



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: SEPTEMBER 13, 2016

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: ABUSHAM PROPERTIES, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-65982	Staff recommends APPROVAL, subject to conditions:	N/A

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 23

NOTICES MAILED 305

APPROVALS 0

PROTESTS 0

**** CONDITIONS ****

SUP-65982 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Motor Vehicle Sales (Used) use.
2. Conformance to the approved conditions for Rezoning (Z-0087-84).
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 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, as well as submitted as part of any business license application.
6. 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.
7. 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 a Special Use Permit for a proposed Motor Vehicle Sales (Used) use at 2100 South Decatur Boulevard. The subject site is an existing Motor Vehicle Sales (New); therefore, the proposed use can be conducted in a manner that is harmonious and compatible with the surrounding commercial land uses, and with the future surrounding land uses. Staff recommends approval of this request.

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.

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 is requesting a Special Use Permit for a proposed Motor Vehicle Sales (Used), which is permitted use in the C-2 District with an approval of a Special Use Permit. The subject property is a 4.27 acre site that has a Motor Vehicle Sales (New) use, and which allows the sales of used motor vehicle as an ancillary use. However, the applicant states that they may not retain their franchise, and is seeking approval of a Motor Vehicle Sales (Used) use as the primary use.

This request was routed to outside agencies for comments. The Las Vegas Valley Water District (LVVWD) responded with the following comment, "This parcel is currently served but does not have the required backflow prevention per NAC 445A.67195. Civil plans will need to be submitted for backflow retrofit."

The Motor Vehicle Sales (Used) use is defined 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." The proposed use meets the definition. The subject property was currently operates as a Motor Vehicle Sales (New).

The Minimum Special Use Permit Requirements for this use include:

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

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The proposed use meets this requirement as the subject site area designated has greater than 25,000 square feet.

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.

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

The proposed use meets this requirement as the subject site has been operating as a Motor Vehicle Sales (New) use.

4. Accessory automobile rental is permitted.

The applicant has indicated in the justification letter that an accessory automobile rental will be conducted on-site to serve the needs for the disabled.

- *5. No motor vehicle sales (used) may be located on Rancho Drive, between Vegas Drive and Craig Road.

The proposed use meets this requirement because the subject site is not located within the specified location.

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. Staff recommends approval of this Special Use Permit, with conditions. If this application is denied, the proposed Motor Vehicle Sales (Used) cannot be conducted on site.

FINDINGS (SUP-65982)

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.

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

The subject site is 4.27 acres in size and is physically suitable for the type and intensity of land use proposed. It is currently used for Motor Vehicle Sales (New).

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 Decatur Boulevard, a 100-foot Primary Arterial as designated in the Master Plan of Streets and Highways and O'Bannon, 60-foot Local Street. These streets are sufficient in size to accommodate the needs of 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.

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) meets all of the applicable conditions listed in Title 19.12.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/02/85	The City Council approved a request for a Reclassification of property (Z-0087-84) generally located on the northeast corner of Decatur Boulevard and O'Bannon Drive, From: R-1 (Single Family Residence) and R-3 (Limited Multiple Residence) (Under Resolution of Intent to C-1), to: C-2 (General Commercial), Proposed Use: New Car Dealership. The Planning Commission and staff recommended approval.
03/20/85	The City Council approved a request for the Special Use Permit (U-0007-85) to allow the construction and operation of an automobile body repair and paint shop in conjunction with a dealership for new automobiles on property generally located on the northeast corner of O'Bannon Drive and Decatur Boulevard. The Board of Zoning Adjustment and staff recommended approval.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/04/13	A Code Enforcement case (#132861) was processed for a complaint about weeds, trash and property not appearing presentable at 2100 South Decatur Boulevard. The case was resolved on 09/23/13.
05/05/14	A Code Enforcement case (#140817) was processed for a complaint about the lack of maintenance of the property located at 2100 South Decatur Boulevard. The case was resolved on 05/06/14.
06/26/14	A Code Enforcement case (#142940) was processed for a complaint of high weeds on the property located at 2100 South Decatur Boulevard. The case was resolved on 07/17/14.
08/22/16	A Code Enforcement case (#169868) was processed for missing landscaping, with chain link fence and weeds at 2100 South Decatur Boulevard. The case is currently open.

<i>Most Recent Change of Ownership</i>	
12/13/12	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
05/22/85	A building permit (#8015) was issued for a showroom at 2100 South Decatur Boulevard. The permit was finalized on 09/11/85.
	A building permit (#8015-1) was issued for a repair shop #1 at 2100 South Decatur Boulevard. The permit was finalized on 09/11/85.
	A building permit (#8015-2) was issued for a repair shop #2 at 2100 South Decatur Boulevard. The permit was finalized on 09/11/85.
08/06/85	A building permit (#9765) was issued for an interior remodel at 2100 South Decatur Boulevard. The permit was finalized 09/11/85.
03/08/89	A building permit (#17659) was issued for storage at 2100 South Decatur Boulevard. The permit was finalized on 05/04/89.
03/12/13	A business license (A65-00172) was issued for auto vehicle sales at 2100 South Decatur Boulevard. The license is currently inactive as of 08/15/16.
11/18/15	A business license (G63-06919) was issued for dent repair at 2100 South Decatur Boulevard. The license is currently active.
08/15/16	A business license (G64-06018) was processed for new and used automobile sales at 2100 South Decatur Boulevard. The license has not been issued.

<i>Pre-Application Meeting</i>	
07/27/16	A pre-application meeting was conducted with the applicant to discuss the submittal requirements for Special Use Permit for a proposed Motor Vehicle Sales (Used).

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

Field Check	
08/04/16	A field check by staff noted that the subject property does not have any landscaping along Charleston Boulevard and O'Bannon Drive. Staff noted a chain link fence on a portion of Decatur Boulevard and along O'Bannon Drive. An existing site plan shows the existing chain link fence along the rear portion of the property along O'Bannon Drive and not extending all the way towards Decatur Boulevard.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	4.27

<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	Motor Vehicle Sales (New)	C (Commercial)	C-2 (General Commercial)
North	Auto Repair Garage (Major)	C (Commercial)	C-2 (General Commercial)
	Post Office	PF (Public Facilities)	C-1 (Limited Commercial)
South	Shopping Center	MXU (Mixed Use)	C-1 (Limited Commercial)
East	Post Office	PF (Public Facilities)	C-1 (Limited Commercial)
West	Shopping Center	C (Commercial)	C-2 (General Commercial)

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

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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>
Decatur Boulevard	Primary Arterial	Planned Streets and Highways Map	100	Y
O'Bannon Drive	Local Street	N/A	60	N/A

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

<i>Parking Requirement</i>							
<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 (New/Used)	16,051 SF	1/500 SF	33				
TOTAL SPACES REQUIRED			33		40		Y
Regular and Handicap Spaces Required			31	2	38	2	Y