



AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 4, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: EOT-33095 EXTENSION OF TIME VARIANCE APPLICANT:
DON F. AHERN - OWNER: DFA, LLC**

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This Variance (VAR-13900) shall expire on January 17, 2011 unless another Extension of Time is approved by the City Council.
2. Conformance to all conditions of approval of Variance (VAR-13900) 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-13900) to allow a front yard setback of 10 feet where 20 feet is required, a corner side yard setback of 10 feet where 15 feet is required, and a rear yard setback of 11 inches where 20 feet is required on 2.61 acres at the southwest corner of Bonanza Road and Martin L. King Boulevard.

It is noted that there are four (4) related Extension of Times (EOT-33091, EOT-33092, EOT-33093, and EOT-33096) that will be heard concurrently with this application.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/05/90	The City Council approved a request for Rezoning (Z-0086-90) from R-E (Residence Estates) to C-2 (General Commercial) for a proposed Used Car Sales Facility on property located on the southwest corner of Martin L. King Boulevard and Bonanza Road. The Planning Commission recommended approval on 08/09/90.
07/03/91	The City Council approved a request for a Plot Plan Review (Z-0086-90) for a Temporary Trailer for a Used Car Sales Lot on the southwest corner of Bonanza Road and Martin L. King Boulevard. The Planning Commission recommended approval on 05/28/91.
10/05/94	The City Council approved a request for Rezoning (Z-0100-94) from R-E (Residence Estates) to C-2 (General Commercial) for a proposed 42,000 square-foot Retail Shopping Center on property located at the southwest corner of Bonanza Road and Martin L. King Boulevard. The Planning Commission recommended approval on 09/08/94.
01/18/95	The City Council denied a request for a Variance (V-0176-94) to allow a proposed Off-Premise Sign (Billboard) to be 600 feet from an existing Off-Premise Sign (Billboard) at 525 N. Martin L. King Boulevard. The Board of Zoning Adjustment recommended denial on 12/27/94.
03/07/01	The City Council approved a request for a Rezoning (Z-0118-00) from R-E (Residence Estates) to C-1 (Limited Commercial) for a proposed Parking Lot on 1.53 acres at 525 N. Martin L. King Boulevard. The Planning Commission recommended approval on 01/25/01.
08/23/03	A Code Enforcement case (2025) was processed for weeds, trash, broken bottles, and the fencing down in several locations surrounding the property at 1505 West Bonanza Road. The case was closed on 09/04/03.

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 located within the proposed Las Vegas Redevelopment Plan area and within the proposed Redevelopment Plan Expansion Area. The Planning Commission recommended approval on 04/13/06.
01/11/07	The Planning Commission approved a request for a Variance (VAR-18250) to allow a proposed building to be five feet from the corner side property line where 15 feet is the minimum setback required on 2.61 acres at the southwest corner of Bonanza Road and Martin L. King Boulevard.
01/17/07	The City Council approved a request for Rezoning (ZON-13896) from R-E (Residence Estates) to C-2 (General Commercial) on 2.61 acres at the southwest corner of Bonanza Road and Martin L. King Boulevard. The Planning Commission recommended approval on 10/05/06.
01/17/07	The City Council approved a request for a Variance (VAR-13900) to allow a front yard setback of 10 feet where 20 feet is required, a corner side yard setback of 10 feet where 15 feet is required, and a rear yard setback of 11 inches where 20 feet is required on 2.61 acres at the southwest corner of Bonanza Road and Martin L. King Boulevard. The Planning Commission recommended approval on 10/05/06.
01/17/07	The City Council accepted the applicants request to Withdraw Without Prejudice a request for a Special Use Permit (SUP-13902) for a proposed helipad and a waiver to allow a helipad as an accessory use to a facility other than a hospital, medical facility, or medical office on 2.61 acres at the southwest corner of Bonanza Road and Martin L. King Boulevard. The Planning Commission recommended denial on 10/05/06.
01/17/07	The City Council approved a request for a Special Use Permit (SUP-13903) for a proposed 274-foot tall building in the North Las Vegas Airport Overlay District on 2.61 acres at the southwest corner of Bonanza Road and Martin L. King Boulevard. The Planning Commission recommended approval on 10/05/06.
01/17/07	The City Council approved a request for a Site Development Plan Review (SDR-13904) for a commercial development consisting of a 3,000 square-foot, a 1,500 square-foot, and a 4,500 square-foot retail pad; a 20-story building consisting of 3,700 square feet of restaurant space, 10,000 square feet of retail space, 150,000 square feet of office space, and 4,500 square feet for a child care facility; and a waiver of the perimeter landscaping requirements on 2.61 acres at the southwest corner of Bonanza Road and Martin L. King Boulevard. The Planning Commission recommended approval on 10/05/06.
02/12/08	A Code Enforcement case (62238) was processed for illegal storage at 525 North Martin L. King Boulevard. The case was closed on 03/07/08.

02/28/08	The Planning Commission approved a request for a Review of Condition (ROC -26778) to modify Condition Number 15 of an approved Site Development Plan Review (SDR-13904), which stated on-site Off-Premise Signs (Billboards) shall be removed prior to the issuance of building permits on 2.61 acres at the southwest corner of Bonanza Road and Martin L. King Boulevard.
04/01/08	A Temporary Commercial Permit (TCP-27084) was issued for a Temporary Storage Yard in conjunction with an existing Rental Store at 1505 W. Bonanza Road from 04/01/08 through 10/01/09. Storage yard will contain rental equipment and storage containers.
05/07/08	The City Council approved a request for a Site Development Plan Review (SDR-26639) for a proposed 20-foot by 60-foot Off-Premise Digital Sign (Billboard) flush with the wall of the parking structure at the southwest corner of Bonanza Road and Martin L. King Boulevard. The Planning Commission recommended approval on 02/28/08.
05/07/08	The City Council approved a request for a Variance (VAR-26447) to allow a 1,200 square-foot Off-Premise Digital Sign (Billboard) flush with the wall of the parking structure where 672 square feet is permitted; and to allow the Off-Premise Digital Sign (Billboard) to be erected 58 feet above the elevation of the freeway where 30 feet is the maximum allowed on 2.61 acres at the southwest corner of Bonanza Road and Martin L. King Boulevard. The City Council limited the sign size to 672 square feet. The Planning Commission recommended approval on 02/28/08.
<i>Related Building Permits/Business Licenses</i>	
05/01/89	A building permit (89023345) was issued to update the service to a billboard sign at 1505 West Bonanza Road. The permit was finalized on 05/04/89.
04/24/97	A building permit (97008348) was issued to replace service pole on a sign at 1531 West Bonanza Road. The permit was finalized on 05/07/97.
12/07/07	A building permit (103551) was issued to take down a back-to-back poster panel on a billboard sign at 525 North Martin L. King Boulevard. The permit was finalized on 10/17/08.
There are no current business licenses issued for the subject parcel.	
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required for this type of application, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of application, nor was one held.	
<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	2.61

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Temporary Storage Yard	C (Commercial)	R-E (Residence Estates) with a Resolution of Intent to C-2 (General Commercial)
North	Retail Establishment	C (Commercial)	C-1 (Limited Commercial)
South	US-95	ROW (Right-of-Way)	ROW (Right-of-Way)
East	Warehouse/Office	LI/R (Light Research/Industry)	M (Industrial)
West	Offices/Retail Establishment	LI/R (Light Research/Industry)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan	X		Y
Las Vegas Redevelopment 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		N*
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 City Council approved a request for a Special Use Permit (SUP-13903) for a proposed 274-foot tall building in the North Las Vegas Airport Overlay District on 2.61 acres at the southwest corner of Bonanza Road and Martin L. King Boulevard.

ANALYSIS

This is the first request for an extension of time for the proposed project. Title 19.18.070 deems a Variance 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. The applicant has not made any progress on the project in the form of permits or licenses.

FINDINGS

The applicant has not shown any progress on the proposed project since construction has not yet begun. The requirements to exercise the Variance (VAR-13900) have not been met as outlined in Title 19.18.070. Staff recommends approval of this request with a two-year time limit. Conformance to the conditions of approval of Variance (VAR-13900) shall be required.

<u>NEIGHBORHOOD ASSOCIATIONS NOTIFIED</u>	N/A
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<u>ASSEMBLY DISTRICT</u>	N/A
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<u>SENATE DISTRICT</u>	N/A
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<u>NOTICES MAILED</u>	N/A
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<u>APPROVALS</u>	0
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<u>PROTESTS</u>	0
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