



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: OCTOBER 8, 2013

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: V & V TACK AND FEED - OWNER: BARTSAS MARY 13, LLC

**** STAFF RECOMMENDATIONS ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-50841	Staff recommends DENIAL, if approved subject to conditions:	SDR-50841
VAR-50842	Staff recommends DENIAL, if approved subject to conditions:	SDR-50841
SDR-50840	Staff recommends DENIAL, if approved subject to conditions:	VAR-50841 VAR-50842

**** CONDITIONS ****

VAR-50841 CONDITIONS

Planning

- 1.Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-50840) 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 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
- 3.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.
- 4.These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
- 5.All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

VAR-50942 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-50840) 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 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. 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.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SDR-50840 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-50841) and Variance (VAR-50842) 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 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. The applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Clark County Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Clark County Department of Aviation prior to the issuance of any building permits.

Conditions Page Three

October 8, 2013 - Planning Commission Meeting

4. All development shall be in conformance with the combined site and landscape plan and floor plan, date stamped 08/22/13, and building elevations, date stamped 09/30/13, except as amended by conditions herein.”
5. A Waiver from Title 19.08.080 is hereby approved, to allow a zero-foot buffer along the north, south, and west property lines where eight feet is required.
6. An Exception from Title 19.08.110 is hereby approved, to allow no parking lot trees islands at the ends of parking rows where a total of five 24-inch box shade trees are required.
7. 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.
8. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
9. 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. The technical landscape plan shall include the specifying of tree species and the inclusion of four 5-gallon shrubs per tree.
10. 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.
11. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

12. Construct all incomplete half-street improvements (sidewalk) adjacent to this site, and remove all existing substandard street improvements and unused driveway cuts adjacent to this site and replace with new improvements meeting current City Standards as required by the Department of Public Works.
13. Connect to the public sewer line in Michael Way. Alternatively, coordinate sewer connection requirements on Rancho Drive with the Sanitary Sewer Section of the Department of Public Works prior to connecting to the public sewer line in Rancho Drive.

Conditions Page Four

October 8, 2013 - Planning Commission Meeting

14. Obtain an Occupancy Permit from the Nevada Department of Transportation (NDOT) for all driveways or other private improvements in the Rancho Drive public right-of-way adjacent to this site prior to constructing any improvements within NDOT jurisdiction.
15. 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.
16. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for this Site Plan Prior to submittal of construction drawings for this site. Fire Department access shall be maintained at all times per Fire Department Standards.
17. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Site Development Plan Review for a proposed 12,400 square-foot commercial development located on one acre, adjacent to the northwest corner of Rancho Drive and Michael Way. The commercial development consists of an 18-foot tall, 12,400 square-foot steel panel structure that will serve as a feed and tack store and an 18-foot tall 1,880 square-foot open-sided steel panel structure that will serve as outside storage for hay and bulk materials. This development proposal is accompanied with a Waiver request to allow a zero-foot wide landscape buffer along the north, south, and west interior property lines where an eight-foot wide landscape buffer is required. In addition, an exception to deviate from the parking lot landscape requirements is proposed. The applicant has also requested a Variance (VAR-50841) to allow a zero-foot side yard setback and a five-foot rear yard setback where a 10-foot side yard and a 20-foot rear yard setback is required, respectively, and a Variance (VAR-50842) to allow 17 parking spaces where 71 spaces are required for and reduction in parking. Due to the self-imposed hardships from overdeveloping the site and the lack of aesthetic treatment, the site cannot be developed in accordance with the development standards. Therefore, staff recommends denial of the requested Site Development Plan Review and accompanying Waiver and Variance requests.

ISSUES

- A Variance has been requested to allow a zero-foot side yard setback where 10 feet is required and a five-foot rear yard setback where 20 feet is required.
- A Variance for parking has been requested to allow 17 parking spaces where 71 parking spaces are required.
- A Waiver of the Title 19.08.080 perimeter landscape requirement has been requested to allow a zero-foot landscape buffer along the north, south, and west property lines where an eight-foot buffer is required. A waiver is not needed along the south property line if the requested side yard setback variance is approved.
- Exceptions of Title 19.08.110 are required to allow no parking lot trees in islands or at ends of new parking rows; otherwise, a further reduction in the provided onsite parking will occur.
- The project is located within 30 feet of the North Las Vegas Municipal Airport, which will require the applicant to file a FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, or submit a "Property Owner's Shielding Determination Statement" to the Clark County Director of Aviation.

Staff Report Page Two
 October 8, 2013 - Planning Commission Meeting

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
10/01/03	The City Council approved a request to amend (GPA-2516) portions of the Centennial Hills Sector Plan Map from: GC (General Commercial), SC (Service Commercial) and DR (Desert Rural) to: GC (General Commercial), O (Office), SC (Service Commercial), PF (Public Facilities), and DR (Desert Rural) on property located on, or in close proximity to, both sides of Rancho Drive from Cheyenne Avenue to Gowan Road. The Planning Commission and staff recommended approval.

<i>Most Recent Change of Ownership</i>	
12/09/03	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
There are no building permits or business licenses related to this property	

<i>Pre-Application Meeting</i>	
08/06/13	During a routine field check staff found the site undeveloped but is enclosed on the north, south, and west sides by existing walls on neighboring properties. The site is adjacent to a Child Care Facility to the south.

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

<i>Field Check</i>	
08/29/13	Staff visited the site and found an undeveloped lot with existing six-foot walls along the north, south, and west property lines wire. No issues are noted.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.0

<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	Undeveloped	GC (General Commercial)	C-2 (General Commercial)
North	Undeveloped	GC (General Commercial)	C-2 (General Commercial)
South	(Child Care Facility)	SC (Service Commercial)	C-2 (General Commercial)
East	Auto Repair Garage, Minor	GC (General Commercial)	C-2 (General Commercial)
	Undeveloped	SC (Service Commercial)	
West	Undeveloped	GC (General Commercial)	C-2 (General Commercial)

<i>Master Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
No Applicable Special Purpose or Overlay Districts	N/A
A-O (Airport Overlay) District	Y
Rural Preservation Overlay District	N/A
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
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 19.08.060, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	100 Feet	181 Feet	Y
Min. Setbacks			
• Front	10 Feet	41 Feet	Y
• Side	10 Feet	0 Feet	N
• Corner	10 Feet	10 Feet	Y
• Rear	20 Feet	5 Feet	N
Max. Lot Coverage	50 %	32 %	Y
Max. Building Height	-	18 Feet	N/A
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/ a Roof or Trellis	Y
Mech. Equipment	Screened	Not Shown	Y*

**By condition of approval.*

Staff Report Page Four
 October 8, 2013 - Planning Commission Meeting

Pursuant to Title 19.08.060, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	1 Tree / 30 Linear Feet	6 Trees	0 Trees	N
• South	1 Tree / 30 Linear Feet	7 Trees	0 Trees	N
• East	1 Tree / 20 Linear Feet	6 Trees	11 Trees	Y
• West	1 Tree / 30 Linear Feet	7 Trees	0 Trees	N
TOTAL PERIMETER TREES		26 Trees	11 Trees	N
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		0 Feet	N
• South	8 Feet		0 Feet	N
• East	10 Feet		10 Feet	Y
• West	8 Feet		0 Feet	N
Wall Height	6 to 8 Feet Adjacent to Residential		Existing 6-Foot Wall	Y

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Rancho Drive	Primary Arterial	Planned Streets and Highways Map	100	Y

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

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required Parking Ratio	Required Parking		Provided Parking		Compliance
			Regular	Handi-capped	Regular	Handi-capped	
			General Retail, Other Than Listed	12,400 SF	1:175SF		
TOTAL SPACES REQUIRED			71				
Regular and Handicap Spaces Required							N
Loading Spaces	12,400 SF	1:10K SF	2		2		Y
Percent Deviation			76%				N

MH

Staff Report Page Five
 October 8, 2013 - Planning Commission Meeting

<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
8-foot perimeter landscape buffer along the east property line	Zero-foot buffer	Denial
10-foot perimeter landscape buffer along the south property line	4-foot buffer	Denial

<i>Exceptions</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
A five-foot wide landscape island with two 24-inch box sized trees.	No landscape islands at the ends of the rows of parking spaces that surround the building.	Denial
A five-foot wide landscape island with two 24-inch box sized trees is required for every six uncovered spaces.	No landscape islands between the rows of parking spaces located at the north end of the property or the row adjacent to the front entrance of the building.	Denial

ANALYSIS

The site’s development is proposed within the C-2 (Limited Commercial) zoning district. The propose General Retail, Other Than Listed use is appropriated for this location; however, the Variance for required parking, the requested Variance for the reduction in building setbacks, and the waivers and exceptions to reduce the required amount of landscaping demonstrates the proposed development is overbuilt. In addition, the lack of any fenestration and façade treatment will create a commercial development that is not aesthetically compatible with the commercial land uses along Rancho Drive.

The proposed development will exceed the 100:1 notice requirement for the North Las Vegas Airport (VGT). Therefore, as required by 14 CFR Part 77, the FAA must be notified of the proposed construction or alteration. The Clark County Department of Aviation (CCDOA) submitted comment to the City of Las Vegas regarding the following:

The applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Clark County Director of Aviation a “Property Owner’s Shielding Determination Statement” and request written concurrence from the Clark County Department of Aviation;

Staff Report Page Six
October 8, 2013 - Planning Commission Meeting

No building permit or other construction permit shall be issued for any structure greater than 35 feet above the surface of land that, based upon the FAA's 7460 airspace determination (the outcome of filing the FAA Form 7460-1) would (a) constitute a hazard to air navigation, (b) would result in an increase to minimum flight altitudes during any phase of flight (unless approved by the Department of Aviation), or (c) would otherwise be determined to pose a significant adverse impact on airport or aircraft operations. The applicant is advised that FAA's airspace determinations are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments.

The applicant is advised that the FAA's airspace determinations include expiration dates and that the separate airspace determinations will be needed for construction cranes or other temporary equipment.

The placement and size of the proposed buildings, both the central commercial building and the open-sided storage structure, require Variances for both the onsite parking requirement and setbacks along with Waivers and Exceptions to the Title 19.08 Commercial Development Standards, as demonstrated in the above tables. Because a reduction in the proposed floor area and the relocation of the proposed building would bring the development in conformance with the C-2 (General Commercial) zoning district development standards, the proposed development is not appropriate. Therefore, staff recommends denial.

FINDINGS (VAR-50841)

In accordance with the provisions of Title 19.16.140(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."

Additionally, Title 19.16.140(L) 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."

Staff Report Page Seven

October 8, 2013 - Planning Commission Meeting

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing a structure too large and too close to the required side and rear yard setbacks. An alternative design with a reduced floor area, along with the location of the primary structure at the front of the property would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

FINDINGS (VAR-50842)

In accordance with the provisions of Title 19.16.140(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."

Additionally, Title 19.16.140(L) 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."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing a commercial structure that is oversized for the available lot. An alternative design featuring a reduced floor plan would allow conformance to the Title 19 requirements by reducing the amount of required parking while making more land available for a parking lot. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

FINDINGS (SDR-50840)

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:

**Staff Report Page Eight
October 8, 2013 - Planning Commission Meeting**

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

The proposed General Retail, Other Than Listed use is compatible with the adjacent commercial uses to the north and south of this proposal; however, it is not compatible in appearance and scale with the commercial development standards for which the C-2 (General Commercial) zoning district falls under. The associated Variances (VAR-50841 and VAR-50842) further demonstrate that the proposed development is overbuilt for the subject site.

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 commercial development is not in compliance with the C-2 (General Commercial) development standards for building setbacks, building placement or orientation. Also, the proposed site plan does not provide the required amount of onsite parking. The applicant has requested a Waiver to the required interior landscape buffer and an exception from Title 19.08.110(C)(12)(a) to address the deficiency in required parking lot landscaping.

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

Access to the site is adequately provided by Rancho Drive, classified as a 100-foot wide Primary Arterial by the Master Plan of Streets and Highways. The interior circulation is provided by means of a one-way clockwise parking lot that surrounds the proposed primary structure. The site plan shows a gate that will negatively affect the egress of the site in the event that someone enters site and gate is closed. When considering the proposed parking-deficient plan and the single driveway providing vehicle ingress and egress, staff finds that the proposed interior circulation for the commercial development is problematic.

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

The building materials shown in the provided elevations and materials board are atypical of the adjacent commercial developments and are more in context with light industrial or agricultural land uses. The proposed landscaping materials along Rancho Drive are desert-appropriate and suitable for this type of development; however, there is no additional landscaping provided within the required landscape buffers or the parking lot.

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 provided building elevations demonstrate design characteristics that are not in compliance with the Title 19.08.040 Commercial Design Standards. Additional concern is raised regarding the significant lack of fenestration or architectural detail to the proposed building elevations, resulting in a commercial property that appears to be nothing more than a plain steel shed that would be more suited for a rural agricultural land use.

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

The proposed facility will be subject to the required reviews for building permits and a final inspection prior to the issuance for a Certificate of Occupancy, and therefore will not compromise the health, safety and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

NOTICES MAILED 199

APPROVALS 1

PROTESTS 0