



## **AGENDA MEMO**

**CITY COUNCIL MEETING DATE: FEBRUARY 7, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: VAR-18204 - APPLICANT/OWNER: BRUCE R. NOBLE**

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### **\*\* CONDITIONS \*\***

The Planning Commission (6-1/se vote) recommends DENIAL. Staff recommends APPROVAL, subject to:

#### **Planning and Development**

1. Conformance to the conditions for Rezoning (ZON-18203) and Site Development Plan Review (SDR-18202) if approved.
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 \*\***

**PROJECT DESCRIPTION**

This is request for a Variance to allow a proposed building zero feet from the side property line where 10 feet is the minimum setback required and eight feet from the rear property line where 20 feet is the minimum setback required on 0.44 acres on the north side of Owens Avenue, approximately 333 feet east of Martin L. King Boulevard.

A related Rezoning ZON-18203 and related Site Development Plan Review SDR-18202 will be considered concurrently.

Staff finds that the narrowness of this site and the applicants intent to allow vehicular circulation between this site and the existing commercial developments to the east and west has resulted in the necessity of this Variance and recommends approval.

**BACKGROUND INFORMATION**

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b> |   |
|---|---|
| <b>Month/date/year</b>  | <b>Action</b>   |
| 11/15/95  | The City Council approved a rezoning of this site to C-1 (Limited Commercial) and a 12,000 square foot office building with one story at a height of 19 feet (Z-79-95).   |
| 01/11/07  | The Planning Commission recommended approval of companion item ZON-18203 and denial of SDR-18202 concurrently with this application.<br><br>The Planning Commission voted 6-1/se to recommend DENIAL (PC Agenda Item #24/ar). |
| <b><i>Pre-Application Meeting</i></b>                                     |   |
| 10/02/06  | Staff explained the requirements for a rezoning, site development plan review, and a variance.  |
| <b><i>Neighborhood Meeting</i></b>  |   |
| 12/14/06  | Staff contacted the applicant and suggested a neighborhood meeting. The applicant stated that he had met with adjacent property owners, anticipated no opposition, and declined staffs suggestion.                            |

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

| Surrounding Property | Existing Land Use                     | Planned Land Use            | Existing Zoning |
|----------------------|---------------------------------------|-----------------------------|-----------------|
| Subject Property     | Undeveloped                           | C (Commercial)              | R-3             |
| North                | Single family dwellings               | L (Low Density Residential) | R-1             |
| South                | Retail shops/ single family dwellings | C (Commercial)              | C-1 and R-1     |
| East                 | Child care facility                   | C (Commercial)              | R-3             |
| West                 | Convenience store                     | C (Commercial)              | C-1             |

| <i>Special Districts/Zones</i>                    | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---|------------|-----------|-------------------|
| <b>Special Area Plan</b>                          |            |           |                   |
| Redevelopment Plan Area                           | X          |           | Y                 |
| West Las Vegas Plan                               | X          |           | Y                 |
| <i>Special Districts/Zones</i>                    | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| <b>Special Purpose and Overlay Districts</b>      |            | X         |                   |
| <b>Trails</b>                                     |            | X         |                   |
| <b>Rural Preservation Overlay District</b>        |            | X         |                   |
| <b>Development Impact Notification Assessment</b> |            | X         |                   |
| <b>Project of Regional Significance</b>           |            | X         |                   |

**DEVELOPMENT STANDARDS**

*Per Title 19.08, the following standards apply:*

| <i>Standard</i>      | <i>Required/Allowed</i> | <i>Provided</i>  | <i>Compliance</i> |
|----------------------|-------------------------|--|-------------------|
| Min. Lot Size        | 6,500 sf                | 19,166 sf  | Y                 |
| Min. Lot Width       | N/A                     | 137 feet   | Y                 |
| Min. Setbacks        |                         |  |                   |
| • Front              | • 20 feet               | • 76 feet  | • Y               |
| • East Side          | • 5 feet                | • 62 feet  | • Y               |
| • West Side          | • 5 feet                | • 0 feet   | • *N              |
| • Rear               | • 20 feet               | • 8 feet   | • *N              |
| Max. Lot Coverage    | N/A                     | 21 %   | Y                 |
| Max. Building Height | 2 stories/35 feet       | 14 feet 6 inches along north property line; 18 feet in height along the south side of the building, adjacent to Owens Avenue | Y                 |

The proposed building does not comply with the setback standards of the C-1 zoning district. This issue is addressed within the subject Variance VAR-18204.

*Per Title 19.08.060 the following standards apply:*

| <b>Residential Adjacency Standards</b> | <b>Required/Allowed</b> | <b>Provided</b> | <b>Compliance</b> |
|--|-------------------------|-----------------|-------------------|
| 3:1 proximity slope                    | N/A                     | 8 Feet          | N/A               |
| Adjacent development matching setback  | N/A                     | 8 Feet          | N/A               |
| Trash Enclosure                        | 50 Feet                 | 52 Feet         | Y                 |

The proximity slope and adjacent development matching setback standards do not apply to this application as the proposed building is less than 15 feet in height in the north portion of the site, and the portion of the building with a height of 18 feet is located 55 feet from residentially developed property.

*Per Title 19.12 the following standards apply:*

| <b>Landscaping and Open Space Standards</b> |                        |              |                 |                   |
|---|------------------------|--------------|-----------------|-------------------|
| <b>Standards</b>                            | <b>Required</b>        |              | <b>Provided</b> | <b>Compliance</b> |
|   | <b>Ratio</b>           | <b>Trees</b> |                 |                   |
| Parking Area                                | 1 tree/6 spaces        | 6 trees      | 3 trees         | N                 |
| Buffer: Min. Trees                          |                        |              |                 |                   |
| South prop line                             | 1 tree /30 linear feet | 5 trees      | 4 trees         |                   |
| North prop line                             | 1 tree/20 linear feet  | 7 trees      | 5 trees         | N                 |
| Min. Zone Width                             |                        |              |                 |                   |
| North prop line                             |                        | 8 feet       | 3 feet          | N                 |
| South prop line                             |                        | 15 feet      | 11 feet         | N                 |
| East prop line                              |                        | 8 feet       | 0 feet          | N                 |
| West prop line                              |                        | 8 feet       | 0 feet          | N                 |

The applicant has requested a waiver with the related Site Development Plan Review (SDR-18202) to allow three parking lot trees where six are required. Since most of the parking spaces are adjacent to property line buffers, staff recommends approval of this waiver.

The applicant has requested a waiver to allow a reduction in the amount of trees to be provided along the north and south property lines. Staff finds that compliance with this portion of the landscape standards would only require the placement of one additional tree along the south property line and two additional trees along the north property line and does not support this waiver.

The applicant has also requested a waiver to allow reductions in the widths of the buffers along all property lines. Staff finds that these reductions would encourage circulation between this site and the properties to the east and west and recommends approval of this waiver.

***Pursuant to Title 19.10, the following parking standards apply:***

| <b><i>Parking Requirement</i></b> |   |                             |                       |                            |                        |                            |                          |
|-----------------------------------|---|-----------------------------|-----------------------|----------------------------|------------------------|----------------------------|--------------------------|
| <b><i>Use</i></b>                 | <b><i>Gross Floor Area or Number of Units</i></b> | <b><i>Required</i></b>      |                       |                            | <b><i>Provided</i></b> |                            | <b><i>Compliance</i></b> |
|                                   |   | <b><i>Parking Ratio</i></b> | <b><i>Parking</i></b> |                            | <b><i>Parking</i></b>  |                            |                          |
|                                   |   |                             | <b><i>Regular</i></b> | <b><i>Handi-capped</i></b> | <b><i>Regular</i></b>  | <b><i>Handi-capped</i></b> |                          |
| General retail                    | 1,750 sf  | 1/175 sf                    | 10                    |                            |                        |                            |                          |
| Barber shop                       | 3 chairs  | 2 spaces per chair          | 6                     |                            |                        |                            |                          |
| Office                            | 1,200 sf  | 1/300 sf                    | 4                     |                            |                        |                            |                          |
| Restaurant seating area           | 500 sf  | 1/50 sf                     | 10                    |                            |                        |                            |                          |
| Restaurant non-customer areas     | 500 sf  | 1/250 sf                    | 3                     |                            |                        |                            |                          |
| <b>TOTAL</b>                      |   |                             | 33                    | 2                          | 34                     | 2                          | Y                        |

| <b><i>Waivers</i></b>                            |  |  |
|--|--|--|
| <b><i>Request</i></b>                            | <b><i>Requirement</i></b>                        | <b><i>Staff Recommendation</i></b>                     |
| Three parking lot trees                          | Six parking lot trees                            | Approval   |
| Five trees along north property line             | Seven trees along north property line            | Denial the buffer can accommodate two additional trees |
| Four trees along south property line             | Five trees along south property line             | Denial the buffer can accommodate one additional tree  |
| 11 foot wide buffer along Owens Avenue           | 15 foot wide buffer along Owens Avenue           | Approval   |
| Three foot wide buffer along north property line | Eight foot wide buffer along north property line | Approval   |
| No buffer along east property line               | Eight foot wide buffer along east property line  | Approval   |
| No buffer along west property line               | Eight foot wide buffer along west property line  | Approval   |

These waivers will be considered in conjunction with the related Site Development Plan Review (SDR-18202).

## **ANALYSIS**

The applicant proposes to construct a 3,997 square foot commercial building on this undeveloped site. The narrowness of this site and the applicants intent to allow vehicular circulation between this site and the existing commercial developments to the east and west has resulted in the following instances of non-compliance with city standards:

- 1) The placement of the building eight feet from the rear property line, where the C-1 zoning standards require 20 feet. This issue has been addressed in the subject variance;
- 2) An 11 foot wide buffer along Owens Avenue where a 15 foot wide buffer is required. This issue has been addressed as a Waiver within the related Site Development Plan Review;
- 3) A three foot wide buffer along the north property line where an eight foot wide buffer is required. This issue has also been addressed as a Waiver within the related Site Development Plan Review; and
- 4) No landscape buffers along the east and west property lines where an eight foot wide buffer is required. This issue has also been addressed as a Waiver within the related Site Development Plan Review (SDR-18202).

Staff finds that the submitted site plan is a reasonable attempt to address the issues associated with this parcel and has no objection to the subject variance and the related waivers.

Staff notes that the amount of trees proposed for the north buffer zone is deficient by two, and the amount proposed for the south buffer is deficient by one. Both of the buffers can accommodate the required amount of trees and staff has included a condition of approval within the related Site Development Plan Review which addresses this issue.

The elevations depict a stucco exterior with signification articulation along the sides and roof of the building.

## **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.

Staff finds that the narrowness of this site and the applicants intent to allow vehicular circulation between this site and the existing commercial developments to the east and west has resulted in the necessity of this Variance and recommends approval.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 17

**ASSEMBLY DISTRICT** 6

**SENATE DISTRICT** 4

**NOTICES MAILED** 194 by City Clerk

**APPROVALS** 0

**PROTESTS** 0