



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 19, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: RQR-23823 - APPLICANT: NEVADA POWER COMPANY -
OWNER: US DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT**

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to the conditions of approval for Site Development Plan Review [Z-0095-91(1)], and all subsequent siterelated actions shall be required.
2. The Review of Condition (ROC-2137) shall be reviewed in two years at which time the City Council may require cessation of the use. The applicant shall be responsible for the notification costs of the review. Failure to pay the City for these costs may result in cessation of the use.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a required One Year Review of an approved Review of Condition (ROC-2137) that allowed the deferment of the required landscaping along the east, north and west sides of the site on property located adjacent to the northwest corner of Iron Mountain Road and Decatur Boulevard.

This is the sixth action requested by the applicant related to the deferment of landscaping on this site. The continued deferment of the landscaping requirements on this site is not considered appropriate. The applicant shall install the required landscaping and conform to the conditions of approval for Site Development Plan Review [Z-0095-91(1)] and all other site related actions. Denial of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/04/91	The City Council approved a Rezoning (Z-0095-91) from R-E (Residence Estates) to C-V (Civic) on property located on the south side of Moccasin Road, west of Decatur Boulevard. The Planning Commission and staff recommended approval on 11/14/91.
06/27/97	The Planning Commission approved a Site Development Plan Review [Z-0095-91(1)] for an electrical switching station on property located on 20.00 adjacent to the northwest corner of Decatur Boulevard and Iron Mountain Road. Staff recommended approval of the subject request.
06/11/98	The Planning Commission approved a Review of Condition [Z-0095-91(2)] to delay installation of required landscaping. Staff recommended approval of the subject request.
12/21/00	The Planning Commission approved a Review of Condition [Z-0095-91(3)] to extend the delay of installation of required landscaping. Staff recommended approval of the subject request.
02/14/02	The Planning Commission approved a Review of Condition [Z-0095-91(4)] which allowed an additional deferment of the installation of the required landscaping. Staff recommended approval of the subject request.
05/21/03	The City Council approved a Review of Condition (ROC-2137), Condition Number 1 of an approved One Year Review [Z-0095-91(4)] which stated That the deferment of landscaping shall be allowed until April 1, 2004, In the interim, 3-inch decomposed granite mulch and 36-inch minimum diameter boulders shall be installed along Iron Mountain Road frontage no later than July 1, 2003. Staff recommended approval of the subject case.

08/02/06	The City Council approved Required Three Year Review (RQR-14779) of an approved Review of Condition (ROC-2137) that allowed the deferment of required landscaping along the east, north and west sides of the site on property located adjacent to the northwest corner of Iron Mountain Road and Decatur Boulevard.
<i>Related Building Permits/Business Licenses</i>	
There are no permits or licenses related to this development.	
<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	13.78

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Substation	PF (Public Facilities)	C-V (Civic)
North	Undeveloped	PF (Public Facilities)	C-V (Civic)
South	School	PF (Public Facilities)	C-V (Civic)
East	Undeveloped	City of North Las Vegas	City of North Las Vegas
West	Undeveloped	PF (Public Facilities)	C-V (Civic)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

The required landscaping has been delayed since 1997. This is the sixth action requested by the applicant related to the deferment of landscaping on this site. These delays total over ten years. This request is for a deferment of an additional two years.

A Site Development Plan is exercised upon the issuance of a building permit for the principal structure on the site. The City of Las Vegas Administrative Code states Construction work on property owned by the United States or on property owned by any other governmental entity, to the extent exempted by State law. Also, construction directly relating to the delivery of a utility service, built by a public utility company operating under the control of the Nevada Public Service Commission. Therefore, no building permits were required for the substation. The approved substation is fully operational on the subject site. The applicant has not complied with the Public

Works conditions or the landscaping conditions.

The applicant indicates that they have moved the transmission structures that were in the Decatur right-of-way in order to allow for the improvement of the Decatur Boulevard alignment north of Iron Mountain Road. However at this time there is not an exact timeline for the improvement of Decatur Boulevard. The applicant has not made any attempt to install required landscaping on the subject site. The continued reviews on the subject site cannot be supported. Therefore, denial of this request is recommended.

FINDINGS

The continued deferment of the landscaping requirements on this site is not considered appropriate. The applicant shall conform to all conditions of approval for Site Development Plan Review [Z-0095-91(1)] and all other site related actions. Denial of this request is recommended.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 303

APPROVALS 0

PROTESTS 0