



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: JUNE 9, 2015

DEPARTMENT: PLANNING

ITEM DESCRIPTION: SOUTHWEST SPECIALTIES, INC. - OWNER: PRESTIGE
WORLDWIDE, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-59053 ROC-59056	Staff recommends DENIAL, if approved subject to conditions:	N/A

** CONDITIONS **

VAR-59053 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval of Review of Condition (ROC -59056) 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 Chapter 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 LVMC 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.

Conditions Page Two
June 9, 2015 - Planning Commission Meeting

Public Works

6. Sign a Covenant Running with Land agreement for the possible future installation of half-street improvements per City Standards (including curb and gutter, sidewalks, permanent paving and possibly fire hydrants and sewers) on Balsam Street adjacent to this site. The Covenant agreement must be recorded with the County Recorder and a copy of the recorded document must be provided to the prior to the issuance of a certificate of occupancy for this site.

ROC-59056 CONDITIONS

Planning

1. Conformance to the conditions of approval for Site Development Plan Review (SDR-50483), except as amended herein.

Public Works

2. Condition #14 of SDR-50483 shall be replaced with the following condition: Sign a Covenant Running with Land agreement for the possible future installation of half-street improvements per City Standards (including curb and gutter, sidewalks, permanent paving and possibly fire hydrants and sewers) on Balsam Street adjacent to this site. The Covenant agreement must be recorded with the County Recorder and a copy of the recorded document must be provided to the prior to the issuance of a certificate of occupancy for this site.
3. Condition of Approval #17 shall be revised to read: Prior to the issuance of any permits for this site, meet with the Southern Nevada Health District (SNHD) to determine the limits of asphalt and parking for the area over the Individual Sewage Disposal System (ISDS). This area shall be posted "No Parking" as long as the ISDS is still operating. If this site cannot meet SNHD requirements for the existing commercial ISDS permit, this site shall connect to public sewer in Red Coach Avenue and abandon the Individual Sewage Disposal System (ISDS) according to SNHD regulations prior to the issuance of a certificate of occupancy for this site.

Staff Report Page One
June 9, 2015 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Variance to allow no sidewalk, curb and gutter, where these improvements are required and a companion Review of Condition of a previously approved Site Development Plan Review (SDR-50483) to delete Condition #14 which states, “Construct all incomplete half-street improvements 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 within two years from the date of this approval.” In addition Condition #17 is requested for deletion and states, “This site shall connect to public sewer in Red Coach Avenue and abandon the Individual Sewage Disposal System (ISDS) according to SNHD regulations prior to the issuance of a certificate of occupancy for this site” at 4505 Balsam Street. If these applications are denied the applicant must bring the subject site in compliance with Conditions #14 and #17 of Site Development Plan Review (SDR-50483) to obtain a Certificate of Occupancy.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
12/19/07	The City Council approved a Petition to Annex (ANX-23635) approximately 0.62 acres at 4505 Balsam Street. The Planning Commission and The Department of Planning staff recommended approval. The annexation became effective 12/28/07 and the zoning district was established as R-E (Residence Estates).
03/18/08	A code enforcement case (63536) was processed for running a construction company out of a residence at 4505 Balsam Street. The case was resolved on 03/21/08.
08/20/08	The City Council approved a General Plan Amendment (GPA-28388) from O (Office) to LI/R (Light Industry/Research) on this site as part of a larger request. The Planning Commission recommended approval and the Department of Planning staff recommended denial.
	The City Council approved a Rezoning (ZON-28389) from R-E (Residence Estates) to M (Industrial) on this site as part of a larger request. The Planning Commission recommended approval and the Department of Planning staff recommended denial.

Staff Report Page Two

June 9, 2015 - Planning Commission Meeting

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
08/20/08	As part of a larger request, the City Council approved a Variance (VAR-28392) to allow a 10-foot side yard setback where 50 feet is required adjacent to a residentially zoned district at 4505 and 4515 Balsam Street and 4491 North Rainbow Boulevard. The Planning Commission recommended approval and the Department of Planning staff recommended denial. The approval expired 08/20/10.
	The City Council approved a Petition to Vacate (VAC-28393) a 60-foot wide portion of Balsam Street located approximately 300 feet south of Red Coach Avenue. The Planning Commission recommended approval and the Department of Planning staff recommended denial. The approval expired 08/20/10.
	The City Council approved a Site Development Plan Review (SDR-28390) for a proposed 51,250 square-foot warehouse center with 18,100 square feet of office that included this site, with waivers of perimeter landscaping. The Planning Commission recommended approval and the Department of Planning staff recommended denial. The approval expired 08/20/10.
02/17/09	A code enforcement case (74601) was processed for running a business from residential property and parking semi-trucks at 4505 Balsam Street. The case was resolved on 09/13/10.
06/11/09	An application for a Site Development Plan Review (SDR-34011) for the conversion of two residences at 4505 and 4515 Balsam Street and a Variance (VAR-34013) to allow no screen wall adjacent to a residential use was withdrawn by the Planning Commission at the applicant's request.
09/19/11	A code enforcement case (105888) was processed for running a business from residential property and parking semi-trucks at 4505 Balsam Street. The case was resolved on 09/26/11.
01/11/12	A code enforcement case (109296) was processed for semi-trucks and construction equipment parked on the street at 4505 Balsam Street. The case was resolved on 01/12/12.
10/24/12	A code enforcement case (121398) was processed for an unpaved parking lot at 4505 Balsam Street. The case is unresolved.
09/10/13	The Planning Commission approved a Variance (VAR-50574) to allow existing outside storage within the north side yard setback and landscape buffer areas on 0.62 acres at 4505 Balsam Street. The Department of Planning staff recommended denial.
	The Planning Commission approved a Site Development Plan Review (SDR-50483) for the conversion of an existing 2,092 square-foot single family residence to a Contractor's Plant, Shop and Storage Yard office with Waivers of perimeter landscape buffer standards to allow zero-foot buffers along the south and a portion of the north property lines where eight feet is required and a zero-foot buffer along the east property line where 15 feet is required on 0.62 acres at 4505 Balsam Street. The Department of Planning staff recommended denial.

Staff Report Page Three

June 9, 2015 - Planning Commission Meeting

<i>Most Recent Change of Ownership</i>	
02/27/12	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
c.1966	The building at 4505 Balsam Street was constructed.
04/03/08	A business license (C25-01707) was issued for a Contractor at 4505 Balsam Street. The license remains active at this location.
03/21/12	A business license (B20-02054) was issued for a Business Support Service at 4505 Balsam Street. The license remains active at this location.
06/09/14	A building permit (262201) was processed for a Tenant Improvement to convert a single family residence to an office at 4505 Balsam Street. No permits have been issued, as no civil improvement plans have been submitted or approved.

<i>Pre-Application Meeting</i>	
03/31/15	A pre-application meeting was held with the applicant's representative and the submittal requirements for a Variance and Review of Condition to delete conditions #14 and #17 of Site Development Plan Review (SDR-50483) were discussed.

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

<i>Field Check</i>	
04/28/15	Staff conducted a field check of the subject site and found a Contractor's Plant, Shop and Storage Yard with no completed half-street improvements.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.62

<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	Contractor's Plant, Shop and Storage Yard	LI/R (Light Industry/Research)	M (Industrial)

Staff Report Page Four
June 9, 2015 - Planning Commission Meeting

<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>
North	Contractor's Plant, Shop and Storage Yard	LI/R (Light Industry/Research)	M (Industrial)
South	Mini-Storage Facility	SC (Service Commercial)	C-1 (Limited Commercial)
East	Private School, Primary	LI/R (Light Industry/Research)	C-PB (Planned Business Park)
West	U.S.-95 (Right-of-Way)	ROW (Right-of-Way)	ROW (Right-of-Way)

<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>
A-O (Airport Overlay) District (175 Feet)	Y
<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

ANALYSIS

The applicant is requesting a Variance to allow no sidewalk, curb and gutter, where these improvements are required and a companion Review of Condition of a previously approved Site Development Plan Review (SDR-50483) to delete Condition #14 which states, "Construct all incomplete half-street improvements 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 within two years from the date of this approval." In addition Condition #17 is requested for deletion and states, "This site shall connect to public sewer in Red Coach Avenue and abandon the Individual Sewage Disposal System (ISDS) according to SNHD regulations prior to the issuance of a certificate of occupancy for this site" at 4505 Balsam Street. The applicant stated in their justification letter that installing the improvements is cost prohibitive for the small business owner, who thought that she had purchased an operational property. The applicant has an ongoing code enforcement case related to the noncompliance of Condition #14 of Site Development Plan Review (SDR-50483), which required the construction of half-street improvements adjacent to this site.

The Public Works Department has provided the following comments:

JG

Staff Report Page Five
June 9, 2015 - Planning Commission Meeting

When a site is developed in the City of Las Vegas, it is customary to require the installation of all incomplete or damaged improvements surrounding the site so they match what exists in the surrounding area.

The City of Las Vegas Public Works Department has been in correspondence with the Southern Nevada Health District regarding the Individual Sewage Disposal System (ISDS) and found that the existing ISDS is commercial and this site can continue to use it until it fails. However, per the guidelines for an ISDS, asphalt is prohibited over the ISDS and therefore, the parking for this site may be impacted.

Although half street improvements are scarce in this area, the City is currently working on building complete streets throughout the City. The mini-storage site to the south was required to construct half street improvements adjacent to its site several years ago and Somerset Academy is currently constructing half street improvements directly across the street from this site. These previous projects have set the precedent for requiring complete half street improvements adjacent to this site. Therefore, Public Works recommends denial of this portion of the application.

FINDINGS

The subject Contractor's Plant, Shop and Storage Yard was approved by the Planning Commission on September 10, 2013. The proposed Variance and removal of Conditions #14 and #17 are not appropriate as the applicant's representative's agreed to the conditions of approval of Site Development Plan Review (SDR-50483). Therefore, staff recommends denial of these requests.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

26

NOTICES MAILED 138

APPROVALS 0

PROTESTS 0