



AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 3, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-30017 EXTENSION OF TIME VARIANCE APPLICANT:
AHERN RENTALS - OWNER: DFA, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: **APPROVAL**, subject to:

Planning and Development

1. This Variance (VAR-14320) shall expire on 10/04/09 unless another Extension of Time is approved by the Planning and Development Department.
2. Conformance to all conditions of approval of Variance (VAR-14320) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for an Extension of Time of an approved Variance (VAR-14320) to allow a 73-foot setback 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 on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive.

It is noted that there are four (4) related Extensions of Time (EOT-30014, EOT-30016, EOT-30019, and EOT-30020) that will be heard concurrently with this application.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/21/75	The Board of City Commissioners approved a request to Reclassify property (Z-0012-75) generally located on the south side of West Washington Avenue between Clarkway Drive and Sunny Place from R-E (Residence Estates) to R-3 (Medium Density Residential). The Planning Commission recommended approval on 04/23/75.
11/05/75	The Board of City Commissioners approved a request to Reclassify property (Z-0043-75) generally located on the east side of South Main Street between Lewis Avenue and Clark Avenue at 415 South Main Street from C-M (Commercial/Industrial) to C-2 (General Commercial). The Planning Commission recommended approval on 10/09/75.
06/28/94	The Board of Zoning Adjustment approved a request for a Variance (V-0086-94) to allow a Residential Security Living Quarters where such is not permitted at 1724 West Bonanza Road.
05/08/97	The Planning Commission accepted the applicants request to Withdraw Without Prejudice a request for a Rezoning (Z-0023-97) on property located on the south side of Washington Avenue, approximately 1,000 feet west of Martin L. King Boulevard from R-E (Residence Estates) to R-PD15 (Residential Planned Development- 15 Units per Acre) for a proposed 130-unit townhome development.
12/01/98	The Board of Zoning Adjustment approved a request for a Variance (V-0082-98) for a commercial development that requires a zero-foot front, rear, and side setback where 50, 10, and 35 are required setbacks on property located at 1824 West Bonanza Road.
12/21/98	The City Council approved a request for Rezoning (Z-0026-98) on property located on the northeast corner of Bonanza Road and Clarkway Drive from R-E

	(Residence Estates) to C-1 (Limited Commercial). The Planning Commission recommended approval on 07/23/98.
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01/12/99	The City Council approved a Petition to Vacate(VAC-0048-98) a portion of Clarkway Drive north of Bonanza Road.
05/21/03	The City Council approved a request for Rezoning (ZON-1992) from R-3 (Medium Density Residential) to C-1 (Limited Commercial) on 0.57 acres at 1722 West Bonanza Road. The Planning Commission recommended approval on 04/24/03.
05/18/04	A Code Enforcement case (15224) was processed for abandoned vehicles on the property at the northwest corner of Bonanza Road and Clarkway Drive. The case was closed on 05/26/04.
03/14/06	A Code Enforcement case (39208) was processed to check for all zoning violations. The case was closed on 07/06/06.
03/14/06	A Code Enforcement case (39215) was processed to check for all zoning violations. The case was closed on 10/15/06.
03/24/06	A Code Enforcement case (39561) was processed to check for all zoning violations. The case was closed on 06/05/06.
03/24/06	A Code Enforcement case (39560) was processed for property being used as a storage lot. The case was closed on 06/05/06.
04/05/06	The City Council approved a request for 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. The Planning Commission recommended approval on 02/09/06.
05/17/06	The City Council approved a request to change the Future Land Use designation (GPA-9219) to Commercial, Mixed Use, Industrial, or Public Facilities on various parcels within the proposed Las Vegas Redevelopment Pan Area and within the proposed Redevelopment Plan Expansion Area. The Planning Commission tabled the request on 01/26/06.
07/24/06	Code Enforcement cases (44792 and 44794) were processed for violations of Conditions per DIR-11779. The cases were closed on 10/15/06 and 10/18/06.
10/04/06	The City Council approved a request for a Special Use Permit (SUP-14329) for an Auto Repair Garage, Major on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approved on 09/07/06.
10/04/06	The City Council approved a request for a Special Use Permit (SUP-14324) for a Truck Rental Establishment on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approved on 09/07/06.
10/04/06	The City Council approved a request for a Special Use Permit (SUP-13836) for a Rental Store with Outside Storage on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approved on 09/07/06.
10/04/06	The City Council approved a request for a Variance (VAR-16049) to allow a proposed 10-foot high block wall where eight feet is the maximum allowed on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approved on 09/07/06.

10/04/06	The City Council approved a request for a Variance (VAR-14320) to allow a 73-foot setback where Residential Adjacency Setback Standards require a minimum 84-foot setback; and to allow a zero-foot side yard building setback where 10 feet is the minimum required in conjunction with a Rental Store with Outside Storage on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approved on 09/07/06.
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 on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approved on 09/07/06.
10/04/06	The City Council approved a request for Rezoning (ZON-13837) 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) on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approved on 09/07/06.
07/12/07	The Planning Commission approved a request for a Major Amendment to an approved Site Development Plan Review (SDR-22206) for a commercial development of 30,000 square feet of Hardware Store, 30,000 square feet of Office space, 40,00 square feet of covered storage area, and 60,000 square feet of Auto Repair Garage, Major with a waiver of perimeter landscape requirements to allow a 10 foot wide buffer when 15 feet is required along the south property line on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive.
07/12/07	The Planning Commission approved a request for a Variance (VAR-22723) to allow a wall to contain no contrasting material where twenty percent contrasting material is required on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive.
08/15/07	The City Council approved a request for a Review of Condition Number 6 (ROC-22207) 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 Planning Commission recommended approved on 07/12/07.
<i>Related Building Permits/Business Licenses</i>	
05/15/98	A business license was issued (E02-00031) for Trailer/Equipment Rental at 1785 West Bonanza Road. The license is still active.
08/14/03	A building permit (3017452) was issued for tenant improvements for a Certificate of Occupancy for Building B at 1726 West Bonanza Road. The

	permit was not finalized.
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08/19/05	A building permit (49300) was issued for the demolition of a single-family dwelling at 1816 West Bonanza Road. The permit expired on 09/06/06.
08/15/06	A building permit (71003) was issued and finalized for grading at 1798 West Bonanza Road.
01/09/07	A building permit (79433) was issued for wrought iron perimeter fencing at 1808 West Bonanza Road. The permit was not finalized.
06/22/07	A building permit (92357) was issued for walls and fencing at 1798 West Bonanza Road. The permit was finalized on 11/30/07.
09/21/07	A building permit (98452) was issued for the demolition of a building at 1808 West Bonanza Road.
11/30/07	A building permit (103189) was issued for the demolition of an 800 square-foot residence at 1812 West Bonanza Road.
11/30/07	A building permit (103181) was issued for the demolition of a 1,000 square-foot residence at 1816 West Bonanza Road.
10/27/08	A building permit (127032) was processed for engineered screen and retaining walls at 1726 West Bonanza Road. The permit is still active.

Pre-Application Meeting

A pre-application meeting is not required for this type of application, nor was one held.

Neighborhood Meeting

A neighborhood meeting is not required for this type of application, nor was one held.

Details of Application Request

Site Area

Gross Acres	20.53
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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Rental Storage	MXU (Mixed Use) and C (Commercial)	R-E (Residence Estates) with a Resolution of Intent to C-2 (General Commercial)
North	Single-Family Dwellings	R (Rural Density Residential)	R-E (Residence Estates)
South	Rental Parking and Storage	LI/R (Light Research/Industry)	C-M (Commercial/Industrial)
East	Condominiums	MXU (Mixed Use)	R-3 (Medium Density Residential and Apartments)
West	Single-Family Dwellings and Vacant Land	MXU (Mixed Use)	R-E (Residence Estates)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan	X		Y
West Las Vegas Plan	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		Y
A-O Airport Overlay District (140 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

ANALYSIS

This is the first extension of time request for the proposed development. In the time since the original approval of the Variance (VAR-14320), the applicant has made progress on the project in the form of the issuance and finalization of building permits pertaining to wall/fences and the demolition of old buildings. Title 19.18.070 states a Variance is exercised when a business license is issued to conduct the activity, if required, or upon the issuance of a certificate of occupancy or approval of a final inspection.

FINDINGS

The applicant has shown some progress on the proposed project, but has not fulfilled Title 19.18.070 requirements to exercise the variance. Construction for the proposed use has not yet begun; once completed, it will require a certificate of occupancy. Staff recommends approval of the request for an extension of time with a one-year time limit. Conformance to the conditions of approval of Variance (VAR-14320) shall be required.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0