



## AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 19, 2007  
DEPARTMENT: PLANNING AND DEVELOPMENT  
ITEM DESCRIPTION: VAR-23019 - APPLICANT: DRAKE REAL ESTATE SERVICES  
- OWNER: STUART APOLLO

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

The Planning Commission (6-0-1/sd vote) and staff recommend APPROVAL, subject to:

#### Planning and Development

1. Conformance to the conditions for Special Use Permit (SUP-22538) and Site Development Plan Review (SDR-22540) 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**

The project is a request for a Variance to allow a nine foot rear yard setback where 20 feet is required on the north side of Vegas Drive approximately 275 feet east of Rainbow Boulevard. The request is associated with a companion request for a Site Development Plan Review (SDR-22540) and Special Use Permit (SUP-22538) for a general retail development on a 2.09 acre site.

The project site is directly adjacent to an existing Las Vegas Valley Water District pump station which has created a substandard lot dimension. Staff recommendation is for approval.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
08/07/91	The City Council approved C-1 (Limited Commercial) zoning for the site. (Z-57-91). The Planning Commission and staff recommended approval.
08/21/91	The City Council approved Special Use Permit (U-150-91) to allow a tavern in conjunction with a proposed restaurant and the sale of beer and wine in conjunction with a proposed convenience store. The Board of Zoning Adjustment and Planning staff recommended approval.
09/02/92	The City Council approved a one year Extension of Time (Z-57-91). The Planning Commission and staff recommended approval.
09/16/92	The City Council approved an Extension of Time (Z-57-91). The Planning Commission and staff recommended approval.
05/19/93	The City Council approved a Plot Plan and Building Elevation Review (Z-57-91) for a proposed restaurant/lounge and three fast food kitchens with common eating area on property located on the northeast corner of Vegas Drive and Rainbow Boulevard. The Planning Commission and staff recommended approval.
08/18/93	The City Council approved a one year Extension of Time of (Z-57-91). The Planning Commission and staff recommended approval.
10/21/93	The City Council approved an Extension of Time of (Z-57-91). The Planning Commission and staff recommended approval.
07/06/94	The City Council approved a second Extension of Time of (Z-57-91). The Planning Commission and staff recommended approval.
08/23/07	The Planning Commission recommended approval of companion items SUP-22538 and SDR-22540 concurrently with this application.  The Planning Commission voted 6-0-1/sd to recommend APPROVAL (PC Agenda Item #7/ja).

<b>Related Building Permits/Business Licenses</b>	
NA	
<b>Pre-Application Meeting</b>	
05/31/07	A Pre-Application Meeting was held with the applicant where Planning staff discussed the site plan relative to landscaping, parking and circulation, off-site public facilities, and residential adjacency issues.
<b>Neighborhood Meeting</b>	
NA	

<b>Field Check</b>	
06/21/07	A site visit was conducted and the project parcel is a flat area partially developed with paved surface parking and associated landscaping. A Las Vegas Valley Water District Pump station is located northeast of the subject parcel and single family residential to the east. Undeveloped residential land lies directly north as well as south across Vegas Drive, and existing commercial structures are situated to the west of the property.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	2.08 acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Partially Landscaped Parking lot and Undeveloped vacant dirt lot	SC (Service Commercial)	C-1 (Limited Commercial)
North	Undeveloped residential lot and vacant undeveloped dirt lot, and Las Vegas Valley Water District Pumping Station	ML (Medium Low Density Residential) and PF (Public Facilities)	U(ML): Undeveloped (Medium Low Residential) and CV (Civic)
South	Vegas Drive Right-of-Way (ROW)	ROW, M (Medium Density Residential), and SC (Service Commercial)	R-E (Residence Estates)
East	Single-family Residential	ML (Medium Low Density Residential)	R-PD8 (Residential Planned Development 8 units per acre)
West	Commercial	SC (Service Commercial)	C-1 (Limited Commercial)

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

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.08 the following Commercial Development Standards apply:*

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	NA	NA	NA
Min. Lot Width	100 feet	296 feet	Y
Min. Setbacks			
• Front	20 feet	77 feet	Y
• Side	10 feet	66 and 10 feet	Y
• Corner	15 feet	NA	Y
• Rear	20 feet	9 and 88 feet	N
Min. Distance Between Buildings	NA	NA	NA
Max. Lot Coverage	50 percent	15 percent	Y
Max. Building Height	NA	22 feet	NA
Trash Enclosure	Screened	Screened	Y
Mech. Equipment	Screened	Screened	Y

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	66 feet	66 feet	Y
Adjacent development matching setback	2 feet	58 feet	Y
Trash Enclosure	55 feet	208 feet	Y

<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 Trees/6 Spaces	16 Trees	19 Trees	Y
Buffer: Min. Trees	1 Trees/30 Linear Feet along ROW	10 Trees (South P.L.)	10 Trees	Y
	1 Trees/20 Linear adjacent to residential	10 Trees (East P.L.) 14 Trees (West P.L.) 18 Trees (North P.L.)	10 Trees 6 Trees 18 Trees	Y N Y
<b>TOTAL</b>		68 Trees	63 Trees	N

Min. Zone Width	15 Feet along Public Right-of-Way 8 Feet interior lot lines adjacent to Residential	15 feet 8 to 0 feet	N N
Wall Height	8 feet	6 feet	Y

**ANALYSIS**

The project parcel is a flat partially developed parcel located directly south and east of a developed Las Vegas Valley Water District pump station facility. Siting of the public facility creates substandard lot dimensions and the ability of the project to strictly adhere to Title 19 Commercial Development standards for the C-1 (Limited Commercial) Zone. The project request for a nine foot rear yard setback (20-feet required) along the north eastern property line directly adjacent to the LVVWD property will not negatively affect public safety.

**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.

The project will be located on a substandard lot located adjacent to an existing public facility. The proposed reduction of the rear yard setback will not degrade public safety or welfare of the neighboring residential community. Staff recommendation is approval.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 37

**SENATE DISTRICT** 3

**NOTICES MAILED** 726 by City Clerk

**APPROVALS** 0

**PROTESTS** 27