



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: APRIL 6, 2011

DEPARTMENT: PLANNING

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

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-40564	Staff recommends DENIAL, if approved subject to conditions:	GPA-39489 ZON-39490 VAR-39492 SDR-39491

**** CONDITION(S) ****

SUP-40564 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Rental Store, (with Outside Storage) use.
2. Approval of General Plan Amendment (GPA-39489) and Rezoning (ZON-39490), and conformance to the Conditions of Approval of Variance (VAR-39492) and Site Development Plan Review (SDR-39491), if approved.
3. All equipment must be no greater than 12 feet in height.
4. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the new construction. An Extension of Time may be filed for consideration by the City of Las Vegas.
5. Prior to occupancy, all necessary building permits 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.

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6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

8. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits for any new buildings, or the submittal of a map for this site, whichever may occur first. Provide and improve all drainage ways as recommended.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This request for a Special Use Permit to operate a Rental Store with Outside Storage use is related to the amended requests for a General Plan Amendment (GPA-39489); Rezoning (ZON-39490); Variance (VAR-39492); and Site Development Plan Review (SDR-39491) to construct a 9,000 square-foot Heavy Machinery and Equipment (Rental, Sales & Service) facility. These related requests were considered by the Planning Commission on October 10, 2010, at which time the commission recommended denial. They are scheduled to be considered by the City Council at the April 6, 2011 meeting, along with the current request for a Special Use Permit for a Rental Store (with Outside Storage). The applicant has indicated that the previously requested entitlements will be amended at that time to reflect the following: the General Plan Amendment (GPA-39489) will be for the GC (General Commercial) land use designation instead of LI/R (Light Industry/Research); the Rezoning (ZON-39490) will be for a C-2 (General Commercial) zoning district instead of C-M (Commercial/Industrial); and the Variance (VAR-39492); and Site Development Plan Review (SDR-39491) will remain unchanged, but the use will be amended from a Heavy Machinery and Equipment (Rental, Sales & Service) facility to a Rental Store (with Outside Storage).

The subject site currently contains an existing 4,011 square foot Office building on 1.21 acres at 4485 North Rainbow Boulevard, within the C-1 (Limited Commercial) zoning district. The proposed Rental Store, (with Outside Storage) use is permissible with an approved Special Use Permit within the C-2 (General Commercial) zoning district. The applicant proposes to operate the Rental Store, (with Outside Storage) use in conjunction with the proposed Site Development Plan Review (SDR-39491), which requires a Variance (VAR-39492) of the side and rear yard setbacks, and an exception to the Title 19.10 parking lot landscape requirements.

Staff recommended denial of the previous requests for a General Plan Amendment (GPA-39489), Rezoning (ZON-39490), Variance (VAR-39492), and Site Development Plan Review (SDR-39491) as it was determined that the requested land use designation and zoning district were too intense for the surrounding area, and the proposed use would not be compatible with the existing surrounding uses. Staff recommends denial of the current request as the use is not compatible or harmonious with the surrounding land uses, and the amended requests for General Plan Amendment (GPA-39489) to a GC (General Commercial) land use designation and Rezoning (ZON-39490) to a C-2 (General Commercial) district remain too intense for the surrounding area. If this Special Use Permit request is denied, the site would remain as an office.

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ISSUES

- The Rental Store, (with Outside Storage) use requires a Special Use Permit for the C-2 (General Commercial) zoning district and does not allow the renting of construction equipment.
- All previous Site Development Plan Review and Special Use Permit approvals on the site have expired.
- A General Plan Amendment (GPA-39489), Rezoning (ZON-39490), Variance (VAR-39492), and Site Development Plan Review (SDR-39491) are to be scheduled to be heard at the 04/06/11 CC.
- The applicant has requested to restrict the General Plan Amendment (GPA-39489) to the GC (General Commercial) land use and the Rezoning (ZON-39490) to the C-2 (General Commercial) zoning district.
- The Heavy Machinery and Equipment Rental (Rental, Sales and Service) use has been reduced to a Rental Store, (with Outside Storage) use.

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.
01/19/05	The City Council approved a Special Use Permit (SUP-5554) and a related Site Development Plan Review (SDR-5553) for a proposed 2,220 square-foot Auto Detail Facility with Waivers of the Parking Lot, Perimeter and Foundation Landscaping Standards on 1.21 acres at 4485 North Rainbow Boulevard. The Planning Commission and staff recommended approval.

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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.
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 recommended denial of a request for a General Plan Amendment (GPA-39489) from SC (Service Commercial) land use to LI/R (Light Industry/Research) land use; a related request for a Rezoning (ZON-39490) from C-1 (Limited Commercial) to C-M (Commercial/Industrial); a related request for a Variance (VAR-39492) to allow a zero-foot rear yard setback where 20 feet is required and a zero-foot side yard setback where ten feet is required; and a related request for a Site Development Plan Review (SDR-39491) for the addition of a proposed 9,000 square-foot Heavy Machinery and Equipment (Rental, Sales and Service) building to a site that contains an existing 4,011 square-foot Office, with a Waiver of the Perimeter Landscape Buffer Standards to allow a seven-foot buffer along a portion of the south property line where an eight-foot buffer is required on 1.21 acres at 4485 North Rainbow Boulevard. Staff recommended denial of all requests. These items will be considered at the 03/16/11 City Council meeting.
03/08/11	The Planning Commission voted (6-0-1/rt) to recommend DENIAL (PC Agenda Item 21/mh).

<i>Most Recent Change of Ownership</i>	
04/29/08	A deed was recorded for a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
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.
04/07/09	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.

<i>Pre-Application Meeting</i>	
12/10/10	A pre-application meeting was held with staff to discuss the alternatives to reduce the intensity of the related entitlement requests. The applicant was briefed on the submittal requirements for a Special Use Permit to allow a Rental Store with Outside Storage use, which will replace the earlier requested Heavy Machinery and Equipment (Rental, Sales & Service) use.

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<i>Neighborhood Meeting</i>	
02/01/11	A Neighborhood Meeting was held by the applicant. Two members of the public, one member of the Ward 4 Council Office and one member of the Planning Department were in attendance. The representative for the applicant described the use intended for the site, and also addressed the other applications that were already in process (GPA-39489, ZON-39490, VAR-39492, and SDR-39491). Also discussed was the intent to request the less-intense C-2 (General Commercial) zoning district and GC (General Commercial) land use designation based on residents' concerns.
02/01/11	The representative read through a list of restrictions that they were willing to place upon themselves as conditions of approval of the Special Use Permit application, including restrictions relative to the hours of operation, type and height of equipment to be rented, signage, and lighting. Concerns: • The amount of additional traffic and parking stemming from the proposal. • The possibility of fugitive lighting stemming from the proposal. • The other permissible uses that would be allowed under the C-2 (General Commercial) zoning district.

<i>Field Check</i>	
01/13/11	A field check was performed by staff with following observations: • The site is currently utilized as an Office use. • The existing landscaping is well-kept and the site is clean.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.21

<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	Office, Other Than Listed	SC (Service Commercial) [PROPOSED: GC (General Commercial)]	C-1 (Limited Commercial) [PROPOSED: C-2 (General Commercial)]

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North	Single Family, Detached	LI/R (Light Industry and Research)	C-PB (Planned Business Park)
South	Animal Hospital (w/ no Outside Pens)	SC (Service Commercial)	C-1 (Limited Commercial)
East	Single Family, Detached	M (Medium Density Residential)	R-CL (Residential-Compact Lot)
West	Mini-Storage Facility	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		X	NA
<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 – 175 Feet	X		Y
Trails		X	NA
Rural Preservation Overlay District		X	NA
Las Vegas Redevelopment Plan Area		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

DEVELOPMENT STANDARDS

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	1:300 SF GFA	14				
Rental Store, (with Outside Storage)	9,000 SF	1:250SF GFA	36				
TOTAL SPACES REQUIRED			50		50		Y
Regular and Handicap Spaces Required			48	2	48	2	Y
Loading Spaces	9,000 SF	1:10,000 SF	1		1		Y

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<i>Street Name</i>	<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</i>	Secondary Collector	Master Plan of Streets and Highways	80	N

ANALYSIS

There are four related entitlements, General Plan Amendment (GPA-39489); Rezoning (ZON-39490); Variance (VAR-39492); and Site Development Plan Review (SDR-39491) scheduled to be heard at the 04/06/11 City Council Meeting that would accommodate a Rental Store (with Outside Storage) use. All previous approvals have expired. This area remains predominantly commercial along the west side of rainbow but is residential along the east side. The proposed Rental Store with Outside Storage use is described in Title 19.04 as:

A facility for the rental of general merchandise to the general public, not specifically listed as a different use elsewhere in this Title, that includes outside storage of rental items. Typical general merchandise includes clothing and other apparel, electronics, videos, tools and garden equipment, furniture and other household appliances, special occasion or seasonal items, and similar consumer goods.

The Rental Store with Outside Storage use is only allowed in the C-2 (General Commercial) zoning district zone with a Special Use Permit. The previously requested Heavy Machinery and Equipment (Rental, Sales & Service) use, which is not allowed in the C-2 zoning district, is defined by Title 19.04 as:

A facility for the display, sale and rental of tools, heavy machinery, dump trucks or commercial and heavy equipment, such as those used in building construction, farming, restaurants or manufacturing.

The applicant proposes to locate the 9,000 square-foot Rental Store (with Outside Storage) use at the rear of the property along the north and west property lines, screened from the adjacent right-of-way and as far as possible from neighboring residential uses. 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. An area along the southeast portion of the site is designated for outside storage. Any equipment affiliated with the Rental Store with Outside Storage use cannot be located within any landscape buffer areas, setback yards, or parking lots and must be limited in height to no greater than 12 feet. Staff recommends denial of this request as the proposed use, in conjunction with the related entitlement requests, is not compatible with the surrounding neighborhood. If approved, the applicant will be restricted from renting or operating heavy construction equipment as that exceeds the scope of the Rental Store with Outside Storage use.

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FINDINGS (SUP-40564)

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.

The proposed Rental Store (with Outside Storage) use is not compatible with the existing residential uses to the east of the subject site and the limited commercial uses to the south and west of the subject site. The applicant has not proposed any changes from the initial request to operate a Heavy Equipment Rental operation from this site that would provide support for a Rental Store with Outside Storage use.

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 proposed use when considering the related entitlement requests. The applicant has not demonstrated that the proposed Rental Store (with Outside Storage) use will operate within the moderate intensity described of such use.

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 adequately provided by Rainbow Boulevard, a 90-foot wide Secondary Collector. However, with the proposed use Rainbow Boulevard may be impeded by truck traffic entering or exiting the site.

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.

If approved, the proposed Rental Store (with Outside Storage) use will be subject to inspection during both building construction and business licensing and will therefore not compromise the public health, safety and general welfare.

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

The requested Rental Store (with Outside Storage) use has been conditioned to limit the size of the available equipment to no more than 12-feet in height. The applicant has not demonstrated that this use will not operate in a capacity that is more akin to the Heavy Machine and Equipment (Rental, Sales and Service) use.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

NOTICES MAILED 286 (By City Clerk)

APPROVALS 0

PROTESTS 0