City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: GPA-32424 – APPLICANT/OWNER: GARNON LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE JUNE 17, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

** CONDITIONS **

The Planning Commission (6-0 vote) and staff recommend DENIAL.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request to Amend a portion of the Southeast Sector of the General Plan from SC (Service Commercial) to GC (General Commercial) on 0.35 acres at 4201 West Charleston Boulevard. An associated Special Use Permit (SUP-30693) has been submitted with this request to allow an Auto Repair Garage, Major on the subject site.

The proposed Amendment to a GC (General Commercial) Land Use designation is not compatible with the existing SC (Service Commercial) properties that surround the subject site. Due to the increase in intensity of land use and incompatibility with the surrounding land uses this request would create, staff recommends denial of this request.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
11/03/76	The Board of City Commissioners approved a request for a Reclassification of Property (Z-0071-76) from C-1 (Limited Commercial) to C-2 (General Commercial) to allow proposed retail tire sales at 4201 West Charleston Boulevard. The Planning Commission recommended approval.
06/06/79	The Board of City Commissioners approved a request for a Plot Plan Review (Z-0071-76) to allow a new franchise car dealership in addition to the existing new tire sales operation at 4201 West Charleston Boulevard. The Planning Commission recommended approval.
04/23/81	The Board of Zoning Adjustment approved (final action) a request for a Variance (V-0015-81) to allow a major brake repair operation at 4201 West Charleston Boulevard.
06/23/92	The Board of Zoning Adjustment approved (final action) a request for a Special Use Permit (U-0122-92) to allow a truck and trailer rental service with a maximum of four trucks or trailers at 4201 West Charleston Boulevard.
11/05/08	Code Enforcement processed a complaint (Case #71570) for possible code violations at 4201 West Charleston Boulevard. The case was resolved on 11/20/08.
04/09/09	The Planning Commission recommended denial of companion item SUP-30693 concurrently with this application. The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #21/ne).
Related Building Permits/Business Licenses	
08/29/96	A business license (#G02-00351) was issued for an auto repair garage, minor at 4201 West Charleston Boulevard. The business license was marked out on 09/03/08.

07/02/08	A building permit (#119020) was issued for a perimeter wall at 4201 West Charleston Boulevard. The permit was finaled on 08/13/08.
07/15/08	A business license (#G02-00817) was issued for an auto repair garage, minor at 4201 West Charleston Boulevard. The business license is active.
Pre-Application Meeting	
11/14/08	A pre-application meeting was held where the submittal requirements for a General Plan Amendment were discussed.
Neighborhood Meeting	
02/10/09	Start: 5:40pm End: 6:15pm Applicant: 3 Public: 7 Staff: 1 (Planning & Development) The applicant explained that they would be doing major auto repair (transmission repair, engine replacement), and that they also needed approval for the storage containers. It was stated that there would be no significant changes to the existing building on the site. The following question and concerns were raised from the public: • Members of the public were generally unconcerned with the proposed auto repair use, but did have concerns about test drives being conducted on Vista Drive and in the residential neighborhood to the south. • There were concerns about an excessive number of cars awaiting repairs being parked on the site. • Residents expressed a desire to see landscaping on the site; the applicant stated that he was amenable to installing landscaping if there was adequate room. • Residents noted that the painting of the building and the construction of the wall at the rear of the property were an improvement. The applicant committed to work with staff to see if landscaping could be installed at the perimeter of the property, and also agreed that no test drives would be conducted in the residential neighborhood.
Field Check	
10/17/08	During a routine site visit, staff observed automobiles for sale, storage containers, non-permitted temporary signage, and a wrecked, abandoned car parked along the east perimeter of the subject site.

Details of Application Request	
Site Area	
Net Acres	0.35

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Auto Repair Garage - Minor	SC (Service Commercial)	C-2 (General Commercial)
North	Vacant Commercial Building	SC (Service Commercial)	C-1 (Limited Commercial)
	Office	SC (Service Commercial)	P-R (Professional Office and Parking)
South	Specialty Food Store	SC (Service Commercial)	C-1 (Limited Commercial)
East	Vacant Tavern (Skinny Dugan's)	SC (Service Commercial)	C-1 (Limited Commercial)
West	Vacant Commercial Building (Carpeteria)	SC (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan		X	N/A
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O Airport Overlay District – 175 Feet	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

**No structure shall be erected, altered or maintained on any parcel within the boundaries of the Airport Overlay District that would violate the height limitations defined by the McCarran Airport Overlay Map and the North Las Vegas Airport Overlay Map. The subject site is within the 175-foot contour limitation and the proposed land use designation will not alter the building height. The existing building does not violate the height limitations.*

ANALYSIS

- **SC (Service Commercial) Master Plan Land Use Designation**

  The (SC) Service Commercial category allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons, and that do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The (SC) Service Commercial category may also allow mixed-use development with a residential component where appropriate. The existing SC (Service Commercial) General Plan designation restricts the land uses to that of ones allowable within compatible zoning districts. In this example, the site is limited to uses that are permitted within a C-1 (Limited Commercial) zoning district. As such, a proposed use like an Auto Repair Garage, Major, would not be permitted as they are prohibited within a C-1 (Limited Commercial) zoning district.

- **GC (General Commercial) Master Plan Land Use Designation**

  The (GC) General Commercial category generally allows retail, service, wholesale, office and other general business uses of a more intense commercial character. These uses may include outdoor storage or display of products or parts, noise, lighting or other characteristics not generally considered compatible with adjoining residential areas without significant transition. Examples include new and used car sales, recreational vehicle and boat sales, car body and engine repair shops, mortuaries, and other highway uses as hotels, motels, apartment hotels and similar uses. The (GC) General Commercial category allows (SC) Service Commercial uses, and may also allow mixed-use development with a residential component where appropriate.

  The applicant is proposing to amend the current SC (Service Commercial) Master Plan Land Use designation to the GC (General Commercial) Master Plan Land Use designation in efforts to allow for a more intense commercial use of the subject property.

  This amendment was submitted in conjunction with a request for a Special Use Permit (SUP-30693) to allow an Automotive Repair Garage, Major on the subject site. The GC (General Commercial) designation is not compatible with the surrounding SC (Service Commercial) land use designations in the area, as the subject site would be the only parcel designated GC (General Commercial) within the Charleston Boulevard commercial corridor from Valley View Boulevard to Decatur Boulevard. Therefore, staff recommends denial of this General Plan Amendment request.

FINDINGS

Section 19.18.030.I of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

1. The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,

2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,

3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and

4. The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.

In regard to "1":

The proposed GC (General Commercial) Land Use designation on a parcel currently designated as SC (Service Commercial) is not compatible with the existing SC (Service Commercial) properties that surround the subject site. Due to the increase in the allowed intensity of land use and the subsequent incompatibility with the surrounding land uses, staff recommends denial of this request.

In regard to "2":

The subject site has an existing zoning of C-2 (General Commercial), which is the most intense zoning district allowed by the proposed GC (General Commercial) General Plan designation. The most intense uses allowed by the C-2 (General Commercial) district are not compatible with the adjacent P-R (Professional Office and Parking) and C-1 (Limited Commercial) zoning districts, and are currently limited by the existing SC (Service Commercial) General Plan designation.

In regard to "3":

Site access is adequately provided primarily by Charleston Boulevard, classified as a 100-foot wide Primary Arterial by the Master Plan Streets and Highways. Secondary access is also provided off of Vista Drive, a 60-foot wide Collector Street, which primarily serves the neighborhood residents.

In regard to "4":

There are no other plans or policies that apply to the subject site.

PLANNING COMMISSION ACTION

There was one speaker in favor of this project at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

ASSEMBLY DISTRICT 3

SENATE DISTRICT 11

NOTICES MAILED 146 by City Clerk

APPROVALS 2

PROTESTS 0