.130, a Test Driving Route Plan shall be submitted for approval to the City of Las Vegas Department of Planning prior to the issuance of a business license.
10. 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.
11. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
12. Submit an Encroachment Agreement for landscaping, if any, in the public right-of-way prior to this issuance of a permit for this wall. The applicant must carry an insurance policy for the term of the encroachment agreement and add the City of Las Vegas as an additionally insured entity on this insurance policy. If requested by the City, the applicant shall remove property encroaching in the public right-of-way at the applicant's expense pursuant to the terms of the City's encroachment agreement. The installation and maintenance of all private improvements in the public right-of-way shall be the responsibility of the adjacent property owner(s) and shall be transferred with the sale of the property for the entire term of the Encroachment Agreement.
13. 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 or a vehicle displayed for sale in the parking lot of the subject property without the appropriate permits.
14. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-42264 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Auto Repair Garage, Major use.

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2. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-42262) shall be required.
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. The applicant shall coordinate with the City Surveyor and other city staff to determine the most appropriate mapping action necessary to consolidate the existing lots. The mapping action shall be completed prior to the issuance of a business license.
5. The 12 parking spaces dedicated to the storage of disable vehicles shall be screened from Fremont Street to the south and from the alley to the north.
6. All necessary building permits shall be obtained for all unpermitted existing signage within 60 days of final approval, or the signage shall be removed.
7. All razor wire and barbed wire shall be removed within 60 days of final approval.
8. All abandoned signage, signage encroaching into the public rights-of-way, and graffiti shall be removed from the subject sites within 60 days of final approval.
9. 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.
10. Submit an Encroachment Agreement for landscaping, if any, in the public right-of-way prior to this issuance of a permit for this wall. The applicant must carry an insurance policy for the term of the encroachment agreement and add the City of Las Vegas as an additionally insured entity on this insurance policy. If requested by the City, the applicant shall remove property encroaching in the public right-of-way at the applicant's expense pursuant to the terms of the City's encroachment agreement. The installation and maintenance of all private improvements in the public right-of-way shall be the responsibility of the adjacent property owner(s) and shall be transferred with the sale of the property for the entire term of the Encroachment Agreement.
11. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
12. 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

This is a request for approval of Special Use Permits for a proposed 15,263 square-foot Motor Vehicle Sales (Used) use and for a proposed 7,572 square-foot Auto Repair Garage, Major use within existing commercial buildings located at 1715 Fremont Street and 1735 Fremont Street. The subject property also contains an existing 1,500 square-foot Auto Repair Garage, Minor at 1735 Fremont Street, Suite #170. The proposed uses are not compatible with each other, or with the existing and approved use, and will negatively impact the surrounding land uses; therefore, staff recommends denial of this request. If these applications are denied, the proposed Motor Vehicle Sales (Used) use and Auto Repair Garage, Major use cannot be conducted at this location, nor can a business license be issued.

ISSUES

- A Motor Vehicle Sales (Used) use is permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.
- 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.
- A Waiver is required to allow vehicles to be parked on the premises for the purposes of offering the vehicles for sale where such is not permitted for an Auto Repair Garage, Major use. Approval of this waiver does not permit Motor Vehicles Sales as an ancillary use to the proposed or existing Auto Repair Garage uses.
- The applicant shall coordinate with the City Surveyor and other city staff to determine the most appropriate mapping action necessary to consolidate the existing lots.

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 Department of Planning staff recommended approval.

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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 Department of Planning staff recommended approval.
12/16/10	The Planning Commission accepted the applicant's request to withdraw without prejudice an application for a Special Use Permit (SUP-39886) for an Auto Repair Garage, Major use at 1715 and 1735 Fremont Street.
06/14/11	An application for a Special use Permit (SUP-41024) for an Auto Repair Garage, Major use at 1715 Fremont Street was withdrawn at the applicant's request.

<i>Most Recent Change of Ownership</i>	
07/30/07	A deed was recorded for a change in ownership for Assessor's Parcel Numbers (139-35-315-006 and 007)

<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.

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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.
08/04/10	A building permit (169153) was issued for a 1,500 square-foot Non-work Certificate of Occupancy at 1735 Fremont Street, Suite #170. The permit was finalized on 08/13/11.
08/20/10	A business license (G02-00937) was issued for an Auto Repair Garage, Minor at 1735 Fremont Street, Suite #170. The license is presently active.

<i>Pre-Application Meeting</i>	
06/14/11	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. • A Waiver is required to allow that vehicles may be parked on the premises for the purpose of offering the vehicle for sale in conjunction with an Auto Repair Garage, Major use.

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

<i>Field Check</i>	
06/30/11	During a site visit, staff noted two parcels with one tenant for an Auto Repair Garage, Minor. Chain link fencing, razor wire, broken glass, broken windows and graffiti were present on property. Various signs from businesses no longer in operation, and multiple vehicle display units were present and the parking lot was not striped.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.84

<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	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)

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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)

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

DEVELOPMENT STANDARDS

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Fremont Street	Primary Arterial	Master Plan of Streets and Highways	100	Y
Bruce Street	Secondary Collector	Master Plan of Streets and Highways	80	Y

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Motor Vehicle Sales (Used) (Proposed)	15,263 S.F.	1/500 SF	31				
Auto Repair Garage, Major (Proposed)	7,572 S.F.	5 spaces, plus 1/200 SF	43				

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Office (Proposed)	2,219 SF	1/200 SF	11				
Auto Repair Garage, Minor (Existing)	1,537 S.F.	5 spaces, plus 1/200 SF	13				
TOTAL SPACES REQUIRED			98		37		N
Regular and Handicap Spaces Required			94	4	34	3	N
Vehicle Storage					12	N/A	N/A
Parking for display vehicles					20	N/A	N/A

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.	Approval
No vehicle may be parked on the premises for the purpose of offering the vehicle for sale.	To allow vehicles to be parked on the premises for the purpose of offering the vehicle for sale in conjunction with an Auto Repair Garage, Major use	Denial

ANALYSIS

The uses proposed by the applicant are both intense uses that require vehicular display and/or storage in addition to the parking required for customers and staff. Although sites located in the Downtown Centennial Plan area do not have the parking requirements of Title 19 automatically applied, the subject site is substantially deficient in parking, providing only 37 spaces where 98 would normally be required. These parking spaces are independent of the spaces provided for display of vehicles for sale, as well as storage of vehicles to be repaired. In addition, the approval of the Special Use Permit for Motor Vehicle Sales (Used) use would circumvent Minimum Special Use Permit Requirement #7 of the Auto Repair Garage, Major use, which prohibits the display and sale of vehicles at a site used for an Auto Repair Garage, Major use. Staff does not support the requested waiver. If approved, it should be noted that this waiver does not permit Motor Vehicle Sales as an ancillary use to the Auto Repair Garage, but merely allows the display of vehicles for sale on the same property.

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A second waiver request to allow service bays to face the public right-of-way can be supported as the buildings already exist.

The applicant is proposing to add landscaping consisting of 24-inch box trees and five-gallon shrubs along Fremont Street and to the interior of the subject site. The landscape plan depicts additional 24-inch box trees along Bruce Street and along a portion of the alley. The proposed landscaping does not meet the requirements of Title 19, but will substantially improve a site that is fully developed. Staff supports the addition of the landscape.

The subject site is located in the Downtown Centennial Plan (East Village), Live/Work Overlay District and the Las Vegas Redevelopment Plan Area. The proposed uses are permitted at the site, but the combination of the proposed and existing uses is too intense and would have a negative impact on the surrounding area. Therefore, staff recommends denial of both requests.

FINDINGS (SUP-42262)

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 land use cannot be conducted in a manner that is harmonious and compatible with the existing and surrounding land uses, as the proposed Motor Vehicle Sales (Used) use would circumvent a Minimum Special Use Permit Requirement of the Auto Repair Garage, Major use, which prohibits the display and sale of vehicles at a site used for an Auto Repair Garage, Major use.

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 individually, but is not suitable for the combination of existing and proposed uses.

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 Motor Vehicle Sales (Used) use.

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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 19.12.

The proposed use meets all of the applicable conditions per Title 19.12; however, the request would allow vehicle sales in conjunction with an Auto Repair Garage, Major use, which is a companion Special Use Permit application (SUP-42264). 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.

FINDINGS (SUP-42264)

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

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 individually, but is not suitable for the combination of existing and proposed uses.

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.

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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 19.12.

The proposed use does not meet all Minimum Special Use Permit Requirements pursuant to Title 19.12. Waivers are required to allow service bays to face the right-of-way and to allow vehicles to be parked on the premises for selling purposes where such is not allowed at 1715 Fremont Street and 1735 Fremont Street.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

43

NOTICES MAILED

400

APPROVALS

2

PROTESTS

2