



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MAY 18, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: WAI CHUN GINN

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
ZON-40999	Staff recommends APPROVAL.	
SDR-40998	Staff recommends DENIAL, if approved subject to conditions:	ZON-40999

**** CONDITIONS ****

SDR-40998 CONDITIONS

Planning

- 1.Approval of Rezoning (ZON-40999) shall be required, if approved.
- 2.This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.18. 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, landscape plan, and building elevations, date stamped 03/09/11, except as amended by conditions herein.
- 4.A Waiver from Title 19.12 is hereby approved, to allow a zero-foot landscape buffer along the west perimeter and to allow a five-foot wide perimeter landscape buffer on the north and east perimeters.
- 5.An Exception from Title 19.10 is hereby approved, to allow no parking lot screening.
- 6.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 03/09/11. Any changes based upon subsequently submitted studies must be accommodated elsewhere on the site.

Conditions Page Two
May 18, 2011 - City Council Meeting

7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
8. 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.
9. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

10. Remove all substandard sidewalk improvements adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. The existing "pan" style driveway accessing this site from "N" Street may remain.
11. Sign and record a Covenant Running with Land agreement for the future installation of half-street improvements (including sidewalks, streetlighting, and possibly fire hydrants) on "N" Street adjacent to this site prior to occupancy of this site.
12. 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.

Staff Report Page One
May 18, 2011 - City Council Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant was issued a violation notice for an illegal commercial parking lot by City of Las Vegas Code Enforcement. To remedy the situation, the owner has applied to rezone the property to C-1 (Limited Commercial) to allow a commercial parking with an approved site development plan review application. In addition, the applicant is proposing to rezone the parcel adjacent to the south in conjunction with the rezoning application.

Staff is recommending approval of the Rezoning (ZON-40999) application, as it would conform to the General Plan designation. However, staff is recommending denial of the Site Development Plan Review (SDR-40998), as the project is not designed to meet minimum Title 19 development standards. If denied, a new Site Development Plan Review shall be required prior to development or use of the site.

ISSUES

- A Rezoning application is required for a commercial parking lot.
- Waivers are required to allow a zero-foot perimeter landscape buffer along the west side where eight feet is required and a five-foot wide perimeter landscape buffer along the north and east sides where 15-foot buffers are required.
- An Exception is required to allow no parking lot screening where one is required.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
04/20/94	The City Council denied an appeal of Variance (V-0022-94) for a 40 foot high, 12-feet by 24-feet off premise sign on the east side of Martin L. King Boulevard, south of Owens Avenue. The Board of Zoning Adjustment and staff recommended denial.
06/20/05	The Code Enforcement Division issued a violation (#31492) for a junk vehicle on a vacant lot on the east side of Martin L. King Boulevard, south of Owens Avenue. Case was resolved on 06/25/05.
08/08/05	The Code Enforcement Division issued a violation (#33397) for trash and high weeds on a vacant lot on the east side of Martin L. King Boulevard, south of Owens Avenue. Case was resolved on 08/27/05.
07/24/10	The Code Enforcement Division issued a violation (#93029) for an illegal commercial parking lot on a vacant R-E (Residence Estates) zoned lot on the east side of Martin L. King Boulevard, south of Owens Avenue. Case remains open.

YK

Staff Report Page Two
May 18, 2011 - City Council Meeting

09/29/10	The Code Enforcement Division issued a violation (#94976) for trash on a vacant lot on the east side of Martin L. King Boulevard, south of Owens Avenue. Case was resolved on 10/15/10.
04/12/11	The Planning Commission voted (7-0) to recommend APPROVAL (PC Agenda Items 22-23/yk).

Most Recent Change of Ownership

06/08/93	A deed was recorded for a change in ownership for both parcels.
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Related Building Permits/Business Licenses

No activity on file.

Pre-Application Meeting

08/18/10	Staff met with the applicant and found that a Rezoning and a Site Development Plan Review application would be required. The Site Development Plan Review is only required for APN 139-28-501-002.
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Neighborhood Meeting

No Neighborhood Meeting was required nor held.
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Field Check

03/03/11	Staff visited the site and found the proposed parking lot has already been paved, but not to code standards. The vacant lot to the south was generally clean but had a few piles of dirt dumped on it and weeds were widely scattered.
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Details of Application Request

Site Area

Net Acres	1.44
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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 Site 139-28-501-002	Parking Lot	C (Commercial)	R-E (Residence Estates)
North	Convenience Store	C (Commercial)	C-1 (Limited Commercial)

Staff Report Page Three
May 18, 2011 - City Council Meeting

South	Undeveloped	C (Commercial)	R-E (Residence Estates)
East	Retail	C (Commercial)	C-1 (Limited Commercial)
West	Single-Family	R (Residential Rural Density)	R-E (Residence Estates)
	Convenience Store	C (Commercial)	C-2 (General Commercial)

<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 Site 139-28-501-003	Undeveloped	C (Commercial)	R-E (Residence Estates)
North	Parking Lot	C (Commercial)	R-E (Residence Estates)
South	Undeveloped	C (Commercial)	C-1 (Limited Commercial)
East	Single-Family	C (Commercial)	R-1 (Single Family Residential)
West	Single-Family	R (Residential Rural Density)	R-E (Residence Estates)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
West Las Vegas Plan	X		Y
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
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

DEVELOPMENT STANDARDS

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	3 Trees	5 Trees	Y
• South	1 Tree / 20 Linear Feet	0 Trees	0 Trees	N/A
• East	1 Tree / 20 Linear Feet	4 Trees	4 Trees	Y
• West	1 Tree / 30 Linear Feet	0 Trees	0 Trees	N/A

YK

Staff Report Page Four
May 18, 2011 - City Council Meeting

TOTAL PERIMETER TREES		7 Trees	9 Trees	Y
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	4 Trees	4 Trees	Y
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	15 Feet	5 Feet	N	
• South	0 Feet	0 Feet	N/A	
• East	15 Feet	5 Feet	N	
• West	8 Feet	0 Feet	N	

<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>
Martin Luther King Boulevard	Primary Arterial	Master Plan of Streets and Highways	100	Y
Owens Avenue	Primary Arterial	Master Plan of Streets and Highways	100	Y
N Street	N/A	N/A	50	Y

<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
Install a 15 foot wide perimeter landscape buffer along adjacent right-of-ways.	To install a five-foot wide perimeter landscape buffer along the north and east perimeters.	Denial
Install an eight foot wide perimeter landscape buffer along interior lot lines.	To allow a zero perimeter landscape buffer along the developed portion of the west side of the lot.	Approval

<i>Exception</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
Parking lots shall be screened from adjacent roadways by a low wall or berm with a maximum height of thirty inches, or a solid living hedge with an approximate maximum height of thirty-six inches.	To allow no screening.	Denial

YK

Staff Report Page Five
May 18, 2011 - City Council Meeting

ANALYSIS

The two parcels are designated as C (Commercial) under the General Plan. The request to rezone the two undeveloped parcels from R-E (Residence Estates) to C-1 (Limited Commercial) will bring these two parcels into conformance with the General Plan, and will be consistent with surrounding commercial zoning districts, and therefore staff supports the request.

The applicant has also requested a Site Development Plan Review for a commercial parking lot on the northern portion of parcel 139-28-501-002. This lot has been used as both parking and a driveway to the adjacent convenience store. The owner has been notified by Code Enforcement that the paved area was not developed to minimum Title 19 standards and that it is a residentially zoned parcel. The owner had previously paved the area as a dust control measure.

The applicant is now applying for a Site Development Plan Review with Waivers of the Landscape Buffer requirements and an Exception for parking lot screening to develop a portion of the parcel as a commercial parking lot. Staff supports the requested Waiver for a zero-foot perimeter landscape buffer along the west, as the proposed parking lot will be utilized to serve the convenience store on the adjacent lot. However, the proposed Waiver to limit the perimeter landscape buffers along the rights-of-way to five feet where fifteen feet is required is not supported by staff. The applicant has stated that the reason for requesting the Waivers and Exception is due to the fact that the parking lot has already been built with a five-foot wide landscape buffer. The parcel has ample room to be developed as a large parking lot meeting all Title 19 standards. Therefore, staff recommends denial of the Site Development Plan Review application. If denied, a new Site Development Plan Review shall be required prior to development or use of the site.

FINDINGS (ZON-40999)

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.

The General Plan Land Use designation is C (Commercial) that allows C-1 (Limited Commercial) zoning designation. The West Las Vegas Plan also designates these parcels for future commercial development.

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.

A commercial parking lot is a permitted use under the C-1 (Limited Commercial) zoning designation and is compatible with the surrounding uses.

**Staff Report Page Six
May 18, 2011 - City Council Meeting**

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

The recent widening of Martin Luther King Boulevard is conducive to the redevelopment of these two parcels for commercial use.

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.

The parcels can be accessed off of both Martin Luther King Boulevard and “N” Street, which are fully developed public rights-of-way.

FINDINGS (SDR-40998)

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 commercial parking lot is compatible with adjacent developments.

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 General Plan designation for the site is C (Commercial). The proposal doesn't meet Title 19 development standards for a commercial parking lot. The proposal is consistent with the West Las Vegas Plan.

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

The parking lot is accessed off N Street, a 50-foot right-of-way. The parking lot can also be accessed from the adjacent lot to the west with direct access off both Martin Luther King Boulevard and Owens Avenue.

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

The proposed Blue Mexican Palm and Acacia Aneura Mulga trees and Texas Sage are appropriate for the 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 proposal does not meet the minimum right-of-way perimeter landscape buffer requirements. The lack of required screening will make the parking lot unsightly, and have a negative impact on the surrounding area.

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

The proposed parking lot will be subject to inspection and will therefore not compromise the public health, safety and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED

224 (By City Clerk)

APPROVALS

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PROTESTS

1