



AGENDA MEMO

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: EOT-34971 - APPLICANT: AHERN RENTALS - OWNER: DFA, LLC

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

- 1.This Variance (VAR-22723) shall expire on July 12, 2011 unless another Extension of Time is approved by the City Council.
- 2.Conformance to all conditions of approval of Variance (VAR-22723) and all other related actions required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site contains several offices, apartments and ancillary uses with a previously approved 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. Since the original approval, five building permits were applied for on August 13, 2008 (#121846, 121847, 121848, 121850 and 121851); no Building Permits have been issued, as they are still under review. Staff has no objection to the request and is therefore recommending approval of the request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
07/21/71	The Board of City Commissioners approved a Rezoning (Z-0039-71) from R-E (Residence Estates) to R-3 (Medium Density Residential) on property generally located on the north side of Bonanza Road between Clarkway Drive and Sunny Place.
09/28/71	The Planning Commission approved a Plot Plan Review [Z-0039-71(1)] for a proposed two-story 24-unit apartment development at 1804 West Bonanza Road.
06/15/94	The City Council approved a Rezoning (Z-0043-94) from R-E (Residence Estates) to C-1 (Limited Commercial) at 1724 West Bonanza Road. The approval expired 06/15/96.
01/27/98	A deed was recorded for a change of ownership for APN 139-28-302-034.
12/21/98	The City Council approved a General Plan Amendment (GPA-0014-98) from M (Medium Density Residential) to SC (Service Commercial) and a request for Rezoning (Z-0026-98) from R-E (Residence Estates) to C-1 (Limited Commercial) on 1.0 acre at the northeast corner of Bonanza Road and Clarkway Drive. The Resolution of Intent did not have an expiration date.
05/21/03	The City Council approved requests for a General Plan Amendment (GPA-1989) from M (Medium Density Residential) and SC (Service Commercial) to SC (Service Commercial); Rezoning (ZON-1992) from R-3 (Medium Density Residential) to C-1 (Limited Commercial) and Site Development Plan Review (SDR-1991) for a proposed 5,255 square-foot office development on 0.57 acres at 1722 West Bonanza Road. The offices were to be converted from two existing apartment buildings. The Planning Commission and staff recommended approval.
01/29/04	A Code Enforcement citation (#9287) was issued for outside storage at 1812 West Bonanza Road.

01/18/06	The City Council approved a Rezoning (ZON-9925) of property on the south side of Bonanza abutting the current Ahern property from C-2 (General Commercial) and R-E (Residence Estates) to C-M (Commercial/Industrial. The Planning Commission and staff recommended approval.
02/24/06	A Code Enforcement citation (#38662) was issued for a parking lot at 612 Clarkway Drive. Code Enforcement closed the case on 06/19/06.
03/14/06	A Code Enforcement citation (#39207) was issued for a review of violations at 1726 West Bonanza Road. Code Enforcement closed the case on 05/01/06.
03/14/06	A Code Enforcement citation (#39206) was issued for a review of violations at 1804 West Bonanza Road. Code Enforcement closed the case on 10/15/06.
03/14/06	A Code Enforcement citation (#39205) was issued for a review of violations at 1824 West Bonanza Road. Code Enforcement closed the case on 10/15/06.
03/24/06	A Code Enforcement citation (#39562) was issued for paved property and a portable toilet being used by employees at 1724 West Bonanza Road. Code Enforcement closed the case on 06/05/06.
03/24/06	A Code Enforcement citation (#39563) was issued for paved property at 1816 West Bonanza Road. The issue was resolved on 10/15/06.
03/24/06	A Code Enforcement citation (#103189) was issued for a paved parking lot and an illegal business use at 1812 West Bonanza Road. The issue was resolved on 11/18/06.
04/05/06	The City Council approved 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.
04/24/06	The Code Enforcement Division of the Neighborhood Services Department issued to the applicant a Notice and Order to Comply with Municipal Code. Violations included employee parking on R-E and R-3 zoned property, portable toilet onsite, vacant R-3 zoned property has piles of refuse, waste, asphalt and dirt, and R-E (Residence Estates) property being used as commercial storage yard.
05/17/06	The City Council approved a revision (GPA-9219) to the land use map of the Downtown Redevelopment Area and an ordinance (Ord. #5830) adopting the amended plan. The amended plan includes all parcels within the subject site.
05/25/06	The Planning Commission approved the appeal (DIR-11779) of the Director's decision to deny a Temporary Commercial Permit per Title 19.18.100.D that would allow a Temporary Contractor's Construction Yard on 15.54 acres adjacent to the north side of Bonanza Road, approximately 460 feet east of Clarkway Drive. The Temporary Commercial Permit was not to exceed six months from the date of approval.
07/24/06	A Code Enforcement citation (#44793) was issued for a violation of conditions. Code Enforcement closed the case on 10/15/06.
07/24/06	A Code Enforcement citation (#44795) was issued for a violation of conditions. Code Enforcement closed the case on 10/18/06.

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, a Rezoning (ZON-13837) request 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), a Variance (VAR-14320) to allow a setback of 73 feet 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, a Variance (VAR-16049) to allow a proposed 10-foot high block wall where eight feet is the maximum allowed, and three Special Use Permits (SUP-13836, SUP-14324, SUP-14329) for a rental store with outside storage, for a truck rental establishment, and an auto repair garage, major on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. Planning Commission and staff recommended approval.
07/12/07	The Planning Commission approved a request for a request for a Major Amendment (SDR-22206) to a Site Development Plan Review (SDR-13833) for a Commercial Development of 30,000 square feet of Hardware Store, 30,000 square feet of Office space, 40,000 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 where 15 feet is required along the south property line and 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. Staff recommended approval of the Site Development Plan Review and denial of the Variance.
03/17/08	A Code Enforcement citation (#63479) was issued for sewage coming out of a bathtub at 1804 West Bonanza. The issue was resolved on 04/01/08.
08/13/09	The Planning Commission recommended approval of companion item EOT-34972 concurrently with this application. The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #6/bts).

<i>Related Building Permits/Business Licenses</i>	
08/19/05	A Building Permit (#49300) was issued for a demolition permit at 1816 West Bonanza Road. The permit has since expired.
04/17/06	A Business License (#A07-00648) was issued for an Apartment House at 1804 West Bonanza Road. The license is currently active.
08/15/06	A Building Permit (#71003) was issued for grading at 1798 West Bonanza Road. The permit was finalized on 08/15/06.
01/09/07	A Building Permit (#79433) was issued for fencing at 1808 West Bonanza Road. The permit has since expired.
01/22/07	A Business License (#L33-00898) was issued for a Lawn and Landscape Maintenance business at 1804 West Bonanza Road. The license is currently active.
06/22/07	A Building Permit (#92357) was issued for an eight-foot block wall at 1798 West Bonanza Road. The permit was finalized on 11/30/07.
09/21/07	A Building Permit (#98452) was issued for a demolition permit at 1808 West Bonanza Road.
11/30/07	A Building Permit (#103181) was issued for a demolition permit at 1816 West Bonanza Road.
11/30/07	A Building Permit (#103189) was issued for a demolition permit at 1812 West Bonanza.
08/13/08	Building Permits (#'s: 121846, 121847, 121848 121850 and 121851) were issued for buildings one, two, on-sites, trash enclosures and grading for APN 139-28-302-034. No Building Permits have been issued as they are still under review.
<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>Field Check</i>	
07/09/09	A field check was completed on the subject site on the indicated date. The following items were indicated by Planning and Development Department staff: • The existing business operated by the Ahern Companies. • No additional changes have occurred on-site since the approved Site Development Plan Review (SDR-22206)

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	20.53 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped, Apartments and Contractors Construction Yard	C (Commercial) and MXU (Mixed Use)	R-E (Residence- Estates), R-3 (Medium Density Residential) and C-1 (Limited Commercial) Zone under Resolution of Intent to C-2 (General Commercial)
North	Single-Family Residential	R (Rural Density Residential)	R-E (Residence Estates)
South	Equipment Rental Store	LI/R (Light Industrial/Research)	C-M (Commercial/Industrial)
East	Condominiums and Single-Family Residential	MXU (Mixed Use)	R-E (Residence Estates) and R-3 (Medium Density Residential)
West	Single-Family Residential	MXU (Mixed Use)	R-E (Residence Estates)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
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			
A-O Airport Overlay District	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

ANALYSIS

This is the first request for an Extension of Time of a previously approved 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. Title 19.18.050 deems a Site Development Plan Review exercised upon the issuance of a building permit for the principle structure on-site, unless otherwise specified in connection with its approval.

FINDINGS

The Variance (VAR-22723) has not met the requirements outlined in Title 19.18.050, since no permits have been issued for the proposed wall. No new development or changes in land use in the surrounding areas have occurred, but there has since been one Code Enforcement violation cited for the subject property. The applicant is requesting a two year Extension of Time, since they have not progressed to a stage in the project to obtain final building permits. Conformance to the conditions of approval of Variance (VAR-22723) shall be required. Staff recommends approval of this request with a two-year time limit.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 22

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0