



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: DECEMBER 16, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: KRASSIMIR TEOFILOV

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SDR-40069	Staff recommends DENIAL, if approved subject to conditions:	

** CONDITIONS **

SDR-40069 CONDITIONS

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 chainlink fence 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 date stamped 10/26/2010, except as amended by conditions herein.
3. A Waiver from Title 19.12 is hereby approved, to allow a zero-foot landscape buffer along the north perimeter where a 10-foot landscape buffer is required and a zero-foot landscape buffer along the east and west perimeter where an eight-foot landscape buffer is required.
4. Prior to business license approval, 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.
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.

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Public Works

7. Remove all substandard sidewalk improvements, if any, adjacent to this site and replace with new sidewalk meeting current City Standards concurrent with on-site development activities as shown on the approved Site Plan. The existing “pan” style driveways may remain. All existing public improvements damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
8. All landscaping and private improvements, if any, 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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Site Development Plan Review for an existing Outside Storage Lot on 0.31 acres at 3020 Contract Avenue. The proposed development serves as the vehicle storage lot for an Automotive Repair (Major) business located at 3029 Contract Avenue, approximately 80 feet to the northeast of the subject site. The applicant is requesting a Waiver of Title 19.12 to allow no landscaping where a 10-foot wide landscape buffer is required. Staff recommends denial. If the request is denied, the applicant will be required to remove the chain link fencing and barbed wire from the subject site.

ISSUES

- A Site Development Plan Review is required to allow the existing chain link fencing with barbed-wire.
- A Waiver is required to allow a zero-foot landscape buffer along the north perimeter where a 10-foot landscape buffer is required and a zero-foot landscape buffer along the east and west perimeter where an eight-foot wide landscape buffer is required.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
10/27/64	The City Council approved a Rezoning (Z-0066-64) from C-1 (Limited Commercial) to M (Industrial) for this site as part of a larger request.
08/04/04	The City Council approved a request for a Site Development Plan Review (SDR-4458) for a proposed 3,000 square foot Auto Repair Garage, Minor and an associated Variance (VAR-4456) to allow a zero-foot side yard setback where 10 feet is required at 3020 Contract Avenue. The Planning Commission and Staff recommended approval. These entitlements expired on 08/04/2006.
05/23/06	The property owner was cited by Code Enforcement (Case #42475) for violating the conditions of approval for Site Development Plan Review (SDR-4458). This case was closed 08/15/2006.
03/16/09	Code Enforcement Case #75566: Applicant cited for presence of barbed wire. Case closed 06/02/2009.
09/09/10	Code Enforcement Case #94275: Applicant cited for using the Outside Storage lot as an unauthorized facility with chain link fencing.

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<i>Most Recent Change of Ownership</i>	
02/20/04	A deed was recorded for a change in ownership.
<i>Related Building Permits/Business Licenses</i>	
12/19/06	A Building Permit #6007421 was issued for a Wireless Communication Facility, Non-Stealth Design (60-foot high monopole). This permit received a final inspection on 07/18/2007.
06/24/08	Business License #A16-01195 was issued for Auto Repair & Sales at 3029 Contract Avenue. There currently is no business license for the subject site, 3020 Contract Avenue.
03/18/09	A Building Permit #135832 was issued for modifications to an existing Wireless Communication Facility at 3020 Contract Avenue. This permit was completed on 11/04/2009.

<i>Pre-Application Meeting</i>	
10/05/10	A pre-application meeting was held with staff to discuss to the process for submitting a Site Development Plan Review to allow chain link and barbed wire fencing and the need for approved Waivers to Title 19.12 for no landscape buffers.

<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of request nor was one held.	

<i>Field Check</i>	
11/12/10	A field check was performed by staff with the following observations: • The subject site currently maintains a six-foot chain link fence topped by additional two-feet of barbed-wire that encircles the property. • There are four securable chain link gates of the same dimensions of the fence. Two gates are at the front along Contract Avenue and two gates are located adjacent to the public alley. • The site contains a Wireless Communication Facility, Non-Stealth at the rear of the property. • The site is well maintained and orderly in appearance; there is a sign posted at the entrance of the property stating that no public parking is allowed on site.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.3

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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 Property	Outdoor Motor Vehicle Storage	LI/R (Light Industrial/Research)	M (Industrial)
North	Auto Repair (Major)	LI/R (Light Industrial/Research)	M (Industrial)
South	Tavern	LI/R (Light Industrial/Research)	M (Industrial)
	General Commercial		
East	Auto Repair (Major)	LI/R (Light Industrial/Research)	M (Industrial)
West	Auto Repair (Major)	LI/R (Light Industrial/Research)	M (Industrial)

<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		X	NA
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 19.08.050 , the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	100 Feet	100 Feet	Y
Min. Setbacks			
• Front	10 Feet	120 Feet	Y
• Side	10 Feet	10 Feet	Y
• Rear	0 Feet	0 Feet	Y

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Pursuant to Title 19.12, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	5 Trees	0 Trees	N
• South	1 Tree / 0 Linear Feet	0 Trees	0 Trees	N
• East	1 Tree / 30 Linear Feet	4 Trees	0 Trees	N
• West	1 Tree / 30 Linear Feet	4 Trees	0 Trees	N
TOTAL PERIMETER TREES		13 Trees	0 Trees	N
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	10 Feet		0 Feet	N
• South	0 Feet		0 Feet	N
• East	8 Feet		0 Feet	N
• West	8 Feet		0 Feet	N

Street Name	Functional Classification of Street(s)	Governing Document	Street Width (Feet)	Compliance with Street Section
Contract Avenue	N/A	N/A	60	NA

Waivers		
Requirement	Request	Staff Recommendation
A 10-foot wide landscape buffer along the north perimeter, and an eight-foot wide landscape buffer along the east and west property lines with 24-inch box sized trees planted 30 feet apart along the east and west, and 20 feet apart along the north property line.	To provide no landscape buffers along the north, east, and west property lines.	Denial

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ANALYSIS

The subject property is located within an M (Industrial) zoning district, which permits an Auto Storage, by right. The surrounding area is all within the M (Industrial) zoning district with all of the uses along Contract being automotive repair in nature. The site had previously been entitled (SDR-4458) for a 3,000 square-foot Auto Repair Garage (Minor) with a Variance (VAR-4456) to allow a zero-foot side yard setback where 10 feet is required, but that approval expired on 08/04/2006. The applicant never constructed the garage, but proceeded to use the site for auto storage. It is the applicant's intent to utilize this Site Development Plan Review request the means for gaining authorization for both the chain link and barbed wire fencing.

As stated in Title 19.08.050(E)(4)(a)(ii):

“Unless otherwise approved as a part of an overall development plan, the following materials are not acceptable for use as screening walls or fences:

- A. Chain link or open wire fencing (except as temporary construction fencing);
- B. Razor wire or barbed wire;”

The proposed development of the site for the existing Outside Storage lot will require that the perimeter landscape buffers be brought up to the current Title 19.12 requirements. The applicant has requested a Waiver of the perimeter landscaping requirements as it is not his intent to install any landscape improvements to the site. Staff cannot support the requests, as they will result in a storage lot with no landscaping or adequate screening from the public right-of-way, and denial of this request is recommended. If denied, the applicant will be required to remove the chain link fencing and barbed wire and relocate all vehicles currently being stored at this site.

FINDINGS (SDR-40069)

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 existing facility has been used as a storage lot at the subject property for the past five years. The applicant had removed the barbed-wire but has since reinstalled it and is seeking permission to continue with the six-foot chainlink fence with a two-foot barbed wire top. Although the chainlink and barbed wire materials are compatible with the adjacent industrial uses, the lack of landscaping and screening will result in a development that is not compatible with the surrounding area.

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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 existing development is consistent with the General Plan designation of LI/R (Light Industrial/Research). However, the existing fencing is not consistent with Title 19 in regards to the use of prohibited materials and also requires approval of a Waiver from the Industrial District Development Landscape Standards.

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

The site is accessible from Contract Avenue and from the public alley that runs behind the subject property and will not have a negative impact on adjacent roadways or neighborhood traffic.

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

Although the applicant is requesting to utilize materials that are prohibited by Title 19.08, the chain link fence and barbed-wire are in well-maintained condition and are contextually compatible with the surrounding industrial land use. The lack of landscaping along Contract Avenue, however, does not provide adequate screening along the public right-of-way.

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 applicant has not proposed any new structures or physical alterations to the subject site other than the restriping and parking arrangement for vehicle storage.

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

The proposed development is subject to Conditions of Approval, the Title 19 Zoning Code, the International Building Code, and will require inspection at the time of Business Licensing; therefore, the development will not compromise the public health, safety or welfare.

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NOTICES MAILED 77

APPROVALS 18

PROTESTS 0