



AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 4, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-19353 - APPLICANT/OWNER: RODRIGO AND TERESITA HERRERA

**** CONDITIONS ****

The Planning Commission (6-1/sd vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Site Development Plan Review (SDR-19350) 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 side yard setback of zero feet where 10 feet is the minimum required on 0.44 acres at 946 East Sahara Avenue.

On 10/20/04, the City Council approved a Site Development Plan (SDR-4990) and Variance (VAR-4986) for this site. The applicants proposal is the same as the previously approved development. Since the proposed development was previously approved and has since lapsed and sits upon an irregular shaped lot, staff recommends approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
Month/date/year	Action
7/19/00	The City Council approved a Variance (V-26-00) to allow a zero foot side yard setback on the east property line, and a three foot side yard setback on the west property line. The Planning Commission and staff recommended approval on June 8, 2000.
4/19/00	The City Council approved a Special Use Permit (U-14-00) for a Wedding Chapel. The Planning Commission and staff recommended approval on March 9, 2000.
12/06/01	The Planning Commission approved a Site Development Plan Review (SD-73-01) for a Wedding Chapel on subject site. The site was not developed, and approval for the project became void on 12/17/03.
10/20/04	The City Council approved a Site Development Plan Review (SDR-4990) for a retail building and Waivers of setback and landscaping standards. In addition, the City Council approved a Variance (VAR-4986) to allow 24 parking spaces where 27 are required. The site was not developed, and approval for the project became void on 10/20/06.
03/08/07	The Planning Commission recommended approval of companion items VAR-19356 and SDR-19350 concurrently with this application. The Planning Commission voted 6-1/sd to recommend APPROVAL (PC Agenda Item #17/jm).
<i>Pre-Application Meeting</i>	
Month/date/year	Description
1/8/07	A pre-application meeting was held with the applicant. The applicant was informed that the previous Site Development Plan Review (SDR-4990) and Variance (VAR-4986) which expired, thereby requiring a new submittal. In addition to the application mentioned, the applicant would be required to submit an additional Variance to allow a zero foot side yard setback on the east property line. Submittal requirements were outlined for the applicant.

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

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	C (Commercial)	C-1 (Limited Commercial)
North	Offices	C (Commercial)	C-1 (Limited Commercial)
South	Shops, Tavern	Clark County	Clark County
East	Trade School	C (Commercial)	C-1 (Limited Commercial)
West	Shops, Offices	C (Commercial)	C-1 (Limited Commercial)

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

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	19.166 SF	N/A
Min. Lot Width	100 Feet	93.85 Feet	Y
Min. Setbacks			
• Front	20 Feet	20 Feet	Y
• Side	10 Feet	Zero Feet	N*
• Rear	10 Feet	70 Feet	Y
Max. Lot Coverage	50%	25%	Y
Max. Building Height	None	23 Feet	N/A
Trash Enclosure	Yes	Yes	Yes

A Variance (VAR-19353) to allow a zero side yard setback.

Please note the applicable code section here (Title 19.12)

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Trees/ 6 Spaces	5 Trees	1 Tree	N*
Buffer: Min. Trees	1 Tree/ 30 Linear Feet	14 Trees	10 Trees	N*
TOTAL		19 Trees	11 Trees	N*
Min. Zone Width (Right-of-Way)	15 Feet		15 Feet	Y
Min. Zone Width (Interior North Side)	8 Feet		6 Feet	N*
Min. Zone Width (Interior Side yard)	8 Feet		Zero Feet	N*

**Waivers from Title 19.12.040A and 19.12.040B Landscape, Wall and Buffer Standards and a Title 19.10.010 J11 Parking, Loading, and Traffic Standards have been requested by the applicant.*

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	
General Retail Store, Other than Listed (3,500 SF or more)	4,720 SF	1/175 GFA	25	2	22	2	N*
TOTAL			27		24		N*
Loading Spaces	4,720 SF		1		1		Y
Percent Deviation			11%				

**Variance (VAR-19356) for parking has been requested.*

Waivers		
Request	Requirement	Staff Recommendation
To provide zero feet of perimeter landscape buffer along the side yard.	8 Feet	Approval, the site has constraints due to lot configuration and vehicular access.
To provide six feet of perimeter landscape buffer along the northern interior lot line	8 Feet	Approval, the site has constraints due to lot configuration and vehicular access.
Parking lot fingers	1 per 6 parking spaces	Approval, removal of parking spaces to accommodate this standard would be inappropriate due to sites parking deficiency.
Reduce perimeter buffer tree quantity to 10 trees	14 Trees	Approval, the site has constraints due to lot configuration and vehicular access.

ANALYSIS

This site is currently undeveloped. The applicant proposes to construct a 4,722 square-foot general retail store on the parcel. The site gains access across a privately owned parcel to Sahara Avenue. The applicant has requested this Variance (VAR-19353) to allow a zero side yard setback where ten feet is required.

On 10/20/04, the City Council approved a Site Development Plan (SDR-4990) and Variance (VAR-4986) for this site. The applicants proposal is the same as the previously approved development. In addition, the site is irregularly shaped which 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. Since this is a lapsed previously approved development and sits upon an irregular shaped lot, staff recommends approval.

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.

Evidence of a unique or extraordinary circumstance has been presented, in that the applicant has not created a self-imposed hardship.

PLANNING COMMISSION ACTION

There was one speaker at the Planning Commission unopposed to the proposed project.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 122 by City Clerk

APPROVALS 0

PROTESTS 0