



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MAY 14, 2013
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT/OWNER: DREA 357, LLC

**** STAFF RECOMMENDATIONS ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-48810	Staff recommends APPROVAL, subject to conditions:	N/A
SDR-48811	Staff recommends DENIAL, if approved subject to conditions:	SUP-48810

**** CONDITIONS ****

SUP-48810 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Delivery and Service Vehicle Storage use.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-48811) shall be required.
3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. 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 Department of Building and Safety.
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.

SDR-48811 CONDITIONS

Planning

1. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. All development shall be in conformance with the combined site and landscape plan and included screen wall elevations, date stamped 03/27/13, except as amended by conditions herein.
3. A Waiver from Title 19.08.040(G)(4) is hereby approved, to allow wire fencing with plastic slat screening.
4. A Waiver from Title 19.08.080 is hereby approved, to allow a 10-foot wide landscape buffer along a 90-foot portion of the front property line where a 15-foot wide landscape buffer is required.
5. An Exception from Title 19.08.040(F)(8)(b) is hereby approved, to allow no shrubs within the north, east, and west landscape buffers where four 5-gallon shrubs are required per 24-inch box tree, for a total of 184 shrubs.
6. An Exception from Title 19.08.110(12) is hereby approved, to allow no parking lot landscaping, for a total of five 24-inch box trees and 20 five-gallon shrubs.
7. All existing barbed-wire shall be removed within 30 days of final action on this entitlement request.
8. Revised screen wall elevations shall be submitted to and approved by the Department of Planning prior to the time application is made for a building permit to reflect a consistent coloring or pattern for all of the plastic slats detailed on the wire fencing.
9. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
10. The applicant shall coordinate with the City Surveyor and other city staff to determine the most appropriate mapping action necessary to consolidate the existing lots. The mapping action shall be completed and recorded prior to the issuance of any building permits.

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11. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device.
12. 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 Department of Building and Safety
13. 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.
14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

15. In accordance with code requirements of Title 13.56, remove all substandard improvements, 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 Bonanza Road may remain.
16. The installation of either swing gates or rolling gates is acceptable as long as no part of the gates, either in the opened or closed position, intrude into the public right-of-way. It is the responsibility of the property owner to determine the exact location of the public right-of-way and to install the gates appropriately. Any unauthorized installation in the public right-of-way may be subject to provisions of Title 13.32.080. The gate shall also be located a minimum of 18 feet away from the public right-of-way.
17. Landscape and maintain all unimproved rights-of-way, if any, adjacent to this site. 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.

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18. Submit an Encroachment Agreement for landscaping and private improvements in the Bonanza Road public right-of-way prior to this issuance of permits for these improvements. The applicant must carry an insurance policy for the term of the Encroachment Agreement and add the City of Las Vegas as an additionally insured entity on this insurance policy. If requested by the City, the applicant shall remove property encroaching in the public right-of-way at the applicant's expense pursuant to the terms of the City's Encroachment Agreement. The installation and maintenance of all private improvements in the public right-of-way shall be the responsibility of the adjacent property owner(s) and shall be transferred with the sale of the property for the entire term of the Encroachment Agreement. Coordinate all requirements for the Encroachment Agreement with the Land Development Section of the Department of Building and Safety (229-4836).

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Special Use Permit and Site Development Plan Review for a proposed Delivery and Service Vehicle Storage use with a waiver to allow a 10-foot wide landscape buffer along the south property line where 15 feet is required and to allow chain link wire perimeter fencing at 2020 West Bonanza Road. The applicant seeks to partially landscape the 2.39-acre site and enclose and screen it with wire fencing filled with plastic slats. The applicant is seeking entitlement for the parking and storage of commercial fleet vehicles and trailers affiliated with specialized traffic control devices, such as impact attenuators and portable message boards.

Staff recommends denial of the Site Development Plan Review, as the requested waivers and exceptions result in a commercial development that is not harmonious and compatible with the surrounding area. Specifically, the proposed site plan does not provide suitable screening of the potential visual nuisance and noise generated onsite from the neighboring residentially zoned properties.

ISSUES

- The Delivery and Service Vehicle Storage use is permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.
- The applicant is requesting a waiver to allow eight-foot wire fencing with plastic slats to function as the required screen walls along the north, east, and west property lines. Staff recommends denial, as the screening method will not be entirely effective or aesthetically pleasing.
- The applicant is requesting a Waiver to Title 19.08.080 to allow a 10-foot landscape buffer along the south property line where a 15-foot wide buffer is required. Staff recommends denial, as there is adequate space available for the required buffer area.
- The applicant is requesting exceptions to Title 19.08.040 and 19.08.110 to allow no shrubs within the perimeter landscape buffers and no parking lot landscaping. Staff recommends denial, as there is adequate space available within the site to provide the required landscaping.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
10/16/02	The City Council approved a request for a Rezoning (Z-0067-02) from P-R (Professional Offices and Parking) and R-3 (Limited Multiple Residence) to C-1 (Limited Commercial). The Planning Commission and staff recommended approval.
	The City Council approved a request for a Site Development Plan Review [Z-0067-02(1)] for a 3,230 square-foot office conversion on 0.47 acres at 2020 West Bonanza Road. The Planning Commission and staff recommended approval.
05/17/06	The City Council approved a request for General Plan Amendment (GPA-9219) Commercial, Mixed Use, Industrial or Public Facilities on various parcels located within the proposed Las Vegas Redevelopment Plan area. The Planning Commission and staff recommended approval.
09/19/07	The City Council approved a Rezoning (ZON-17304) from the R-E (Residence Estates) zoning district and C-1 (Limited Commercial) zoning district to the C-2 (General Commercial) zoning district on 2.67 acres at 2020 through 2022 West Bonanza Road and 715 Clarkway Drive. The Planning Commission and staff recommended denial.
	The City Council approved a request for a Site Development Plan Review (SDR-18676) for a Landscape Material/Lumber Yard with multiple waivers on 2.67 acres at 2020 through 2022 West Bonanza Road. The Planning Commission and staff recommended denial. The approval expired 09/19/09.
01/05/07	A Code Enforcement Case (#48970) was processed due to the installation of chain link fence and barbed wire and construction trailer without permits at 2020 West Bonanza Road. This case was resolved on 03/30/07.
04/10/12	At the request of the applicant, a request for a General Plan Amendment (GPA-44682) from the MXU (Mixed Use) land use designation to the LI/R (Light Industry and Research) land use designation and the associated request for Rezoning (ZON-44683) from the C-2 (General Commercial) zoning district to the C-M (Commercial/Industrial) land use district were abeyed to the May 8, Planning Commission meeting in order to submit Site Development Plan Review (SDR-44946).
05/08/12	The applicant withdrew, without prejudice, the requested General Plan Amendment (GPA-44682), Rezoning (ZON-44683), and associated Site Development Plan Review (SDR-44946) for a proposed Contractor's Storage Yard with waivers to allow: no landscape buffer along the north, east, and west property lines where eight feet is required; a 10-foot landscape buffer along the south property line where 15 feet is required; and an open-wire fence on 2.39 acres at 2020 West Bonanza Road.

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05/23/12	A Special Use Permit (SUP-45392) and related Site Development Plan Review (SDR-45494) for a proposed Delivery and Service Vehicle Yard with waivers to allow: no landscape buffer along the north, east, and west property lines where eight feet is required; a 10-foot landscape buffer along the south property line where 15 feet is required; and a screen wall consisting of chain link and corrugated metal on 2.39 acres at 2020 West Bonanza Road were submitted for the 07/10/12 Planning Commission meeting. These items were pulled and refunded on 01/30/13 at the applicant's request, prior to being placed on the Planning Commission agenda.
09/17/12	A Code Enforcement Case (#119778) was opened for code violations due to the continued unauthorized use of the site as a Delivery and Service Vehicle Storage yard without a Special Use Permit or Site Development Plan Review at 2020 West Bonanza Road. This case is dependent on the final outcome of Special Use Permit (SUP-48810) and Site Development Plan Review (SDR-48811), submitted to the 5/14/13 Planning Commission meeting.

<i>Most Recent Change of Ownership</i>	
12/27/10	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
05/29/97	A building permit (#97-011066) was issued for a chain link fence around an on-site well at 2020 West Bonanza Road. The permit expired on 11/29/97.
11/26/02	A building permit (#04-004732) was issued for a Tenant Improvement to convert a single family dwelling to an office building at 2020 West Bonanza Road. The permit was finalized 10/06/04.
01/23/07	A building permit (#80224) was issued for permanent chain link fencing at 2020 West Bonanza Road. The permit was finalized 02/11/07.

<i>Pre-Application Meeting</i>	
03/12/13	A pre-application meeting was held with staff and the applicant to discuss the submittal requirements for a Special Use Permit for a proposed Delivery and Service Vehicle Storage Use. Also discussed were the development requirements necessary for the required Site Development Plan Review. The applicant was informed of the landscaping and screening requirements, in addition to the various requirements for the proposed use.

<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

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<i>Field Check</i>	
04/09/13	Staff conducted a field check of the site and noted the wire fencing topped with barbed wire and plastic screening was in place. There were commercial vehicles and trailer-mounted traffic control devices present and two-story accessory structure located at the rear of the site.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	2.39

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Delivery and Service Vehicle Storage (Nonconforming)	MXU (Mixed Use Development)	C-2 (General Commercial)
North	Single-Family, Detached	MXU (Mixed Use Development)	R-E (Residential Estates)
South	Rental Store (with Outside Storage)	LI/R (Light Industry/Research)	C-M (Commercial/Industrial)
			C-2 (General Commercial)
East	Single-Family, Detached	MXU (Mixed Use Development)	R-E (Residential Estates)
	General Retail, Other Than Listed		C-1 (Limited Commercial)
West	Single-Family, Detached	MXU (Mixed Use Development)	R-E (Residential Estates)

<i>Master Plan Areas</i>	<i>Compliance</i>
West Las Vegas Plan	Y
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District – 140 Feet	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails – Bonanza Trail and Pioneer Trail	Y
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.110, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	11 Trees	11 Trees	Y
• South	1 Tree / 20 Linear Feet	4 Trees	4 Trees	Y
• East	1 Tree / 20 Linear Feet	15 Trees	15 Trees	Y
• West	1 Tree / 20 Linear Feet	27 Trees	27 Trees	Y
TOTAL PERIMETER TREES		57 Trees	57 Trees	Y
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	5 Trees	0 Trees	N

LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	8 Feet	8 Feet	8 Feet	Y
• South	15 Feet	10 Feet	10 Feet	N
• East	8 Feet	8 Feet	8 Feet	Y
• West	8 Feet	8 Feet	8 Feet	Y
Wall Height	8 Feet Adjacent to Residential		8 Feet	Y

Pursuant to Title 19.08 and 19.12, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Parking Ratio	Required		Provided		Compliance
			Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Delivery and Service Vehicle Storage	2 employees + 17 vehicles	0.75 spaces per employee + 1 space per delivery or service vehicle					
TOTAL SPACES REQUIRED			19		26		
Regular and Handicap Spaces Required			18	1	24	2	Y

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<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
Per Title 19.08.040(G)(4), wire fencing is not allowed.	To allow wire fencing with plastic slat screening	Denial
Per Title 19.08.080, a 15-foot wide landscape buffer is required along the property line adjacent to the right-of-way.	To allow a 10-foot wide landscape buffer along a 90-foot portion of the front property line where a 15-foot wide landscape buffer is required.	Denial

<i>Exceptions</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
Title 19.08.040(F)(8)(b) requires four 5-gallon shrubs per 24-inch box tree.	To allow no shrubs within the north, east, and west landscape buffers where 184 five-gallon shrubs are required	Denial
Title 19.08.110(12) is hereby approved, to allow no parking lot landscaping.	To allow no parking lot landscaping.	Denial

ANALYSIS

The site is currently a nonconforming use, as the commercial vehicles and trailer-mounted traffic control devices are being stored on site, which is only allowed in the C-2 (General Commercial) zoning district with an approved Special Use Permit. The proposed site does not meet Policy 2.2.1 of the 2020 Master Plan which states, “That any higher density or mixed-use redevelopment which is adjacent to lower density residential development incorporate appropriate design, transition, or buffering elements which will mitigate adverse visual, audible, aesthetic and traffic impacts.” The requested waivers to provide adequate screening and exceptions for the reduction of onsite landscaping demonstrate a proposal that does not incorporate the appropriate buffering elements from the neighboring single-family residences to the east, west, and north.

The subject site is located within with the West Las Vegas Plan, which seeks to buffer commercial development from low density residential neighborhoods. The applicant is seeking waivers of the reduction in width to the front property line and to utilize wire fencing with plastic slats, demonstrating a less-effective approach to screening the property from the neighboring residential properties. In addition to the waivers, the applicant is seeking exceptions to the required amount of perimeter and parking lot landscaping, which is another lost opportunity for lessening the visual nuisance and noise abatement to the surrounding area.

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The required parking is based upon the number of employees and the amount of commercial vehicles to be stored on site. The applicant is proposing a maximum of two employees and 17 vehicles for a total parking requirement of 19 spaces. The proposed site plan shows 26 spaces with two handicap spaces located in front of the existing office building. Due to the industrial nature of the site, the applicant is requesting an exception to allow no landscape islands, trees or shrubs required for the parking lot where one 24-inch box tree and four shrubs is required for every six uncovered parking spaces. Staff recommends denial of the requested waivers and exceptions, as the landscaping can be provided in conformance with Title 19.

In regards to the requested Special Use Permit, the Delivery and Service Vehicle Storage use is defined in Title 19.18 as, “The use of an area or facility for the parking and storage of commercial fleet vehicles that are used primarily in connection with the delivery of goods and services to the surrounding community.”

The proposed use meets the definition, as the applicant will store commercial vehicles and trailer –mounted equipment onsite.

The Minimum Special Use Permit Requirements for this use include:

1. All areas used for the parking and storage of vehicles shall be paved, and shall be effectively screened so as not to be visible from adjoining properties or public rights-of-way.

The proposed use meets this requirement, as the provided site plan shows a variety of hard surface paving provided for the dedicated parking and storage areas.

2. Lighting shall be shielded from adjacent properties.

The proposed use meets this requirement, as there are no proposed lights shown on the provided site plan.

3. The use shall not occupy or interfere with any parking spaces that are required for any other existing or proposed areas for which required parking is or will be provided on the site.

The proposed use meets this requirement, as the proposed use does not interfere with the provided parking located in front of the building located at 2020 West Bonanza Road.

4. None of the following activities shall be permitted on site:
 - a. The repair or servicing of vehicles.
 - b. The storage or warehousing of goods or merchandise.

The proposed use meets this requirement, as the applicant has made no request to perform such services.

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Staff recommends approval of the Special Use Permit, as the use can be operated at this location in a manner that is harmonious and compatible with the surrounding area if the appropriate design measures are taken. The related Side Development Plan Review (SDR-48811) does not allow for adequate screening of the commercial uses on site and is therefore, recommended for denial.

FINDINGS (SUP-48810)

In order to approve a Special Use Permit application, per Title 19.16.110(L) 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 land use is not compatible with the neighboring residential properties to the north, west, and east of the subject site with the proposed design scenario. The multiple waiver requests from the development standards associated with the accompanying Site Development Plan Review demonstrate that the impact of the use could be mitigated to a greater degree. Staff recommends approval of this requested Special Use Permit based upon the fact that the use can be conducted in a manner that is harmonious and compatible with improvements made to the Site Development Plan Review request.

2. The subject site is physically suitable for the type and intensity of land use proposed.

The site is physically suitable for the proposed use; however, the proposed Site Development Plan Review does not meet substantial development standards listed in the Title 19 in regards to mitigating the visual impact to the adjacent residential properties.

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.

The site access is accessed primarily from Bonanza Road, a 100-foot wide Primary Arterial, which is adequate to support the proposed land use. There is secondary gated access provided from drive connected to Clarkway Drive. The applicant has not stated the intent of accessing the site from Clarkway Drive.

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.

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Approval of the Special Use Permit at this location for a Delivery and Service Vehicle Storage use will not compromise the public health, safety, or general welfare of the public, if permits are obtained for the improvements made.

5. The use meets all of the applicable conditions per Title 19.12.

The proposed use conforms to all of the Minimum Special Use Permit Requirement listed in Title 19.12 for the Service Vehicle Storage use.

FINDINGS (SDR-48810)

In order to approve a Site Development Plan application, per Title 19.16.100(E) 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 development is not compatible with adjacent residential developments in the surrounding area, as it requires multiple deviations from the development standards. The proposed wire fencing with plastic slats topped with barbed wire does not provide an aesthetically pleasing screening of the service yard from the residential properties. Staff recommends denial of this request based upon the lack of suitable screening and requests for waivers and exceptions to the commercial development standards.

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 proposed site does not meet Policy 2.2.1, of the 2020 Master Plan which states. "That any higher density or mixed-use redevelopment which is adjacent to lower density residential development incorporate appropriate design, transition, or buffering elements which will mitigate adverse visual, audible, aesthetic and traffic impacts." Although the site is physically suitable for the proposed use, the proposed design does not meet substantial components of the Title 19 development standards, as evidenced by the multiple waiver and exception requests.

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

The site access is accessed primarily from Bonanza Road, a 100-foot wide Primary Arterial, which is adequate to support the proposed land use. There is secondary gated access shown on the provided site plans from a drive that connects to Clarkway Drive, a 50-foot wide residential street. The applicant has not stated the intent of accessing the site from Clarkway Drive.

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

The proposed materials for the existing screen wall consist of chain link fencing with plastic slats providing the solid screening and topped with barbed wire fencing. These materials are not acceptable unless approved as part of an overall development plan per Title 19.08.040(G)(4). The proposed landscaping within the north, east, and west perimeter landscape buffers consists of 24-inch box trees planted 20 feet on center without any landscape planters, groundcover, or shrubs provided. No landscaping has been provided for the parking area. Multiple exceptions to these landscape deficiencies have been requested. The landscaping along Bonanza Road is appropriate and compatible with development in the area and the City of Las Vegas; however, the proposed 10-foot width of the front yard landscape buffer is substantially deficient from the required 15-foot wide buffer width.

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;

There are no new buildings proposed with this Site Development Plan Review and the existing structure located at the northwest corner of the site is has been marked for demolition. The building located at 2020 West Bonanza Road, at the front of the site, was approved by a previous Site Development Plan Review (Z-0067-02(1) and will remain as is.

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, permitting and licensing requirements to protect the public health, safety and welfare of the public.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 32

NOTICES MAILED 176

APPROVALS 0

PROTESTS 0