



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 23, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ABEYANCE - RENOTIFICATION - VAR-33415 - APPLICANT:
AHERN RENTALS - OWNER: DFA, LLC**

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. Conformance to the Conditions of Approval for Site Development Plan Review (SDR-22206) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow a 10-foot high perimeter wall where an 8-foot high wall is the maximum allowable along a 650-foot portion of the northern property line, to allow unfinished block where decorative block with 20% contrasting materials is required; and to allow an eight-foot high wrought iron fence along the south perimeter where five feet is the maximum allowed on a 20.53 acre site located at 1726 West Bonanza Road. There is a previously approved Site Development Plan Review (SDR-22206) for a proposed commercial development with 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. The site is presently being utilized for equipment rental. Since this request does not jeopardize the health, safety and general welfare of the citizenry and will provide increased screening between the commercial site and the adjacent residential properties, staff is recommending approval of this request for a Variance.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/03/72	The Board of City Commissioners approved a request for the Reclassification (Z-0039-71) of property from R-E (Residence Estates) to R-3 (Medium Density Residential) at 1804 and 1808 West Bonanza Road. The Planning Commission recommended approval of this request.
05/21/75	The Board of City Commissioners approved a request for the Reclassification (Z-0012-75) of property from R-E (Residence Estates) to R-3 (Medium Density Residential) generally located on the south side of Washington Avenue between Clarkway Drive and Sunny Place. The Planning Commission recommended approval of this request.
06/28/94	The Board of Zoning Adjustment approved a request for a Variance (V-0086-94) to allow a Residential Security Living Quarters where such is not permitted at 1724 West Bonanza Road.
05/08/97	The Planning Commission accepted the applicants request to Withdraw Without Prejudice a request for the Reclassification (Z-0023-97) of property from R-E (Residence Estates) to R-PD15 (Residential Planned Development-15 Units per Acre) for a proposed 130-unit townhome development. Located on the south side of Washington Avenue, approximately 1,000 feet west of Martin L. King Boulevard

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12/01/98	The Board of Zoning Adjustment approved a request for a Variance (V-0082-98) for a commercial development that requires a zero-foot front, rear, and side setback where 50, 10, and 35 feet are required, respectively, on property located at 1824 West Bonanza Road.
12/21/98	The City Council approved a request for the Reclassification (Z-0026-98) of property from R-E (Residence Estates) to C-1 (Limited Commercial), located on the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval of this request, whereas staff recommended denial.
01/12/99	The City Council approved a Petition to Vacate (VAC-0048-98) a portion of Clarkway Drive north of Bonanza Road.
05/21/03	The City Council approved a request for Rezoning (ZON-1992) from R-3 (Medium Density Residential) to C-1 (Limited Commercial) on 0.57 acres at 1722 West Bonanza Road. The Planning Commission and staff recommended approval of this request.
05/21/03	The City Council approved a request for a Site Development Plan Review (SDR-1991) for a proposed 5,255 square-foot Office Development with a Waiver to allow a reduction of the proposed landscape on 0.57 acres at 1722 West Bonanza Road. The Planning Commission and staff recommended approval of this request.
05/18/04	A Code Enforcement case (#15224) was processed for abandoned vehicles on the property at the northwest corner of Bonanza Road and Clarkway Drive. The case was resolved on 05/26/04.
03/14/06	A Code Enforcement case (#39208) was processed to check for all zoning violations. The case was resolved on 07/06/06.
03/14/06	A Code Enforcement case (#39215) was processed to check for all zoning violations. The case was resolved on 10/15/06.
03/24/06	A Code Enforcement case (#39561) was processed to check for all zoning violations. The case was resolved on 06/05/06.
03/24/06	A Code Enforcement case (#39560) was processed for property being used as a storage lot. The case was resolved on 06/05/06.
04/05/06	The City Council approved a request for 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 % contrasting material requirement at 1700, 1710, 1714, 1718, 1722, 1804, 1808 1812, 1816, and 1824 West Bonanza Road. The Planning Commission recommended approval of this request, whereas staff recommended denial.
05/17/06	The City Council approved a General Plan Amendment (GPA-9219) to change the future land use designations to Commercial, Mixed Use, Industrial or Public Facilities on various parcels within the proposed Las Vegas Redevelopment Plan Area and within the proposed Redevelopment Plan expansion area. The Planning Commission and staff recommended approval of this request.

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05/25/06	The Planning Commission approved an Appeal of a Directors Decision (DIR-11779) to deny a Temporary Commercial Permit per Title 19.18.100(D) that would allow a temporary Contractors Construction Yard on 15.54 acres adjacent to the north side of Bonanza Road, approximately 460 feet east of Clarkway Drive. Staff recommended denial of this request.
07/24/06	Code Enforcement cases (#44792 and #44794) were processed for violations of Conditions per Directors Decision (DIR-11779). The cases were resolved on 10/15/06 and 10/18/06.
10/04/06	The City Council approved a request for a Special Use Permit (SUP-14329) for an Auto Repair Garage (Major) on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval of this request.
10/04/06	The City Council approved a request for a Special Use Permit (SUP-14324) for a Truck Rental Establishment on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval of this request.
10/04/06	The City Council approved a request for a Special Use Permit (SUP-13836) for a Rental Store with Outside Storage on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval of this request.
10/04/06	The City Council approved a request for a Variance (VAR-16049) to allow a proposed 10-foot high block wall where eight feet is the maximum allowed on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval of this request.
10/04/06	The City Council approved a request for a Variance (VAR-14320) to allow a setback of 73 feet where residential adjacency setback standards require a minimum 84-foot setback, and to allow a zero-foot side yard building setback where 10 feet is the minimum required in conjunction with a Rental Store with Outside Storage on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval of this request.
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 the perimeter landscape buffer and wall design requirements on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval of this request.
10/04/06	The City Council approved a request for Rezoning (ZON-13837) 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) on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval of this request.

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07/12/07	The Planning Commission approved a request for a Major Amendment (SDR-22206) to an approved Site Development Plan Review (SDR-13833) for a Commercial Development consisting of a 30,000 square-foot Hardware store, 30,000 square feet of Office, 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 on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. Staff recommended approval of this request.
07/12/07	The Planning Commission approved a request for a Variance (VAR-22723) to allow a wall to contain no contrasting material where 20% contrasting material is required on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. Staff recommended denial of this request.
08/15/07	The City Council approved a request for a Review of Condition Number 6 (ROC-22207) of an approved Rezoning (ZON-13837) which required construction of all half-street improvements on Bonanza Road and Clarkway Drive along with the removal of all substandard public street improvements and unused driveway cuts for replacement with new improvements constructed to current City standards on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval of this request.
12/03/08	The City Council approved requests for an Extension of Time (EOT-30014) of an approved Special Use Permit (SUP-13836) for a Rental Store with Outside Storage, an Extension of Time (EOT-30016) of an approved Special Use Permit (SUP-14324) for a Truck Rental Establishment, an Extension of Time (EOT-30017) of an approved 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, an Extension of Time (EOT-30019) of an approved Special Use Permit (SUP-14329) for an Auto Repair Garage, Major and an Extension of Time (EOT-30020) of an approved Rezoning (ZON-13837) 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) on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive.
<i>Related Building Permits/Business Licenses</i>	
05/15/98	A business license was issued (#E02-00031) for Trailer/Equipment Rental. The license is still active.
08/14/03	A building permit (#03017452) was issued for tenant improvements for a Certificate of Occupancy for Building B. The permit was not finalized.

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<i>Pre-Application Meeting</i>	
02/09/09	A pre-application meeting was held where the submittal requirements for a Variance were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	
<i>Field Check</i>	
02/19/09	Staff conducted a field check of the site and noted a well maintained site, that was in conformance with all previous conditions.

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

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

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<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 (140 feet)	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

* The subject property is located within the North Las Vegas Airport Overlay Map within the 140-foot height limitation contour. None of the buildings on the subject property extend beyond this limitation.

** Pioneers Trail The subject site has a non-equestrian recreation trail that has already been constructed and therefore conforms to the requirements of this trail.

ANALYSIS

This is a request for a Variance to allow a 10-foot high perimeter wall where an 8-foot high wall is the maximum allowable along a 650-foot portion of the northern property line, to allow unfinished block where decorative block with 20% contrasting materials is required; and to allow an eight-foot high wrought iron fence along the south perimeter where five feet is the maximum allowed. This is a 20.54 acre site which is located at 1726 West Bonanza Road. There is a previously approved Site Development Plan Review (SDR-22206) for a proposed commercial development with 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. The site is presently being utilized for equipment rental. Since this request does not jeopardize the health, safety and general welfare of the citizenry and will provide increased screening between the commercial site and the adjacent residential properties, staff is recommending approval of this request for a Variance.

FINDINGS

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.

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Additionally, Title 19.18.070L 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.

Evidence of a unique or extraordinary circumstance has been presented, in that the subject site is located within a neighborhood that, due to growth and development in the surrounding community, is undergoing a transition from predominately single-family residential lots to more intense commercial uses. The site is immediately adjacent to single-family residences, and a higher perimeter wall, as proposed, will provide additional visual and aural screening for the surrounding properties, while providing increased safety and security for the subject site. In view of the sites physical characteristics, it is concluded that the applicants hardship is not preferential in nature, and it is thereby within the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 256

APPROVALS 5

PROTESTS 1