

## AGENDA MEMO

**CITY COUNCIL MEETING DATE: AUGUST 15, 2007**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: ROC-22207 - APPLICANT: DON F. AHERN - OWNER: DFA, LLC**

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

Staff recommends DENIAL. The Planning Commission (4-3/sd, bg, rt vote) recommends APPROVAL, subject to:

#### **Public Works**

1. Condition Number 6 of Rezoning (ZON-13837) shall be amended to read: Construct all incomplete half-street improvements and remove all substandard public street improvements and unused driveway cuts adjacent to this site on Bonanza Road, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. Sign a Covenant Running with Land agreement for the possible future installation of half-street improvements (including curb and gutter, sidewalks, streetlighting, permanent paving and possibly fire hydrants and sewers) on Clarkway Drive adjacent to this site. The Covenant agreement must be recorded with the County Recorder and a copy of the recorded document must be provided to the City prior to the issuance of any permits.
2. Conformance to all other conditions of approval of Rezoning (ZON-13837).

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

**PROJECT DESCRIPTION**

This is a request for a Review of Condition #6 of an approved Rezoning (ZON-13837) which required construction of all half-street improvements on Bonanza Road and Clarkway Drive along with the removal of all substandard public street improvements and unused driveway cuts for replacement with new improvements constructed to current city standards on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive.

The Department of Public Works believes that this is a typical condition of approval for all parcels applying for entitlement within the City boundaries and therefore recommends denial for a Review of Condition #6 of approved Rezoning Application ZON13837.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
07/21/71	The Board of City Commissioners approved a Rezoning (Z-0039-71) from R-E (Residence Estates) to R-3 (Medium Density Residential) on property generally located on the north side of Bonanza Road between Clarkway Drive and Sunny Place.
09/28/71	The Planning Commission approved a Plot Plan Review [Z-0039-71(1)] for a proposed two-story 24-unit apartment development at 1804 West Bonanza Road.
06/15/94	The City Council approved a Rezoning (Z-0043-94) from R-E (Residence Estates) to C-1 (Limited Commercial) at 1724 West Bonanza Road. The approval expired 06/15/96.
12/21/98	The City Council approved a General Plan Amendment (GPA-0014-98) from M (Medium Density Residential) to SC (Service Commercial) and a request for Rezoning (Z-0026-98) from R-E (Residence Estates) to C-1 (Limited Commercial) on 1.0 acre at the northeast corner of Bonanza Road and Clarkway Drive. The Resolution of Intent did not have an expiration date.
05/21/03	The City Council approved requests for a General Plan Amendment (GPA-1989) from M (Medium Density Residential) and SC (Service Commercial) to SC (Service Commercial); Rezoning (ZON-1992) from R-3 (Medium Density Residential) to C-1 (Limited Commercial) and Site Development Plan Review (SDR-1991) for a proposed 5,255 square-foot office development on 0.57 acres at 1722 West Bonanza Road. The offices were to be converted from two existing apartment buildings. The Planning Commission and staff recommended approval.
01/18/06	The City Council approved a Rezoning (ZON-9925) of property on the south side of Bonanza abutting the current Ahern property from C-2 (General Commercial) and R-E (Residence Estates) to C-M (Commercial/Industrial). The Planning Commission and staff recommended approval.

01/30/06	Planning and Development Department staff denied the applicants request for a Temporary Commercial Permit (TCP-9385) to allow a Temporary Contractors Construction Yard on a portion of the subject site. The applicant appealed the denial to the Planning Commission.
03/29/06	The Code Enforcement Division of the Neighborhood Services Department indicated that the site failed to pass a compliance inspection.
04/05/06	The City Council approved a Variance (VAR-11006) to allow an eight-foot wrought iron fence where four feet is the maximum height allowed and a waiver of the 20 percent contrasting material requirement at 1700, 1710, 1714, 1718, 1722, 1804, 1808, 1812, 1816, and 1824 West Bonanza Road.
04/24/06	The Code Enforcement Division of the Neighborhood Services Department issued to the applicant a Notice and Order to Comply with Municipal Code. Violations included employee parking on R-E and R-3 zoned property, portable toilet onsite, vacant R-3 zoned property has piles of refuse, waste, asphalt and dirt, and R-E property being used as commercial storage yard.
05/17/06	The City Council approved a revision (GPA-9219) to the land use map of the Downtown Redevelopment Area and an ordinance (Ord. #5830) adopting the amended plan. The amended plan includes all parcels within the subject site.
05/25/06	The Planning Commission approved the appeal (DIR-11779) of the Director's decision to deny a Temporary Commercial Permit per Title 19.18.100.D that would allow a Temporary Contractor's Construction Yard on 15.54 acres adjacent to the north side of Bonanza Road, approximately 460 feet east of Clarkway Drive. The Temporary Commercial Permit was not to exceed six months from the date of approval.
10/04/06	The City Council approved a request for a Site Development Plan Review (SDR-13833) for a proposed rental store with outside storage; a 99,000 square-foot covered storage area; a 21,600 square-foot auto repair garage, major; a 25,200 square-foot hardware store and waivers of perimeter landscape buffer and wall design requirements, a Rezoning (ZON-13837) request from: R-E (Residence Estates), R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial), R-3 (Medium Density Residential) and C-1 (Limited Commercial) to C-2 (General Commercial), a Variance (VAR-14320) to allow a setback of 73 feet where residential adjacency standards require a minimum 84-foot setback, and to allow a zero-foot side yard building setback where 10 feet is the minimum setback required in conjunction with a rental store with outside storage, a Variance (VAR-16049) to allow a proposed 10-foot high block wall where eight feet is the maximum allowed, and three Special Use Permits (SUP-13836, SUP-14324, SUP-14329) for a rental store with outside storage, for a truck rental establishment, and an auto repair garage, major on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. Planning Commission and staff recommended approval.
07/12/07	The Planning Commission voted 4-3/sd, bg, rt to recommend APPROVAL (PC Agenda Item #57/jm).

<b><i>Pre-Application Meeting</i></b>	
05/21/07	A pre-application meeting was held with the applicant. The applicant was informed that a new site plan would require an amendment to the approved Site Development Plan Review (SDR-13833). The applicant was then given submittals requirements for the application.
<b><i>Field Check</i></b>	
06/12/07	A field check was made on the site. The proposed eastern section of the site remains vacant. In the center of the site consists a large fenced yard with construction equipment.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	20.53

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped, Contractors Construction Yard	C (Commercial ) and MXU (Mixed Use)	R-E (Residence Estates) and R-3 (Medium Density Residential)
North	Single Family Residential	R ( Rural Density Residential)	R-E (Residence Estates)
South	Equipment Rental Store	I (Industrial)	C-M (Commercial/Industrial)
East	Condominiums and Single Family Residential	MXU (Mixed Use)	R-3 (Medium Density Residential) and R-E (Residence Estates)
West	Single-Family Residential	MXU (Mixed Use)	R-E (Residence Estates)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>			
Redevelopment Plan Area	X		Y
West Las Vegas Plan	X		Y
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>			
A-O Airport Overlay District (140 Feet)	X		Y
<b>Trails</b>			
Pioneer Trail	X		Y
<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

## **ANALYSIS**

The applicant is requesting a Review of Public Works Condition #6 of Rezoning Application ZON13837. This condition required the construction of all incomplete halfstreet improvements on Bonanza Road and Clarkway Drive and the removal and replacement of all substandard improvements and driveway cuts adjacent to this site. The applicant requests to modify this condition to eliminate the requirement to construct Clarkway Drive adjacent to this site.

Dedication and improvement of public rights-of-way and offsite improvements are required by Title 19.08.030(D) [Zoning Code Development Standards] of the Las Vegas Municipal Code as a condition of approval for entitlement or subdivision actions within the City.

The Department of Public Works believes that this is a typical condition of approval for all parcels applying for entitlement within the City boundaries and therefore recommends denial for a Review of Condition #6 of approved Rezoning Application ZON13837.

If approved we recommend that Condition No. 6 be modified as follows:

6. Construct all incomplete half-street improvements and remove all substandard public street improvements and unused driveway cuts adjacent to this site on Bonanza Road, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. Sign a Covenant Running with Land agreement for the possible future installation of half-street improvements (including curb and gutter, sidewalks, streetlighting, permanent paving and possibly fire hydrants and sewers) on Clarkway Drive adjacent to this site. The Covenant agreement must be recorded with the County Recorder and a copy of the recorded document must be provided to the City prior to the issuance of any permits.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 18

**ASSEMBLY DISTRICT** 6

**SENATE DISTRICT** 4

**NOTICES MAILED** 255 by Planning Department

**APPROVALS** 5

**PROTESTS** 1