

## AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 6, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - SUP-18774 - APPLICANT/OWNER: CARLOS AVE MARIA

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE MAY 16, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.***

### **\*\* CONDITIONS \*\***

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

#### **Planning and Development**

1. Conformance to the conditions for Rezoning (ZON-18773) and Site Development Plan Review (SDR-19330) if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.
4. Outside storage shall be screened from view from adjacent properties and streets.

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

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit for an existing Building Maintenance Service and Sales establishment at 5200 Vegas Drive. The subject site contains an existing building; however the Building Maintenance Service and Sales use requires a Special Use Permit. The site is physically suitable for this proposed use; therefore, staff recommends approval.

A related General Plan Amendment (GPA-18776), Rezoning (ZON-18773), and Site Development Plan Review (SDR-19330) will be considered concurrently.

**BACKGROUND INFORMATION**

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b> |  |
|---|--|
| 10/01/03  | The City Council approved the Annexation [A-0022-01(A)] of property described generally as located on the north side of Vegas Drive, approximately 735 feet east of Michael Way.   |
| 12/28/05  | Code Enforcement opened a case #37233 citing an inoperable motor home in the backyard. The case was closed.  |
| 09/01/06  | Code Enforcement opened a case #45987 citing the property owner for illegal storing of trailers, dump trucks and inoperable vehicles in the back yard. In addition, the site is not zoned for a commercial business. The case is still open.   |
| 04/12/07  | The Planning Commission recommended approval of companion items GPA-18776; ZON-18773 and SDR-19330 concurrently with this application.<br><br>The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #23/jm).   |
| <b><i>Related Building Permits/Business Licenses</i></b>                  |  |
| 12/28/06  | A Non-work Certificate of Occupancy approved for Nevada First DMV services (Business license #P27-00266) under the Plan Check #L1464-06.   |
| <b><i>Pre-Application Meeting</i></b>                                     |  |
| 01/12/07  | A pre-application conference was held and elements of this development were discussed. It was noted that the proposed use is not permitted within the existing zone, that a General Plan Amendment, Rezoning, Site Development Review would be necessary, and that a Special Use Permit would be required. In addition, the applicant was informed that Waivers for perimeter landscaping would be required if he was to keep the site the same. |

| <b>Neighborhood Meeting</b> |  |
|-----------------------------|--|
| 01/02/07                    | <p>A neighborhood meeting was held at 5:30 PM at Buenos Aires Air, 5200 Vegas Drive. Seven members of the public attended. The business has been operating business for two years at the site. Questions mentioned at the meeting pertained to the following:</p> <ul style="list-style-type: none"> <li>• Wall</li> <li>• Access to Marietta</li> <li>• Chemical storage</li> <li>• The storage of heavy equipment would only be vans</li> <li>• Hours of operation are 7:00 AM to 5:00 PM, 10 employees</li> <li>• Trailers to be removed and no on-site manufacturing.</li> </ul> |

| <b>Details of Application Request</b> |      |
|---------------------------------------|------|
| <b>Site Area</b>                      |      |
| Net Acres                             | 0.61 |

| <b>Surrounding Property</b> | <b>Existing Land Use</b>  | <b>Planned Land Use</b>        | <b>Existing Zoning</b>                                  |
|-----------------------------|---------------------------|--------------------------------|---|
| Subject Property            | Commercial HVAC           | R (Rural Density Residential)  | O (Office) & R-D (Single Family Residential Restricted) |
| North                       | Single Family Residential | R (Rural Density Residential)  | R-1 (Low Density Residential)                           |
| South                       | Duplex                    | M (Medium Density Residential) | R-3 (Medium Density Residential)                        |
| East                        | Clark County              | R (Rural Density Residential)  | Clark County  |
| West                        | Group Home Facility       | R (Rural Density Residential)  | R-E (Residence Estates)                                 |

| <b>Special Districts/Zones</b>                    | <b>Yes</b> | <b>No</b> | <b>Compliance</b> |
|---|------------|-----------|-------------------|
| <b>Special Area Plan</b>                          |            | X         | Y                 |
| A-O Airport Overlay District (105 feet)           | X          |           | Y                 |
| <b>Trails</b>                                     |            | X         | N/A               |
| <b>Rural Preservation Overlay District</b>        |            | X         | N/A               |
| <b>Development Impact Notification Assessment</b> |            | X         | N/A               |
| <b>Project of Regional Significance</b>           |            | X         | N/A               |

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.08, the following standards apply:*

| <i>Standard</i>      | <i>Required/Allowed</i> | <i>Provided</i> | <i>Compliance</i> |
|----------------------|-------------------------|-----------------|-------------------|
| Min. Lot Width       | 100 Feet                | 100 Feet        | Y                 |
| Min. Setbacks        |                         |                 |                   |
| • Front              | 20 Feet                 | 37 Feet         |                   |
| • Side               | 10 Feet                 | 10 Feet         |                   |
| • Corner             | NA                      |                 | Y                 |
| • Rear               | 20 Feet                 | 192 Feet        |                   |
| Max. Lot Coverage    | 50%                     | 5.8%            | Y                 |
| Max. Building Height | NA                      | 13 Feet         | Y                 |
| Trash Enclosure      | Yes                     | 25 Feet         | N*                |
| Mech. Equipment      | Yes, screened           | Yes             | Y                 |

*\*A condition has been added to bring this standard to code.*

*Pursuant to Title 19.12, the following standards apply:*

| <i>Landscaping and Open Space Standards</i> |                        |              |                 |                   |
|---|------------------------|--------------|-----------------|-------------------|
| <i>Standards</i>                            | <i>Required</i>        |              | <i>Provided</i> | <i>Compliance</i> |
|   | <i>Ratio</i>           | <i>Trees</i> |                 |                   |
| Parking Area                                | 1 Tree/ 6 Spaces       | 2 Trees      | Zero Trees      | N*                |
| Buffer:                                     |                        |              |                 |                   |
| Min. Trees                                  | 1 Trees/20 Linear Feet | 34 Trees     | 7 Trees         | N*                |
| <b>TOTAL</b>                                |                        | 36 Trees     | 7 Trees         | N*                |
| Min. Zone Width<br>(Right-of-way)<br>Front  | 15 Feet                |              | 4 Feet          | N*                |
| Min. Zone Width<br>(Right-of-way)<br>Rear   | 15 Feet                |              | 15 Feet         | Y                 |
| Min. Zone Width<br>(Interior)               | 8 Feet                 |              | Zero Feet       | N*                |
| Wall Height                                 | 8 Feet                 |              | 8 Feet          | Y                 |

*\*Waivers have been requested.*

***Pursuant to Title 19.10, the following parking standards apply:***

| <b><i>Parking Requirement</i></b>             |   |                             |                       |                            |                        |                            |                          |
|---|---|-----------------------------|-----------------------|----------------------------|------------------------|----------------------------|--------------------------|
| <b><i>Use</i></b>                             | <b><i>Gross Floor Area or Number of Units</i></b> | <b><i>Required</i></b>      |                       |                            | <b><i>Provided</i></b> |                            | <b><i>Compliance</i></b> |
|   |   | <b><i>Parking Ratio</i></b> | <b><i>Parking</i></b> |                            | <b><i>Parking</i></b>  |                            |                          |
|   |   |                             | <b><i>Regular</i></b> | <b><i>Handi-capped</i></b> | <b><i>Regular</i></b>  | <b><i>Handi-capped</i></b> |                          |
| Building Maintenance and Supply Establishment | 1,548 SF  | 1/300 GFA                   | 5                     | 1                          | 13                     | 1                          | Y                        |
| <b>TOTAL</b>                                  |   |                             | 6                     |                            | 14                     |                            | Y                        |

| <b><i>Waivers</i></b>  |                           |                                    |
|--|---------------------------|------------------------------------|
| <b><i>Request</i></b>  | <b><i>Requirement</i></b> | <b><i>Staff Recommendation</i></b> |
| Waiver to allow no perimeter landscape buffers along the north and east property lines and a portion of the west property line where eight feet is required and a four-foot wide perimeter landscape buffer along the south property line. | 15 Feet                   | Denial                             |
| Zero Parking Lot Landscape Fingers   | 1 per 6 parking spaces    | Denial                             |

**ANALYSIS**

The proposed Building Maintenance Service and Sales establishment use is allowed with the approval of a special use permit in the C-1 (Service Commercial) zoning district. Building Maintenance Service and Sales is defined in Title 19 as a facility or area for contracting services such as building repair and maintenance, the installation of plumbing, electrical, air conditioning and heating equipment, janitorial services, and exterminating services. The retail sale of supplies is permitted as an accessory use. There is one base condition for approval of a Special Use Permit for a Building Maintenance Service and Sales establishment. The condition states that outside storage shall be screened from view from adjacent properties and streets.

This is an existing office development that was annexed into the City of Las Vegas from Clark County in 10/01/03. The office was operating as a Building Maintenance Service and Sales establishment without proper zoning and permits. The applicant is proposing to acquire the appropriate permits and approvals to legally operate a Building Service and Sales establishment.

The proposed Building Maintenance Service and Sales use requires six parking spaces, including one handicap accessible space. The submitted site plan indicates 13 parking spaces will be provided, including the one handicap space depicted as van accessible. Therefore, the site exceeds Title 19 parking standards.

The proposed C-1 (General Commercial) zoning on the site is appropriate for this use and compatible with other commercial uses along Vegas Drive. Staff is recommending approval of this application. However, staff is recommending denial of companion Site Development Plan Review (SDR-19330), due to the applicants request for waivers to the code requirements for perimeter landscape buffer widths, materials and parking lot landscaping.

## **FINDINGS**

In order to approve a Special Use Permit application, per Title 19.18.060 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.**

Although there is residential to the north and east of the property, the property gains access from Vegas Drive, an 80-foot Secondary Collector as designated by the Master Plan Streets and Highways, which is an adequate thoroughfare for the commercial zone requested. As this development proposal is located on the periphery of residential neighborhoods and Vegas Drive is a secondary collector, it is compatible with the surrounding land uses and zoning districts.

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

The subject site contains an existing building; however the Building Maintenance Service and Sales use requires a Special Use Permit. The site is physically suitable for this proposed use.

- 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 site gains access to Vegas Drive, an 80-foot secondary collector as designated by the Master Plan Streets and Highways. These roadways will be adequate to meet the demand of the uses on the site.

- 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 businesses on the subject site are routinely inspected for compliance to applicable codes; therefore, the public health, safety, and general welfare will be safeguarded.

- 5. The use meets all of the applicable conditions per Title 19.04.**

The use meets the applicable condition for the Building Maintenance Service and Sales use.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 6

**SENATE DISTRICT** 4

**NOTICES MAILED** 362 by City Clerk

**APPROVALS** 0

**PROTESTS** 1