



**AGENDA MEMO - PLANNING**

**CITY COUNCIL MEETING DATE: MARCH 1, 2023**

**DEPARTMENT: COMMUNITY DEVELOPMENT**

**ITEM DESCRIPTION: APPLICANT: AMG AUTO SALES - OWNER: CAPELLA CENTER, LLC**

---

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

<b>CASE NUMBER</b>	<b>RECOMMENDATION</b>	<b>REQUIRED FOR APPROVAL</b>
<b>22-0561-VAR1</b>	Staff recommends DENIAL, if approved subject to conditions:	22-0561-SUP1
<b>22-0561-VAR2</b>	Staff recommends DENIAL, if approved subject to conditions:	22-0561-SUP1
<b>22-0561-SUP1</b>	Staff recommends DENIAL, if approved subject to conditions:	22-0561-VAR1 22-0561-VAR2

**\*\* NOTIFICATION \*\***

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 11

**NOTICES MAILED** 92 (by City Clerk)

**PROTESTS** 0

**APPROVALS** 0

**\*\* CONDITIONS \*\***

---

### **22-0561-VAR1 CONDITIONS**

---

**Planning**

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (22-0561-SUP1) shall be required, if approved.
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 Department of Building and Safety.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

---

### **22-0561-VAR2 CONDITIONS**

---

**Planning**

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (22-0561-SUP1) shall be required, if approved.
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. The razor wire shall be removed within 90 days of final approval.

Conditions Page Two  
March 1, 2023 - City Council Meeting

4. The chain link fencing shall be in compliance with Title 19.08.100 height standards.
5. 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 Department of Building and Safety.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

---

---

**22-0561-SUP1 CONDITIONS**

---

---

**Planning**

1. Approval of and conformance to the Conditions of Approval for Variances (22-0561-VAR1 and VAR2) shall be required, if approved.
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 Department of Building and Safety.
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.
6. No vehicle may be parked on the premises for the purpose of offering the vehicle for sale.

**Staff Report Page One**  
**March 1, 2023 - City Council Meeting**

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a Special Use Permit and Variance request for a proposed Auto Repair Garage, Major use that fails to comply with minimum Title 19 requirements at 3730 Capella Avenue, Suites #1 through #6.

**ISSUES**

- An Auto Repair Garage, Major use is permitted in the M (Industrial) zoning district with the approval of a Conditional Use Permit.
- Approval of a Special Use Permit (22-0561-SUP1) is requested as the applicant fails to adhere to the minimum Conditional Use Regulation that prohibits the use of auto sales in conjunction with an Auto Repair Garage, Major use. Staff does not support the request.
- The subject site has an active Business License (#G70-05988) for an Automobile Sales use.
- Department of Community Development Staff denied Business License (#G70-06331) for an Auto Repair Garage, Major use due to the need for a Special Use Permit.
- A Variance (22-0561-VAR1) is requested to allow zero additional parking spaces where 28 additional spaces are required for an existing parking impaired development. Staff does not support the request.
- A Variance (22-0561-VAR2) is requested to allow no outdoor storage screening where such is required and to allow chain link fencing with razor wire where such materials are prohibited. Staff does not support the request.
- A condition of approval has been added to ensure compliance with Title 19.08.100 development standards.

**ANALYSIS**

The subject site is zoned M (Industrial) and subject to Title 19 development standards. It is developed with an existing commercial building where the applicant has an active Business License (#G70-05988) for an Automobile Sales use. The surrounding area is predominantly comprised of auto repair, general commercial and office uses. The applicant requests Special Use Permit (22-0561-SUP1) to allow an Auto Repair Garage, Major use within Suites #1-6 of the subject building. Associated Variances (22-0561-VAR1 and VAR2) are requested to allow a reduction in required parking, the utilization of prohibited fence materials and to not screen the outdoor storage of inoperable vehicles in accordance with Title 19.

**Staff Report Page Two**  
**March 1, 2023 - City Council Meeting**

Per Title 19, the Auto Repair Garage, Major use is defined as, “A facility for the repair or reconditioning of any type of motorized vehicle, other than the types of repair and service authorized to be performed in a minor auto repair garage. This use includes a facility that provides collision services, including body, frame, or fender straightening, repair and painting of vehicles in an appropriate paint booth, and a facility that performs any repairs to vehicles with a gross vehicle weight over 10,000 pounds. There are no minimum Special Use Permit requirements listed. While the Auto Repair Garage, Major use is listed as a Condition Use in the M (Industrial) zoning district, it fails to comply with minimum Condition Use Regulation Number Five. It states, “No vehicle may be parked on the premises for the purpose of offering the vehicle for sale.” The applicant has an active business license for an Auto Sales use at the subject site. As such, approval of a Special Use Permit is requested.

Variance (22-0561-VAR1) is requested zero additional parking spaces where 28 additional spaces are required for an existing parking impaired development. The submitted site plan depicts a total of 20 parking spaces of which two are designated for auto sales display, two for customer parking and the remaining for storage of in-operable vehicles. Per Title 19, a Parking-Impaired Development is defined as, “A land use or building which is existing on the effective date of this Title and which complied with the applicable parking standards at the time the use or building was established, but which does not comply with the on-site parking requirements of this Title, shall not be considered a nonconforming use or non-conforming building; but rather, it shall be considered a “parking-impaired development. 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.”

Variance (22-0561-VAR2) is requested to allow no outdoor storage screening where such is required and to allow chain link fencing with razor wire where such materials are prohibited. Per Title 19, outdoor storage of in-operable vehicles must be screened from the right-of-way. Screening includes, without limitation, solid walls and landscaping of a density sufficient to screen the use. Neither a solid wall nor sufficient landscaping are provided for the subject site. A chain-link fence with razor wire is currently constructed along the front property line. Per Title 19, both materials are not acceptable for use as screen or perimeter walls.

Staff finds the proposed Variance requests to be self-imposed hardships that are outside the realm of NRS Chapter 278 for granting of Variances. Therefore, staff recommends denial of all requested entitlements. If approved, each will be subject to conditions.

**Staff Report Page Three**  
**March 1, 2023 - City Council Meeting**

**FINDINGS (22-0561-VAR1 and VAR2)**

In accordance with the provisions of Title 19.16.140(B), the Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.16.140(L) states:

"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to operate an Auto Repair Garage, Major use that fails to comply with minimum Title 19 development standards regarding parking and screening. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

**FINDINGS (22-0561-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 land use cannot be conducted in a manner that is harmonious and compatible with the existing surrounding land uses due to the proposed lack of parking and storage screening proposed.

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

The subject site is not physically suitable for the proposed development as evidenced by the associated Variance requests for a deficiency in required parking and outdoor screening.

- 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.**

The subject site can be accessed from Capella Avenue, a 60-foot Local Street, which is adequate in size to serve the needs of the proposed use.

- 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.**

If approved, the proposed use will be subject to licensing requirements and inspections, thereby protecting the public health, safety and welfare.

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

There are no minimum Special Use Permit requirements listed for the Auto Repair Garage, Major use.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i></b>	
09/08/22	Department of Community Development Staff approved Conditional Use Permit (#100866-CUV) for a proposed Auto Sales use.
01/10/23	<p>The Planning Commission voted (6-0) to recommend APPROVAL of the following Land Use Entitlement project requests on 0.45 acres at 3730 Capella Avenue, Suites #1 through #6 (APN 162-08-410-009), M (Industrial) Zone, Ward 1 (Knudsen).</p> <p>22-0561-VAR1 - VARIANCE - TO ALLOW ZERO ADDITIONAL PARKING SPACES WHERE 28 ADDITIONAL SPACES ARE REQUIRED FOR AN EXISTING PARKING IMPAIRED DEVELOPMENT</p> <p>22-0561-VAR2 - VARIANCE - TO ALLOW NO OUTDOOR STORAGE SCREENING WHERE SUCH IS REQUIRED AND TO ALLOW CHAIN LINK FENCING WITH RAZOR WIRE WHERE SUCH MATERIALS ARE PROHIBITED</p> <p>22-0561-SUP1 - SPECIAL USE PERMIT - FOR A PROPOSED AUTO REPAIR GARAGE, MAJOR USE</p>

<b><i>Most Recent Change of Ownership</i></b>	
08/30/10	A deed was recorded for a change in ownership.

<b><i>Related Building Permits/Business Licenses</i></b>	
03/10/22	Business License #P70-00021 was issued for a Locksmith Services use at 3730 Capella Avenue. The license remains active.
09/06/22	Business License #G70-05988 was issued for an Automobile Sales use at 3730 Capella Avenue. The license remains active.
09/13/22	Business License #G70-06331 for an Auto Repair Garage, Major use was denied due to the need for a Special Use Permit.

<b><i>Pre-Application Meeting</i></b>	
09/27/22	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed Auto Repair Garage, Major use.

Staff Report Page Six  
March 1, 2023 - City Council Meeting

**Neighborhood Meeting**

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

**Field Check**

11/03/22

Staff conducted a routine field check and found an existing auto sales use. Chain link fencing with razor wire was observed along the perimeter.

**Details of Application Request****Site Area**

Net Acres      0.45

<b>Surrounding Property</b>	<b>Existing Land Use Per Title 19.12</b>	<b>Planned or Special Land Use Designation</b>	<b>Existing Zoning District</b>
Subject Property	Motor Vehicle Sales (Used)	LI/R (Light Industrial/Research)	M (Industrial)
North	Office, Other than Listed	LI/R (Light Industrial/Research)	M (Industrial)
South	Auto Repair Garage, Major	LI/R (Light Industrial/Research)	M (Industrial)
East	Auto Parts (Accessory Installation)	LI/R (Light Industrial/Research)	M (Industrial)
West	General Retail, Other than Listed	LI/R (Light Industrial/Research)	C-1 (Limited Commercial)

<b>Master and Neighborhood Plan Areas</b>	<b>Compliance</b>
Las Vegas 2050 Master Plan Area: Charleston	Y
<b>Special Area and Overlay Districts</b>	<b>Compliance</b>
A-O (Airport Overlay) District (175 Feet)	Y
<b>Other Plans or Special Requirements</b>	<b>Compliance</b>
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

Staff Report Page Seven  
March 1, 2023 - City Council Meeting

## DEVELOPMENT STANDARDS

<b>Street Name</b>	<b>Functional Classification of Street(s)</b>	<b>Governing Document</b>	<b>Actual Street Width (Feet)</b>	<b>Compliance with Street Section</b>
Capella Avenue	Local Street	Title 13	60	Y

**Pursuant to Title 19.08 and 19.12, the following parking standards apply:**

<b>Parking Requirement</b>							
<b>Use</b>	<b>Gross Floor Area or Number of Units</b>	<b>Required</b>		<b>Provided</b>		<b>Compliance</b>	
		<b>Parking Ratio</b>	<b>Parking</b>		<b>Parking</b>		
			Regular	Handi-capped	Regular	Handi-capped	
Auto Repair Garage, Major	4,863 SF	Five spaces, plus one space for each 200 square feet of gross floor area.	30				
<b>TOTAL SPACES REQUIRED</b>			30		2		N
<b>Regular and Handicap Spaces Required</b>			28	2	2	0	N