

*City of Las Vegas*

**AGENDA MEMO - PLANNING**

**CITY COUNCIL MEETING DATE: NOVEMBER 18, 2020**

**DEPARTMENT: PLANNING**

**ITEM DESCRIPTION: APPLICANT/OWNER: GEORGE TONY LOPEZ, ET AL**

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

<b>CASE NUMBER</b>	<b>RECOMMENDATION</b>	<b>REQUIRED FOR APPROVAL</b>
<b>78578-VAR1</b>	Staff recommends DENIAL, if approved subject to conditions:	
<b>78578-SDR1</b>	Staff recommends DENIAL, if approved subject to conditions:	78578-VAR1

**\*\* NOTIFICATION \*\***

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 13

**NOTICES MAILED** 218 (By City Clerk)

**PROTESTS** 0

**APPROVALS** 0

**\*\* CONDITIONS \*\***

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## **78578-VAR1 CONDITIONS**

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### **Planning**

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (78578-SDR1) 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.

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## **78578-SDR1 CONDITIONS**

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### **Planning**

1. Approval of and conformance to the Conditions of Approval for Variance (78578-VAR1) 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 date stamped 10/19/20, except as amended by conditions herein.

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4. If approved, the proposed landscape buffer adjacent to the right-of-way shall provide one 24-inch box tree per 20 linear feet and a minimum of four 5-gallon shrubs for every required tree.
5. A Waiver from Title 19.08.100 is hereby approved, to allow a five-foot wide landscape buffer adjacent to the right-of-way where 15 feet is required.
6. A Waiver from Title 19.08.100 is hereby approved, to allow no interior perimeter landscape buffers where eight feet is required.
7. An Exception from 19.08.040 is hereby approved, to allow no interior perimeter landscaping materials where one 24-inch box tree per 20 linear feet and a minimum of four 5-gallon shrubs for every required tree.
8. 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.
9. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
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.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a Major Amendment request to an approved Site Development Plan Review (SDR-76576) to allow no perimeter landscaping and a Variance request to allow chain link fencing where prohibited at 1616 Sunset Drive.

**ISSUES**

- A Waiver is requested to allow no landscape buffers where a 15-foot landscape buffer is required adjacent to the right-of-way and eight-foot buffers are required for interior lot lines. Staff does not support the request.
- An Exception is requested to allow zero perimeter trees where 25 would typically be required within the required landscape buffers. Staff does not support the request.
- An Exception is requested to allow zero perimeter shrubs where 100 would typically be required within the required landscape buffers. Staff does not support the request.
- A Variance (78578-VAR1) is requested to allow chain link fencing material as screening where solid block wall is required. Staff does not support the request.
- The applicant submitted a revised site plan and justification letter to the Department of Planning on 10/19/2020.
- The revised site plan depicts a proposed five-foot wide landscape buffer adjacent to the right-of-way.
- A Condition of Approval has been added that requires the applicant provide one 24-inch box tree per 20 linear feet and a minimum of four 5-gallon shrubs for every required tree within the proposed landscape buffer area.

**ANALYSIS**

The subject site is zoned M (Industrial) and is subject to Title 19 development standards. Per Title 19, after a Site Development Plan has been approved, any request to amend the approved Plan shall be submitted to the Department of Planning. Upon receipt of an amendment request, the Director shall determine if the amendment is to be processed under the Minor Review process set forth in Subsection (F) or under the Major Review process. Due to the associated Waiver, Exception and Variance requests, the Department has determined the requested amendment qualifies as a Major Amendment.

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On September 18, 2019 the City Council approved Site Development Plan Review (SDR-76576) for a Heavy Machinery and Equipment Storage Development and Variance (VAR-76575) to allow an eight-foot tall wall in the front yard at the subject site. The applicant now requests to amend the previous Site Development Plan Review (SDR-76576) approval to allow no landscaping and chain link fencing. Per the submitted justification letter, the proposal of no landscaping and chain link fencing is compatible with the existing development in the area.

Per Title 19.08.040, outdoor storage areas shall be screened from public view from all rights-of-way, pedestrian areas, and parking lots. Screening includes, without limitation, solid walls and landscaping of a density sufficient to screen the use. The applicant requests Variance (78578-VAR1) to allow chain link fencing material as screening. Staff does not find the request to be an adequate mechanism for screening of outdoor storage of heavy machinery, therefore recommends denial of both entitlement requests.

**FINDINGS (78578-VAR1)**

In accordance with the provisions of Title 19.16.140(B), the 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 to utilize chain link fencing material as screening for outdoor storage areas. Alternatively, the applicant could utilize block wall or landscaping of a density sufficient to screen the use. 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.

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**FINDINGS (78578-SDR1)**

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 Heavy Machinery and Equipment (Storage) use is not compatible with adjacent development, particularly with the adjoining rural land use designation and R-E (Residence Estates) zoning district to the west.

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

The proposed development is not consistent with Title 19 Development Standards, as it requires Waiver and Exceptions to allow no landscaping and a Variance to allow chain link fencing where prohibited.

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

Access to the site is provided by Sunset Drive, a 50-foot wide Local Street as designated by Title 13. Circulation around the site is acceptable.

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

Waivers and Exceptions are requested to allow no landscaping and a Variance is requested to allow chain link fencing where prohibited. These request will not provide adequate screening of the subject property.

- 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;**

No buildings are proposed as part of the Heavy Machinery and Equipment (Storage) uses.

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

If approved, development of the site will be subject to inspections, thereby protecting the health, safety and general welfare of the public.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i></b>	
01/31/18	A Code Enforcement case (#185851) was initiated for vehicles (cars and trucks) parked on site, broken windows, and the possible operation of a landscape business at 1616 Sunset Drive. The case is yet to be resolved.
09/18/19	The City Council approved General Plan Amendment (GPA-76573) from GC (General Commercial) to LI/R (Light Industry/Research) on 1.28 acres at 1616, 1622 and 1630 Sunset Drive. The Planning Commission recommended approval. Planning Staff recommended denial.
	The City Council approved Rezoning (ZON-76574) from C-2 (General Commercial) to M (Industrial) on 1.28 acres at 1616, 1622 and 1630 Sunset Drive. The Planning Commission recommended approval. Planning Staff recommended denial.
	The City Council approved Variance (VAR-76575) to allow a 95-foot wide lot width where 100 feet is required; and to allow an eight-foot front yard wall where five feet is the maximum allowed at 1616 Sunset Drive. The Planning Commission recommended approval. Planning Staff recommended denial.
	The City Council approved Site Development Plan Review (SDR-76576) for a Heavy Machinery and Equipment (Storage) development on 0.44 acres at 1616 Sunset Drive. The Planning Commission recommended approval. Planning Staff recommended denial.
10/13/20	<p>The Planning Commission unanimously voted to recommend APPROVAL on the Land Use Entitlement project requests on 1.28 acres at 1616 Sunset Drive (APN 139-19-812-011), M (Industrial) Zone, Ward 5 (Crear).</p> <ul style="list-style-type: none"> <li>• <b>78578-VAR1</b> - TO ALLOW CHAIN LINK FENCING AS SCREENING FOR OUTDOOR STORAGE WHERE A SOLID SCREEN WALL IS REQUIRED.</li> <li>• <b>78578-SDR1</b> - For a Major Amendment to a previously approved Site Development Plan Review (SDR-76576) TO ALLOW MODIFICATIONS FOR A HEAVY MACHINERY AND EQUIPMENT STORAGE DEVELOPMENT WITH WAIVERS TO ALLOW NO PERIMETER/INTERIOR LANDSCAPING AND TO ALLOW CHAIN-LINK FENCING WHERE SUCH IS PROHIBITED.</li> </ul>

***Most Recent Change of Ownership***

07/16/10	A deed was recorded for a change in ownership.
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***Related Building Permits/Business Licenses***

c.1954	First record of construction on 1616 Sunset Drive.
05/26/11	A building permit (#C-188574) was issued to demolish a house but retain a casita at 1616 Sunset Drive. The permit was abandoned.

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<b>Pre-Application Meeting</b>	
03/25/20	Staff conducted a virtual pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed Major Amendment to a previously approved Site Development Plan Review.

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

Field Check	
09/17/20	Staff conducted a routine field check and found an existing vacant building and outdoor storage of vehicles.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	0.44

<b>Surrounding Property</b>	<b>Existing Land Use Per Title 19.12</b>	<b>Planned or Special Land Use Designation</b>	<b>Existing Zoning District</b>
Subject Property	Heavy Machinery and Equipment (Storage)	LI/R (Light Industrial/Research)	M (Industrial)
North	Heavy Machinery and Equipment (Storage)	LI/R (Light Industrial/Research)	M (Industrial)
South	General Retail Store, Other than Listed	GC (General Commercial)	C-2 (General Commercial)
	Office, Other than Listed		
	Single Family, Detached		
East	Single Family, Detached	GC (General Commercial)	C-2 (General Commercial)
West	Single Family, Detached	R (Rural)	R-E (Residence Estates)



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<b><i>Master and Neighborhood Plan Areas</i></b>	<b><i>Compliance</i></b>
No Applicable Master Plan Area	N/A
<b><i>Special Area and Overlay Districts</i></b>	<b><i>Compliance</i></b>
A-O (Airport Overlay) District – 70 Feet	Y
<b><i>Other Plans or Special Requirements</i></b>	<b><i>Compliance</i></b>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	Y

## DEVELOPMENT STANDARDS

***Pursuant to Title 19.08 and SDR-76576, the following standards apply:***

<b><i>Landscaping and Open Space Standards</i></b>				
<b><i>Standards</i></b>	<b><i>Required</i></b>		<b><i>Provided</i></b>	<b><i>Compliance</i></b>
	<b><i>Ratio</i></b>	<b><i>Trees</i></b>		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	10 Trees	0 Trees	N*
• South	1 Tree / 20 Linear Feet	8 Trees	0 Trees	N*
• East	1 Tree / 20 Linear Feet	4 Trees	0 Trees	N*
• West	1 Tree / 20 Linear Feet	3 Trees	0 Trees	N*
<b>TOTAL PERIMETER TREES</b>		<b>25 Trees</b>	<b>0 Trees</b>	<b>N*</b>
<b>LANDSCAPE BUFFER WIDTHS</b>				
Min. Zone Width				
• North	8 Feet		0 Feet	N*
• South	8 Feet		0 Feet	N*
• East	8 Feet		0 Feet	N*
• West	15 Feet		0 Feet	N*

\*The applicant has requested Waivers and Exceptions in order to provide no landscaping.

<b><i>Street Name</i></b>	<b><i>Functional Classification of Street(s)</i></b>	<b><i>Governing Document</i></b>	<b><i>Actual Street Width (Feet)</i></b>	<b><i>Compliance with Street Section</i></b>
Sunset Drive	Local Street	Title 13	50	Y