

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: SEPTEMBER 24, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - SDR-34794 - APPLICANT/OWNER: GEORGE T. LOPEZ**

**** CONDITIONS ******STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:**Planning and Development**

1. 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.
2. All development shall be in conformance with the site plan and floor plans date stamped 08/25/09, and building elevation photos date stamped 06/09/09, except as amended by condition herein.
3. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
4. 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.
5. 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.
6. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

7. Upon further development, appropriate right-of-way dedications, street improvements, drainage plan/studies and/or traffic mitigation commitments may be required.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a proposed Contractors Plant, Shop and Storage Yard. The subject site contains an existing 4,264 square-foot Office/Warehouse located at 2222 West Bonanza Road. The applicant is seeking this Site Development Plan Review, in conjunction with a General Plan Amendment (GPA-34792) to amend a portion of the Southeast Sector of the Centennial Hills Master Plan from MXU (Mixed Use) to LI/R (Light Industry/ Research) and a Rezoning (ZON-34793) from C-1 (Limited Commercial) to C-M (Commercial / Industrial), so they can operate a contracting business at the subject site. If denied, the previously approved Building and Landscape Material/Lumber Yard use will remain, and the applicant would be required to comply with all applicable conditions of approval and Title 19 requirements for the use.

ISSUES

- Approval of associated applications for General Plan Amendment (GPA-34792) and Rezoning (ZON-34793) are required to approve this Site Development Plan Review
- The applicant has not complied with conditions of the previously approved Special Use Permit (SUP-9215) for a Building and Landscape Material/Lumber Yard.
- The applicant is requesting that existing perimeter razor wire be approved as part of this review

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
06/06/90	The City Council approved a Rezoning (Z-0048-90) of the subject property from R-E (Residence Estates) and R-1 (Single-Family Residential) to C-1 (Limited Commercial) at 2222 West Bonanza Road. The Planning Commission recommended approval of the request.
09/05/01	The City Council approved a request to Amend a portion of the Southwest Sector Plan (GPA-0022-01) from LI/R (Light Industry/Research) to ML (Medium Low Density Residential) on 34.45 acres on the northwest corner of the intersection of Washington Avenue and Robin Street. The Planning Commission recommended denial on 07/26/01.
11/16/05	The City Council approved a request for a Special Use Permit (SUP-9215) for an existing Building and Landscape Material/Lumber Yard at 2222 West Bonanza Road. The Planning Commission recommended approval of the request.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
05/17/06	The City Council approved a request to change the Future Land Use designation (GPA-9219) to Commercial, Mixed Use, Industrial, or Public facilities on various parcels located within the proposed Las Vegas Redevelopment Plan area and within the proposed Redevelopment Plan expansion area. The Planning Commission tabled the request on 01/26/06.
07/25/07	A Code Enforcement case (#56093) was processed for the resident storing heavy industrial equipment on property, which is against zoning code. The case was resolved on 07/28/07.
01/03/08	A Code Enforcement case (#60970) was processed for the business not having a continuous license; storing of business equipment- looks like freeway signs, etc.; and has barbed wire going around part of the property. The case was resolved on 01/05/08.
02/04/09	The City Council approved a Required Review (RQR-30402) for a Required One Year Review of an existing building and landscape material/lumber yard at 2222 West Bonanza Road.
03/31/09	A Code Enforcement case (#76313) was processed because the business is not complying with conditions of the use; outside storage, parking spaces, barb wire. The case was resolved on 04/02/09.
07/23/09	At the applicants request, the Planning Commission abeyed a request from the 07/23/09 to the 08/27/09 meeting for a Site Development Plan Review (SDR-34794) for a proposed Contractors Plant, Shop and Storage Yard; a request for a General Plan Amendment (GPA-34792) from MXU (Mixed Use) to LI/R (Light Industry/Research); and a request for a Rezoning (ZON-34793) from C-1 (Limited Commercial) to C-M (Commercial/Industrial) at 2222 West Bonanza Road.
08/27/09	At the applicants request, the Planning Commission abeyed a request from the 08/27/09 to the 09/24/09 meeting for a Site Development Plan Review (SDR-34794) for a proposed Contractors Plant, Shop and Storage Yard; a request for a General Plan Amendment (GPA-34792) from MXU (Mixed Use) to LI/R (Light Industry/Research); and a request for a Rezoning (ZON-34793) from C-1 (Limited Commercial) to C-M (Commercial/Industrial) at 2222 West Bonanza Road.
<i>Related Building Permits/Business Licenses</i>	
11/21/88	A building permit (#88008199) was issued for interior remodel. The permit was expired on 05/21/89.
12/05/88	A building permit (#88008663) was issued for a wall. The permit was expired on 06/05/89.
02/11/89	A building permit (#89035450) was issued for a detached structure/garage. The permit was expired on 12/27/90.

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<i>Related Building Permits/Business Licenses</i>	
06/05/89	A building permit (#89027461) was issued for masonry work per CLV design. The permit was expired on 05/16/90.
07/10/91	A building permit (#91112842) was issued for paving. The permit was expired on 01/10/92.
05/19/95	A building permit (#95377361) was issued for a patio. The permit was finalized on 08/10/95.
02/14/05	A business license (C11-07803) was issued for a Contractor. The license is still active.
<i>Pre-Application Meeting</i>	
05/27/09	A pre-application meeting was held and elements of this application were discussed. It was noted that the site plan was to identify all uses on-site. Additionally, various parking standards were identified along with parking lot landscaping and perimeter landscaping buffer requirements. Submittal requirements were also discussed along with meeting dates and times.
<i>Neighborhood Meeting</i>	
06/30/09	A neighborhood meeting was held on Tuesday, June 30th at 5:30 PM at 2222 West Bonanza Road, Las Vegas. Two members from the applicant attended the meeting along with one member of the Planning and Development staff. No members of the public attended the meeting.
<i>Field Check</i>	
06/04/09	During a routine site inspection performed by staff the subject property was noted as having Assorted items are being stored outside within the fenced area in the rear portion of the property.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.97

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Contractors Plant, Shop and Storage Yard	MXU (Mixed Use) [Proposed: LI/R (Light Industry/ Research)]	C-1 (Limited Commercial) [Proposed: C-M (Commercial/Industrial)]
North	Multi-Family Residences	MXU (Mixed Use)	R-PD16 (Residential Planned Development 16 Units Per Acre)
South	Multi-Family Residences	MXU (Mixed Use)	R-PD46 (Residential Planned Development 46 Units Per Acre)

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
East	Mini-Storage Facility	MXU (Mixed Use)	C-1 (Limited Commercial) and R-1 (Single-Family Residential)
West	Restaurant (Approved for Mixed-Use by SDR -11707)	MXU (Mixed Use)	C-1 (Limited Commercial)

<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

DEVELOPMENT STANDARDS

Per Title 19.08.050 Development Standards

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	0.97 Acres	Y
Min. Lot Width	100 Feet	150 Feet	Y
Min. Setbacks			
• Front	20 Feet	30.05 Feet	Y
• Side (West Property Line)	10 Feet	30.12 Feet	Y
• Side (East Property Line)	10 Feet	0 Feet	Y
• Rear	20 Feet	4.54 Feet	N*
Max. Lot Coverage	N/A	10%	Y
Max. Building Height	N/A	16 Feet	Y

**Per approved Special Use Permit (SUP-9215)*

Pursuant to Title 19.12, the following landscaping 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>		
Parking Area	1 Trees/ 6 Space	2 Trees	Zero Trees	N*
Buffer:	1 Trees/ 30 Linear Feet	Zero Trees	Zero Trees	N*

Min. Trees				
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TOTAL		Zero Trees	Zero Trees	N*
Min. Zone Width	15 Feet (South) 8 Feet (West, North, East)		Zero Trees	N*

*Per approved Special Use Permit (SUP-9215)

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Contractors Plant, Shop and Storage Yard	4,264 S.F.	1:500	9	1	9	1	Y
TOTAL	4,264 S.F.		10		10		

ANALYSIS

This request is for a Site Development Plan Review (SDR-34794) to establish a Contractors Plant, Shop and Storage Yard facility consisting of an existing 1,864 square-foot office building and a 2,400 square-foot warehouse at 2222 West Bonanza Road. The property currently is zoned C-1 (Limited Commercial) with a MXU (Mixed-Use) land use designation. Associated requests have been submitted to Rezone (ZON-34793) the property from C-1 (Limited Commercial) to C-M (Commercial/Industrial) and General Plan Amendment (GPA-34792) to amend the land use designation from MXU (Mixed Use) to LI/R (Light Industry/Research) to allow the Contractors Plant, Shop and Storage Yard use. Previously, the subject site was approved through a Special Use Permit (SUP-9215) for an existing Building and Landscape Material/Lumber Yard on 11/16/05. However, the property owner failed to comply with the conditions of approval associated with that request, which is illustrated in the table below.

<i>Approved Special use Permit (SUP-9215) Conditions</i>		<i>Compliance</i>
#1	Conformance to the conditions of approval for Rezoning (Z-0048-90).	Y
#2	A total of 19 parking spaces shall be provided. The parking spaces shall be located out from behind an enclosed fence, at least one space shall be a van accessible handicapped parking space, and all spaces shall be located on a permanent dust free impermeable surface.	N
#3	No outside storage shall be permitted.	N
#4		Y

JB

	Concertina wire (razor wire) located on top of a solid wall along the rear of the property shall be removed.	
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#5	There shall be no manufacturing or assembly permitted nor any other activity that would result in a detriment to adjacent properties or to the area.	N
#6	New slats and the replacement of deteriorated slats in the existing chain link fence that surrounds the property shall be inserted.	Y
#7	The site plan shall be revised and approved by staff of the Planning and Development Department prior to the time application is made for any permit to show compliance with the conditions of approval herein. The applicant shall comply with all the conditions of approval within six months following approval of this application.	N
#8	This Special Use Permit shall be reviewed in one year to ascertain compliance with these conditions or to impose additional conditions to ameliorate any undesirable aspects of the use. The applicant shall be responsible for notification costs of the review.	N
#9	All City code requirements and design standards of all City departments must be satisfied.	N

The proposed Contractors Plant, Shop and Storage Yard use at the subject site is not compatible with the existing commercial and residential uses that surround the site. The increase in the intensity of allowable uses at the subject site will create an incompatibility and inconsistency with the surrounding area; therefore, staff recommends denial of this request.

FINDINGS

The following findings must be made for a Site Development Plan Review:

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

The proposed development is not compatible with adjacent development, or development in the area.

- 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;**

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The proposed LI/R (Light Industry/ Research) General Plan designation for the subject property is not compatible with the existing MXU (Mixed Use) properties that surround the site. The increase in the intensity of allowable uses will create an incompatibility and inconsistency with the surrounding area.

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

The site is accessed by two driveways to Bonanza Road, which is designated as a 100-foot Primary Arterial by the Master Plan of Streets and Highways, and will have no direct access to the adjacent residential neighborhoods or commercial properties. It is adequate in size to meet the requirements of the proposed C-M (Commercial / Industrial) zoning district.

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

The proposed building and landscape materials are not appropriate for this area and for the City. The applicant is proposing no additional landscaping for the existing site.

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 overall building fails to create an orderly and aesthetically pleasing environment, as it fails to be compatible with adjacent residential development in the area.

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

The proposed development will be subject to regular inspections for permitting and licensing and will; therefore, not compromise the public health, safety, and welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 197

APPROVALS 0

PROTESTS 0