

AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: AUGUST 8, 2017

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: EWING INVESTMENTS, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
GPA-70710	Staff recommends APPROVAL.	
ZON-70712	Staff recommends APPROVAL.	GPA-70710
VAR-70718	Staff recommends APPROVAL, subject to conditions.	GPA-70710 ZON-70712
SUP-70714	Staff recommends APPROVAL, subject to conditions	GPA-70710 ZON-70712 VAR-70718
SDR-70720	Staff recommends APPROVAL, subject to conditions	GPA-70710 ZON-70712 VAR-70718 SUP-70714

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

15 - VAR-70718 and SUP-70714

15 - SDR-70720

13 - GPA-70710 and ZON-70712

NOTICES MAILED

91 - VAR-70718 and SUP-70714

91 - SDR-70720

74 - GPA-70710 and ZON-70712

PROTESTS

0 - VAR-70718 and SUP-70714

0 - SDR-70720

0 - GPA-70710 and ZON-70712

GPA-70710, ZON-70712, VAR-70718, SUP-70714 and SDR-70720 [PRJ-70640]
Notification Page Two
August 8, 2017 - Planning Commission Meeting

APPROVALS 0 - GPA-70710 and ZON-70712
0 - VAR-70718 and SUP-70714
0 - SDR-70720

**** CONDITIONS ****

VAR-70718 CONDITIONS

Planning

1. Conformance to the Conditions of Approval for Special Use Permit (SUP-70714) and Site Development Plan Review (SDR-70720) 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.

SUP-70714 CONDITIONS

Planning

1. Conformance to the Conditions of Approval for Variance (VAR-70718) and Site Development Plan Review (SDR-70720) 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, as well as submitted as part of any business license application.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SDR-70720 CONDITIONS

Planning

1. Conformance to the Conditions of Approval for Variance (VAR-70718), and Special Use Permit (SUP-70714) 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 development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 06/26/17, except as amended by conditions herein.
4. The applicant shall provide proof of a legal right to construct the wall on APN 139-27-698-001 prior to the issuance of a building permit, and if legal right cannot be obtained the block wall shall be constructed completely on property owned by the applicant.
5. A Waiver from Title 19.08 is hereby approved, to allow zero-foot-wide perimeter landscape buffers where eight feet is required adjacent to property lines and fifteen feet is required adjacent to rights of way.
6. 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.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

8. 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.
9. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

10. Prior to the issuance of any permits for this site, sign a Covenant Running with Land agreement for the possible future installation of half-street improvements per City Standards (including sidewalks and street lighting) on "A" 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 City prior to the release of this parcel map for recordation.
11. Provide proof of perpetual legal access to Assessor's Parcel Number 139-27-601-008 prior to the issuance of permits for this site, or alternatively consolidate the parcels to eliminate the land-locked parcel.
12. 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.
13. 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.
14. Submit a License Agreement for landscaping and private improvements in the "A" Street public right-of-way prior to the issuance of permits for these improvements. The applicant must carry an insurance policy for the term of the License 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 within the public right-of-way at the applicant's expense pursuant to the terms of the City's License Agreement. The installation and maintenance of all private improvements in the public right of way shall be the responsibility of the applicant and any successors in interest to the property and assigns pursuant to the terms of the License Agreement. Coordinate all requirements for the License Agreement with the Land Development Section of the Department of Building and Safety (229-4836).

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing to expand an existing Towing/Impound Yard on the northeast corner of A Street and Washington Avenue.

ISSUES

- The applicant is requesting a LI/R (Light Industry / Research) land use designation and a M (Industrial) zoning designation on a portion of the subject site. This parcel was previously Union Pacific Railroad right of way, but is now privately owned.
- A Variance to allow an eight-foot solid wall where five feet is the maximum allowed with only the bottom two feet solid in the front setback area. Staff supports the variance.
- A Special Use Permit (SUP-70714) has been requested to allow the expansion of a Towing/Impound Yard without asphalt paving for operable vehicles in the storage yard. This would continue the condition of the existing storage yard and staff supports the request.
- A Site Development Plan Review (SDR-70720) for an Impound/Towing Yard expansion has been requested and is supported by staff.
- Waivers to allow a zero-foot-wide landscape buffer where eight feet is required on internal property lines and 15 feet is required along rights of way (Washington Avenue, A Street and the Union Pacific Railway) has been requested and is supported by staff.
- The site plan submitted depicts the wall being constructed within the right of way adjacent to the southeast corner of the site. A condition requires documentation of a legal right to build in that right of way, or that all improvements be on private property owned by the applicant.

ANALYSIS

A portion of the subject site is currently designated as ROW (Right of Way) for both its land use and its zoning. The applicant is proposing to amend the general plan to have a LI/R (Light Industry / Research) land use designation and to rezone that parcel to M (Industrial). The remainder of the site is already guided and zoned similarly.

The (L/I) Light Industry/ Research category allows areas appropriate for clean, low-intensity (non-polluting and non-nuisance) industrial uses, including light manufacturing, assembling and processing, warehousing and distributions, and research, development and testing laboratories. Typical supporting and ancillary general uses are also allowed. This category may also allow mixed-use development with a residential component as a transition to less-intense uses where appropriate.

The M (Industrial) zoning district is intended to provide for heavy manufacturing industries in locations where they will be compatible with and not adversely impact adjacent land uses. This district is intended to be located away from all residential development. The M District is consistent with the Light Industry/Research category of the General Plan.

The applicant is proposing to expand an existing Towing/Impound yard that is operating on the parcels to the north of the subject site. The applicant is proposing to continue the same perimeter treatment with this expansion. As such they have requested a Variance (VAR-70718) to allow an eight-foot solid wall where five feet is the maximum height with the first two feet solid. Staff supports this request as it is consistent with the existing Towing/Impound Yard and will provide appropriate screening and security. Further, the applicant has requested waivers to allow zero-foot-wide perimeter landscaping where eight feet is required along property lines, expanding to fifteen feet wide along rights of way. The site is adjacent to A Street, Washington Avenue, and the Union Pacific Railway which would therefore require 15 feet of landscaping on the south, west and east property lines. The applicant is proposing to have zero feet to match the perimeter treatment of the existing Towing/Impound Yard. Staff supports this request as it will be consistent with the existing Towing/Impound Yard.

The site plan submitted by the applicant depicts the proposed wall crossing a portion of right of way that is not owned by applicant in the southeast corner of the site. The area in question is at the top of a large retaining wall for Washington Avenue and leaving it without a wall would create an attractive nuisance. Staff has included a condition that requires the applicant to demonstrate a legal right to construct the wall within that right of way, or the wall would be required to be constructed entirely on private property owned by the applicant.

The Towing/Impound Yard use is defined as "A lot or building used for the storage of damaged, wrecked or impounded motor vehicles for a limited period of time, usually awaiting insurance adjustment, transport to a repair shop, or recovery by the owner or operator. The proposed use meets the definition as it will be an expansion of an existing Towing/Impound Yard which is currently licensed and operating in the city.

A Towing/Impound Yard is permitted in the M (Industrial) zoning district as a conditional use. The applicant would like to continue the same treatment as the existing Towing/Impound Yard facility of which this project is an expansion. As such, they are requesting to not pave the areas used for the parking and storage of operable vehicles. This is a requirement of the Conditional Use and therefore they have requested a Special Use Permit in accordance with Title 19.12.040 (B).

The Towing/Impound Yard does not include any specific requirements in Title 19.12.

The LI/R (Light Industry / Research) land use designation and a M (Industrial) zoning designation match the surrounding properties on the west and north and are compatible with the commercially guided and zoned properties south of Washington Avenue and east of the Union Pacific Railway. Further, the Variance (VAR-70718), Special Use Permit (SUP-70714) and Site Development Plan Review (SDR-70720) will allow the applicant to expand their Towing/Impound Yard with the same perimeter treatment and surfacing as the existing facility. Therefore, staff recommends approval of the proposed Towing/Impound Yard expansion.

FINDINGS (GPA-70710)

Section 19.16.030(I) of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

1.The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,

The proposed LI/R (Light Industry / Research) general plan designation will match the surrounding parcels on two sides, and is compatible with the commercially designated parcels to the east and south of the site across Washington Avenue and the Union Pacific Railway.

2.The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,

The proposed M (Industrial) zoning designation will match the surrounding parcels on two sides, and is compatible with the commercially zoned parcels to the east and south of the site across Washington Avenue and the Union Pacific Railway.

3.There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and

The uses permitted in the proposed LI/R (Light Industry / Research) general plan designation will have appropriate access to transportation and utilities as the site is located adjacent to Washington Avenue with access via A Street.

4.The proposed amendment conforms to other applicable adopted plans and policies.

The proposed LI/R (Light Industry / Research) general plan designation conforms to the adopted plans and policies of the City of Las Vegas.

FINDINGS (ZON-70712)

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 proposed M (Industrial) zoning district will conform with the proposed LI/R (Light Industry / Research) general plan designation.

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 uses permitted in the proposed M (Industrial) zoning designation will be the same as the property to the north and west, and will be compatible with the commercial zoning designations across Washington Avenue and the Union Pacific Railway.

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

The proposed M (Industrial) zoning district will allow industrial uses that support the employment and tax base for the City of Las Vegas.

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 subject site is adjacent to Washington Avenue, and will have access to Washington Avenue via A Street through an adjacent parcel. Washington Avenue is a collector street that also provides access to Interstate 15. These facilities are more than adequate for a property of this size.

FINDINGS (VAR-70718)

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 is proposing to continue the existing conditions of the Towing/Impound Yard to the north of which this project is an expansion. The existing wall is eight feet solid and the applicant wishes to continue that condition to maintain the appearance and provide the necessary security for the yard.

FINDINGS (SUP-70714)

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 use is an expansion of an existing Towing/Impound Yard which has been operating at the site for some time, the use can therefore be conducted in a harmonious manner.

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

The site plan submitted indicates that the site is suitable for use as a Towing/Impound Yard expansion.

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 project will add approximately 69 trips per day on Washington Avenue, A Street and Main Street. Washington Avenue is anticipated to remain at 47 percent capacity, Main Street will rise to 31 percent of capacity, and A Street does not have existing traffic counts but is believed to be under capacity.

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 proposed Towing/Impound Yard expansion will not compromise the public health, safety and welfare and is a use consistent with the General Plan.

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

There are no specific requirements associated with a Special Use Permit for a Towing/Impound Yard.

FINDINGS (SDR-70720)

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 Towing/Impound Yard expansion will match the improvements of the existing yard to the north and is therefore compatible with adjacent development and development in the area.

2. The proposed development is consistent with the General Plan, this Title, and other duly-adopted city plans, policies and standards;

The proposed Towing/Impound Yard expansion is a use that can be permitted in the M (Industrial) zoning district with the approval of a Special Use Permit. The improvements comply with the requirements of Title 19 with the exception of the requests for a variance and waivers to allow the improvements to match the existing Towing/Impound Yard to the north.

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

Access to the site will be obtained through the existing Towing/Impound Yard to the north and will not have a negative impact on traffic.

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

The block wall material is appropriate for the area and will match the existing improvements to the north.

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 proposed block wall is not unsightly, undesirable or obnoxious and will match the existing improvements on the lots to the north.

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

The improvements will require a building permit and inspection to assure the protection of public health, safety and general welfare.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc</i>	
07/11/17	The Planning Commission voted (6-0) to hold GPA-70710 and ZON-70712 [PRJ-70640] in abeyance at the applicant's request to the August 8, 2017 Planning Commission meeting.

GPA-70710, ZON-70712, VAR-70718, SUP-70714 and SDR-70720 [PRJ-70640]
Staff Report Page Eight
August 8, 2017 - Planning Commission Meeting

<i>Most Recent Change of Ownership</i>	
06/01/14	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
1954	Clark County records indicate this as the year of construction for the previous structure at 950 A Street.
01/10/06	A business license (G55-00497) was issued for a Motion Picture Company. The license was marked inactive on 09/12/14.
03/22/16	A building permit (C-313949) was issued for the demolition of the building addressed as 950 A Street.

<i>Pre-Application Meeting</i>	
04/05/17	Staff held a preapplication meeting with the applicant, they were informed that the property required a General Plan Amendment and Rezoning before it could be developed. The applicant also presented plans that would expand the existing towing/impound yard to this site.

<i>Neighborhood Meeting</i>	
06/22/17	A neighborhood meeting was held at 1405 A Street, the Ewing Brothers Collision Center at 5:30pm. There were no members of the public in attendance.

<i>Field Check</i>	
06/29/17	Staff completed a routine site visit, noting an undeveloped site.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.33

<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	ROW (Right of Way)	ROW (Right of Way)
North	Impound Yard	LI/R (Light Industry/Research)	M (Industrial)
South	Washington Avenue	ROW (Right of Way)	ROW (Right of Way)
East	Undeveloped	SC (Service Commercial)	C-1 (Limited Commercial)
West	Railroad	ROW (Right of Way)	ROW (Right of Way)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Downtown North Land Use Plan	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	Y
Las Vegas Redevelopment Plan Area	Y
Interlocal Agreement	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:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	18 Trees	0 Trees	N
• South	1 Tree / 20 Linear Feet	15 Trees	0 Trees	N
• East	1 Tree / 20 Linear Feet	7 Trees	0 Trees	N
• West	1 Tree / 20 Linear Feet	8 Trees	0 Trees	N

GPA-70710, ZON-70712, VAR-70718, SUP-70714 and SDR-70720 [PRJ-70640]
Staff Report Page Ten
August 8, 2017 - Planning Commission Meeting

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
TOTAL PERIMETER TREES		48 Trees	0 Trees	N
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	0 Trees	0 Trees	Y
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	8 Feet		0 Feet	N
• South	15 Feet		0 Feet	N
• East	15 Feet		0 Feet	N
• West	15 Feet		0 Feet	N
Wall Height	6 to 8 Feet Adjacent to Residential		8 Feet	Y

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Washington Avenue	Collector	Planned Streets and Highways Map	90	Y
A Street	Local Street	Title 13	60	Y

Waivers		
Requirement	Request	Staff Recommendation
An eight foot wide perimeter landscape buffer	A zero foot wide perimeter landscape buffer	Approval
A fifteen foot wide perimeter landscape buffer along rights of way	A zero foot wide perimeter landscape buffer along rights of way	Approval