



**AGENDA MEMO - PLANNING**

**PLANNING COMMISSION MEETING DATE: MAY 12, 2015**  
**DEPARTMENT: PLANNING**  
**ITEM DESCRIPTION: APPLICANT/OWNER: SENIOR NEVADA BENEFIT GROUP, LP**

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
<b>SUP-58539</b>	Staff recommends APPROVAL, subject to conditions:	
<b>SDR-58540</b>	Staff recommends APPROVAL, subject to conditions:	SUP-58539

**\*\* CONDITIONS \*\***

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**SUP-58539 CONDITIONS**

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*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 Site Development Plan Review (SDR-58540) 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. A Waiver from Title 19.12 is hereby approved, to allow 18,295 square feet of area dedicated to the use where 25,000 square feet is the minimum required.
5. 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.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.

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

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## **SDR-58540 CONDITIONS**

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### **Planning**

1. 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.
2. All development shall be in conformance with the site plan and landscape plan dated stamped 04/08/15; and building elevations date stamped 03/25/15, except as amended by conditions herein.
3. A Waiver from Title 19.08.080 is hereby approved, to allow a ten-foot wide landscape buffer along a portion of the east property line with the exception of one spot which is seven-foot wide and a five-foot wide landscape buffer along a portion of the west property line where 15 feet is required adjacent to right-of-way.
4. 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. 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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7. 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.
8. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

9. Prior to the issuance of any building permits, dedicate a radius at the intersection of Fremont Street and Atlantic Street to the satisfaction of the City of Las Vegas Traffic Engineer, matching as closely as possible to the existing back of sidewalk location.
10. In accordance with code requirements of Title 13.56, remove all unused driveways and substandard offsite improvements 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.
11. Concurrent with development of this site, connect the proposed building to the existing public sewer line in Atlantic Street.
12. Driveways must remain open during business hours.
13. Landscape and maintain all unimproved rights-of-way adjacent to this site. 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.
14. Submit an Encroachment Agreement for landscaping and private improvements, if any, in the Atlantic Street public right-of-way prior to this issuance of permits for these improvements. 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. Coordinate all requirements for the Encroachment Agreement with the Land Development Section of the Department of Building and Safety (229-4836).

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15. Obtain an Occupancy Permit from the Nevada Department of Transportation (NDOT) for all driveways or other private improvements in the Fremont Street public right-of-way adjacent to this site prior to constructing any improvements within NDOT jurisdiction. If NDOT does not approve of the proposed driveway location, the site shall be redesigned to accommodate NDOT requirements.
16. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for this site.
17. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.

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

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit and Site Development Plan Review for a proposed one-story 382 square-foot Motor Vehicle Sales (Used) use at 2600 Fremont Street. The applicant has requested a Waiver from Title 19.12 to allow 18,295 square feet of area dedicated to the use where 25,000 square feet is the minimum required. In addition the applicant has also requested Waivers of Title 19.08.080 landscape buffer development standards for the proposed development Motor Vehicle Sales (Used), which requires a Major, Site Development Plan Review. This project is compatible with the surrounding commercial and multi-family development in the area; therefore, staff recommends approval of this project with conditions.

**ISSUES**

- The Motor Vehicle Sales (Used) use is permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.
- A Waiver from Title 19.12 is required to allow 18,295 square feet of area dedicated to the use where 25,000 square feet is the minimum required.
- A Waiver from Title 19.08.080 is required to allow a ten-foot wide landscape buffer along a portion of the east property line with the exception of one spot which is seven-feet wide and a five-foot wide landscape buffer along a portion of the west property line where 15 feet is required adjacent to right-of-way.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc</i></b>	
There are no applicable relevant City actions.	

<b><i>Most Recent Change of Ownership</i></b>	
12/14/12	A deed was recorded for a change in ownership.

<b><i>Related Building Permits/Business Licenses</i></b>	
08/15/03	A Code Enforcement case (#2274) was processed for trash and debris accumulated in fenced vacant lot at 2600 Fremont Street. The case was resolved on 09/19/03.

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<b><i>Related Building Permits/Business Licenses</i></b>	
06/21/06	A Code Enforcement case (#43684) was processed for trash and debris accumulated in fenced vacant lot at 2600 Fremont Street. The case was resolved on 07/21/06.
01/28/08	A Code Enforcement case (#61838) was processed for a large amount of weeds and trash accumulated at 2600 Fremont Street. The case was resolved on 02/21/08.
09/29/08	A Code Enforcement case (#70208) was processed for sign on the chain link fence at 2600 Fremont Street. The case was resolved on 09/30/08.
06/10/10	A Code Enforcement case (#91741) was processed for trash and debris on a vacant lot at 2600 Fremont Street. The case was resolved on 06/25/10.
11/02/10	A Code Enforcement case (#95845) was processed for landscaping products stored in front yard at Las Vegas Connection at 2600 Fremont Street. The case was resolved on 11/03/10.
10/22/14	A Code Enforcement case (#147311) was processed for vehicles parked on a vacant lot at 2600 Fremont Street. The case was resolved on 12/10/14.

<b><i>Pre-Application Meeting</i></b>	
03/10/15	A pre-application meeting was conducted with the applicant to go over the application materials and submittal requirements for a Special Use Permit & Site Development Plan Review for a proposed Motor Vehicle Sales (Used) use with associated Waivers of Title 19 development standards.

<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required for this type of request, nor was one held.	

<b><i>Field Check</i></b>	
04/02/15	Staff conducted a routine site visit a found the subject site to be an undeveloped parcel of land enclosed by a chain link fence with a small amount of trash and debris.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	0.42

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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	Undeveloped	GC (General Commercial)	C-2 (General Commercial)
North	General Retail	CT (Commercial Tourist) - Clark County	C-2 (General Commercial) – Clark County
South	Undeveloped	C (Commercial)	C-2 (General Commercial)
East	General Retail	CT (Commercial Tourist) - Clark County	C-2 (General Commercial) – Clark County
West	General Retail	H (High Density Residential)	C-1 (Limited Commercial)
	Undeveloped	C (Commercial)	C-2 (General Commercial)

<b><i>Master Plan Areas</i></b>	<b><i>Compliance</i></b>
No Applicable Master Plan Area	N/A
<b><i>Special Purpose and Overlay Districts</i></b>	<b><i>Compliance</i></b>
No Applicable Special Purpose or Overlay Districts	N/A
<b><i>Other Plans or Special Requirements</i></b>	<b><i>Compliance</i></b>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	Y*

*\*This project is a Project of Regional Significance because subject site requires a Special Use Permit is located within 500 feet of the City’s boundary with Clark County.*

**DEVELOPMENT STANDARDS**

***Pursuant to Title 19.08, the following standards apply:***

<b><i>Standard</i></b>	<b><i>Required/Allowed</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
Min. Lot Width	100 Feet	200 Feet	Y
Min. Setbacks			
• Front	10 Feet	118 Feet	Y
• Side (west)	10 Feet	10 Feet	Y
• Side (east)	10 Feet	10 Feet	Y
• Rear	20 Feet	35 Feet	Y

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<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Max. Lot Coverage	50 %	2 %	Y
Max. Building Height	N/A	11 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/ a Roof or Trellis	Y
Mech. Equipment	Screened	Screened	Y

*Pursuant to Title 19.08, the following standards apply:*

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Buffer Trees:				
• South	1 Tree / 20 Linear Feet	9 Trees	9 Trees	Y
• East	1 Tree / 20 Linear Feet	8 Trees	8 Trees	Y
• West	1 Tree / 20 Linear Feet	11 Trees	11 Trees	Y
<b>TOTAL PERIMETER TREES</b>		<b>28 Trees</b>	<b>28 Trees</b>	<b>Y</b>
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	9 Trees	9 Trees	Y
<b>LANDSCAPE BUFFER WIDTHS</b>				
Min. Zone Width				
• South	8 Feet		8 Feet	Y
• East	15 Feet		7 & 10 Feet	N*
• West	15 Feet		5 Feet	N*
Wall Height	6 to 8 Feet Adjacent to Residential		Not Indicated	Y

*\*The applicant has requested a Waiver from Title 19.08.080 to allow a ten-foot wide landscape buffer along a portion of the east property line with the exception of one spot which is seven-foot wide and a five-foot wide landscape buffer along a portion of the west property line where 15 feet is required adjacent to right-of-way.*

<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>
Fremont Street	Primary Arterial	Master Plan of Streets and Highways	105	Y
Atlantic Street	Local Street	Master Plan of Streets and Highways	60	Y

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*Pursuant to Title 19.08 and 19.12, the following parking standards apply:*

<b>Parking Requirement</b>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required</i>			<i>Provided</i>		<i>Compliance</i>
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Motor Vehicle Sales (Used)	382 SF	1:500 SF	1				
<b>TOTAL SPACES REQUIRED</b>			1		20		Y
<b>Regular and Handicap Spaces Required</b>			1	1	19	1	Y

<b>Waivers</b>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
A 15-foot landscaping buffer is required adjacent to right-of-way.	To allow a ten-foot wide landscape buffer along a portion of the east property line with the exception of one spot which is seven-foot wide.	Approval
A 15-foot landscaping buffer is required adjacent to right-of-way.	To allow a five-foot wide landscape buffer along a portion of the west property line.	Approval

**ANALYSIS**

The subject site is located in a C-2 (General Commercial) zoning district, which allows for retail and commercial uses of an intense character. The applicant has proposed to develop the site with a Motor Vehicle Sales (Used) use totaling 382 square feet on 0.42 acres at 2600 Fremont Street.

A Motor Vehicle Sales (Used) use is described in Title 19.12 as: “A facility or area, other than an auto sales showroom, used primarily for the display and sale or leasing of used automobiles, motorcycles and motor scooters, but excluding mopeds. This use includes service bays and auto body shops which are incidental and accessory to the sales use.” This use is permitted in the C-2 (General Commercial) zoning district with an approved Special Use Permit.

**Minimum Special Use Permit Requirements:**

1. The minimum site area designated for this use shall be 25,000 square feet.

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*The subject site is 0.42 net acres, which is approximately 18,295 square feet in size. The applicant has requested a Waiver from Title 19.12 to allow 18,295 square feet of area dedicated to the use where 25,000 square feet is the minimum required.*

2. The installation and use of an outside public address or bell system is prohibited.

*The applicant has indicated that no public address or bell system will be used with the proposed development.*

3. All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel of land.

*The applicant has indicated that all exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel of land.*

4. Accessory automobile rental is permitted.

*The applicant has acknowledged that accessory automobile rental is permitted; however no accessory automobile rental has been proposed at this time.*

The proposed site design complies with all applicable Title 19.08.080 site design requirements pertaining to building setbacks, which requires a 10-foot distance separation from the front, side and corner property lines and a 20-foot distance separation from the rear property line. The proposed building will cover approximately 2% of the 0.42 acres site, which is below the 50% lot coverage maximum allowed by code. The proposed building is 11 feet in height measured to the top of the parapet. The submitted building elevations indicate the building façades will have light beige “Cashew Nut” stucco finish, with a foam cornice accent around the roof line of the proposed structure.

The site will provide 20 total parking spaces with one handicapped parking space, which exceeds the two parking space required by Title 19.12.010 for a Motor Vehicle Sales (Used) use land use.

The subject site is an irregularly shaped tri-angular lot. All landscape buffer planting materials have been designed to comply with code requirements for spacing and quantities. The primary tree species being utilized are the 24” – 36” box Chitalpa, 24” box African Sumac and 24” box Thornless Chilean Mesquite trees. However, the applicant has requested Waivers from Title 19.08.080 to allow a ten-foot wide landscape buffer along a portion of the east property line with the exception of one spot which is seven-feet wide and a five-foot wide landscape buffer along a portion of the west property line where 15 feet is required adjacent to right-of-way.

This project is a Project of Regional Significance because subject site requires a Special Use Permit is located within 500 feet of the City’s boundary with Clark County. This project was

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routed to outside agencies for comments. The Las Vegas Valley Water District (LVVWD) responded with the following comment, “This parcel is currently served by LVVWD but does not have the required backflow prevention per NAC 445A.67195. Civil and plumbing plans will need to be submitted to LVVWD for meter sizing, available fire flow, and installation of required backflow prevention.

Staff has determined the proposed site is an irregularly shaped tri-angular lot and that the associated Waivers of Title 19.12 lot size to allow 18,295 square feet of area dedicated to the use where 25,000 square feet is the minimum required and Title 19.08 landscape buffer standards will have minimal negative impact to the surrounding area. The proposed use and design of this proposal will be harmonious with the surrounding land uses. Staff recommends approval of the requested Special Use Permit and Site Development Plan Review for a Motor Vehicle Sales (Used) use.

**FINDINGS (SUP-58539)**

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 Motor Vehicle Sales (Used) can be conducted in a manner that is harmonious and compatible with the surrounding commercial land uses, and with the future surrounding land uses.

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

The subject site is an irregularly shaped tri-angular lot and is 0.42 net acres, which is approximately 18,295 square feet in size. The applicant has requested a Waiver from Title 19.12 to allow 18,295 square feet of area dedicated to the use where 25,000 square feet is the minimum required. Staff has determined that the subject site can physically accommodate the proposed Motor Vehicle Sales (Used) use and is in close proximity other commercial uses in the area.

**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.**

Site access is provided from Fremont Street, a 105-foot Primary Arterial and Atlantic Street a 60-foot Local Street as designated in the Master Plan of Streets and Highways. These streets are sufficient in size to accommodate the needs of the proposed 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.**

Approval of this proposed Special Use Permit will not compromise the public health, safety and general welfare of the public, as the use will be subject to regular inspections and licensing restrictions.

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

The proposed Motor Vehicle Sales (Used) use does not meet Condition #1 listed in Title 19.12; which requires a minimum area of 25,000 square feet dedicated to the proposed use. The subject site is 0.42 net acres, which is approximately 18,295 square feet in size. The applicant has requested a Waiver from Title 19.12 to allow 18,295 square feet of area dedicated to the use where 25,000 square feet is the minimum required. Staff has determined that the subject site can physically accommodate the proposed Motor Vehicle Sales (Used) use and is in close proximity other commercial uses in the area.

**FINDINGS (SDR-58540)**

In order to approve a Site Development Plan Review application, per Title 19.16.100(E) 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 proposed Motor Vehicle Sales (Used) can be conducted in a manner that is harmonious and compatible with the surrounding commercial land uses, and with the future surrounding land uses.

**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;**

This project is consistent with the General Plan and the uses allowed in the C-2 (General Commercial) zoning district. However, it is not consistent with the development standards outlined in Title 19.08 regarding minimum landscape buffer widths.

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

