

**AGENDA MEMO - PLANNING****PLANNING COMMISSION MEETING DATE: JULY 13, 2021****DEPARTMENT: PLANNING****ITEM DESCRIPTION: APPLICANT/OWNER: NSAQ, LLC**

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
21-0190-EOT1	Staff recommends APPROVAL, subject to conditions:	
21-0190-EOT2	Staff recommends APPROVAL, subject to conditions:	21-0190-EOT1

**** NOTIFICATION ******NEIGHBORHOOD ASSOCIATIONS NOTIFIED** N/A**NOTICES MAILED** N/A**PROTESTS** 0**APPROVALS** 0

**** CONDITIONS ****

21-0190-EOT1 CONDITIONS

Planning

1. This approval shall expire on 05/12/23 unless another Extension of Time is approved by the City of Las Vegas.
2. Conformance to the Conditions of Approval for Special Use Permit (SUP-58539) and all other related actions as required by the Department of Planning and the Department of Public Works.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

21-0190-EOT2 CONDITIONS

Planning

1. This approval shall expire on 05/12/23 unless another Extension of Time is approved by the City of Las Vegas.
2. Conformance to the Conditions of Approval for Site Development Plan Review (SDR-58540) and all other related actions as required by the Department of Planning and the Department of Public Works.
3. 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 an Extension of Time of Special Use Permit (SUP-58539) and Site Development Plan Review (SDR-58540) for a proposed Motor Vehicle Sales (Used) lot at 2600 Fremont Street.

ISSUES

- This is the third Extension of Time request for the approved Special Use Permit (SUP-58539) and Site Development Plan Review (SDR-58540).
- Special Use Permit (SUP-58539) and Site Development Plan Review (SDR-58540) were set to expire on May 12th, 2021. The applicant submitted the application for an Extension of Time on April 20th, 2021 prior to expiration.

ANALYSIS

On May 13th, 2015 the Planning Commission approved a Special Use Permit (SUP-58539) to establish a Motor Vehicle Sales (Used) use and Site Development Plan Review (SDR-58540) for a proposed Motor Vehicle Sales (Used) development with Waivers to allow a seven-foot wide landscape buffer along the east property line and a five-foot wide landscape buffer along a portion of the west property line where 15 feet is required adjacent to right-of-way at 2600 Fremont Street. Per Condition #3 of the approved Special Use Permit (SUP-58539) and Condition #1 of approved Site Development Plan Review (SDR-58540) the entitlement was set to expire in two-years from the approval date on May 13th, 2017.

On May 19th, 2017 the Planning Commission approved Extensions of Time (EOT-69527 and EOT-69529), which extended Special Use Permit (SUP-58539) and Site Development Plan Review (SDR-58540) an additional two-years until May 12th, 2019. On June 26th, 2019 the Planning Commission approved Extensions of Time (EOT-76358 and EOT-76359), which extended Special Use Permit (SUP-58539) and Site Development Plan Review (SDR-58540) an additional two-years until May 12th, 2021. The applicant submitted the third proposed applications for an Extensions of Time (21-0190-EOT1 and EOT2) on April 20th, 2021 prior to expiration of the entitlements.

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Title 19.16 of the Unified Development Code deems a Special Use Permit exercised upon the issuance of a business license and a Site Development Plan Review exercised upon issuance of a building permit; as none have been issued the Special Use Permit and Site Development Plan Review is set to expire. The applicant is requesting an Extension of Time to ensure the Special Use Permit and Site Development Plan Review does not expire. The applicant has indicated in the submitted justification letter dated stamped April 20th, 2021 the project has been delayed due to, “the applicant waiting for the adjacent parcel to build the showboat development.” Staff supports this request, as the Motor Vehicle Sales (Used) use can still actively contribute to the surrounding area.

FINDINGS (21-0190-EOT1)

The Special Use Permit (SUP-58539) has not been exercised in accordance with the requirements of Title 19.16, as a business license has not been issued for the Motor Vehicle Sales (Used) use. Staff recommends approval of this Extension of Time request with a two-year time limit, as the Motor Vehicle Sales (Used) use can still be performed harmoniously with the surrounding commercial land uses in the area.

FINDINGS (21-0190-EOT2)

The Site Development Plan Review (SDR-58540) has not been exercised in accordance with the requirements of Title 19.16, as a building permit has not been issued for the proposed commercial development use. Staff recommends approval of this Extension of Time request with a two-year time limit, as the commercial development can still be performed harmoniously with the surrounding commercial land uses in the area.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
08/15/03	A Code Enforcement case (#2274) was processed for trash and debris accumulated in fenced vacant lot at 2600 Fremont Street. The case was resolved on 09/19/03.
06/21/06	A Code Enforcement case (#43684) was processed for trash and debris accumulated in fenced vacant lot at 2600 Fremont Street. The case was resolved on 07/21/06.
01/28/08	A Code Enforcement case (#61838) was processed for a large amount of weeds and trash accumulated at 2600 Fremont Street. The case was resolved on 02/21/08.
09/29/08	A Code Enforcement case (#70208) was processed for sign on the chain link fence at 2600 Fremont Street. The case was resolved on 09/30/08.
06/10/10	A Code Enforcement case (#91741) was processed for trash and debris on a vacant lot at 2600 Fremont Street. The case was resolved on 06/25/10.
11/02/10	A Code Enforcement case (#95845) was processed for landscaping products stored in front yard at Las Vegas Connection at 2600 Fremont Street. The case was resolved on 11/03/10.
10/22/14	A Code Enforcement case (#147311) was processed for vehicles parked on a vacant lot at 2600 Fremont Street. The case was resolved on 12/10/14.
05/12/15	The Planning Commission approved a request for a Special Use Permit (SUP-58539) for a proposed Motor Vehicles Sales (Used) use with a Waiver to allow 18,295 square feet of area dedicated to the use where 25,000 square feet is the minimum required at 2600 Fremont Street. Staff recommended approval.
	The Planning Commission approved a request for a Site Development Plan Review (SDR-58540) for a proposed Motor Vehicle Sales (Used) use with Waivers to allow a seven-foot wide landscape buffer along the east property line and a five-foot wide landscape buffer along a portion of the west property line where 15 feet is required adjacent to right-ofway on 0.42 acres at 2600 Fremont Street. Staff recommended approval.
12/12/16	A Code Enforcement case (#172954) was processed for a complaint (#172954) for trash and weeds on a vacant lot at 2600 Fremont Street. The case was resolved on 05/31/17.

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<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
05/19/17	The Planning Commission approved a request for an Extension of Time (EOT-69527) of an approved Special Use Permit (SUP-58539) for a proposed Motor Vehicle Sales (Used) use with a Waiver to allow 18,295 square feet of area dedicated to the use where 25,000 square feet is the minimum required at 2600 Fremont Street. Staff recommended approval.
	The Planning Commission approved a request for an Extension of Time (EOT-69529) of an approved Site Development Plan Review (SDR58540) for a proposed Motor Vehicle Sales (Used) with Waivers to allow a seven-foot wide landscape buffer along the east property line and a five-foot wide landscape buffer along a portion of the west property line where 15 feet is required adjacent to right-of-way at 2600 Fremont Street. Staff recommended approval.
06/25/19	The Planning Commission approved a request for an Extension of Time (EOT-76358) of a previously approved Special Use Permit (SUP-58539) for a proposed Motor Vehicle Sales (Used) use with a waiver to allow 18,295 square feet of area dedicated to the use where 25,000 square feet is the minimum required at 2600 Fremont Street. Staff recommended approval. The entitlement is set to expire on 05/12/21.
	The Planning Commission approved a request for an Extension of Time (EOT-76359) of a previously approved Site Development Plan Review (SDR-58540) for a proposed Motor Vehicle Sales (Used) use with waivers to allow a seven-foot wide landscape buffer along the east property line and a five-foot wide landscape buffer along a portion of the west property line where 15 feet is required adjacent to right-of-way at 2600 Fremont Street. Staff recommended approval. The entitlement is set to expire on 05/12/21.

<i>Most Recent Change of Ownership</i>	
01/11/21	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>
There are no related building permits or business licenses associated with the subject site.

<i>Pre-Application Meeting</i>
A pre-application meeting was not required, nor was one held.

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<i>Neighborhood Meeting</i>

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

<i>Field Check</i>

05/27/21	Staff observed the subject site during a routine field check. The site was secure with a chain link fence.
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<i>Details of Application Request</i>

<i>Site Area</i>

Net Acres	0.42
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<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	Undeveloped	GC (General Commercial)	C-2 (General Commercial)
North	Office, Other than Listed	CT (Commercial Tourist) – Clark County	C-2 (General Commercial) – Clark County
	Building & Landscape Material/Lumber Yard		
South	Undeveloped	C (Commercial)	C-2 (General Commercial)
East	Building & Landscape Material/Lumber Yard	CT (Commercial Tourist) – Clark County	C-2 (General Commercial) – Clark County
West	Undeveloped	C (Commercial)	C-2 (General Commercial)
	General Retail Store, Other than Listed	H (High Density Residential)	C-1 (Limited Commercial)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
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No Applicable Master Plan Area	N/A
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<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
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No Applicable Special Area or Overlay Districts	N/A
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<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to approved Special Use Permit (SUP-58540) and Site Development Plan Review (SDR-58540), the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	100 Feet	200 Feet	Y
Min. Setbacks			
• Front	10 Feet	118 Feet	Y
• Side (west)	10 Feet	10 Feet	Y
• Side (east)	10 Feet	10 Feet	Y
• Rear	20 Feet	35 Feet	Y
Max. Lot Coverage	50 %	2 %	Y
Max. Building Height	N/A	11 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/ a Roof or Trellis	Y
Mech. Equipment	Screened	Screened	Y

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Pursuant to approved Special Use Permit (SUP-58540) and Site Development Plan Review (SDR-58540), the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• South	1 Tree / 20 Linear Feet	9 Trees	9 Trees	Y
• East	1 Tree / 20 Linear Feet	8 Trees	8 Trees	Y
• West	1 Tree / 20 Linear Feet	11 Trees	11 Trees	Y
TOTAL PERIMETER TREES		28 Trees	28 Trees	Y
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	9 Trees	9 Trees	Y
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• South	8 Feet		8 Feet	Y
• East	15 Feet		7 & 10 Feet	N*
• West	15 Feet		5 Feet	N*
Wall Height	6 to 8 Feet Adjacent to Residential		Not Indicated	Y

**The applicant has requested a Waiver from Title 19.08.080 to allow a ten-foot wide landscape buffer along a portion of the east property line with the exception of one spot which is seven-feet wide and a five-foot wide landscape buffer along a portion of the west property line where 15 feet is required adjacent to right-of-way.*

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Fremont Street	Primary Arterial	Master Plan of Streets and Highways	105	Y
Atlantic Street	Local Street	Master Plan of Streets and Highways	60	Y

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Pursuant to approved Special Use Permit (SUP-58540) and Site Development Plan Review (SDR-58540), the following standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regula r	Handi - cappe d	Regula r	Handi - cappe d	
Motor Vehicle Sales (Used)	382 SF	1:500 SF	1				
TOTAL SPACES REQUIRED			1		20		Y
Regular and Handicap Spaces Required			1	1	19	1	Y

Pursuant to approved Special Use Permit (SUP-58540) and Site Development Plan Review (SDR-58540), the following standards apply:

Waivers		
Requirement	Request	Staff Recommendation
A 15-foot landscaping buffer is required adjacent to right-of-way.	To allow a ten-foot wide landscape buffer along a portion of the east property line with the exception of one spot which is seven-feet wide.	Approval
A 15-foot landscaping buffer is required adjacent to right-of-way.	To allow a five-foot wide landscape buffer along a portion of the west property line.	Approval