

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: APRIL 9, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - SUP-32552 - APPLICANT/OWNER: SMOKE RANCH DEVELOPMENT, LLC**

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

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Mini-Storage Facility use.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-32555) and Variance (VAR-32553) shall be required, 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. 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 Mini-Storage Facility use on 2.63 acres adjacent to the south side of Smoke Ranch Road, approximately 1,300 feet east of Buffalo Drive. In addition to this application, the applicant has submitted a request for a General Plan Amendment (GPA-32550) to change the General Plan designation from O (Office) to SC (Service Commercial), a Rezoning (ZON-32551) from U (Undeveloped) [O (Office) General Plan designation] under Resolution of Intent to P-R (Professional Office and Parking) to N-S (Neighborhood Service), a Variance (VAR-32553) to allow a one-foot setback along the south perimeter where 25 feet is required; to allow a one-foot setback along portions of the north and west perimeters where 10 feet is required; to allow a five-foot setback along a portion of the east perimeter; to allow a lot coverage of 59% where 30% is the maximum permitted; and to allow a 60-foot wide lot where 100 feet is the minimum required and a Site Development Plan Review (SDR-32555) for a proposed 99,549 square-foot Mini-Storage Facility with a Waiver to allow a zero-foot landscape buffer along the east, south, north and a portion of the west perimeter where eight feet is required.

The associated General Plan Amendment (GPA-32550) and Rezoning (ZON-32551) requests both seek to change the land use designation and zoning to an intensity that is not compatible with the surrounding neighborhood. Additionally the Variance (VAR-32553) request for setback reductions and lot coverage intensification indicates the site will be overbuilt and not appropriate for the proposed use; therefore, staff recommends denial of this request.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
02/18/04	The City Council approved a General Plan Amendment (GPA-3455) to Amend a portion of the Southwest Sector Plan of the General Plan from ML (Medium Low Density Residential) to O (Office), a Rezoning (ZON-3456) from U (Undeveloped) [ML (Medium Low Density Residential) General Plan designation] to P-R (Professional Offices and Parking) and a Site Development Plan Review (SDR-3457) for a 31,555 square-foot Office building with a Waiver of the Commercial Development Standards on 2.67 acres at 7401 Smoke Ranch Road. The Planning Commission and staff recommended approval of these requests.
10/07/04	The Planning and Development Department administratively approved a Parcel Map (PMP-4315) for 2 lots on 5.4 acres on property located on Smoke Ranch Road, approximately 1320 feet West of Tenaya Way. The map recorded on 04/18/05.

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03/23/06	The Planning Commission accepted a Withdrawal Without Prejudice for a General Plan Amendment (GPA-10776) to Amend a portion of the Southwest Sector Plan of the General Plan from O (Office) to SC (Service Commercial), a Rezoning (ZON-10778) from U (Undeveloped) [O (Office) General Plan designation] under Resolution of Intent to P-R (Professional Office and Parking) to C-1 (Limited Commercial), a Variance (VAR-10780) to allow a 3.25-foot side yard landscape buffer and a two-foot rear yard landscape buffer where eight feet is required and a Variance (VAR-10781) to allow a 39-foot Residential Adjacency Setback where 135 feet is the minimum setback required. Staff recommended denial of these requests.
05/17/06	The City Council approved a Variance (VAR-12669) to allow a three-story building where two stories is the maximum height allowed, a Special Use Permit (SUP-10783) for a Mixed-Use development and a Site Development Plan Review (SDR-10784) for a three-story, 45-foot high, Mixed-Use development consisting of 25 Residential units and 13,243 square feet of Office Space with Waivers to allow a minimum lot width of 59 feet where 100 feet is the minimum lot width required and to allow a reduction of perimeter landscaping on 2.72 acres adjacent to the south side of Smoke Ranch Road, approximately 1,300 feet east of Buffalo Drive. The Planning Commission recommended approval of these requests, whereas staff recommended denial.
02/21/07	The City Council approved a Rezoning (ZON-18753) from U (Undeveloped) [O (Office) General Plan designation] to P-R (Professional Offices and Parking) and a Site Development Plan Review (SDR-18657) for a three-story 40,971 square-foot Office building with Waivers to allow a zero-foot landscape buffer where eight feet is required along the southern property line and along the on-site public trail, a reduction in the perimeter landscape required and of required parking lot landscaping on 2.7 acres adjacent to the south side of Smoke Ranch Road, approximately 1,300 feet east of Buffalo Drive. The Planning Commission and staff recommended approval of these requests.
01/11/08	A Code Enforcement complaint (#61269) was processed for sign code violations and a semi parking on the subject property. The case was resolved 02/01/08.
04/16/08	The City Council approved a Petition to Vacate (VAC-26629) a 10-foot wide public drainage easement generally located 1265 feet east of the southeast corner of Buffalo Drive and Smoke Ranch Road. The Planning Commission and staff recommended approval of this request.
05/21/08	The City Council approved an Extension of Time (EOT-27700) of an approved Variance (VAR-12669) to allow a three-story building where two stories is the maximum height allowed. Staff recommended approval of this request.

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<p>10/15/08</p>	<p>A Code Enforcement complaint (#70692) was processed for a non-permitted chainlink fence, vehicles, trailers and semis parking on the subject property. The case is still open pending resolution.</p>
<p>01/22/09</p>	<p>The Planning Commission approved a request by the applicant to have a General Plan Amendment (GPA-32550) to Amend a portion of the Southwest Sector Plan of the General Plan from O (Office) to SC (Service Commercial), a Rezoning (ZON-32551) from U (Undeveloped) [O (Office) General Plan Designation] Under Resolution of Intent to P-R (Professional Office and Parking) to N-S (Neighborhood Service), Variance (VAR-32553) to allow a one-foot setback along the south perimeter where 25 feet is required; to allow a one-foot setback along portions of the north and west perimeters where 10 feet is required; to allow a five-foot setback along a portion of the east perimeter; to allow a lot coverage of 59% where 30% is the maximum permitted; and to allow a 60-foot wide lot where 100 feet is the minimum required and a Special Use Permit (SUP-32552) for a proposed Mini-Storage Facility and a Site Development Plan Review (SDR-32555) for a proposed 99,549 square-foot Mini-Storage Facility with a Waiver to allow a zero-foot landscape buffer along the east, south, north and a portion of the west perimeter where eight feet is required on 2.63 acres adjacent to the south side of Smoke Ranch Road, approximately 1,300 feet east of Buffalo Drive to be held in abeyance until the February 26, 2009 Planning Commission meeting to allow the applicant to hold a neighborhood meeting.</p>
<p>02/26/09</p>	<p>The Planning Commission approved a request by the applicant to have a General Plan Amendment (GPA-32550) to Amend a portion of the Southwest Sector Plan of the General Plan from O (Office) to SC (Service Commercial), a Rezoning (ZON-32551) from U (Undeveloped) [O (Office) General Plan Designation] Under Resolution of Intent to P-R (Professional Office and Parking) to N-S (Neighborhood Service), Variance (VAR-32553) to allow a one-foot setback along the south perimeter where 25 feet is required; to allow a one-foot setback along portions of the north and west perimeters where 10 feet is required; to allow a five-foot setback along a portion of the east perimeter; to allow a lot coverage of 59% where 30% is the maximum permitted; and to allow a 60-foot wide lot where 100 feet is the minimum required and a Special Use Permit (SUP-32552) for a proposed Mini-Storage Facility and a Site Development Plan Review (SDR-32555) for a proposed 99,549 square-foot Mini-Storage Facility with a Waiver to allow a zero-foot landscape buffer along the east, south, north and a portion of the west perimeter where eight feet is required on 2.63 acres adjacent to the south side of Smoke Ranch Road, approximately 1,300 feet east of Buffalo Drive to be held in abeyance until the March 26, 2009 Planning Commission meeting to allow the applicant to modify the site and landscape plans.</p>

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03/26/09	<p>The Planning Commission approved a request by the applicant to have a General Plan Amendment (GPA-32550) to Amend a portion of the Southwest Sector Plan of the General Plan from O (Office) to SC (Service Commercial), a Rezoning (ZON-32551) from U (Undeveloped) [O (Office) General Plan Designation] Under Resolution of Intent to P-R (Professional Office and Parking) to N-S (Neighborhood Service), Variance (VAR-32553) to allow a one-foot setback along the south perimeter where 25 feet is required; to allow a one-foot setback along portions of the north and west perimeters where 10 feet is required; to allow a five-foot setback along a portion of the east perimeter; to allow a lot coverage of 59% where 30% is the maximum permitted; and to allow a 60-foot wide lot where 100 feet is the minimum required and a Special Use Permit (SUP-32552) for a proposed Mini-Storage Facility and a Site Development Plan Review (SDR-32555) for a proposed 99,549 square-foot Mini-Storage Facility with a Waiver to allow a zero-foot landscape buffer along the east, south, north and a portion of the west perimeter where eight feet is required on 2.63 acres adjacent to the south side of Smoke Ranch Road, approximately 1,300 feet east of Buffalo Drive to be held in abeyance until the April 9, 2009 Planning Commission meeting to allow the applicant to modify the site and landscape plans.</p>
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<b><i>Related Building Permits/Business Licenses</i></b>	
There are no building permits or business licenses associated with this application.	

<b><i>Pre-Application Meeting</i></b>	
01/18/08	A pre-application meeting was held where the requirements for submitting a Site Development Plan Review, General Plan Amendment, Rezoning, Variance and Special Use Permit were discussed.

<b><i>Neighborhood Meeting</i></b>	
12/23/08	<p>A neighborhood meeting was held at Nevada Title Company, 2500 N Buffalo Drive, 2nd floor, Las Vegas, Nevada 89128. There was one representative of the applicant, one member of Planning and Development Staff, one member of the Ward 4 Council Office and no members of the general public in attendance.</p> <p>The representative of the applicant was present from 5:30 PM to 6:00 PM.</p> <p>Staff notes that the applicant did not follow the required procedures set in place for proper neighborhood meeting notification. The applicant did not obtain staff approval of the neighborhood meeting time, meeting location or verbiage used in the notification letters mailed.</p>

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<i>Field Check</i>	
12/17/08	A field check was conducted by staff at the subject site. The site was noted as undeveloped, with a paved 10-foot wide Multi-Use Transportation Trail adjacent to the east perimeter of the site. Additionally, a recently installed, non-permitted chainlink fence with gates was noted near the entrance to the property.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	2.63

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	O (Office)	U (Undeveloped) [O (Office) General Plan designation] under Resolution of Intent to P-R (Professional Office and Parking)
North	Office Development	LI/R (Light Industry / Research)	C-PB (Planned Business Park)
South	City Park	PR-OS (Parks/Recreation/Open Space)	C-V (Civic)
East	Multi-Use Transportation Trail	R.O.W (Right-of-Way)	R.O.W (Right-of-Way)
West	Church	ML (Medium Low Density Residential)	U (Undeveloped) [ML (Medium Low Density Residential) General Plan designation]
	Single-Family Residential	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
A-O (Airport Overlay) District (175 Feet)	X		Y*
<b>Trails (Multi Use Transportation Trail)</b>	X		N**

<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

\* The subject property is located within the North Las Vegas Airport Overlay Map within the 175-foot height limitation contour. The proposed buildings on the subject property do not extend beyond this limitation.

\*\* The site is located adjacent to a Multi-Use Transportation Trail as identified by the Master Plan Transportation Trails Element. All issues addressing the trail requirements are identified in the companion Site Development Plan Review (SDR-32555).

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.10, the following parking standards apply:*

<b>Parking Requirement</b>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required</i>			<i>Provided</i>		<i>Compliance</i>
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Mini-Storage Facility	646 Storage Units	One space per 50 storage units; Plus 5 spaces on the exterior of the security fence	17	1	20	1	
<b>TOTAL</b>			18		21		Y

**ANALYSIS**

This is a request to provide a Mini-Storage Facility located adjacent to the south side of Smoke Ranch Road, approximately 1,300 feet east of Buffalo Drive. This proposed development contains a total of 646 Mini-Storage Facility units, which Title 19.04 requires a total of 18 parking spaces. The applicant has provided a total of 21 standard parking spaces, one of which is handicapped van accessible, on site. This use meets the intent of the proposed N-S (Neighborhood Service) zoning district; however staff finds that the means implemented by the applicant to obtain this use is incompatible with the physical location and size of the subject

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property. The associated General Plan Amendment (GPA-32550) and Rezoning (ZON-32551) requests both seek to change the land use designation and zoning to an intensity that is not compatible with the surrounding neighborhood while the Variance (VAR-32553) requests for setback reductions and lot coverage intensification indicates the site is being overbuilt and not appropriate for the proposed use; therefore, staff recommends denial of this request.

- **Land Use and Zoning**

This project is located within a proposed N-S (Neighborhood Service) zoning district. The purpose of the proposed N-S (Neighborhood Service) district is to provide for the development of convenience retail shopping, services and professional offices principally serving neighborhood needs and compatible in scale, character and intensity with adjacent residential development. This district is intended to be located at intersections of streets designated as collector or larger. The N-S (Neighborhood Service) district should also be used as a buffer between residential and more intense retail/commercial uses. The N-S (Neighborhood Service) district is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan.

The subject site is located in the Southwest Sector of the General Plan and has a current land use designation of O (Office). A General Plan Amendment (GPA-32550) to change the designation to SC (Service Commercial) has been submitted along with a Rezoning request. The Service Commercial category allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons, and that do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The Service Commercial category may also allow mixed-use development with a residential component where appropriate.

- **Use**

A Mini-Storage Facility use is defined by Title 19.04 as a facility with enclosed storage space, divided into separate compartments no larger than 500 square feet in size, which is provided for use by individuals to store personal items or by businesses to store materials for operation of a business establishment.

- **Minimum Special Use Permit Requirements:**

1. No more than one managers security residence shall be permitted.
2. All storage shall be within an enclosed building except for the storage of recreational vehicles, which shall be completely screened from view from the surrounding properties and abutting streets.

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3. The following activities are prohibited on or from the premises of a mini-storage facility:
  - a. The conducting of a business (other than the mini-storage business itself and permitted accessory uses);
  - b. The retail sale of stored items;
  - c. The commercial repair of motor vehicles, boats, trailers and other like vehicles;
  - d. The operation of spray-painting equipment, power tools, welding equipment or other similar equipment;
  - e. The production, fabrication or assembly of products.
4. The rental of single unit trucks and small utility trailers shall be permitted as an accessory use to a mini-storage facility, provided the business is conducted out of the same office as that of the mini-storage facility. No trucks or trailers shall be displayed in public view, and the combined total of all trucks and trailers stored on site shall not exceed a ratio of two trucks or trailers for each 100 storage units.
5. Truck and trailer storage shall be screened from streets and adjacent properties.
6. When adjacent to a residential use, the exterior wall of the mini-storage shall be constructed of decorative block.

The proposed Mini-Storage Facility use meets the Minimum Special Use Permit Requirements; however, the proposed General Plan Amendment (GPA-32550) and Rezoning (ZON-32551) both seek to change the land use designation and zoning to an intensity that is not compatible with the surrounding neighborhood. Additionally, the Variance (VAR-32553) request for setback reductions and lot coverage intensification indicates the site is being overbuilt and not appropriate for the proposed use; therefore, staff recommends denial of this request.

## **FINDINGS**

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

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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Although the proposed N-S (Neighborhood Service) zoning district is the appropriate zoning district for a Mini-Storage Facility with a Special Use Permit, this use is incompatible with the surrounding zoning districts of C-PB (Planned Business Park) to the north, C-V (Civic) to the south, R.O.W (Right-of-Way) to the east, and both U (Undeveloped) [ML (Medium Low Density Residential) General Plan designation] and R-CL (Single Family Compact-Lot) to the west. The proposed use will be much more intense than those permitted under the current General Plan land use designation of O (Office).

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

The subject site is not physically suitable for the type and intensity of land use proposed as the applicant has requested multiple Waivers in conjunction with the Site Development Plan Review (SDR-32555) and a Variance (VAR-32553) which proposes reductions in the building setbacks and lot coverage that exceeds the maximum allowed.

**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 to the site is provided by Smoke Ranch Road, a 100-foot Primary Arterial as designated by the Master Plan of Streets and Highways, which will provide adequate access to the subject property. The proposed Mini-Storage Facility use for the subject property will place additional 24-hour vehicular traffic on Smoke Ranch Road.

**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.**

With the approval of the General Plan Amendment (GPA-32550) to the SC (Service Commercial) land use designation and Rezoning (ZON-32551) to N-S (Neighborhood Service), the proposed Mini-Storage Facility use will be consistent with the General Plan with the approval of this Special Use Permit.

**5. The use meets all of the applicable conditions per Title 19.04.**

The proposed use conforms to the Minimum Special Use Permit Requirements for a Mini-Storage Facility use.

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**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 10

**ASSEMBLY DISTRICT** 37

**SENATE DISTRICT** 6

**NOTICES MAILED** 209

**APPROVALS** 1

**PROTESTS** 2