



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: MAY 14, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: ALEX DIAZ - OWNER: WESTPOINT INVESTMENT CO., LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0663-SUP1	Staff recommends APPROVAL, subject to conditions	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

NOTICES MAILED 332

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0663-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Auto Parts (New and Rebuilt) use.
2. All signage shall be permitted and meet minimum code requirements within 30 days of final approval.
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 Building and Safety Division.
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.

Public Works

7. Coordinate with the Environmental Compliance & Enforcement staff of the Department of Public Works to locate any required grease interceptor and sand/oil interceptors in acceptable locations prior to submittal of sewer-related plans. Comply with the recommendations and requirements of the Environmental Compliance & Enforcement staff prior to issuance of permits. The team may be contacted at 702-229-6594 or emailed at ece@lasvegasnevada.gov.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Special Use Permit for an Auto Parts (New and Rebuilt) use located within an existing commercial development at 4530 East Charleston Boulevard.

ISSUES

- An Auto Parts (New and Rebuilt) use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.
- After a routine field check, Code Enforcement Case (#CE24-02408) was started to resolve the potential code violations identified through the field check for this address.

ANALYSIS

The subject site is zoned C-1 (Limited Commercial) and is subject to Title 19 requirements. The tenant space is within a Shopping Center anchored by a large indoor swap meet at 4530 East Charleston Boulevard. An Auto Parts (New and Rebuilt) use is permitted in the C-1 (Limited Commercial) zone with the approval of a Special Use Permit.

The shopping center was originally entitled through a Plot Plan Review (Z-0085-75), in April 1989, however the tenant space proposed for the Auto Parts (New and Rebuilt) use was included as an outdoor plant nursery sales area. A Variance (V-0133-90) was approved in 1990 to allow the sales and storage of garden supplies in that nursery area. According to photograph elevations from the approved Variance, this nursery area had a patio cover but was not enclosed.

The proposed use of this tenant space will be for the retail sale of and installation of tires, including tire repair, replacement, rotations, and balancing. The tenant space was previously operated as a tire shop, approved under the Auto Parts use. The previous tire shop operated under business licenses (#G63-08047 and #G66-08891) from March 2015 to September 2017 and from January to August 2019, respectively. The nursery area appears to have been enclosed without a building permit around 2018. As a standard Condition of Approval for this application, 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.

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The Auto Parts (New and Rebuilt) use is defined as “a facility for the retail sale and installation of lubricating oils, tires, filters and other new or rebuilt goods for use in motor vehicles. The resurfacing of rotors, pressing of bearings, grinding of brake drums, and similar activities are permitted as incidental uses, as well as the installation of auto accessories.” The proposed use meets the definition as a tire shop. As stated in the justification letter, the proposed business will provide tire repair and replacement, rotations, balancing, and other basic installations and services. There are no minimum Special Use Permit requirements associated with the Auto Parts (New and Rebuilt) use.

Staff finds the proposed Auto Parts (New and Rebuilt) is compatible with the existing shopping center, which contains a variety of sales and services and is recommending approval with conditions.

FINDINGS (23-0663-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 proposed Auto Parts (New and Rebuilt) use is compatible with the surrounding land uses within the shopping center and can be conducted in a manner that is harmonious with the existing surrounding land uses.

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

The subject site is located within a shopping center that is physically suitable and physically designed for the type and intensity of land use proposed.

- 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 subject site will remain unchanged and is provided by Charleston Boulevard and Marion Drive. Both roadways are adequate in size to serve the proposed Auto Parts (New and Rebuilt) use.

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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.**

The proposed use will be subject to business licensing requirements to ensure public health, safety, and welfare objectives are met.

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

There are no minimum Special Use Permit requirements associated with the Auto Parts (New and Rebuilt) use.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
01/27/76	The Planning Commission approved a Rezoning (Z-0068-75) from R-1 (Single Family Residential) and R-3 (Medium Density Residential) to C-1 (Limited Commercial) for a proposed shopping center on the north east corner of Lamb Boulevard and Charleston Boulevard.
04/07/89	The Department of Community Planning & Development approved a Plot Plan Review (Z-0085-75) for the shopping center at the northeast corner of Charleston and Lamb.
11/20/90	The Board of Zoning Appeals approved a Variance (V-0133-90) to allow outdoor storage and sales in the nursery area for the shopping center at 4530 East Charleston. This is the same space currently proposed for the Auto Parts (New and Rebuilt) use.
04/09/24	A Code Enforcement case (#CE-24-02408) was processed in for unpermitted work at 4530 East Charleston Boulevard.

<i>Most Recent Change of Ownership</i>	
07/11/16	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
10/25/00	A building permit (#19645) was issued for a tenant improvement permit and adding walls at 4350 East Charleston Boulevard. This permit was finalized on 12/15/00.
09/23/02	A building permit (#2017259) was issued for a tenant improvement permit and remodeling at 4350 East Charleston Boulevard. This permit was finalized on 10/14/02.

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Related Building Permits/Business Licenses	
10/21/15	A business license (G63-08047) for auto parts sales and installation was issued at 4350 East Charleston Boulevard. This permit went out of business on 03/01/18.
01/12/19	A business license (G66-08891) for auto parts sales and installation was issued at 4350 East Charleston Boulevard. This permit went out of business on 08/08/19.

Pre-Application Meeting	
12/14/23	A pre-application meeting was held to discuss the submittal requirements for a Special Use Permit.

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

Field Check	
04/02/24	During a routine site visit, staff observed an enclosed building with a fence acting as the roll-up gate. Through a review of street view imagery, staff was able to determine that the metal purple walls had been added since 2018. Additionally, staff observed unpermitted signage. A Code Enforcement Case (# CE24-02408) was started to resolve the potential code violations identified during the routine site visit.

Details of Application Request	
Site Area	
Gross Acres	3.48

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Shopping Center	TOD - 1 (Transit Oriented Development - High)	C-1 (Limited Commercial)
North	Church/House of Worship	SC (Service Commercial)	C-1 (Limited Commercial)
South	Clark County	Clark County - CM - Corridor Mixed-Use	Clark County - CG - Commercial General
East	General Retail	TOD - 1 (Transit Oriented Development - High)	C-1 (Limited Commercial)
West	Health Club	TOD - 1 (Transit Oriented Development - High)	C-1 (Limited Commercial)

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Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: East Las Vegas	Y
Special Area and Overlay Districts	Compliance
No Applicable Special Area or Overlay Districts	N/A
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
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
Charleston Boulevard	Primary Arterial	Master Plan of Streets and Highways	98	Y
Marion Drive	Major Collector	Master Plan of Streets and Highways	95	Y

Pursuant to Plot Plan Review (Z-0085-75) the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required Parking Ratio	Required Parking		Provided Parking		Compliance
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	48,600	1:250 SF	195				
TOTAL SPACES REQUIRED			195		366		Y
Regular and Handicap Spaces Required			189	6	358	8	Y

Las Vegas Valley Water District (LVVWD)
Comments:
Civil plans will need to be submitted to LVVWD. Existing water facilities may not be sized for proposed development. Parcels have existing meters without backflow protection, which is required for this use per NAC445A.67195