



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: APRIL 6, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: SEQUOIA ELECTRIC - OWNER: SAGEBRUSH
PROPERTY VENTURES, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE MARCH 16, 2011 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
GPA-39489	Staff recommends DENIAL.	
ZON-39490	Staff recommends DENIAL.	GPA-39489
VAR-39492	Staff recommends DENIAL, if approved subject to conditions:	GPA-39489 ZON-39490
SDR-39491	Staff recommends DENIAL, if approved subject to conditions:	GPA-39489 ZON-39490 VAR-39492

** CONDITIONS **

VAR-39492 CONDITIONS

Planning and Development

1. Approval of General Plan Amendment (GPA-39489) and Rezoning (ZON-39490), and conformance to the Conditions of Approval for Site Development Plan Review (SDR-39491) shall be required, if approved.
2. Conformance to the approved conditions for Rezoning (ZON-1112).
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for new construction. An Extension of Time may be filed for consideration by the City of Las Vegas.

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4. Prior to occupancy, all necessary building permits for all structures shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SDR-39491 CONDITIONS

Planning and Development

1. Approval of General Plan Amendment (GPA-39489) and Rezoning (ZON-39490), and conformance to the Conditions of Approval for Variance (VAR-39492) shall be required, if approved.
2. 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.
3. All development shall be in conformance with the site plan and landscape plan stamped 10/01/10, and building elevations, date stamped 09/24/10, except as amended by conditions herein.
4. A Waiver from Title 19.12.040 is hereby approved, to allow a seven-foot landscape buffer along a portion of the south perimeter where eight feet is required.
5. An Exception from Title 19.10.010 is hereby approved, to allow eight parking lot trees where 14 are required.
6. The outdoor storage area shall be screened from view from Rainbow Boulevard by a screening device of at least eight feet in height. Outdoor storage of equipment for rent shall not occur in required parking spaces or landscape buffer zones.
7. Business hours shall be 6:30 a.m. to 6:30 p.m., Monday through Friday.
8. No equipment in its stored position shall be taller than 14 feet in height.

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9. Any changes based upon right-of-way, traffic or drainage studies or street improvements required by the city or public utilities shall not reduce the widths of perimeter landscape buffers, height of walls or quantities of plant materials from that on submitted landscape plans date stamped 10/01/10. Any changes based upon subsequently submitted studies must be accommodated elsewhere on the site.
10. Prior to occupancy, all necessary building permits for all structures shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
11. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
12. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to the time application is made for a building permit, to indicate capping of the gap between the rear walls of the proposed building and the existing building located on the east property line of APN 138-03-602-012. The gap shall not exceed eight inches pursuant to Title 19.12.075.
13. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
14. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
15. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
16. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
17. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
18. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

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19. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
20. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

21. Remove all substandard sidewalk and sidewalk ramp improvements adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.
22. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
23. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing final grade elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site contains an existing 4,011 square-foot office building and parking on 1.21 acres at 4485 North Rainbow Boulevard. The applicant proposes to construct a 9,000 square-foot Heavy Machinery and Equipment (Rental, Sales and Service) building at the rear of the property. The building design requires variances of side and rear yard setbacks, and the parking lot design requires an exception of landscaping requirements. In order to allow the proposed use on this site, a General Plan Amendment to change the land use designation from SC (Service Commercial) to LI/R (Light Industry/Research) and a Rezoning from C-1 (Limited Commercial) to C-M (Commercial/Industrial) are required. The uses and zoning districts that would be allowed by the proposed land use amendment and rezoning would not be compatible with surrounding land uses and districts; staff therefore recommends denial of the General Plan Amendment and Rezoning. The Variance request is self-imposed and the alleged hardship is not due to the physical characteristics of the property; staff therefore recommends denial. As the proposed changes to the site require a variance, and the proposed use requires changes in land use and zoning designations that staff cannot support, staff also recommends denial of the Site Development Plan Review. If these requests are denied, the site shall remain as it is. A future Site Development Plan Review would be required for further site development.

ISSUES

- A Variance is required prior to approval of a Site Development Plan Review to allow a zero-foot side yard setback along the north property line where 10 feet is required and a zero-foot rear yard setback where 20 feet is required.
- A Waiver of Title 19.12.040 is required to allow a seven-foot perimeter landscape buffer along a portion of the south property line where eight feet is required. The waiver is requested to allow for a sidewalk that encroaches into the proposed south landscape buffer. Staff recommends approval of this waiver.
- All previous Site Development Plan Review and Special Use Permit approvals on the site have expired.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
08/11/97	The City Council approved a Rezoning (Z-0011-97) from N-U (Non-Urban) to C-1 (Limited Commercial) of approximately 2.63 acres generally located north of Craig Road, east of the Oran K. Gragson Highway, west of the subject site. The Rezoning included approval of a Plot Plan and Special Use Permit for a 64,953 square-foot expansion of an existing 77,400 square-foot mini-warehouse facility. The Planning Commission and staff recommended approval.
01/11/99	The City Council approved the Annexation (A-0013-98) of approximately 1.43 gross acres located at 4485 North Rainbow Boulevard into the City of Las Vegas. The Planning Commission and staff recommended approval. The annexation became effective on 01/22/99.
07/12/99	The City Council approved a Rezoning (Z-0029-99) from R-E (Residence Estates) to C-1 (Limited Commercial) on 1.22 acres at 4485 North Rainbow Boulevard. The Planning Commission and staff recommended approval. The Resolution of Intent expired on 07/12/00.
12/18/02	The City Council approved a Rezoning (ZON-1112) from R-E (Residence Estates) to C-1 (Limited Commercial) on 1.22 acres at 4485 North Rainbow Boulevard. The Planning Commission and staff recommended approval.
02/04/04	The City Council approved Ordinance #5668, which amended the Official Zoning Map to change the zoning on the subject site from R-E (Residence Estates) to C-1 (Limited Commercial).
01/19/05	The City Council approved a Special Use Permit (SUP-5554) for a proposed Auto Detail Facility at 4485 North Rainbow Boulevard. The Planning Commission and staff recommended approval.
	The City Council approved a related Site Development Plan Review (SDR-5553) for a proposed 2,220 square-foot Auto Detail Facility and waivers of parking lot, perimeter and foundation landscaping standards on 1.21 acres at 4485 North Rainbow Boulevard. The Planning Commission and staff recommended approval.
02/22/07	The Planning Commission approved a Major Amendment (SDR-19122) of a previously approved Site Development Plan Review (SDR-5553) for a proposed two-story, 4,364 square-foot Auto Detail Facility at 4485 North Rainbow Boulevard. Staff recommended approval. This approval expired 02/22/09.
03/07/07	The City Council approved an Extension of Time (EOT-19400) of a previously approved Special Use Permit (SUP-5554) for a proposed Auto Detail Facility at 4485 North Rainbow Boulevard. Staff recommended approval. The approval expired 01/19/09.

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08/20/08	The City Council approved a General Plan Amendment (GPA-28388) from O (Office) to LI/R (Light Industry/Research) on 5.62 acres at 4505 and 4515 Balsam Street, 4491 North Rainbow Boulevard and 2.39 acres located 300 feet south of Red Coach Avenue on Balsam Street. The Planning Commission recommended approval. Staff recommended denial.
	The City Council approved a Rezoning (ZON-28389) from R-E (Residence Estates) and U (Undeveloped) [O (Office) General Plan Designation] to C-PB (Planned Business Park) and M (Industrial) on 5.62 acres at 4505 and 4515 Balsam Street, 4491 North Rainbow Boulevard and 2.39 acres located 300 feet south of Red Coach Avenue on Balsam Street. The Planning Commission recommended approval. Staff recommended denial.
	The City Council approved a Variance (VAR-28392) to allow a 4.62 acre C-PB (Planned Business Park) Zoning District where 20 acres is the minimum site area required and to allow a 10-foot side setback where 50 feet is required for an M (Industrial) District located adjacent to a residential district on 5.62 acres at 4505 and 4515 Balsam Street, 4491 North Rainbow Boulevard and 2.39 acres located 300 feet south of Red Coach Avenue on Balsam Street. The Planning Commission recommended approval. Staff recommended denial.
	The City Council approved a Petition to Vacate (VAC-28393) a 60-foot wide portion of Balsam Street located approximately 300 feet south of Red Coach Avenue. The Planning Commission recommended approval. Staff recommended denial.
	The City Council approved a Site Development Plan Review (SDR-28390) for a proposed 51,250 square-foot Warehouse Center with 18,100 square feet of office with waivers to allow a 10-foot landscape buffer on the eastern property line where 15 feet is required and a zero-foot landscape buffer on the western and portions of the southern property line where eight feet is required on 5.62 acres at 4505 and 4515 Balsam Street, 4491 North Rainbow Boulevard and 2.39 acres located 300 feet south of Red Coach Avenue on Balsam Street. The Planning Commission recommended approval. Staff recommended denial.
02/17/09	A Code Enforcement case (74600) was processed for storing equipment and vehicles on an unpaved lot at 4485 North Rainbow Boulevard. The case was closed by Code Enforcement on 03/04/09.
04/30/09	A Code Enforcement case (77677) was processed for storing commercial trucks and operating a business out of a temporary trailer without proper zoning approvals at 4485 North Rainbow Boulevard. The case was closed by Code Enforcement on 03/05/10.
10/21/10	The Planning Commission voted (6-0-1/rt) to recommend DENIAL of companion items GPA-39489, ZON-3990, VAR-39492 and SDR-39491 (PC Agenda Items #39-42/ss).
11/17/10	The City Council voted to hold this item in abeyance to the December 15, 2010 City Council meeting.

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12/15/10	The City Council voted to hold this item in abeyance to the March 16, 2011 City Council meeting
03/16/11	The City Council voted to hold this item in abeyance to the April 6, 2011 City Council meeting

Most Recent Change of Ownership

04/29/08	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

03/19/04	A building permit (#04006226) was issued for city design block walls at 4485 North Rainbow Boulevard. A final inspection was completed on 03/31/04.
02/14/07	A business license (A01-01335) was issued for an administrative office at 4485 North Rainbow Boulevard. The license was marked out on 11/27/07.
07/17/08	A business license (Q13-01135) was issued for a law firm at 4485 North Rainbow Boulevard. The license is still active.
08/28/08	A business license (B20-00912) was issued for a business support service (paralegal services) at 4485 North Rainbow Boulevard. The license is still active.
09/18/08	A business license (C11-07585) was issued for an electrical contractor at 4485 North Rainbow Boulevard. The license is still active.
03/24/09	A business license (C11-11397) was issued for an electrical contractor at 4485 North Rainbow Boulevard. The license is still active.
04/07/09	A building permit (137098) was issued for an interior remodel tenant improvement for certificate of occupancy at 4485 North Rainbow Boulevard. A final inspection has not yet been completed.
	A building permit (137104) was issued for non-structural demolition at 4485 North Rainbow Boulevard. A final inspection was completed on 04/16/10.
08/14/09	An application (E02-90960) for a business license for equipment rental at 4485 North Rainbow Boulevard was submitted for staff review. Staff denied the application on 08/18/09. The application was closed out on 02/10/10 at request of the applicant.
04/29/10	A building permit (161965) was issued for city design block walls and engineering to add courses to existing block walls at 4485 North Rainbow Boulevard. A final inspection was completed on 06/28/10.
06/02/10	A building permit (164257) was issued for a city design eight-foot tall block wall on the north side of the site at 4485 North Rainbow Boulevard. A final inspection was completed on 06/28/10.

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<i>Pre-Application Meeting</i>	
08/25/10	A pre-application meeting was held with the applicant, in which staff discussed preparations for submittal of General Plan Amendment, Rezoning, Variance and Site Development Plan Review applications. The following issues pertaining to the applications were discussed: • The proposed land use amendment is only compatible with the designation of the property to the north. The zoning district proposed is not compatible with the surrounding land uses and districts. • A Variance will be required to allow a zero-foot rear yard setback where 20 feet is required and a zero-foot side yard setback where 10 feet is required. • Existing and proposed fences and walls must be shown on the site plan. • If the property is rezoned as proposed, outdoor storage will be limited to the area allowed by Title 19. If rezoning is not approved, no outdoor storage will be allowed within the existing zoning district. • The existing driveway throat depth does not meet current standards. • Concerning Heavy Machinery and Equipment, only rental of equipment along with operators is proposed. The largest vehicle for rent would be a tractor trailer and flatbed.

<i>Neighborhood Meeting</i>	
09/20/10	A neighborhood meeting was held at the Santa Fe Station Casino Conference Facility at 4949 North Rancho Drive. Six members of the public, five members of the development team, three members of the City Council office staff and one staff member attended. Concerns from the public included the following: • Storage of hazardous materials • Fire access • How many heavy pieces of machinery will be stored at the site? • Truck traffic on Red Coach Avenue, Balsam Street and Rainbow Boulevard • Hours of operation • Will rental equipment be visible from the right-of-way (no cranes raised above the screen walls)? • No parking on Rainbow Boulevard • Expansion of industrial zoning and uses in the area An additional meeting will be held October 5, 2010 at 6:00 p.m. in the same location for those neighbors who attended the first meeting.

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10/05/10	A follow-up voluntary neighborhood meeting was held at the Santa Fe Station Casino Conference Facility at 4949 North Rancho Drive. Planning and Development Department staff did not attend.
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Field Check	
09/16/10	A field check was conducted on the subject site. The following items were noted: • The site contains a well maintained office building with extensive landscaping in the front yard. • Construction workers were improving the exterior of the existing building and erecting a large arched structure at the rear of the property. • The block wall along the north side of the property has been constructed at eight feet in height up to approximately 10 feet from the front of the property. • A narrow, solid wall (possible future sign) abuts the sidewalk in front of the existing building. • A banner advertising a business on the site was hung at the entrance to the existing office.

Details of Application Request	
Site Area	
Net Acres	1.21

Surrounding Property	Existing Land Use Per Title 19.04	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Office	SC (Service Commercial)	C-1 (Limited Commercial)
North	Undeveloped (Approved Warehouse and Office)	LI/R (Light Industry/Research)	C-PB (Planned Business Park)
South	Veterinary Clinic	SC (Service Commercial)	C-1 (Limited Commercial)
East	Single Family Dwelling, Detached	M (Medium Density Residential)	R-CL (Single Family Compact-Lot)
West	Mini-Warehouse	SC (Service Commercial)	C-1 (Limited Commercial)

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Master Plan Areas	Yes	No	Compliance
Master Plan Area		X	N/A
Special Purpose and Overlay Districts	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (175 Feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.04 and 19.08, the following standards apply:

Standard	Required/Allowed (C-M)	Provided	Compliance
Min. Lot Size	N/A	52,942 SF	N/A
Min. Lot Width	100 Feet	185 Feet	Y
Min. Setbacks			
• Front (east)	10 Feet	50 Feet	Y
• Side (north and south)	10 Feet	0 Feet	N
• Rear (west)	20 Feet	0 Feet	N
Min. Distance Between Buildings	10 Feet	116 Feet	Y
Max. Lot Coverage	N/A	25 %	N/A
Max. Building Height	N/A	24 Feet	N/A
Max. Accessory Outdoor Storage Area	5%	5%	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, gated, roofed	Y
Mech. Equipment	Screened	Parapet screened	Y

Pursuant to Title 19.08.060, the following residential adjacency standards apply:

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	72 Feet	315 Feet	Y
Adjacent development matching setback	10 Feet	275 Feet	Y
Trash Enclosure	50 Feet	186 Feet	Y

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<i>Existing Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
C-1	N/A	N/A
<i>Proposed Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
C-M	N/A	N/A
<i>Existing General Plan</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
SC	N/A	N/A
<i>Proposed General Plan</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
LI/R	N/A	N/A

Pursuant to Title 19.12, the following standards apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Buffer Trees:				
• North	1 Tree / 30 Linear Feet	7 Trees	9 Trees	Y
• South	1 Tree / 30 Linear Feet	9 Trees	11 Trees	Y
• East	1 Tree / 20 Linear Feet	7 Trees	14 Trees	Y
• West	1 Tree / 30 Linear Feet	0 Trees	0 Trees	N*
TOTAL PERIMETER TREES		23 Trees	34 Trees	Y
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	14 Trees	8 Trees	N
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	8 Feet		0 Feet	N*
• South	8 Feet		7 Feet	N
• East	15 Feet		30 Feet	Y
• West	8 Feet		0 Feet	N*
Wall Height	6 to 8 Feet Adjacent to Residential		8 Feet along north and south PL 12 Feet existing along west PL	Y

*A Waiver is not required along the north and west perimeter, as the applicant is requesting a variance to allow zero-foot building setbacks along the north and west property lines. No trees are required in the areas where the building is proposed.

<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Street Width (Feet)</i>	<i>Compliance with Street Section</i>
<i>Rainbow Boulevard – Secondary Collector</i>	Master Plan of Streets and Highways	80	N

Pursuant to Title 19.04 and 19.10, the following parking standards apply:

<i>Parking Requirement</i>							
<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	
Office, Other Than Listed	4,011 SF	1 space/300 SF GFA	14		14		Y
Heavy Machinery and Equipment (Rental, Sales and Service)	9,000 SF	1 space/250 SF GFA	36		36		Y
TOTAL SPACES REQUIRED			50		50		Y
Regular and Handicap Spaces Required			48	2	48	2	Y

<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
<u>Title 19.12.040(A) Perimeter Landscape Buffer</u> : 8-foot landscape buffer along interior lot lines	7 feet along a portion of the south perimeter	Approval

<i>Exceptions</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
<u>Title 19.10.010(J)(11) Parking Lot Design</u> : 14 parking lot trees	8 parking lot trees	Approval

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ANALYSIS

The subject site was previously located within unincorporated Clark County and was originally zoned for low density single-family residential uses. After annexation into the city in 1999, the site was rezoned to C-1 (Limited Commercial) and the existing residence was converted to a commercial office without finalized building permits. All previous site review and Special Use permit approvals have expired. At that time, growth factors indicated that rezoning to C-1 was appropriate for this site, as the area between U.S. 95 and Rainbow Boulevard was already mostly commercial and no longer attractive for low density residential development. Since then, the area has not significantly changed with respect to land development. This area remains predominantly commercial, with the exception of the property to the north, which was recently rezoned C-PB (Planned Business Park) to accommodate a proposed office and warehouse complex. Staff did not support the required entitlement requests for the change in land use, zoning and site development, as they were deemed not to be compatible with existing land uses and districts in the area. If approved, the proposed General Plan Amendment would allow zoning for any type of commercial use, which would include (for example) emergency ambulance services, construction material supply yards, major auto repair, heavy manufacturing, salvage yards, sexually oriented businesses and other intense uses. The proposed C-M (Commercial/Industrial) District would allow most of these uses as of right, which would not be compatible with the existing uses to the west and south, nor would they be compatible with single-family residential uses to the east. Staff therefore recommends denial of the General Plan Amendment and Rezoning requests, and subsequently, the requests for a setback Variance and Site Development Plan Review for the specific office and equipment rental building development.

The site plan indicates that the proposed 9,000 square-foot Heavy Machinery and Equipment (Rental, Sales and Service) building would be located at the rear of the property along the north and west property lines, mostly out of view from the adjacent right-of-way and as far as possible from neighboring residential uses. This location represents a 100 percent deviation from the required setback along both the west and north property lines. The building would abut an existing 12-foot tall mini-warehouse building along a majority of the west property line. The setback Variance required for approval of this site design is self-imposed by the applicant, and in no way has been prompted by the shape or physical constraints of the property; staff therefore recommends denial.

The proposed 24-foot tall building will be oriented toward the front of the property. Six bays with 14-foot tall roll-up doors are shown on the east elevation. Only one window will be provided, as the function of the building is for rental and maintenance of heavy machinery and related equipment, and the building will back up to an existing mini-warehouse building. The subject building has been designed to meet Title 19.08.050 Commercial Development Standards by providing relief and variation in materials and color to mitigate the negative effect of long and high walls. If approved, a condition of approval has been added to require the use of materials to cap any gaps between the rear exterior wall of the proposed building and the existing wall of the mini-warehouse building that could cause a safety issue or trap debris.

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The development as designed does not meet Title 19.12 perimeter buffer width requirements along the north south and west property lines. A Waiver is required along the south perimeter to allow a required building exiting sidewalk to encroach one foot into the required eight-foot wide landscape buffer. As there would be no impact to the neighboring property, staff can support this waiver. No waivers are required for elimination of the required buffer areas where the proposed 9,000 square-foot building is to be located, as approval of a Variance to allow a zero-foot setback along the north and west property lines would legally allow the building to take the place of a landscape buffer. The proposed landscaping materials and buffers along the other edges of the site generally comply with Title 19 standards. Per Title 19.10, 24-inch box deciduous or evergreen trees are required at the ends of each parking row, and also in interior islands for each six parking spaces. Trees are provided at the end of each parking row, but no islands have been provided. Eleven additional trees are proposed within the perimeter planters to compensate for the deficiency in parking lot trees. Staff recommends approval of the associated exception, if the Site Development Plan Review is approved.

The site plan indicates that the number of parking spaces required by Title 19.04 and 19.10 for the existing and proposed uses on the site will be provided. Compact spaces are proposed along the north perimeter of the site; these constitute approximately 28 percent of the total.

An area along the southeast portion of the site is designated for outside storage. Per Title 19.04, Outside Storage, Accessory is a permitted use within the C-M District as long as no more than five percent of the lot area is used for storage, the area is screened from view of a public street by an eight-foot screening device and storage does not occur within required buffers or setback yards. The site plan indicates that the storage area represents approximately five percent of the total lot area. The plan shows that an existing six-foot wall along the south side of the storage area will be increased to eight feet in height to screen the area from view from Rainbow Boulevard. The storage area would not be located within any landscape buffer areas or setback yards. At no time is any equipment to be stored in an area designated for parking, as those spaces are required for the uses on the site.

There are no adopted plans for this area that would affect this site. Structures on this site are subject to a 175-foot height limit by North Las Vegas Airport Overlay requirements. The tallest proposed structure is 24 feet in height.

FINDINGS (GPA-39489)

Section 19.18.030(I) of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

- 1. The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,**

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The property to the north of the subject site is designated LI/R (Light Industry/Research) and is approved for a warehouse and office complex. However, the predominant pattern of development in this area indicates that the subject site is more appropriate for commercial rather than the more intense industrial uses that are possible through the proposed LI/R category.

2.The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,

The proposed LI/R (Light Industry/Research) is the most intense commercial land use category and allows all commercial and industrial zoning districts. Industrial zoning districts are inappropriate and incompatible with the existing adjacent C-1 (Limited Commercial) properties to the south and west and with R-CL (Single Family Compact-Lot) zoned properties to the west of Rainbow Boulevard. A potential M (Industrial) District on this site would not be compatible with the existing C-PB (Planned Business Park) District to the north of this site.

3.There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and

The facilities currently in place are adequate to serve potential uses within the proposed LI/R (Light Industry/Research) land use designation.

4.The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.

There are no adopted plans for this area that would affect this site. Structures on this site are subject to a 175-foot height limit by North Las Vegas Airport Overlay requirements.

FINDINGS (ZON-39490)

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1.The proposal conforms to the General Plan.

With approval of the associated General Plan Amendment to LI/R (Light Industry/Research), the proposed rezoning to the C-M (Commercial/Industrial) District will conform to the General Plan for this site.

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2.The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.

The proposed Heavy Machinery and Equipment (Rental, Sales and Service) use and other uses allowed by the C-M (Commercial/Industrial) District will not be compatible with existing residential uses to the east of the subject site and the limited commercial uses to the south and west of the subject site.

3.Growth and development factors in the community indicate the need for or appropriateness of the rezoning.

There are no indicators that suggest that rezoning to C-M (Commercial/Industrial) is appropriate for this site. The area has not changed from the predominantly commercial development pattern along the east side of U.S. 95.

4.Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.

Access to the site is provided by Rainbow Boulevard, a 90-foot wide Secondary Arterial. These facilities will be adequate to meet the requirements of the proposed C-M (Commercial/Industrial) District.

FINDINGS (VAR-39492)

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

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No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing a building that does not meet the setbacks prescribed by the C-M (Commercial/Industrial) zoning district. Redesign of the proposed building to increase the setbacks would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

FINDINGS (SDR-39491)

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. The proposed development is compatible with adjacent development and development in the area;

The proposed development requires amendments to be made to the existing land use and zoning designations for the subject site that are not compatible with neighboring development and also requires a variance from Title 19 setback requirements. Therefore, the proposed development is not compatible with adjacent development.

2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;

The proposed Heavy Machinery and Equipment (Rental, Sales and Service) development is consistent with Title 19 Commercial Development Standards and parking standards; however, the development does not meet Title 19.12 perimeter buffer requirements, 19.10 parking lot landscaping requirements and Title 19.08 setback standards for the C-M (Commercial/Industrial) District.

3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;

Access to the site is provided by Rainbow Boulevard, a 90-foot wide Secondary Arterial. Rainbow Boulevard may be impeded by truck traffic entering or exiting the site.

4. Building and landscape materials are appropriate for the area and for the City;

The building materials provided, including decorative concrete masonry units and aluminum, are adequate for the intended use and the building's proposed location away from street frontage. Landscaping materials proposed to be added are appropriate for this area.

5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

The proposed building design meets Title 19.08.050 Commercial Development Standards by employing pop outs and variation in materials and color. The building will mostly be obscured from view from Rainbow Boulevard. This design is harmonious and compatible with the adjacent mini-warehouse to the west.

6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

If approved, the proposed development will be subject to inspection during both building construction and business licensing and will therefore not compromise the public health, safety and general welfare.

PLANNING COMMISSION ACTION

There was one speaker in opposition at the Planning Commission hearing.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

NOTICES MAILED 282 (By City Clerk)

APPROVALS 2

PROTESTS 10