

AGENDA MEMO**PLANNING COMMISSION MEETING DATE: AUGUST 28, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE SUP-28287 - APPLICANT/OWNER: DARRELL E. JACKSON, ET AL**

**** CONDITIONS ******STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:**Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Building Maintenance Service and Sales use.
2. Conformance to the conditions for Site Development Plan Review (SDR-28286), if approved.
3. 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.
4. This approval does not constitute the approval of Industrial, Warehouse and Machinery uses such as Contractors Plant, Shop & Storage Yard, Heavy Machinery and Equipment (Storage), Outdoor Storage, Accessory, Warehouse/Distribution Center and Wholesale Showroom Facility.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed Building Maintenance Service and Sales Facility adjacent to the west side of Martin L. King Boulevard, approximately 1,450 feet south of Charleston Boulevard.

The commercial related development associated with this designation is not compatible with the existing residential developments in the area or the intent of Rancho/Charleston Study Area; therefore, staff does not support this Special Use Permit.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
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| 02/20/02 | The City Council approved a request to amend portions of the Southeast Sector map of the General Plan in the general vicinity of the Charleston Boulevard/Rancho Drive intersection from SC (Service Commercial) to O (Office); from R (Rural Density Residential) to (DR) Desert Rural Density Residential; from O (Office) to DR (Desert Rural Density Residential) and; from L (Low Density Residential) to DR (Desert Rural Density Residential) in accordance with the recommendations of the Rancho Charleston Land Use Study and Strategic Plan. |
| 10/11/07 | Companion items for a General Plan Amendment (GPA-24210), Rezoning (ZON-24209) and Site Development Plan Review (SDR-24211) were held in abeyance at the applicants request. |
| 10/25/07 | Companion items for a General Plan Amendment (GPA-24210), Rezoning (ZON-24209) and Site Development Plan Review (SDR-24211) were held in abeyance at the applicants request. |
| 11/29/07 | The City Council accepted the applicants request to Withdraw Without Prejudice a General Plan Amendment (GPA-24210) from DR (Desert Rural Density Residential) and L (Low Density Residential) to GC (General Commercial), a Rezoning (ZON-24209) from R-1 (Single Family Residential) to C-1 (Limited Commercial) and Site Development Plan Review (SDR-24211) for a proposed 17,004 square-foot building Maintenance Service and Sales facility on 1.45 acres adjacent to the west side of Martin L. King Boulevard, approximately 1,450 feet south of Charleston Boulevard. |

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| 08/14/08 | The Planning Commission held in abeyance at the applicants request a General Plan Amendment (GPA-28283) to Amend the Southeast Sector of the General Plan from DR (Desert Rural Density Residential) to SC (Service Commercial), a Rezoning (ZON-28281) from R-1 (Single Family Residential) to C-1 (Limited Commercial), a Special Use Permit (SUP-28287) for a proposed Building Maintenance Service and Sales Facility and a Site Development Plan Review (SDR-28286) for a proposed two-story, 17,004 square-foot Building Maintenance Service and Sales Facility on 1.45 acres adjacent to the west site of Martin L. King Boulevard approximately 1,450 feet south of Charleston Boulevard. The items are scheduled to be heard at the 08/28/08 Planning Commission meeting. |
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| <i>Related Building Permits/Business Licenses</i> | |
|--------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| No building permits or building licenses are related to this site. | |
| <i>Pre-Application Meeting</i> | |
| 05/14/08 | A pre-application meeting was held with the applicant. The applicant is proposing an almost identical site plan from what was proposed and then was Withdrawn Without Prejudice on the 11/29/07 City Council Meeting. The major difference from the previous submittal is the applicant is requesting a General Plan Amendment to SC (Service Commercial) and a Rezoning to C-1 (Limited Commercial). The application will require a Special Use Permit for Building Maintenance Service and Sales Facility in C-1 (Limited Commercial) zoning. The applicant was also informed that the General Plan Amendment applicant requires a neighborhood meeting. Submittal requirements were then discussed. |

| <i>Neighborhood Meeting</i> | |
|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 07/17/08 | <p>A neighborhood meeting was held on Thursday, July 17, 2008 at 5:30 p.m. The meeting was held at First Presbyterian Church of Las Vegas, 1515 W. Charleston Blvd., Las Vegas, Nevada. Four applicants representatives were present as well as one staff member, two city council representatives and 15 members of the public. Comments and concerns expressed by the public were the following:</p> <ul style="list-style-type: none"> • Eight-foot block wall on Waldman commercially encroaches. • Prefer residential lots on Waldman • Separate lot to the east side of commercial • 24-security system? • What are the effects of Project Neon • Is their gating? <p>The applicant addressed the following concerns with these comments:</p> |

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|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <ul style="list-style-type: none"> • Insulation Contractor Office with Insulation stored on site. • Hours of operation are 6:00 AM to 7:00 PM Monday through Friday and 7 AM 2:00 PM on Saturday. • Five tenants proposed, ground floor will be stored with plumbing, insulation and wood. • Trucks will be parked overnight • No vehicular access to Waldman • Bay doors will be closed during all work hours |
| Field Check | |
| 06/10/08 | A field check was made on the site. The site is currently undeveloped with residential to the west and north of the site and a fire station to the south. |

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| Details of Application Request | |
| Site Area | |
| Net Acres | 1.45 |

| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning |
|----------------------|---------------------------|-------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| Subject Property | Undeveloped | DR (Desert Rural Density Residential) and L (Low Density Residential) Proposed: SC (Service Commercial) | R-1 (Single Family Residential) Proposed: C-1 (Limited Commercial) |
| North | Single Family Residential | L (Low Density Residential) | R-1 (Single Family Residential) |
| South | Fire Station | PF (Public Facility) | C-V (Civic) |
| East | Interstate-15 | Interstate -15 | Interstate -15 |
| West | Single Family Residential | DR (Desert Rural Density Residential) | R-E (Residence Estates) |

| Special Districts/Zones | Yes | No | Compliance |
|---------------------------------------------------|------------|-----------|-------------------|
| Special Area Plan | | X | N/A |
| Rancho Charleston Land Use Study | X | | N* |
| Special Districts/Zones | Yes | No | Compliance |
| Special Purpose and Overlay Districts | | X | N/A |
| Airport Overlay (200 feet) | X | | Y |
| 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 |

*The Rancho Charleston Land Use Study defines the area proposed as residential.

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

| Parking Requirement | | | | | | | |
|-------------------------------------------------|--------------------------------------------|----------------------|-----------------|--------------|-----------------|--------------|-------------------|
| Use | Gross Floor Area or Number of Units | Parking Ratio | Required | | Provided | | Compliance |
| | | | Parking | | Parking | | |
| | | | Regular | Handi-capped | Regular | Handi-capped | |
| Building Maintenance Service and Sales Facility | 17,435 SF | 1:300 | 56 | 3 | 56* | 3 | Y |
| TOTAL | | | 59 | | 59 | | Y |
| Loading Spaces | | | 2 | | 2 | | Y |

* Seven parking spaces are compact space in size, which meet Title 19.10 parking standards.

ANALYSIS

•Zoning

The applicant has requested a Rezoning (ZON-28281) to a C-1 (Limited Commercial) District. The C-1 (Limited Commercial) District is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 (Limited Commercial) District is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan. In addition to the Rezoning and this application, the applicant has requested a General Plan Amendment (GPA-28283) from DR (Desert Rural Density Residential) and L (Low Density Residential) to SC (Service Commercial) and a Site Development Plan Review (SDR-28286) for a proposed 17,435 square-foot Building Maintenance Service and Sales Facility.

• Use

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.

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The proposed Building Maintenance Service and Sales use is located in a proposed 17,435 square-foot warehouse building with five industrial-type roll-up bay doors. Although the applicant has attempted to mask the warehouse building with concrete tilt-up panels, decorative reveals and aluminum storefronts with stucco framed decorative canopies in enchilada, toasted tan, heathcote, western cedar colors, the building is suited for an industrial use, which is not the associated use proposed and; therefore is not the appropriate building and landscape materials for this area.

The following table provides a listing of uses associated with a Building Maintenance Services and Sales use and uses not associated with this use:

| Uses allowed with this Special Use Permit | Uses not allowed with this Special Use Permit |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Building Maintenance Service and Sales - <i>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 outside storage shall be screened from view from adjacent properties and streets.</i></p> | <p>Contractors Plant, Shop & Storage Yard -<i>A facility for the storage and maintenance of contractors supplies and operational equipment, including accessory office uses.</i></p> |
| | <p>Heavy Machinery and Equipment (Storage) -<i>A lot or facility used for the storage of heavy construction equipment, machinery and vehicles.</i></p> |
| | <p>Outdoor Storage, Accessory - <i>The use of a significant portion of a lot or area for the long term retention (more than 24 hours) of materials and machinery or equipment, regardless of whether the materials, machinery or equipment are to be bought, sold, repaired, stored, incinerated, or discarded. This use does not include new or used motor vehicle sales and rental display, nor does it include accessory and incidental parking of vehicles for residents, guests, customers or employees in connection with a principal use.</i></p> |
| | <p>Warehouse/Distribution Center- <i>An enclosed structure for the storage of goods for distribution or transfer to another location.</i></p> |
| | <p>Wholesale Showroom Facility <i>A building used primarily for the storage of goods and materials, and secondarily for the display of merchandise for wholesale purchase.</i></p> |

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• **Floor Plan**

Floor plans depict two floors separated into approximately five, 40 to 78.5 feet wide by 69 foot in length lease spaces. The majority of the first floor is comprised of space typically used for warehouse/storage and loading supplies, approximately 2,400 square feet in size, with a small 459 square-foot office on the first floor and stairs leading up to a 577 square-foot office on the second floor. The overall plan shows a disproportionate amount of warehouse/storage space, approximately 12,200 square feet, in comparison to office space, approximately 5,200 square feet. Therefore, approximately 69 percent of space is designated for warehouse/storage in the proposed building area.

• **Adopted Plans and Policies**

The proposed development is within the Rancho/Charleston Study Area. The Rancho/Charleston Study Area was adopted on 06/19/02 in reaction to growing number of general plan amendments and rezoning activities in which private development interests pursued high intensity used on properties in, or adjacent to single family homes, residents of a number of older, stable neighborhoods along the West Charleston Boulevard and Rancho Drive corridors. Per the Rancho/Charleston Land Use Study, the proposed development is designated for a residential use.

Land Use Goal 1 states the purpose of the Rancho Charleston Land Use Study is to protect the existing residential neighborhoods from any additional encroachment by commercial and/or office uses.

Policy 2.1.2 of the Las Vegas 2020 Master Plan requires that development on vacant or underutilized lots within existing residential neighborhoods be sensitive in use and design to surrounding development.

The commercial related development associated with this designation is not compatible with the existing residential developments in the area or the intent of Rancho/Charleston Study Area; therefore, staff does not support this Special Use Permit.

FINDINGS

The following findings must be made for a Special Use Permit:

- 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.**

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The commercial related development associated with this designation is not compatible with the adjacent residential properties as this area is almost exclusively residential. Further, the intensification allowed by this designation does not meet the intent of the Rancho/Charleston Study Area and Las Vegas 2020 Master Plan.

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

The proposed development will not be compatible with the residential developments in this area. The intensity of uses such as retail, service, office and other general business uses, as well as mixed-use developments permitted within the proposed zoning district can not be considered compatible with the existing residential neighborhood.

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.

Access for the site is off Martin L. King Boulevard, an 80-foot Frontage Street as designated in the Master Plan Streets and Highways, which will provide adequate access to 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 16

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

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APPROVALS 2

PROTESTS 8