



AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 6, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-28080 - APPLICANT/OWNER: DAVID MADDOX

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (4-3/se, vq, ds vote) recommends APPROVAL, subject to:

Planning and Development

1. No storage will be allowed within the existing paved parking area
2. The existing chain link fence shall be maintained in its current condition
3. All storage to be screened from view and behind the existing chain link fence. The graffiti on the chain link fence is not part of the existing conditions.
4. There will be an administrative review one year from the date of Council action.
5. Remove the existing razor wire within 60 days.
6. Approval of and conformance to the Conditions of Approval for Variance (VAR-28081) and Special Use Permit (U-0119-95) shall be required.
7. 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.
8. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 05/08/08, except as amended by conditions herein.
9. A Waiver from Title 19.12.040 is hereby approved, to allow a zero-foot landscape buffer along the north, east and south perimeters.
10. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to the time application is made for a business license, to reflect the changes herein. Provide one loading space in accordance with Title 19.10.020.

11. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
12. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
13. Provide a trash enclosure on site which meets the standards of LVMC Title 19.08.
14. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
15. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
16. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
17. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
18. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
19. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

20. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All existing public improvements adjacent to this site damaged during construction shall be repaired at the applicants expense to the satisfaction of the City of Las Vegas Department of Public Works.

21. Meet with the Collection System Planning Section of the Department of Public Works to discuss connection to the City of Las Vegas sewer system prior to the submittal of construction drawings. Comply with all recommendations.
22. Landscape and maintain all unimproved rightofway, if any, on Rancho Drive adjacent to this site.
23. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Rancho Drive public rightofway adjacent to this site prior to the issuance of any permits.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for an existing Building & Landscape Material/Lumber Yard with a Waiver to allow a zero-foot landscape buffer along the north, south and east perimeter where an eight-foot buffer is required on 0.96 acres at 3220 and 3240 North Rancho Drive. The subject property has had numerous alterations, additions, and changes over the years which have resulted in a site which does not meet the standards set forth in Title 19. The applicant is requesting this Site Development Plan Review of an existing property in order to bring the property into compliance with City Code.

Additionally, as a companion item to this Site Development Plan Review, a Variance (VAR-28081) to allow a 0.5-foot setback where 10 feet is required to allow an existing non-permitted metal building to remain in place on site has been requested. Due to the placement of this building, the need for a Variance of building setbacks on property which has minimal lot coverage of five percent, lack of proper permits and the landscape Waivers requested, staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/20/76	The City Council rescinded an approval of a Variance (V-0049-75) which to allow a mobile home to be used as a security office and a residence on property located at 3340 North Rancho Drive, between Cheyenne Avenue and Ricky Road. The original approval was rescinded at a Variance Review because the applicants were no longer on the premises. The Board of Zoning Adjustment denied the original request.
05/22/80	The Board of Zoning Adjustment denied a request for a Special Use Permit (U-0026-80) to allow used car sales on property located at 3340 North Rancho Drive.
11/01/95	The City Council approved a Special Use Permit (U-0119-95) to allow a double -faced off-premise sign (billboard) at 3340 North Rancho Drive. The Board of Zoning Adjustment denied this request, staff recommended approval of this request.
07/17/02	The City Council approved a Special Use Permit (U-0052-02) to allow an open air vending/transient sales lot on property located at 3200 North Rancho Drive. The Planning Commission and staff recommended approval of this request.

10/29/03	The City Council approved a Required One Year Review (RQR-2792) of an approved Special Use Permit (U-0052-02) which allowed an open air vending/transient sales lot at 3200 North Rancho Drive. The Planning Commission recommended approval, whereas staff recommended denial of this request.
09/15/04	The City Council approved a Required Six Month Review (RQR-4264) of an approved Special Use Permit (U-0052-02) which allowed an open air vending/transient sales lot at 3200 North Rancho Drive. The Planning Commission and staff recommended denial of this request.
05/10/05	A Code Enforcement Citation was issued (#29775) for a showroom building being built without permits, cargo containers on site, an RV on site, and other miscellaneous zoning violations. This case was resolved on 05/24/06.
06/28/06	A Code Enforcement Citation was issued (#43853) for stagnant (green) water in pools and spas, trash and debris, weeds and illegal signage. This case was resolved on 10/04/06.
07/12/06	The City Council approved a Required One Year Review (RQR-11344) of an approved Special Use Permit (U-0052-02) which allowed an open air vending/transient sales lot at 3320 North Rancho Drive. The Planning Commission and staff recommended denial of this request.
07/12/06	The City Council accepted a withdrawal without prejudice of a Site Development Plan Review (SDR-11902) for a proposed 9,571 square-foot commercial building and a waiver of the perimeter and parking lot landscape requirements, a Variance (VAR-11904) to allow 11 parking spaces where 33 spaces are required and to allow no loading zone where one is required for a proposed commercial building and a Variance (VAR-11981) to allow a five-foot side yard setback where 10 feet is required and to allow a five-foot rear yard setback where 20 feet is required on 0.49 acres at 3340 North Rancho Drive. The Planning Commission and staff recommended denial of these requests.
06/20/07	A Code Enforcement Citation (#54608) was issued for stagnant (green) water in pools. This case was resolved on 7/20/07.
02/25/08	A Code Enforcement Citation (#62631) was issued for non-permitted business activity, non-permitted warehousing/manufacturing on site and non-permitted fences and structures. This case is still open.
05/07/08	The City Council held in abeyance until 08/06/08 a request for a Required One-Year Review of an approved Special Use Permit (U-0052-02) which allowed an open air vending/transient sales lot at 3320 North Rancho Drive. Staff recommended denial of this request.
06/26/08	The Planning Commission recommended approval of companion item VAR-28081 concurrently with this application. The Planning Commission voted 4-3/se, vq, ds to recommend APPROVAL (PC Agenda Item #31/dc).

<i>Related Building Permits/Business Licenses</i>	
04/14/05	A building permit (#27721) expired for a two-foot high retaining wall at 3340 North Rancho Road without receiving final inspection. This retaining wall extends across both 3340 and 3320 North Rancho Road and has a non-permitted six-foot high chain link fence placed on top. There are no permits for any of the existing buildings or internal fences located on site.
02/15/08	A business license review for Building Supplies and Hardware (spa sales) located at 3340 North Rancho Road was denied by Planning and Development as it: 1. Does not meet the minimum conditional requirements per Title 19.04.010 for the Building & Landscape Material/Lumber Yard use and, 2. Does not conform to condition number three of RQR-11344, which prohibited the expansion of the use (spa sales) onto 3340 North Rancho Road.
05/07/08	A business license for an Administrative Office located at 3340 North Rancho Drive is currently pending review by Planning and Development.
<i>Pre-Application Meeting</i>	
05/05/08	A pre-application meeting was held with the applicant where elements of a Site Development Plan Review submittal were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

<i>Field Check</i>	
05/21/08	A field check was conducted by staff at the subject property. The parking lot was paved and striped per Title 19 dimensional standards with one van accessible handicap space. Numerous weeds, litter, landscape with broken branches and a felled tree were observed in the landscape planter fronting Rancho Drive. A chain link fence with beige screening was observed adjacent to the parking lot, which in turn screens a large unpaved open lot with a second, screened chain link fence. Graffiti was noted at the front and rear of the subject parcel. A large, white metal building was located at the southeast corner of the parcel and a small wooden building was located near the northeast corner of the site.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.97

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Spa Sales and Spa Assembly	GC (General Commercial)	C-2 (General Commercial)
North	Office/Retail	GC (General Commercial)	C-2 (General Commercial)
South	Office/Retail	GC (General Commercial)	C-2 (General Commercial)

East	Vacant Land	GC (General Commercial)	C-2 (General Commercial)
West	Office/Retail and Vacant Land	GC (General Commercial)	C-2 (General Commercial)

<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			
A-O (Airport Overlay) District (70 Feet)	X		Y*
Trails	X		Y**
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

* The subject property is located within the North Las Vegas Airport Overlay within the 70-foot height limitation contour. None of the buildings on the subject property extend beyond this limitation.

** The subject site is located adjacent to the Rancho Corridor Trail Plan. The trail along this section has been installed.

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following development standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	42,500 SF	N/A
Min. Lot Width	100 Feet	200 Feet	Y
Min. Setbacks			
• Front	20 Feet	140 Feet	Y
• Side (North)	10 Feet	11.7 Feet	Y
• Side (South)	10 Feet	0.5 Feet	N*
• Rear	20 Feet	5.4 Feet	N*
Max. Lot Coverage	50%	5%	Y
Max. Building Height	N/A	N/A	N/A
Trash Enclosure	Screened w/ Roof or Trellis	None	N**
Mech. Equipment	Screened	Screened	Y

* The applicant has submitted a Variance (VAR-28081) to allow a 0.5-foot setback where ten feet is required for an existing building.

** No trash enclosure was noted on site at the time the field check was performed and the site plans submitted do not account for a trash enclosure. A condition has been added requiring the applicant to construct a trash enclosure which meets the standards of Title 19.08.060.

Pursuant to Title 19.12, the following landscaping 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	3 Trees	Zero Trees	N*
Buffer: Min. Trees (West Perimeter)	1 Tree/30 Linear Feet	6 Trees	6 Trees	Y
Buffer: Min. Trees (North, East and South Perimeter)	1 Tree/30 Linear Feet	18 Trees	Zero Trees	N**
TOTAL		27 Trees	6 Trees	N**
Min. Zone Width (West Perimeter)	15 Feet		20 Feet	Y
Min. Zone Width (North, East and South Perimeter)	8 Feet		Zero Feet	N**
Wall Height	6-8 Feet, Decorative Wall		6-8 Feet Chain Link	N***

* A condition has been added requiring the applicant to provide Parking Lot Landscaping per the requirements of Title 19.10.010(J)(11).

** The applicant has requested a Waiver to allow a zero-foot landscape buffer along the north, east and south perimeters of the subject property.

*** The applicant has requested to allow the existing chain link fencing to remain in place, and to allow the east (rear) perimeter of the chain link fence to maintain a barbed wire top for crime deterrent.

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Building & Landscape Material / Lumber Yard	3,720 SF	1 Space / 500 SF GFA and Outside Sales Area	7	1	13	1	
TOTAL			8		14		Y
Loading Spaces			1		0		N*

* The site plan submitted does not indicate the one required 15-foot by 25-foot loading space. A condition has been added requiring the applicant to provide one loading space per Title 19.10.020.

Waivers		
Request	Requirement	Staff Recommendation
To allow a zero-foot landscape buffer along the north, east and south perimeters	Eight-foot landscape buffer with trees spaced 30 feet on center	Denial

ANALYSIS

- **Land Use and Zoning**

The subject properties are located within the Northwest Sector of the General Plan with a land use designation of GC (General Commercial). The General Commercial category generally allows retail, service, wholesale, office and other general business uses of a more intense commercial character. These uses may include outdoor storage or display of products or parts, noise, lighting or other characteristics not generally considered compatible with adjoining residential areas without significant transition. Examples include new and used car sales, recreational vehicle and boat sales, car body and engine repair shops, mortuaries, and other highway uses such as hotels, motels, apartment hotels and similar uses.

The subject properties carry a zoning of C-2 (General Commercial). The C-2 District is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as mixed-use developments. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The C-2 (General Commercial) District is also appropriate along commercial corridors. The C-2 (General Commercial) District is consistent with the General Commercial category of the General Plan. The proposed Building & Landscape Material/Lumber Yard use is considered a conditional use within this district.

- **Site Plan**

The site is located at 3320 and 3340 North Rancho Drive. The site consists of two adjoining lots totaling approximately 42,500 square feet. The site plan illustrates a one-story, 520 square-foot existing shed located near the northeast corner of the property and a 1,600 square-foot one-story metal building located at southeast corner of the property.

The 1,600 square-foot metal building is sited 5.4 feet from the east property line and 0.5 feet from the south property line. A Variance (VAR-28081) has been submitted to allow these setbacks where a 20-foot setback is required on the east property line and a 10-foot setback is required on the south property line. Access from the site is provided from an existing 33-foot wide driveway aisle off Rancho Drive.

Parking is located at the front of the site, parallel to Rancho Drive, behind the 20-foot landscape buffer, approved as part of Special Use Permit (U-119-95). A total of 14 parking spaces, including one handicapped van accessible space, are located on site. Per Title 19.10 Parking Standards, the 520 square foot shed, the 1,600 square-foot metal building and 1,600 square foot outdoor display area requires eight parking spaces. This proposal meets Title 19.10 Parking Standards. The remainder of the site area has been noted as graded gravel on the site plan. The area is used for spa sales.

In addition, the applicant has requested that the existing chain link fencing and barbed wire be accepted as part of this Site Development Plan Review. The property contains chain link fencing along the north, east and south perimeters, between the parking area and the open sales lot, and between the open sales lot and existing buildings. The chain link fencing, which was placed on site without permits, is screened with beige slats on the west perimeter, and mesh along most of the north, south and east perimeters. A large section of the east perimeter was noted to be lacking any screening material. At the time a field check was performed, a large amount of graffiti was noted on the fence screening. The chain link fence along the east perimeter is topped with barbed wire, which the applicant would like to retain as a form of crime prevention.

- **Landscape Plan**

The landscape plan shows a total of six Manzanita trees and 20 Raphiolepis shrubs within the landscape planter fronting Rancho Drive. The landscape plan did not indicate specific sizes of the plant materials; however the plant material already exists on site. No other landscape is provided for on site per the submitted landscape plans; however the applicant has indicated in the justification letter that the outdoor sales area will contain some landscape in order to create a more inviting sales area. A Waiver has been requested to allow a zero-foot landscape buffer along the north, east and south perimeters of the subject property where an eight-foot buffer with 24-inch box trees spaced 30 feet on center is required. Compelling justification as to why this Waiver was requested has not been provided.

In addition, the parking lot landscape and screening does not comply with the standards of Title 19.10. The applicant has indicated in the justification letter that the parking lot has recently been raised and improved, however the improvements did not include the requisite landscape island at the end of each row of parking spaces and at a ratio of one landscape island for every six parking spaces, with each island to include one 24-inch box tree with four five-gallon shrubs. While existing shrubs are located throughout the landscape planter adjacent to Rancho Drive, they fail to meet the Parking Lot Screening requirements both in size and quantity. Title 19.10.010(J)(11) states that parking lots shall be screened from adjacent roadways by a low wall or berm with a maximum height of thirty-six inches, a solid living hedge with an approximate maximum height of thirty-six inches, or some other screening method that has been approved as part of a landscape plan and provides a continuous screen. However, the parking lot landscaping was approved as part of Special Use Permit (U-0119-95).

- **Elevations**

The applicant has provided photographs of the existing buildings in lieu of elevations. The 520-square foot building is one-story in height with a covered porch wrapping two sides of the building. The exterior finish of the building is painted wood. The 1,600 square foot metal building is one story in height, with a white-painted metal exterior with horizontal banding and a roll-up door on the north façade. The exact height of both buildings was not provided by the applicant.

- **Floor Plan**

The provided floor plan depicts two separate buildings. The largest building is a 1,600 square-foot metal building which is a large, one-room open structure sited on a concrete slab. One door and one roll-up door are located on the north side of the building, and no windows are provided.

The smaller 520 square-foot building which is labeled as a shed on the site plan contains one entry door, a storage closet, a general open area and a restroom, sited on a concrete slab. It is unknown if either building, including the restroom in the shed building, is handicap accessible.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **The proposed development is compatible with adjacent development and development in the area;**

The proposed Building & Landscape Material/Lumber Yard use is compatible with the adjacent development and development in the area; however the execution of the use as indicated by the site plan and landscape plan submitted is not compatible. Rearranging the site to comply with Title 19 standards would allow for the subject property to be compatible with adjacent development and development in the area; therefore the hardship is self-imposed.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The development as proposed is not compatible with the standards set forth in Title 19. The applicant has requested Waivers to allow a zero-foot landscape buffer along the north, east and south perimeters without compelling justification, the parking lot as proposed does not meet the Parking Lot Landscaping requirements, the extensive use of chain link fence and barbed wire does not meet the Wall Standards and the large non-permitted metal building at the southeast corner of the property does not meet the Architectural Character and Materials criteria listed in Title 19.08.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

The site is accessed from Rancho Drive, a Freeway/Expressway as indicated by the Master Plan of Streets and Highways which can adequately support the proposed development.

4. **Building and landscape materials are appropriate for the area and for the City;**

The building materials are not appropriate for the area and for the City. The 1,600 square foot white-painted metal building does not blend in with the surrounding neighborhood and the lack of any sort of landscape buffer to the east makes this building extremely visible to the nearby neighborhood. The 520 square-foot shed building is more appropriate, however the exterior of the building appears to be quite weathered and slightly in disrepair. The landscape materials, where provided, are appropriate for the City.

5. **Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The building elevations, design characteristics and aesthetic features are unsightly and obnoxious in appearance. The 1,600 square-foot metal building at the southeast corner of the site looms over the neighboring commercial properties and is highly visible to the single family neighborhood to the east. The 520-square foot shed building is the only wooden commercial building in the area, and the exterior finish material gives it a dilapidated appearance.

6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

If Site Development Plan Review for the existing buildings is approved, the development will be subject to the International Building Code and City inspections.

PLANNING COMMISSION ACTION

The Planning Commission added conditions 1 through 5 as stated above.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 3

ASSEMBLY DISTRICT 1

SENATE DISTRICT 4

NOTICES MAILED 122 by Planning Department

APPROVALS 0

PROTESTS 3