



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: SEPTEMBER 13, 2016

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: NEVADA SAFES - OWNER: MCC INVESTMENT COMPANY LTD

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
ZON-65372	Staff recommends APPROVAL	N/A
VAR-65373	Staff recommends DENIAL, if approved subject to conditions:	ZON-65372
VAR-65374	Staff recommends DENIAL, if approved subject to conditions:	ZON-65372 VAR-65373
SUP-65375	Staff recommends DENIAL, if approved subject to conditions:	ZON-65372 VAR-65373 VAR-65374
SDR-65376	Staff recommends DENIAL, if approved subject to conditions:	ZON-65372 VAR-65373 VAR-65374 SUP-65375

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 21

NOTICES MAILED 249 – ZON-65372 and VAR-65373
249 – VAR-65374 and SUP-65375
249 – SDR-65376

APPROVALS 1 – ZON-65372 and VAR-65373
1 – VAR-65374 and SUP-65375
0 – SDR-65376

PROTESTS 5 – ZON-65372 and VAR-65373
5 – VAR-65374 and SUP-65375
5 – SDR-65376

**** CONDITIONS ****

VAR-65373 CONDITIONS

Planning

1. Approval of a Rezoning (ZON-65372) and approval and conformance to the Conditions of Variance (VAR-65374), Special Use Permit (SUP-65375) and Site Development Plan Review (SDR-65376) 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-65374 CONDITIONS

Planning

1. Approval of a Rezoning (ZON-65372) and approval and conformance to the Conditions of Variance (VAR-65373), Special Use Permit (SUP-65375) and Site Development Plan Review (SDR-65376) 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.

ZON-65372, VAR-65373, VAR-65374, SUP-65375 and SDR-65376 [PRJ-65195]
Conditions Page Two
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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.

SUP-65375 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Boat & Trailer Dealership (New and Used) use.
2. Approval of a Rezoning (ZON-65372) and approval and conformance to the Conditions of Variance (VAR-65373), Variance (VAR-65374) and Site Development Plan Review (SDR-65376) shall be required, if approved.
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. Waiver from Title 19.12 is hereby approved, to allow a minimum site area of 23,087 square feet.
5. 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.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SDR-65376 CONDITIONS

Planning

1. Approval of a Rezoning (ZON-65372) and approval and conformance to the Conditions of Variance (VAR-65373), Variance (VAR-65374) and Site Development Plan Review (SDR-65376) 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. Conformance to the approved conditions for Plot Plan Review [Z-0006-66(6)], except as amended herein.
4. All development shall be in conformance with the site plan, and building elevations, date stamped 06/23/16, except as amended by conditions herein.
5. 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.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
7. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The request is for a Rezoning of the subject property from R-1 (Single Family Residential) and C-1 (Limited Commercial) to C-1 (Limited Commercial), with two Variances for setback requirements and for parking requirements, a Special Use Permit to allow a Boat & Trailer Dealership (New and Used) and a conversion of four shipping containers to a building. The subject property contains an existing General Retail Store, Other than Listed.

ISSUES

- A Rezoning from R-1 (Single Family Residential) and C-1 (Limited Commercial) to C-1 (Limited Commercial) has been requested. Staff recommends approval of this request.
- A Variance is required to allow a five-foot front yard setback and zero-foot side yard setback where 10 feet is required for the proposed 1,280 square-foot building. Staff recommends denial of this request.
- A Variance to allow a seven-foot front yard setback and zero-foot side yard setback where 10 feet is required for the existing 7,980 square-foot nonconforming building. Staff recommends denial of this request.
- A Variance is required to allow zero additional parking spaces where eight additional spaces are required on a Parking Impaired Development. Staff recommends denial of this request.
- A Boat & Trailer Dealership (New and Used) use is permitted in the C-1 (Limited Commercial) zoning district with an approval of a Special Use Permit, with a waiver to allow a minimum site area of 23,087 square feet where 25,000 square feet is required. Staff recommends denial of this request.
- A Site Development Plan Review is required for the conversion of the four shipping containers totaling to 1,280 square feet to a building. Staff recommends denial of this request due to the Variance requests.

ANALYSIS

The subject property is located within an Airport Overlay with 200 feet maximum height requirement. The proposed development will not affect this overlay.

The subject property partially zoned as an R-1 (Single Family Residential), along the portion of the north property and the remaining part of the property is mostly zoned as C-1 (Limited Commercial). The underlying General Plan land use designation of the subject property is MXU (Mixed Use). With the proposed Rezoning to C-1 (Limited Commercial) zoning district is still consistent with the General Plan. Staff recommends approval.

ZON-65372, VAR-65373, VAR-65374, SUP-65375 and SDR-65376 [PRJ-65195]
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The existing General Retail Store, Other than Listed use located at 5250 West Charleston Boulevard is parking impaired; it met the parking requirements at the time the Plot Plan Review [Z-0006-66(6)] was approved in 1968. The subject site currently provides 13 parking spaces where the current requirement of the Unified Development Code is 53 spaces. Per Title 19.18.030 only the additional spaces are required. A total of eight additional spaces are required, but no additional spaces will be provided. Staff does not support this request.

The proposed conversions of the four shipping containers are located within the required setback. The subject property is considered a Double Frontage Lot, pursuant to Title 19.18. The property fronts Charleston Boulevard and Alpine Place and each of these frontages are considered a front yard setback. The proposed setbacks of these structures will be at five feet from the front yard and zero feet from the side yard. Staff does not support this request.

In addition, the existing building is seven feet from the front setback and zero feet from the side yard setback. Pursuant to Title 19.14, this building is classified as nonconforming. If the current building is damaged greater than 50 percent, the new building will not be able to be rebuilt at the current setback. In accordance to Title 19.14, "it is generally the intent of this Title to permit these nonconformities to continue until they are removed or abandoned, or until such earlier time as they are ordered to be removed, but not to encourage their survival." Approval of a variance for the existing structure would reclassify it as a conforming structure. Staff does not support this request.

The Las Vegas Valley Water District (LVVWD) has commented on the requested Site Development Plan Review, "This parcel is currently served but does not have the required backflow prevention per NAC 445A.67195. Civil and plumbing plans will need to be submitted to LVVWD for domestic meter sizing, fire flow availability and backflow retrofit." If utility boxes are required on the subject property it will be subject to Title 19.08.030 development standards.

A Boat & Trailer Dealership (New and Used) use is permitted in the C-1 (Limited Commercial) district with an approved Special Use Permit. The Boat & Trailer Dealership (New and Used) use is defined as "The use of any building or lot for the display and sale of new or used boats, jet skis or other marine vessels, along with corresponding trailers." In the Justification Letter, date stamped 06/23/16, the applicant requests that the existing establishment to be allowed to sell "small utility trailers".

The Minimum Special Use Permit Requirements for this use include:

1. The minimum site area shall be 25,000 square feet.

The proposed use does not meet this requirement; the subject property is only 23,087 square feet. The application is requesting for a waiver of this requirement.

2. No vehicle, boat or trailer service or repair work shall occur except within a fully enclosed structure.

The proposed use meets this requirement, as the applicant's justification letter, dated 06/23/16, states that there will be no service or repair work done on site.

3. All sales activities and storage shall be within an enclosed structure. (C-1 only).

The proposed use meets this requirement, as the applicant's justification letter, dated 06/23/16, states that it will only sell small utility trailers and all sales activities and storage will occur within the enclosed structure on site.

The site is not physically suitable for the type and intensity of the proposed land use. Title 19.12, specifies for the Boat & Trailer Sales (New and Used) use requires a minimum site area of 25,000 square feet, where the subject site has an area of 23,087 square feet. In addition, variances for parking and setbacks are required, indicating that the proposed use is too intense. Staff recommends denial of this request. If this application is approved, it is subject to conditions.

FINDINGS (ZON-65372)

In order to approve a Rezoning application, pursuant to Title 19.16.090(L), the Planning Commission or City Council must affirm the following:

1.The proposal conforms to the General Plan.

The site is currently has a land use designation of MXU (Mixed Use). The north portion of the subject property is currently zoned R-1 (Single Family Residential) and the request to Rezone to C-1 (Limited Commercial) would allow conformance to the General Plan of the City.

2.The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.

The proposed rezoning of the remaining portion of the northern property to C-1 (Limited Commercial) will be compatible with the surrounding land uses and zoning districts. The purpose of the Rezoning is to “clean up” a split-zoned parcel and bring it into conformance with the General Plan.

3. Growth and development factors in the community indicate the need for or appropriateness of the rezoning.

The subject property has been a General Retail Store, Other than Listed use and the compatibility of the surrounding uses indicates the appropriateness of the rezoning.

4. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.

The adjacent streets are adequate in size to meet the requirements of the zoning district.

FINDINGS (VAR-65373)

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.”

The applicant has created a self-imposed hardship by overbuilding the site such that the setbacks cannot be met for the proposed building. Redistributing the other storage containers towards the location of the Loading Zone on the provided site plan would allow conformance to the Title 19 requirements. Approval of a variance for the existing structure would reclassify it as a conforming structure. Pursuant to Title 19.14, “It is generally the intent of this Title to permit these nonconformities to continue until they are removed or abandoned, or until such earlier time as they are ordered to be removed, but not to encourage their survival.” 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-65374)

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.”

The applicant has created a self-imposed hardship by overbuilding the site such that current parking requirements cannot be met. Reducing the number and size of the storage containers would allow conformance to the Title 19 requirements by providing additional parking spaces. 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 (SUP-65375)

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 can be conducted in a manner that is harmonious and compatible with existing surrounding land uses by the General Plan and with future surrounding land uses as the sale of utility trailers will occur with an existing General Retail Store, Other than Listed use.

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

The site is not physically suitable for the type and intensity of the proposed land use. Title 19.12, specifies for the Boat & Trailer Sales (New and Used) use requires a minimum site area of 25,000 square feet. The site currently has an area of 23,087 square feet.

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 adjacent street facilities are adequate in size to meet the requirements of the proposed use.

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.

The approval of the Special Use Permit on this subject property will be subject to condition of approval and business license approval and compliance.

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

The proposed use does not meet all of the applicable conditions of Title 19.12. The subject property has a minimum site area of 23,087 square feet and 25,000 square feet is required. The applicant has requested waiver to allow this use to occur in a 23,087 square-foot area.

FINDINGS (SDR-65376)

In order to approve a Site Development Plan Review 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 development and development in the area. The proposed conversion requires an additional eight parking spaces and does not meet the required setbacks. The applicant has requested for two Variances for parking and setbacks.

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 development is not consistent with Title 19 regarding parking and setback requirements. The applicant has applied for Variances for these issues.

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

The Site can be accessed along Charleston Boulevard and the circulations do not negatively impact adjacent roadways or neighborhood traffic.

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

The building materials are not appropriate for the area and for the City; the building to be converted are storage containers. The existing landscaping on site will not be affected by the project.

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 building elevations, design characteristics and other architectural and aesthetic features are undesirable. The building is a painted, metal storage container that is not harmonious or compatible with development in the area.

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

The proposed addition will be subject to plan check review and inspections in order to protect the public health, safety and general welfare by the City staff.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/02/66	The Board of City Commissioners approved a request for Rezoning (Z-0006-66) from: R-1 (Single Family Residential) and R-4 (High Density Residential) to: C-1 (Limited Commercial).
08/08/68	The Planning Commission approved a request for a Plot Plan Review [Z-0006-66(6)] for a proposed retail appliance store on the north side of Charleston Boulevard west of Brush Street, C-1 zone.

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
04/17/96	The City Council approved a request for a Variance (V-0016-96) to allow access onto Alpine Place where such is prohibited by the original zoning conditions of Rezoning (Z-0006-66) at 5250 West Charleston Boulevard. The Board of Zoning Adjustment and staff recommended for approval.
04/01/97	The Board of Zoning Adjustment approved a one-year Required Review [V-0016-96(1)] on the property located at 5250 West Charleston Boulevard.
03/23/16	A Code Enforcement case (#164752) was processed for sign violations and storage containers in the rear of the property located at 5250 West Charleston Boulevard. The case is currently active.
08/09/16	The Planning Commission voted (7-0) to hold ZON-65372, VAR-65373, VAR-65374, SUP-65375 and SDR-65376 in abeyance to the 09/13/16 Planning Commission meeting at the request of the applicant.

<i>Most Recent Change of Ownership</i>	
11/22/99	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
10/16/68	A building permit (#44842) was issued for a commercial building at 5250 West Charleston Boulevard. The permit was finalized on 6/25/69.
10/1/74	A building permit (#18682) was issued for exterior and interior tenant improvement at 5250 West Charleston Boulevard. The permit was finalized on 11/15/74
05/02/77	A building permit (#2416) was issued for a building addition at 5250 West Charleston Boulevard. The permit was finalized on 08/04/77.
06/19/14	A business license (#G62-05622) for gun safe sales at 5250 West Charleston Boulevard. The license is currently active.
12/09/14	A building permit (#275222) was issued for a sign at 5250 West Charleston Boulevard. The permit was finalized on 03/24/15.

<i>Pre-Application Meeting</i>	
06/15/16	A pre-application meeting was conducted with the applicant to discuss the submittal requirements for Rezoning, Variance, Special Use Permit and Site Development Plan Review applications. The applicant proposes to convert the existing shipping containers into permanent structure. The proposed conversion results in an increase of eight parking spaces. The applicant was informed of a second application for Variance for a parking is required on a Parking Impaired Development. It was discussed that the existing nonconforming building on-site can be added as part of the Variance application in addition to the setback for the proposed conversion of the storage containers.

Neighborhood Meeting

A neighborhood meeting was not required, nor was one held.

Field Check

06/30/16	A field check was conducted by staff and observed the storage containers located in the rear of the property.
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Details of Application Request***Site Area***

Net Acres	0.53
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<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	General Retail, Other than Listed	MXU (Mixed Use)	R-1 (Single Family Residential)
			C-1 (Limited Commercial)
North	Single Family, Detached	MXU (Mixed Use)	R-CL (Single-Family Compact-Lot)
South	General Retail, Other than Listed	MXU (Mixed Use)	C-1 (Limited Commercial)
East	General Retail, Other than Listed	MXU (Mixed Use)	C-1 (Limited Commercial)
West	Vacant	MXU (Mixed Use)	C-1 (Limited 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>
A-O (Airport Overlay) District (200 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

DEVELOPMENT STANDARDS*Pursuant to Title 19.08, the following standards apply:*

Standard	Required/Allowed	Provided	Compliance
Min. Lot Width	100 Feet	99 Feet	Y*
Proposed building Min. Setbacks			
• Front	10 Feet	5 Feet	N**
• Side	10 Feet	0 Feet	N**
Existing nonconforming building Min. Setbacks			
• Front	10 Feet	7 Feet	N**
• Side	10 Feet	0 Feet	N**
Max. Lot Coverage	50 %	39 %	Y
Storage Containers Max. Building Height	N/A	10 Feet	Y

*Nonconforming lot

**A Variance (VAR-65373) application for setbacks is part of this request.

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Charleston Boulevard	Primary Arterial	Planned Streets and Highways Map	100	Y
Alpine Way	N/A	N/A	60	N/A

Pursuant to Title 19.08 and 19.12, 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	
General Retail Store	7,890 SF	1/175 SF	46				
Storage Container Conversion (addition)	1,280 SF	1/175 SF	+8				
TOTAL SPACES REQUIRED			54		13		N*
Regular and Handicap Spaces Required			52	2	12	1	N*
Loading Spaces	9,170 SF	1	1		1		Y

*A Variance (VAR-65374) for parking is part of this application request.