



AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 18, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-14139 - APPLICANT/OWNER: CARLOS ALBERTO CODARINI

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-2/sd/bg vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for a Site Development Plan Review (SDR-14137) shall be required.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

APPLICATION REQUEST

The applicant requests for a Variance to allow a five-foot side yard setback where a setback of 10 feet is the minimum setback required and a five-foot rear yard setback where 20 feet is the minimum setback required on 0.17 acres at 2400 Hinkle Drive.

EXECUTIVE SUMMARY

Staff cannot support this request as the applicant has created a self-imposed hardship by proposing a development that will not fit within the building envelope created by development standards applicable to the site. A smaller building could satisfy these standards; therefore, staff recommends denial.

BACKGROUND INFORMATION

A) Related Actions

- 03/16/05 The City Council tabled requests to amend a portion of the Southeast Sector Map of the General Plan (GPA-5597) from SC (Service Commercial) to GC (General Commercial), to Rezone (ZON-5598) from C-1 (Limited Commercial) to C-2 (General Commercial), and a Special Use Permit (SUP-5600) for a proposed motor vehicle sales used on 0.17 acres at 2400 Hinkle Drive. Planning Commission and staff recommended denial.
- 09/21/06 The Planning Commission recommended approval of companion item SDR-14137 concurrently with this application.
- 09/21/06 The Planning Commission voted 5-2/sd/bg to recommend APPROVAL (PC Agenda Item #26/jm)

B) Pre-Application Meeting

- 05-08-06 The pre-application was held and the applicant noted the various applications, Site Development Plan Review and Variance, that were needed to satisfy their request. In a follow-up meeting, the applicant was asked to supply revised plans illustrating the office use and modifying their justification letter to request a Waiver of the landscape buffer requirements.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.17

B) Existing Land Use

Subject Property: Undeveloped

North: Car Wash

South: Auto Repair Shop

East: Restaurant

West: Undeveloped

C) Planned Land Use

Subject Property: SC (Service Commercial)

North: SC (Service Commercial)

South: SC (Service Commercial)

East: SC (Service Commercial)

West: SC (Service Commercial)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)

North: C-1 (Limited Commercial)

South: C-2 (General Commercial)

East: C-1 (Limited Commercial)

West: C-2 (General Commercial)

E) General Plan Compliance

The Southeast Sector Map of the General Plan designates the site as SC (Service Commercial). The Service Commercial category allows low to medium intensity retail, office, or other commercial uses that serve primarily the local area patrons and do not include more intense general commercial characteristics. The C-1 (Limited Commercial) Zoning District and the proposed site plan conforms to the proposed SC (Service Commercial) land use designation.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Rural Preservation Overlay District		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

PROJECT DESCRIPTION

The site plan indicates the office building is proposed for the west portion of the site, with the remainder of the parcel proposed to be paved for parking. A 24-foot wide driveway provides access to Hinkle Drive. The applicant is requesting a Variance to permit a five-foot side yard setback where a setback of 10 feet is the minimum setback required and a five-foot rear yard setback where 20 feet is the minimum setback.

An eight-foot wide landscape planter is provided along the north property line, with five-foot wide planters with 24-inch box trees spaced at 30 feet on center are provided along the south and west property lines. No landscaping is provided along the east property line. A Waiver of perimeter landscaping has been requested by the applicant.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

Standards	Required	Provided	Compliance
Min. Lot Size	NA	0.17 ac	Y
Min. Lot Width	100 Feet	100 Feet	Y
Min. Setbacks			
• Front	20 Feet	20 Feet 8 Inches	Y
• Side	10 Feet	5 Feet	N
• Rear	20 Feet	5 Feet	N
Max. Lot Coverage	50 %	25%	Y
Max. Building Height	NA	One story, 20 feet	Y
Trash Enclosure	1	1	Y

The subject site does not meet the minimum side and rear setback requirements, and this Variance has been requested to provide relief from this requirement.

A2) Residential Adjacency Standards

The proposed office building complies with the Residential Adjacency Standards.

A3) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required		Provided	
			Parking		Parking	
			Regular	Handicap	Regular	Handicap
Office	1,880 SF.	1/300	7	1	7	1

The proposed office complies with all applicable Title 19 parking standards.

A4) Landscape and Open Space Standards

Pursuant to Title 19.12, the following Landscape Standards apply to the subject proposal:

Standards	Required		Provided
	Ratio	Trees	
Parking Area	1 Tree/ 6 Spaces	1 Trees	1 Trees
Buffer:	1 Trees /30 Linear Feet	12 Trees	8 Trees
Min. Zone Depth Adjacent to Right-of-Way	15 Feet		8 Feet
Min. Zone Depth Interior Lot Lines	8 Feet		5 Feet

An eight-foot wide landscape planter is provided along the north property line, where 15 feet is the minimum. As well a five-foot wide planter, where eight feet is the minimum, with 24-inch box trees spaced at 30 feet center are provided along the south and west property lines. No landscaping is provided along the east property line. The applicant requests a Waiver of the landscape buffer requirements.

FINDINGS

In accordance with the provisions of Title 19.18.070(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 19.18.070L 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. Alternative site configuration and building size reduction would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the sites physical characteristics, it is concluded that the applicants hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 8

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 176 by City Clerk

APPROVALS 0

PROTESTS 0