



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: OCTOBER 10, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: VAY TECHNOLOGY, INC - OWNER: THE HERBERT, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0482-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 27

NOTICES MAILED 343

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0482-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Automobile Rental use.
2. 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.
3. 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 Building and Safety Division.
4. 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.
5. 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

The applicant is requesting a Special Use Permit for Automobile Rentals at 801 South Main Street, Suite #120. As described in the Justification Letter date stamped on 09/14/23, the business will use remote driving for a “free-float” model of car rentals, and will not store any vehicles at 801 South Main Street, Suite #120.

ISSUES

- The Automobile Rental use is a Conditionally Allowed use in the C-M (Commercial/Industrial) zoning district.
- The applicant Conditional Use Regulation #1, which states, “the minimum site area designated for rental services shall be 25,000 square feet”. Therefore, the applicant is requesting a Special Use Permit to allow the Automobile Rental use on a 13,939 square-foot site.

ANALYSIS

The applicant is requesting to have a headquarters office for their remote Automobile Rental business, which, per the Justification Letter date stamped on 09/14/23, will use a “free-float” model to connect vehicles to renters without the need to store, maintain, display, or test-drive their vehicles out of the location at 801 South Main Street, Suite #120.

The Automobile Rental use is a Conditionally Allowed use in the C-M (Commercial/Industrial) zoning district. A Special Use Permit is required due to the proposed use does not meet Conditional Use Permit Regulation #1 listed in Title 19.12; which requires a minimum area of 25,000 square feet dedicated to the proposed use. The subject tenant space is 580 square feet in floor area on a 13,939 square-foot site. The applicant has requested a Waiver from Title 19.12 to allow 580 square feet of area dedicated to the use where 25,000 square feet is the minimum required.

The Automobile Rental use is defined as, “[a] facility for the rental of new or used automobiles or other passenger vehicles. For purposes of the limitations of this Title on outside storage, vehicles kept on a lot for rental purposes are not considered to be outside storage.” The proposed use meets the definition by offering the rental of automobiles through a “free-float” model, as described in the Justification Letter date stamped on 09/14/23.

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The Minimum Conditional Use Permit Regulations for this use include:

1. The minimum site area designated for rental services shall be 25,000 square feet.

The proposed use does not meet this requirement as the tenant space is only 580 square feet and the overall site is on 13,939 square feet. The applicant has requested a Special Use Permit to allow a 580 square-foot site area designated for the use where 25,000 square feet is the minimum allowed.

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 use.

3. No used or discarded automotive parts or equipment shall be located or stored in any open area outside of an enclosed building.

The applicant has indicated that no work will be performed on vehicles and no vehicles will be housed or stored on the site, per the Justification Letter date stamped on 09/14/23.

4. 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 no changes to the exterior lighting are proposed for this site. The site was approved through the Site Development Plan Review (SDR-77388).

The subject site is adjacent to an office building and two retail buildings. The proposed use is consistent with the surrounding land uses if operated as described in the Justification Letter date stamped on 09/14/23, effectively utilizing the suite for an office use. A traditional model of automobile rentals would not be harmonious with the surrounding land uses, but the utilization of 801 South Main Street, Suite #120 as a headquarters and office for administering the “free-float” model of Automobile Rental can be conducted in a manner that is harmonious and compatible with existing surrounding land uses. Therefore, staff recommends approval of the requested Special Use Permit.

FINDINGS (23-0482-SUP1)

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:

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- 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 subject site is adjacent to an office building and two retail buildings. The utilization of 801 South Main Street, Suite #120 as a headquarters and office for administrating the “free-float” model of Automobile Rental is appropriate in the proposed location. Therefore, as specified in the Justification Letter date-stamped on 09/14/23 be conducted in a manner that is harmonious and compatible with the surrounding commercial land uses in the area, 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.**

The subject site and tenant space is too small to physically accommodate a traditional model of Automobile Rental use. A minimum 25,000 square-foot area dedicated to the Automobile Rental use is required. The applicant is proposing a unique business operation model which will utilize the subject site effectively as an office, without the storage, maintenance, or display of rental vehicles. As proposed, the intensity of land use is able to fit the constraints of the subject site.

- 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.**

Main Street and Gass Avenue are adequate in size for the proposed use. Main Street is a 90 foot-wide Major Collector and is subject to the Master Plan of Streets and Highways and Title 19.04 Complete Street standards. Gass Avenue is a Local Street and is subject to Title 13. The proposed use will not include the storage or test driving of rental vehicles from the subject site. The office space at 801 South Main Street, Suite #120 will not have an adverse impact on adjacent properties or neighborhood traffic.

- 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.**

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The proposed 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 tenant space is 580 square feet in floor area. The applicant has requested a Special Use Permit to allow 580 square feet of area dedicated to the use where 25,000 square feet is the minimum required.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Code Enforcement, etc.</i>	
10/22/19	The City Council Approved a Site Development Plan Review (SDR-77388) for two-story, 7,174 square-foot commercial building with a 1,295 square-foot roof deck and 422 square-foot outdoor patio at 801 South Main Street.

<i>Pre-Application Meeting</i>	
09/12/23	Staff provided the applicant a submittal checklist for the requested Special Use Permit.

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

<i>Field Check</i>	
09/19/23	During a routine site visit staff observed a well maintained site with nothing of concern. The signage for Vays Technologies has been added to the tenant space.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.32

<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	Office, Other than Listed	MXU (Mixed-Use)	C-M (Commercial/Industrial)
	Restaurant		
North	General Retail Store, Other than Listed	MXU (Mixed-Use)	C-M (Commercial/Industrial)
South	Office, Other than Listed	MXU (Mixed-Use)	C-M (Commercial/Industrial)
East	General Retail Store, Other than Listed	C (Commercial)	C-M (Commercial/Industrial)
West	Undeveloped	MXU (Mixed-Use)	C-2 (General Commercial)

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Master and Neighborhood Plan Areas	Compliance
2050 City of Las Vegas Master Plan Area: Downtown Las Vegas	Y
Special Area and Overlay Districts	Compliance
DTLV-O (Downtown Las Vegas Overlay) District – Area 1 (Civic and Business District)	Y
LW-O (Live/Work Overlay) District	Y
Other Plans or Special Requirements	Compliance
Trails (Urban Path along Main Street - Constructed)	Y
Las Vegas Redevelopment Plan (Area 1)	Y
Interlocal Agreement	N/A
Project of Significant Impact	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Main Street	Major Collector	Master Plan of Streets and Highways Map Title 19.04 Complete Streets	90	Y
Gass Avenue	Local Street	Title 13	83	Y

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Automobile Rental	580 SF	One space for each 200 square feet of gross floor area.	3				

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Use	Gross Floor Area or Number of Units	Base Parking Requirement		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Office, Other than Listed	(580 SF) [Suite #120] 6,411 SF [Total]	One space for each 300 square feet of gross floor area.	2				
Restaurant (front of house)	1,148 SF	1:50	23				
Restaurant (back of house)	1,332 SF	1:200	7				
TOTAL SPACES REQUIRED			(+1) 52 [Total]		15	Y*	
Regular and Handicap Spaces Required			49 [Total]	3 [Total]	15	0	Y*

*Projects located within the Downtown Las Vegas Overlay - Area 1 are not subject to the automatic application of parking requirements. However, the above table should be used to illustrate the requirements of an analogous project in another location in the City.

Waivers		
Requirement	Request	Staff Recommendation
The Motor Vehicle Sales, Used use has a minimum lot area of 25,000.	To allow a Motor Vehicle Sales, Used use in a 580 square-foot tenant space on a 13,939 square foot site.	Approval