

**AGENDA MEMO**

CITY COUNCIL MEETING DATE: SEPTEMBER 19, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: RQR-23802 - APPLICANT: MOON VALLEY NURSERY -

OWNER: AMERICAN GEAR REDUCTION, INC/WYCOFF NEWBERG CORP

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

**STAFF RECOMMENDATION:** DENIAL. If Approved, subject to:

**Planning and Development**

1. Conformance to the conditions of approval for Special Use Permit (SUP-12177), and all subsequent siterelated actions shall be required.

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

**PROJECT DESCRIPTION**

This is a request for a Required One Year Review of an approved Special Use Permit (SUP-12177) for proposed outdoor storage/sales within town center on 5.22 acres at 7215 and 7275 Tule Springs Road. This is the first review of the subject Site Development Plan Review. It is noted that a related Required Review (RQR-23798) shall be heard concurrently with this item.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
01/22/04	The Planning and Development Department approved a request for an Administrative Site Development Plan Review (SDR-3410) for a proposed temporary garden supply facility adjacent to the west side of the intersection of Tule Springs Road and Sunny Springs Lane.
06/21/06	The City Council approved a Site Development Plan Review (SDR-12175) for Outdoor Storage/Sales and a waiver of the perimeter landscape requirements and a Special Use Permit (SUP-12177) for proposed outdoor storage/sales within Town Center on 5.22 acres at the northwest corner of US-95 North and Tule Springs Road.
<i>Related Building Permits/Business Licenses</i>	
There are no permits or licenses related to this request.	
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	5.22

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Nursery	SC-TC (Service Commercial)	T-C (Town Center)
North	Nursery	Clark County	T-C (Town Center)
South	US-95 Right-of-Way	US-95 Right-of-Way	US-95 Right-of-Way
East	Single Family Residential	MLA-TC (Medium Low Attached Density Residential)	T-C (Town Center)
West	US-95 Right-of-Way	US-95 Right-of-Way	US-95 Right-of-Way

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>			
T-C Town Center District	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
T-C Town Center District	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

## ANALYSIS

This is the first review of the subject Special Use Permit. This item is being placed on the agenda by staff as the applicant has failed to produce all of the required documents and payments in order to proceed. The applicant has not made progress on the site in the form of pulling permits to begin any of the approved construction. The applicant states that they are in the process of completing a drainage study. It is noted that there are conditions of approval from the Special Use Permit that would not require permits that are currently not being satisfied. A site inspection on 08/31/07 found the following conditions of approval from SUP-12177 not satisfied.

<b>Condition</b>	<b>Issue</b>
1. c. Barbed wire, razor ribbon, chainlink, etc. are prohibited.	Chainlink fence surrounds this property. Wrought iron perimeter wall was never constructed per condition #4 of SDR-12175
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-12175) shall be required.	Site Development Plan Review (SDR-12175) conditions of approval have not been met.
3. This approval shall be subject to a one-year required review, in order for the applicant to demonstrate compliance with the conditions of approval for this site.	Applicant did not file for a one-year required review and is not in compliance with the conditions of approval for this site.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.	All City Code requirements and design standards have not been satisfied, please see attached photos.

Due to the lack of progress on the proposed development and the failure to conform to the conditions of approval from the original application request, denial of this request is recommended.

**FINDINGS**

Due to the lack of progress on the proposed development and the failure to conform to the conditions of approval from the original application request, denial of this request is recommended.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** N/A

**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 218

**APPROVALS** 0

**PROTESTS** 0