



AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 21, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-19297 - APPLICANT: AMERICAN CHILD CARE
PROPERTIES, LLC - OWNER: DAVIDSON INVESTMENT REAL ESTATE, LP

** CONDITIONS **

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-19116) 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 ****

PROJECT DESCRIPTION

The project is a request for a Variance to allow an 11-foot rearyard setback where 20-feet is required on 1.45 acres located at the southwest corner of Bonanza Road and Page Street. Companion Site Development Plan Review (SDR-19116) to allow construction of a 15,119 square foot child care center shall be considered with this request. Human health and public safety will not be significantly compromised with implementation of this request therefore staff recommends approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/26/98	The City Council approved a request for a Rezoning (Z-0018-98) on property located on the south side of Bonanza Road from R-E (Residence Estates) to C-1 (Limited Commercial) associated with a proposed commercial office and retail center use.
07/19/95	The City Council approved a request for a Plot Plan and Building Elevation Review [Z-145-94 (1)]for a proposed mini-storage facility located on the southwest corner of Bonanza Road and Page Street.
01/04/95	The City Council approved a request for reclassification (Z-0145-94) of property located on the south side of Bonanza Road and the west side of Page Street from R-E (Residences Estates) to C-1 (Limited Commercial) associated with a proposed mini-storage facility.
05/10/90	The Planning Commission approved a request (U-0060-90) for a temporary leasing trailer on property located on the south side of Bonanza Road west of Page Street.
05/18/88	The City Council approved the Reclassification (Z-0020-88) of Property located on the southwest corner of Bonanza Road and Page Street from R-E (Residence Estates) to C-1 (Limited Commercial) associated with a proposed Shopping Center and Theater.
04/14/83	The City Planning Commission approved a request for reclassification (Z-0026-83) of property generally located on the southwest corner of Bonanza Road and Page Street from R-E (Residential Estates) to R-PD21 (Residential Planned District 21 Units Per Acre).
02/22/07	The Planning Commission recommended approval of companion item SDR-19116 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #34/ja).
<i>Related Building Permits/Business Licenses</i>	
None	None

<i>Pre-Application Meeting</i>	
12/28/06	A Pre-application meeting was held with the applicant. Planning staff advised the applicant that the proposal is a permissible use in the C-1 (Limited Commercial) Zone and the potential need for a Waiver of required parking lot landscaping. Building and Safety Department staff informed the project requires a safe and accessible access route to the street.
<i>Neighborhood Meeting</i>	
A Neighborhood meeting is not required for this type of application nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.44 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant	SC (Service Commercial)	C-1 (Limited Commercial)
North	Commercial	SC (Service Commercial)	C-1 (Limited Commercial)
South	Residential	M (Medium Density Residential)	R-3 (Medium Density Residential)
East	Commercial	GC (General Commercial)	R-E (Residential Estates)
West	Residential	M (Medium Density Residential)	R-3 (Medium Density Residential)

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

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.050, the following Commercial Development Standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	NA	NA	Y
Min. Lot Width	100 feet	213	Y
Min. Setbacks			
• Front	20	124	Y
• Side	10	18	Y
• Corner	15	15	Y
• Rear	20	11	N
Min. Distance Between Buildings	NA	NA	Y
Max. Lot Coverage	50 percent	24 percent	Y
Max. Building Height	NA	NA	Y
Trash Enclosure	Screened and Enclosed	Screened and Enclosed	Y
Mech. Equipment	Screened	Yes	Y

Pursuant to Title 19.12.040, the following Landscape Standards apply:

<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 1 island/6 spaces	8 Trees 8 islands = 8 Trees	3 Trees 5 islands and 5 Trees	N
Buffer: Min. Trees	1 Trees/20 Linear Feet (adjacent to residential)	14 Trees (South Prop. Line) 10 (West Prop. Line)	18 Trees 12 Trees	Y Y
	1 Trees/30 Linear Feet (Adjacent to commercial or industrial)	6 Trees (East Prop. Line) 8 Trees (North Prop. Line)	7 Trees 14 Trees	Y Y
	TOTAL	54	59	Y
Min. Zone Width	15 Feet (adjacent to Right-of-Way) 8 Feet (along interior lot lines)		15 Feet 8 Feet	Y
Wall Height	6 Feet		6 Feet	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	
	15,119 sf	1 space/st aff member + 1 space for every 10 children	26 staff 23 children	2	50	2	Y
SubTotal							
TOTAL (including handicap)			49		50		Y
Loading Spaces			1		1		N

Waivers		
Request	Requirement	Staff Recommendation
Parking lot landscaping	1 landscaped island for every 6 spaces and 1 Tree for every 6 spaces	Approve

ANALYSIS

The project proposes construction of a 15,119 square foot child care center on a 1.45 acre vacant dirt lot. The requested Variance (VAR-19297) is to permit an 11 foot rear yard setback where 20 feet is required.

- **General Plan and Zoning**

The project site is designated in the General Plan for SC (Service Commercial) use and the underlying zone is classified as C-1 (Limited Commercial) consistent with the SC category. Existing land uses surrounding the project site include multi-family residential to the south and west, and commercial to the north and east.

- **Site Plan**

The project site plan depicts the construction of a one-story 15,199 square foot child care center on a vacant 1.45 acre parcel. Vehicular access to the project site will be provided on Page Street. A companion Variance (VAR-19297) application shall be considered to allow encroachment into the rear yard setback. Beyond the rear property is driveway access road for an existing multi-family residential development. The driveway is landscaped along the residential driveway and an existing 6 foot tall brick wall runs along the western and southern residential property lines.

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.

Vehicular access to the project site and parking area will be provided along the legal front - Page Street. Automobile access from Bonanza Road is not recommended by Public Works. The limited site access and range of design alternatives is considered a hardship therefore staff is recommending approval of the Variance.

PLANNING COMMISSION ACTION

At the Planning Commission Meeting there was one speaker in opposition.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 4

ASSEMBLY DISTRICT 10

SENATE DISTRICT 3

NOTICES MAILED 459 by City Clerk

APPROVALS 0

PROTESTS 0