

**AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: MAY 7, 2014

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: CITY OF LAS VEGAS – OWNER: BEL AIR RG, LLC, ET AL

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
DIR-53553	Staff recommends APPROVAL, subject to conditions:	N/A

**** CONDITIONS ****

DIR-53553 CONDITIONS

Planning

- 1.SUP-42262 and SUP-42264 shall be revoked and expunged due to violations of Las Vegas Municipal Code.

Staff Report Page One
May 7, 2014 - City Council Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for revocation of Special Use Permits (SUP-42262) and (SUP-42264) entitlements for a 15,263 square-foot Motor Vehicle Sales (Used) and a 7,572 square-foot Auto Repair Garage, Major with Waivers at 1715 Fremont Street and 1735 Fremont Street, due to multiple violations of the Las Vegas Municipal Code and failure to comply with conditions of approval. If approved, the entitlements will be revoked and the applicant will be required to file new applications for any future development on the site.

ISSUES

- Per Title 19.16, entitlements may be revoked for violations of local codes. A total of three separate code enforcement cases have been opened for the two parcels that comprise the development site, with documented violations of Title 9.04, 16.04, 16.12, 16.32 and 19.08 of the Las Vegas Municipal Code.
- The current entitlements for the site were approved in 2011, for SUP-42262 four conditions of approval have not been fulfilled and for SUP-42264 three conditions of approval have not been fulfilled.

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.
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.
06/02/09	A code enforcement case (78569) was processed for an abandoned SUV in the rear alley with graffiti on it and building at 1735 Fremont Street. The case was resolved on 06/16/09.
09/29/09	A code enforcement case (82485) was processed for graffiti on the building and sign at 1735 Fremont Street. The case was resolved on 10/08/09.
05/24/10	A code enforcement case (91209) was processed for high weeds and junk cars at 1735 Fremont Street. The case was resolved on 09/13/10.

Staff Report Page Two
May 7, 2014 - City Council Meeting

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
05/26/10	A code enforcement case (91255) was processed for a vacant building with vehicles and a motorhome in the rear at 1715 Fremont Street. The case was resolved on 10/05/10.
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.
02/10/11	A code enforcement case (97981) was processed for graffiti on the building at 1735 Fremont Street. The case was resolved on 02/22/11.
02/14/11	A code enforcement case (98064) was processed for graffiti on the building at 1715 Fremont Street. The case was resolved on 06/01/11
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.
09/21/11	The City Council approved a request for a Special Use Permit (SUP-42262) for a proposed 15,263 square-foot Motor Vehicles Sales (Used) at 1715 Fremont Street and 1735 Fremont Street. The Planning Commission recommended approval. The Department of Planning staff recommended denial.
	The City Council approved a request for a Special Use Permit (SUP-42264) for proposed 7,572 square-foot Auto Repair Garage, Major, with waivers to allow service bays to face the right-of-way and to allow vehicles to be parked on the premises for the purpose of offering the vehicles for sale where such use is not allowed at 1715 Fremont Street and 1735 Fremont Street. The Planning Commission recommended approval. The Department of Planning staff recommended denial.
11/29/11	A code enforcement case (108196) was processed for work without permits at 1717 Fremont Street (the correct address should have been 1735 Fremont Street). The case was resolved on 04/05/12.
12/01/11	A code enforcement case (108275) was processed for work without permits at 1715 Fremont Street. The case was resolved on 05/31/12.
09/05/12	A code enforcement case (119213) was processed for trash, debris and a burned tree at 1715 Fremont Street. The case was resolved on 09/24/12.

<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).

Staff Report Page Three
May 7, 2014 - City Council Meeting

<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.
07/15/09	A business license (E03-00471) was issued for an (Truck Hauling Service) at 1717 Fremont Street. The license was marked out of business on 09/20/10.
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.
03/14/11	A business license (A55-00332) was issued for an Auto Repair Garage, Minor at 1735 Fremont Street, Suite #170. The license is presently active.
02/01/12	A building permit (203760) was issued for electrical work at 1715 Fremont Street. The permit was finalized on 03/08/12.
03/20/12	A building permit (207039) was issued for a burglar alarm at 1715 Fremont Street. The permit was never finalized.
05/16/12	A building permit (211306) was issued for a building investigation at 1715 Fremont Street. The permit was finalized on 05/17/12.
05/22/12	A building permit (211645) was issued for a 7,438 square-foot Non-work Certificate of Occupancy at 1715 Fremont Street. The permit was finalized on 05/23/12.

Staff Report Page Four
May 7, 2014 - City Council Meeting

<i>Related Building Permits/Business Licenses</i>	
08/28/12	A business license (A60-00218) was issued for Motorcycle Repair at 1715 Fremont Street. The license was marked out of business on 09/01/13.
10/19/12	A business license (A65-00159) was issued for an Automotive Sales with Minor Repair at 1735 Fremont Street. The license is presently active.
11/19/12	A building permit (223683) was issued to replace a 100-amp subpanel and electrical wiring at 1735 Fremont Street. The permit was finalized on 01/31/13.
07/22/13	A business license (A45-00824) was issued for Mobile Auto Detailing at 1735 Fremont Street, Suite 100. The license is presently active.
12/19/13	A building permit (251120) was issued for three wall signs at 1735 Fremont Street. The permit was never finalized.

ANALYSIS

On September 21, 2011 Special Use Permit (SUP-42262) was approved for a 15,263 square-foot Motor Vehicle Sales (Use), with a companion Special Use Permit (SUP-42264) which allowed a 7,572 square-foot Auto Repair Garage, Major with Waivers to allow service bays to face the right-of-way and to allow vehicles to be parked on the premises for the purpose of offering the vehicles for sale where such is not allowed. The Special Use Permits were approved for the following parcels:

- 1715 Fremont Street (APN 139-35-315-006)
- 1735 Fremont Street (APN 139-35-315-007)

After the Special Use Permits were approved in 2011, Code Enforcement has been called to the site on multiple occasions to investigate complaints regarding litter, graffiti, maintenance of the existing buildings, and other nuisances. A total of three separate cases have been opened since 2011, resulting in 25 inspections and over \$800.00 in fines. The following tables document all Code Enforcement actions on the properties that comprise the development site since the project was entitled by City Council in 2011:

Code Enforcement Cases – 1715 Fremont Street

Case Number	Complaint	Opened	Closed	# Inspection s	Unpaid Fees/Penalties
108275	Work without Permits	12/01/11	05/31/12	6	0
119213	Trash, debris and burned tree	09/05/12	09/24/12	2	0

Staff Report Page Five
May 7, 2014 - City Council Meeting

Code Enforcement Cases – 1735 Fremont Street

Case Number	Complaint	Opened	Closed	# Inspection s	Unpaid Fees/Penalties
108196	Work without Permits	11/29/11	04/05/12	17	846.00

Combined Totals – All Cases				25	846.00
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Las Vegas Municipal Code Chapter 19.16 specifies that entitlements may be revoked for any of the following: Misrepresentation or fraud in obtaining the approvals, failure to comply with conditions of approval, and **violation of any State or local regulations**. In regards to the subject site at 1715 and 1735 Fremont Street, there have been multiple violations of local regulations as documented in the tables above. The documented complaints are violations of the following sections of the Las Vegas Municipal Code:

- Title 9.04 – Public nuisances.
- Title 16.04 – Building code, commercial violations.
- Title 16.12 – Electrical code violations.
- Title 16.32 – Security code violations
- Title 19.08 – Sign requirements for commercial properties.

In addition, the site is not in compliance with the following conditions of approval of SUP-42262:

- Condition #5 - All development shall be in conformance with the landscape plan date stamped 06/28/11, except as amended by conditions herein;
- Condition #7 - All necessary building permits shall be obtained for all unpermitted existing signage within 60 days of final approval, or the signage shall be removed;
- Condition #9 - 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;
- Condition #14 - 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.

The site is not in compliance with the following conditions of approval of SUP-42264:

- Condition #7 - The 12 parking spaces dedicated to the storage of disabled vehicles shall be screened from Fremont Street to the south and from the alley to the north;
- Condition #8 - All necessary building permits shall be obtained for all unpermitted existing signage within 60 days of final approval, or the signage shall be removed;
- Condition #10 - 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.

Staff Report Page Six
May 7, 2014 - City Council Meeting

As there continue to be violations of code requirements and no progress has been made in developing the property in accordance with the entitlements that were approved in 2011, it is recommended that the entitlements be revoked.

FINDINGS

Staff finds that there have been repeated violations of City regulations at 1715 and 1735 Fremont Street, with the most recent violation occurring in September 2012. Based on the documented violations identified in this report and the lack of compliance with the conditions of approval of the approved entitlements, it is recommended that the entitlement applications (SUP-42262) and (SUP-42264) for the subject sites revoked in accordance with the procedures identified in Title 19.16.

NOTICES MAILED 399 (By Planning)

APPROVALS 0

PROTESTS 0