



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-16161 - APPLICANT: BOB AUJLA - OWNER: BP WEST COAST PRODUCTS, LLC

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Special Use Permit (SUP-16160) and Site Development Plan Review (SDR-16158) shall be required.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. 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 ****

PROJECT DESCRIPTION

This application seeks approval of a Variance to allow a 3.5 Foot rear yard setback where 20 Feet are required, at 1625 S. Decatur Boulevard. A companion Site Development Plan Review (SDR-16158), and Special Use Permit (SUP-16158) have been filed with this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/05/06	The Planning Commission recommended approval of companion items SUP-16160 and SDR-16158 concurrently with this application. The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #46/rl).
<i>Related Building Permits/Business Licenses</i>	
10/08/03	Business License C15-2016-9678 issued to BP West Coast Products LLC for a Convenience Store at the subject site. This license remains active.
12/02/02	Business Licenses P35-2510-73230 and P35-2520-73230 issued to Golden Tel Inc. for two outdoor pay phones at the subject site. These licenses remain active.
09/10/03	Business License Applications C20-999227-474 Convention Hall Gaming Tax and G01-9999214-474 Gaming Restricted License applications were withdrawn by United Coin Machine Company.
10/08/03	Business License C05-1209B-9678 issued to BP West Coast Products LLC for a Tobacco Dealer-Retail at the subject site. This license remains active.
10/08/03	Business License L10-804-466 issued to BP West Coast Products LLC for a Beer/Wine/Cooler Off Sales at the subject site. This license remains active.

<i>Pre-Application Meeting</i>	
08/09/06	At the pre-application meeting held on 08/09/06, the applicant was told that a Site Development Plan Review is required for the proposed service center to replace an existing service center on the site. A variance would be required as well because of the proposed building to be located 3.5 Feet from the rear property line where 20 Feet are required. It was further recommended that the applicant request a Special Use Permit for Beer/Wine/Cooler Off-Sale establishment in the event that construction prevents the existing establishment from re-opening within six months. Development Coordination further requested a 54 Foot radius at the intersection of Decatur Boulevard and Oakey Avenue, and that the existing driveways be replaced. Additionally, a modified median on Oakey and modified bus turnout lane may be required.

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

<i>Details of Application Request</i>			
<i>Site Area</i>			
Gross Acres	0.69 Acres		
Net Acres	0.67 Acres		
<i>Surrounding Property</i>	<i>Existing Land Use</i>	<i>Planned Land Use</i>	<i>Existing Zoning</i>
Subject Property	Service Station without Auto Repair	(SC) Service Commercial	(C-1) Limited Commercial
North	Restaurant	(SC) Service Commercial	(C-1) Limited Commercial
South	Retail	(SC) Service Commercial	(C-1) Limited Commercial
East	Offices	(SC) Service Commercial	(C-1) Limited Commercial
West	Retail	(SC) Service Commercial	(C-1) Limited Commercial

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<i>Special Area Plan</i>		N	Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<i>Special Purpose and Overlay Districts</i>	Y		Y
Airport Overlay (200 Foot)	Y		Y
<i>Trails</i>	Y		Y
<i>Rural Preservation Overlay District</i>		N	Y
<i>Development Impact Notification Assessment</i>		N	Y
<i>Project of Regional Significance</i>		N	Y

DEVELOPMENT STANDARDS

Pursuant to Title 19.08

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	NA	28,558 Feet	Y
Min. Lot Width	100 Feet	117.3 Feet	Y
Min. Setbacks <ul style="list-style-type: none"> • Front • Side • Corner • Rear 	20 Feet 10 Feet 15 Feet 20 Feet	133 Feet 11.5 Feet 64 Feet 3.5 Feet	Y Y Y N
Max. Lot Coverage	50%	8.6%	Y
Max. Building Height	NA	15.5 Feet	Y
Trash Enclosure	Screened	Screened	Y
Mech. Equipment	Screened	Screened	Y

Pursuant to Title 19.12

<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>		
Parking Area	1 Tree/6 Spaces	2 Trees	2 Trees	Y
Buffer: Min. Trees	1 Tree/30 Linear Feet	17 Trees	17 Trees	Y
TOTAL		19 Trees	19 Trees	Y
Min. Zone Width	15 Feet on West and South		15 Feet	Y
	8 Feet on East		8 Feet	Y
	8 Feet on North		8 Feet adjacent to parking; 0 Feet behind building	N
Wall Height	8 Feet		Existing	Y

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Parking Ratio	Required		Provided		Compliance
			Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Service Station without Automotive Repair	3,032 SF	1/250 SF	11	1	11	1	Y
TOTAL			12		12		

Freestanding Signs: Pursuant to Title 19.14.060(F) an Existing Sign to be permitted separately		
Standards	Allowed	Provided
Maximum Number	1 / Street frontage 2 total	1 / Street frontage 1 total
Maximum Area	2 SF/Linear Foot of Street Frontage 472 SF Total	Existing
Maximum Height	40 Feet	Existing
Minimum Setback	5 Feet	Existing
Illumination	Internal, External, Animated and Electronic Permitted	Existing

Wall Signs: Title 19.14.060(F)		
Standards	Allowed	Provided
Maximum Number	NA	1 Total
Maximum Area	20% of Building Elevation	60 SF
Maximum Projection	4 Feet	2 Feet
Illumination	Internal, External, Animated and Electronic Permitted	Internal

Waivers		
Request	Requirement	Staff Recommendation
Perimeter Landscaping	8 Foot Buffer along rear property line and 1 Tree per 30 Linear Feet.	Denial

ANALYSIS

Title 19.08.050.C defines the minimum standards for development in commercial and industrial zoning districts. The C-1 (Limited Commercial) District has minimum setback requirements to maximize safety and minimize conflicts with adjacent properties. The proposed service station building would be located 3.5 Feet from the north property line to accommodate the proposed 3,200 square foot floor plan. In addition, as this would allow such limited space between the structure and the perimeter wall, the 8 Foot landscaping buffer could not be continued behind the building and must end behind the parking lot.

However, the existing service station on the subject site currently conforms to all requirements of the C-1 (Limited Commercial) zoning district, including setbacks. Given the setback, landscaping and parking standards of the current code, compliance can be achieved with a smaller building design.

Public Works has no comment on the Request for a Variance application to allow a proposed convenience store to be located 3.5 feet from the rear property line where a 20-foot setback is the minimum required for property located at 1625 South Decatur Boulevard, but notes that this site is the subject of a Site Development Plan Review SDR-16158; all siterelated conditions of approval are addressed with that action.

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 by proposing to overbuild the site. A smaller building design would allow conformance to Title 19 setback 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 14

ASSEMBLY DISTRICT 3

SENATE DISTRICT 11

NOTICES MAILED 614 by City Clerk

APPROVALS 0

PROTESTS 0