



AGENDA MEMO - PLANNING

SPECIAL PLANNING COMMISSION MEETING DATE: AUGUST 2, 2016

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: GLEN RUBIN - OWNER: DOUGLAS B. KAYS,
ET AL

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-64491	Staff recommends DENIAL, if approved subject to conditions:	N/A

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 27

NOTICES MAILED 485

APPROVALS 5

PROTESTS 1

**** CONDITIONS ****

SUP-64491 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Motor Scooter Sales use.
2. A Waiver from Title 19.12 is hereby approved, to allow the outdoor display and sales or motor scooters pursuant to the Site Plan dated 06/20/16.
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. 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 9,450 square-foot Motorcycle/Motor Scooter Sales use with outdoor display and sales at an existing Swap Meet. This is a C-1 (Limited Commercial) zoned property located at 1717 South Decatur Boulevard.

ISSUES

- A Motorcycle/Motor Scooter Sales use is permitted in the C-1 (Limited Commercial) zoning district and with the approval of a Special Use Permit.
- A Waiver of Condition #1 of the minimum Special Use Permit requirement is required, as the applicant is proposing outdoor display and sales. Staff cannot support this request.

ANALYSIS

The existing Swap Meet use has been licensed since 11/21/1991 at 1717 South Decatur Boulevard and is a legal non-conforming use per Title 19.14, as this use began operating prior to the requirement for a Special Use Permit. The proposed 9,450 square-foot Motorcycle/Motor Scooter Sales use is permitted in the C-1 (Limited Commercial) zoning district with an approval of a Special Use Permit. The proposed use consists of a showroom, and an inventory storage/service area within the Swap Meet interior. In addition, a 1,875 square-foot outdoor display and sales area is proposed at the northwest corner of the building.

The Motorcycle/Motor Scooter Sales use is defined as “A facility or area for the display and sale 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 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.” The proposed use meets the definition as the applicant’s justification letter date stamped 06/20/16 states the applicant intends to sell electric and gas powered scooters. The subject property is in the C-1 District and the Motorcycle/Motor Scooter Sales use is allowed with an approved Special Use Permit.

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The Minimum Special Use Permit Requirements for this use include:

1. All display and sales shall take place in an enclosed building.

The proposed use will have a display and sales to area outside of the building, for which the applicant has requested a waiver. Staff does not support the waiver request.

2. The minimum gross floor area of the building (or tenant space) that is dedicated to this use shall be 7000 square feet.

The proposed use meets this requirement as the submitted floor plan, date stamped 05/02/16, contains 3,000 square feet of showroom space and the submitted floor plan, date stamped 05/12/16, contains 6,450 square feet of inventory/service area.

The proposed Motorcycle/Motor Scooter Sales use will not be compatible with the surrounding uses due to the waiver request to allow an outdoor display and sales proposed on the subject property. The minimum Special Use Permit requirements specify that “all display and sales shall take place in an enclosed building”. Staff recommends denial; if this application is approved, it is subject to conditions.

FINDINGS (SUP-64491)

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 9,450 square-foot Motorcycle/Motor Scooter Sales use will be located within the interior of the building which contains a Swap Meet use. A waiver is requested to allow display and sales activities to take place outside of the building; therefore, the proposed use cannot 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.

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

There are no proposed changes for the existing structure housing the Swap Meet use; the proposed Motorcycle/Motor Scooter Sales use will be located within the Swap Meet use.

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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.

Access to the site is provided by Decatur Boulevard, a 100-foot Primary Arterial, and Oakley Boulevard, an 80-foot Major Collector. These streets provide adequate traffic flow for the proposed Motorcycle/Motor Scooter Sales 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 the Special Use Permit for a Motorcycle/Motor Scooter Sales use at this location will not compromise the public health, safety and welfare or the primary objectives of the General Plan, as the use will be subject to regular inspections and licensing requirements.

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

The proposed use does not meet all of the applicable conditions per Title 19.12, due to the requested waiver.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/06/67	The Board of Zoning Adjustment approved a Rezoning (Z-0018-67) from R-1 (Single Family Residential and R-3 (Medium Density Residential) to C-1 (Limited Commercial) for a Shopping Center at 1717 South Decatur Boulevard.
06/14/16	The Planning Commission voted [6-0] to hold the request for a Special Use Permit (SUP-64491) for a proposed Motorcycle/Motor Scooter Sales use at 1717 South Decatur Boulevard in abeyance to the July 12, 2016 Planning Commission meeting at the request of the applicant.
07/12/16	Due to a notification error this item was not acted upon as a part of the 07/12/16 Planning Commission meeting and has been scheduled for a Special Planning Commission meeting date.

<i>Related Building Permits/Business Licenses</i>	
11/21/91	A business license (#G50-05312) was issued for an Indoor Swap Meet at 1717 South Decatur Boulevard. This license is still active.

<i>Most Recent Change of Ownership</i>	
12/20/12	A deed was recorded for a change in ownership.

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<i>Pre-Application Meeting</i>	
04/11/16	A pre-application meeting with the applicant took place. The issue of the proposed Motorcycle/Motor Scooter Sales use floor plan shall demonstrate that the use will meet Title 19.12 minimum Special Use Permit requirements number 1 “The minimum gross floor area of the building (or tenant space) that is dedicated to this use shall be 7,000 square feet.” If the floor plan cannot meet that condition, a Waiver of the minimum Special Use Requirement will be part of the application. Per Fire Department staff, the proposed use within the Swap Meet must meet Fire and Building Codes.

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

Field Check	
05/05/16	The site contains an existing Swap Meet use that is clean and neat in appearance.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	15.23

<i>Surrounding Property</i>	<i>Existing Land Use</i>	<i>Planned Land Use</i>	<i>Existing Zoning</i>
Subject Property	Swap Meet	C (Commercial)	C-1 (Limited Commercial)
North	General Retail, Other than Listed	MXU (Mixed Use)	C-1 (Limited Commercial)
	Office, Other Than Listed	SC (Service Commercial)	R-1 (Single Family Residential)
	Multi-Family Residential	M (Medium Density Residential)	R-3 (Medium Density Residential)
South	Auto Repair Garage	C (Commercial)	C-2 (General Commercial)
	Post Office	PF (Public Facilities)	C-1 (Limited Commercial)
	Multi-Family Residential	M (Medium Density Residential)	R-3 (Medium Density Residential)
East	Single-Family, Detached	ML (Medium Low Density Residential)	R-PD8 (Residential Planned Development – 8 Units per Acre)

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<i>Surrounding Property</i>	<i>Existing Land Use</i>	<i>Planned Land Use</i>	<i>Existing Zoning</i>	
				C-1 (Limited 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>
A-O (Airport Overlay) District (200 feet)	Y
<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

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	100	Y
Oakey Boulevard	Major Collector	Planned Streets and Highways	80	Y

Pursuant to Title 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	
	25,000 SF	1/175 SF for the first	143				

RG

Swap Meet		25,000 SF					
	109,881 SF	1/250 SF	440				
TOTAL SPACES REQUIRED			583		1,252		Y
Regular and Handicap Spaces Required			571	12	1,229	23	Y