City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 7, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-18820 - APPLICANT/OWNER: CRAIG TENAYA, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE FEBRUARY 21, 2007 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN BROWN.

** CONDITIONS **

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

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-18819), Special Use Permit (SUP-18821) and Site Development Plan Review (SDR-18822) shall be required 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 a request for a Variance to allow a 72-foot high building where 35 feet is the maximum height allowed on 7.49 acres adjacent to the east side of Tenaya Way approximately 970 feet south of Craig Road.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
09/05/90	The City Council denied a request for a reclassification of property (Z-0080-90) from N-U (Non-Urban) to C-1 (Limited Commercial) that included a shopping center, convenience store with gasoline sales, a four to six story office building, three off-premise billboard signs, an automobile service facility, restaurant with a beer/wine/cooler on-sale use, and retail stores with beer/wine/cooler off-sale uses. The Planning Commission recommended denial. Staff recommended approval.
11/06/96	The applicant withdrew without prejudice a request for a reclassification of property (Z-0094-96) from N-U (Non-Urban) to C-2 (General Commercial) for a 105,744 square-foot retail warehouse. The Planning Commission and staff recommended approval.
01/08/98	The applicant withdrew without prejudice a request for a Rezoning (Z-0081-97) from U (Undeveloped) [SC (Service Commercial) land use designation] to C-1 (Limited Commercial) for a 130,858 square-foot retail store. Staff recommended that the item be held in abeyance.
01/19/00	The City Council approved a Rezoning (Z-0071-99) of this site to O (Office), as part of a larger overall request which included the rezoning of the property to the north to C-1 (Limited Commercial). Staff recommended approval, and the Planning Commission believed the request to be premature and recommended denial.
01/25/07	The Planning Commission recommended approval of companion items GPA-18818, ZON-18819, SUP-18821 and SDR-18822 concurrently with this application. The Planning Commission voted 5-2/se, sd to recommend APPROVAL (PC Agenda Item #41/ar).
Related Building Permits/Business Licenses	
There are no permits or licenses related to this application.	
Pre-Application Meeting	
12/14/06	A pre-application meeting was held and the requirements of a variance were explained.

Neighborhood Meeting	
01/03/07	A neighborhood meeting was held at Timbers Bar & Grill, 7081 West Craig Road at 6:15 P.M. Six members of the public attended and had the following concerns and comments: Five story condos too dense for area Concerns about impact to schools Support for two story office or commercial at site Concerns about fire Concerns about size and scope of project so close to single family homes Concerns that the applicant did not properly notify the neighborhood meeting.

Details of Application Request	
Site Area	
Net Acres	7.49

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Undeveloped	O (Office)	O (Office)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Singe-Family Residential Multi-Family Residential	ML (Medium-Low Density Residential) M (Medium Density Residential)	R-CL (Single-Family Compact-Lot) R-3 (Medium Density Residential)
East	Undeveloped	SC (Service Commercial)	C-1 (Limited Commercial)
West	Single Family Residential	ML (Medium-Low Density Residential)	R-PD8 (Residential Planned Development 8 Units Per Acre)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan		X	N/A
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (175-Foot)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Per Title 19.08, the following standards apply:

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Size	6,500 SF	326,054 SF	Y
Min. Setbacks	10 Feet	15 Feet	Y
• Front	5 Feet	15 Feet	Y
• Side	5 Feet	10 Feet	Y
• Rear	20 Feet	26 Feet	Y
Max. Building Height	2 Stories/35 Feet	5 Stories/72 Feet	N
Trash Enclosure	Yes	Yes	Y
Mech. Equipment	Screened	Screened	Y

The height issue will be addressed within the subject Variance.

Residential Adjacency Standards	*Required/Allowed*	*Provided*	*Compliance*
3:1 proximity slope	216 Feet	216 Feet	Y
Adjacent development matching setback	10 Feet	216 Feet	Y
Trash Enclosure	50 Feet	220 Feet	Y

ANALYSIS

This site is currently undeveloped and is located within a FEMA AE Flood Zone. The FEMA website www.floodsmart.gov defines an AE Flood Zone as areas with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30-year mortgage. The applicant proposes to develop a mixed use project consisting of 213 condominium units and 29,717 square feet of office space. The offices and condominiums will be located in buildings with stucco exteriors with concrete tile roofs and decorative copper domes along the roof lines. The building heights vary from two to five stories (with a maximum height of 72 feet). The Zoning Code limits heights in the R-4 (High Density Residential) zoning district to two stories (not exceeding 35 feet in height), which has caused the applicant to file the subject variance

Because this variance request does not meet the criteria for approval, as the hardship is self-created and the applicant could revise the development to comply with the setback standards, staffs recommendation is for denial of the variance.

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 designing a project that does not comply with the height 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 7

ASSEMBLY DISTRICT 34

SENATE DISTRICT 4

NOTICES MAILED 662 by City Clerk

APPROVALS 1

PROTESTS 3