



AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 16, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

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

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
EOT-38130	Staff recommends APPROVAL, subject to conditions:	None

** CONDITIONS **

EOT-38130 CONDITIONS

Planning and Development

1. This Variance (VAR-26447) shall expire on May 7, 2012 unless another Extension of Time is approved by the City Council.
2. Conformance to the conditions of approval of the Variance (VAR-26447) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site is currently being used as an equipment storage facility with previous approvals for a proposed commercial development and a Variance (VAR-26447) to allow a 672 square-foot Off-Premise Digital (Billboard) Sign to be erected 58 feet above the elevation of the freeway where 30 feet is the maximum allowed at 525 North Martin L. King Boulevard. No plans have been submitted for review nor have any building permits been issued for the proposed project. There have been new entitlements in the surrounding areas that include a commercial development with a retail store with outside storage to the northwest; and light manufacturing/assembly/fabrication and auto repair garage, major to the west. The applicant is requesting an extension of time as they have not progressed to a point to begin construction. Staff has no objection to this request. If denied, the Variance would be allowed to expire.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
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.
	The City Council approved a related request for a Special Use Permit (SUP-13903) for a proposed 274-foot tall building in the North Las Vegas Airport Overlay District.
	The City Council approved a related 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.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
	The City Council approved a related request for a Site Development Plan Review (SDR-13904) for a commercial development consisting of a 3,000 square-foot, 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 a 4,500 square-foot child care facility; and a waiver of the perimeter landscaping requirement.
02/28/08	The Planning Commission approved a request for a Review of Condition (ROC-26778) to modify Condition Number 15 of a previously approved Site Development Plan Review (SDR-13904), which stated on-site Off-Premise Advertising (Billboard) Signs shall be removed prior to the issuance of building permits at the southwest corner of Bonanza Road and Martin L. King Boulevard.
05/07/08	The City Council approved a request for a Variance (VAR-26447) to allow a 1,200 square-foot Off-Premise Digital (Billboard) sign flush with the wall of the parking structure where 672 square feet is permitted and to allow the Off-Premise Digital Sign to be erected 58 feet above the elevation of the freeway where 30 feet above the elevation of the freeway is the maximum allowed at the southwest corner of Bonanza Road and Martin L. King Boulevard. The Planning Commission recommended approval on 02/28/00. <i>NOTE: The City Council restricted the size of the billboard to 672 square feet.</i>
	The City Council approved a related request for a Site Development Plan Review (SDR-26639) for a proposed 20-foot by 60-foot Off-Premise Digital (Billboard) Sign flush with the wall of the parking structure. <i>NOTE: The City Council approved the sign to be a maximum of 672 square feet.</i>
03/04/09	The City Council approved a request for an Extension of Time (EOT-33091) of a previously approved Rezoning (ZON-13896) from R-E (Residence Estates) to C-2 (General Commercial) at the southwest corner of Bonanza Road and Martin L. King Boulevard.
	The City Council approved a related request for an Extension of Time (EOT-33092) of a previously approved Special Use Permit (SUP-13903) for a proposed 274 foot tall building in the North Las Vegas Airport Overlay District.
	The City Council approved a related request for an Extension of Time (EOT-33095) of a previously 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.
	The City Council approved a related request for an Extension of Time (EOT-33093) of a previously approved 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.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
	The City Council approved a related request for an Extension of Time (EOT-33096) of a previously approved 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 a 4,500 square-foot child care facility; and a waiver of the perimeter landscaping requirements.

<i>Related Building Permits/Business Licenses</i>	
12/07/07	A building permit (103551) was issued to remove an existing billboard at 525 North Martin L. King Boulevard. The permit was finalized on 10/17/08.
08/04/09	A building permit (142283) was issued to rebuilding a billboard at 525 North Martin L. King Boulevard. The permit was finalized on 02/09/10.
11/20/09	A building permit (151448) was issued to install electricity to a billboard at 525 North Martin L. King Boulevard. The permit was finalized on 12/14/09.

<i>Pre-Application Meeting</i>
A pre-application meeting was not required, nor was one held.

<i>Neighborhood Meeting</i>
A neighborhood meeting was not required, nor was one held.

<i>Field Check</i>	
05/18/10	Staff conducted a field check of the subject site with the following observations: • The site is being used as a heavy equipment storage facility with pieces of equipment on the lot. • There are two separate Off-Premise Signs on the property. The sign faces on the billboard located on Bonanza Road were in good condition, but the frame could use a painting. The sign facing southbound located on Martin L. King Boulevard was shredded and needs to be replaced. • The overall site was clean and free of trash/debris.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	2.61

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Equipment Storage-proposed commercial center	C (Commercial)	C-2 (General Commercial)
North	Retail Establishment and Car Wash	C (Commercial)	C-1 (Limited Commercial)
South	Right-of-Way (ROW)- 95 Freeway	ROW (Right-of-Way)	ROW (Right-of-Way)
East	Warehouse and Retail Establishment	LI/R (Light Industry/Research)	M (Industrial)
West	Warehouse, Parking, and Storage	LI/R (Light Industry/Research)	C-M (Commercial/Industrial)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area			
West Las Vegas Plan	X		Y
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (140 feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area	X		Y
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-26447) to allow a 672 square-foot Off-Premise Digital Billboard Sign to be erected 58 feet above the elevation of the freeway where 30 feet is the maximum allowed at 525 North Martin L. King Boulevard. No plans have been submitted for review nor have any building permits been issued for the proposed project. There have been new entitlements in the surrounding areas that include a commercial development with a retail store with outside storage to the northwest; and light manufacturing/assembly/fabrication and auto repair garage, major to the west. Staff conducted a field check of the subject site on 5/18/10 and found heavy equipment being storage, along with two billboard signs located on the property. The site was clean and free of trash and debris.

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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.

FINDINGS

The Variance (VAR-26447) has not met the requirements outlined in Title 19.18.070 to exercise the entitlement as a permit has not yet been issued for the proposed use. The applicant is requesting an extension of time as they have not progressed to a stage in the project to begin construction. Staff is recommending approval of this request with a two-year time limit. Conformance to the conditions of approval of the Variance (VAR-26447) shall be required.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0