



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: DECEMBER 06, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: ALEXANDER MAZZOLA - OWNER: S M SQUARED INVESTMENTS, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0414-SUP1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 29

NOTICES MAILED 725 (BY CITY CLERK)

PROTESTS 3

APPROVALS 0

**** CONDITIONS ****

23-0414-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 a Motor Vehicle Sales (Used) 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.
5. A Waiver from Title 19.12 is hereby approved, to allow a Motor Vehicle Sales, Used use in an 850 square-foot tenant space.
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.

Public Works

8. No sales, display, or storage of sale vehicles shall take place in the public right-of-way.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Special Use Permit for a proposed Motor Vehicle Sales (Used) use within an 850 square-foot tenant space at 726 South Casino Center Boulevard, Suite #208. This tenant space is currently licensed for Automobile Rental, and the applicant intends to continue the rental business along with the proposed sales.

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. Staff does not support this request.
- The applicant has requested a Waiver from Title 19.12 to allow the use within an 850 square-foot tenant space where a 25,000 square-foot lot is the minimum required. Staff does not support this request.
- An Automobile Rental use was approved for this tenant space through a Special Use Permit (22-0532-SUP1) on November 15, 2022. The Automobile Rental Conditional Use Regulations require the same 25,000 square-foot lot size as the proposed Motor Vehicle Sales (Used) use.

ANALYSIS

The subject site is within the Civic and Business District of Downtown Las Vegas, as set forth in the Vision 2045 Downtown Las Vegas Master Plan. The subject 0.40 acre site is located within the C-2 (General Commercial) zoning district with a MXU (Mixed-Use) General Plan Special Land Use Designation. The applicant has proposed to utilize an 850 square-foot tenant space, on a 17,400 square-foot parcel, as a Motor Vehicle Sales (Used) use in addition to continuing their Automobile Rental use. The C-2 (General Commercial) zoning district allows the proposed Motor Vehicle Sales (Used) use with an approved Special Use Permit.

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 Minimum Special Use Permit Requirements for this use include:

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

The subject site is 0.40 net acres, which is approximately 17,400 square feet in size. However, the subject tenant space is only 850 square feet of floor area that will be dedicated to the proposed land use. The applicant has requested a Waiver from Title 19.12 to allow an 850 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 development.

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

The subject site is an existing commercial development with existing exterior lighting that has been designed to be screened or otherwise designed so as not to shine directly onto any adjacent parcel of land.

4. Accessory automobile rental is permitted.

The subject site has an existing, licensed Automobile Rental business in operation. The automobile rental use will continue in addition to the proposed sales use.

The submitted site plan date stamped on 08/10/23 indicates the applicant has proposed to utilize four of the existing ten parking spaces for vehicle display, which will reduce the available onsite parking. While the reduction in onsite parking can be expected to impact existing commercial developments in the surrounding area, the subject site is located within the DTLV-O (Downtown Las Vegas Overlay) Area 1 (Civic & Business District) and subject to Appendix F Downtown Las Vegas Interim Development Standards, so parking requirements under Title 19.12 are not automatically applied.

This commercial development has been designed to accommodate general retail, general personal services, wholesale and office land uses. The Motor Vehicle Sales (Used) land use requires a minimum 25,000 square feet to accommodate display of vehicles, staff and customer parking. As the subject site is too constrained to accommodate the proposed use, the result of allowing Motor Vehicle Sales (Used) is likely to result in customers needing to park off-site in the surrounding area.

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Staff has determined that the subject site cannot physically accommodate the proposed Motor Vehicle Sales (Used) use, and would therefore not be harmonious with the surrounding land uses. Staff recommends denial of the requested Special Use Permit for the Motor Vehicle Sales (Used) land use.

FINDINGS (23-0414-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:

- 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 a parking impaired commercial development, and staff has determined that any reduction in onsite parking will negatively impact the existing commercial developments in the surrounding area. Therefore, staff has determined that the proposed Motor Vehicle Sales (Used) use would not be conducted in a manner that is harmonious and compatible with the surrounding commercial land uses in the area.

- 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 the proposed Motor Vehicle Sales (Used) use. A minimum 25,000 square-foot area dedicated to the Motor Vehicle Sales (Used) use is required.

- 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.**

Casino Center Boulevard and Gass Avenue are 80-foot-wide Local Streets and are subject to Title 19.04 and Title 14. These streets are adequate in size for the proposed use, however due to the constraints of the property these streets are likely to see an additional on-street parking load if the proposed Special Use Permit is approved.

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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 tenant space is 850 square feet in floor area. The applicant has requested a Waiver from Title 19.12 to allow 850 square feet of area dedicated to the use where 25,000 square feet is the minimum required. Staff has determined that the subject site cannot physically accommodate the proposed Motor Vehicle Sales (Used) use.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Code Enforcement, etc.</i>	
01/05/00	The City Council approved a Special Use Permit (U-0118-99) to allow a Bail Bonds Service business at 726 South Casino Center Boulevard.
11/15/22	The Planning Commission approved a Special Use Permit (22-0532-SUP1) to allow an Automobile Rental at 726 South Casino Center Boulevard, Suite #208. Staff recommended approval.
10/13/22	A Code Enforcement Case (#CE22-05501) was process for illegal signage at 726 South Casino Center Boulevard, Suite #208. This Case was resolved on 05/16/23.
11/15/23	The Planning Commission (6-0 vote) recommends APPROVAL on the Land Use Entitlement project. Staff recommends DENIAL on the Land Use Entitlement project. On the PROPOSED 850 SQUARE-FOOT MOTOR VEHICLE SALES (USED) USE WITH A WAIVER TO ALLOW AN 850 SQUARE-FOOT SITE AREA WHERE 25,000 SQUARE FEET IS REQUIRED at 726 South Casino Center Boulevard, Suite #208 (APN 139-34-310-030), C-2 (General Commercial) Zone, Ward 3 (Diaz).

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Related Building Permits/Business Licenses	
12/20/22	A building permit (#C22-04724) was issued for electric vehicle charger receptacles at 726 South Casino Center Boulevard, Suite #208. This permit was finalized on 01/10/23.
01/25/23	A temporary sign permit (#100047-TSP) was issued for a banner sign on the front of the building at 726 South Casino Center Boulevard, Suite #208. This permit was valid from 02/01/23 through 04/02/23.
04/11/23	A sign permit (#C23-00866) was issued for two illuminated light boxes/wall signs at 726 South Casino Center Boulevard, Suite #208. This permit was finalized on 04/27/23.

Most Recent Change of Ownership	
05/15/18	A deed was recorded for a change in ownership.

Pre-Application Meeting	
08/08/23	A pre-application with the applicant to go over the submittal requirements for a Special Use Permit.

Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
09/11/23	During a routine site visit, staff observed a well maintained tenant space within an existing commercial development.

Details of Application Request	
Site Area	
Gross Acres	0.40

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	<i>Land Use per Title 19.12</i>	<i>General Plan</i>	<i>Zoning District</i>
Subject Property	Automobile Rentals and Office, other than listed	MXU (Mixed-Use)	C-2 (General Commercial)
North	Vacant	MXU (Mixed-Use)	C-2 (General Commercial)
South	Bail Bond Service	MXU (Mixed-Use)	C-2 (General Commercial)
East	Duplex	MXU (Mixed-Use)	C-2 (General Commercial)
	Office, Other than Listed	MXU (Mixed-Use)	C-2 (General Commercial)
West	Duplex	MXU (Mixed-Use)	C-M (Commercial/Industrial)
	General Retail Store, Other than Listed	MXU (Mixed-Use)	C-M (Commercial/Industrial)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Master Plan 2050 Area: Downtown Las Vegas	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
DTLV-O (Downtown Las Vegas Overlay) District – Area 1 (Civic & Business District)	Y
LW-O (Live/Work Overlay) District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
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

<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>
Casino Center Boulevard	Local Street	Title 13	83	Y
Gass Avenue	Local Street	Title 13	83	Y

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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	
Motor Vehicle Sales (Used)	850 SF	One space for each 500 square feet of enclosed gross floor area	2					
		Vehicles that are on display or for sale	4					
Office, Other than Listed	6580 SF	One space for each 300 square feet of gross floor area.	22					
Bail Bond Service	900 SF	One space for each 300 square feet of gross floor area.	3					
TOTAL SPACES REQUIRED			31		10		N*,**	
Regular and Handicap Spaces Required			29	2	10	0	N*,**	

*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.

**The subject site is a Parking-Impaired site in accordance with Title 19.18, so for any change of use that requires an increase in the number of required parking spaces, only the increased number of parking spaces shall be required.

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 an 850 square-foot tenant space on a 17,400 square foot site.	Denial