

**AGENDA MEMO**

PLANNING COMMISSION MEETING DATE: APRIL 10, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: WVR-27425 - APPLICANT/OWNER: JIM MARSH AMERICAN CORPORATION

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to the conditions for Rezoning (ZON-27079) and Site Development Plan Review (SDR-27078) 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.

Public Works

3. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of any construction plans, the issuance of any permits or the recordation of a map for this site. The termination of the public street shall meet the approval of the Department of Fire Services.
4. Site development to comply with all applicable conditions of approval for Site Development Plan Review SDR-27078 and all other applicable siterelated actions.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Waiver to Title 18.12.130 to allow an existing private street to terminate without the required cul-de-sac generally located on the north side of Regena Avenue 150 feet east of Riley Street. The private cul-de-sac currently accesses four lots, two of which are vacant and two of which are owned by the applicant. The waiver would remove the existing northern portion of the circular cul-de-sac, contained within APNs 125-29-502-012 and 015, and allow the applicant to build a six-foot block wall along the southern perimeter of those parcels in conjunction with a proposed parking lot. A Site Development Plan Review (SDR-27078) for a parking lot and a Rezoning (ZON-27079) have been submitted as a companion item with this request. As the applicant is requesting this Waiver to maximize parking spaces for a proposed parking lot, this is an indication that the site is being overbuilt; therefore staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/21/02	The City Council approved a General Plan Amendment (GPA-0019-02) to Amend a portion of the southern boundary of the Centennial Hills Sector Town Center Plan to match the alignment of the proposed S Curve and to amend the future land use within the revised boundary area from ML (Medium Low Density Residential), L (Low Density Residential), GC (General Commercial) and SC-TC (Service Commercial - Town Center) to GC-TC (General Commercial - Town Center), SX-TC (Suburban Mixed Use - Town Center), SC-TC (Service Commercial - Town Center) and PF-TC (Public Facilities - Town Center). The Planning Commission and staff recommended approval.
02/05/03	The City Council approved a Petition to Annex (A-0038-02) undeveloped properties located in various parts of the city under the provisions of NRS 268.597 No. 1(b) including the subject parcels. The Planning Commission and staff recommended approval.
<i>Related Building Permits/Business Licenses</i>	
There are no building permits or business licenses associated with the subject parcels.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not held, nor was one required.	

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Field Check	
03/04/08	A field check was performed by staff at the subject properties. The subject site was noted as being relatively flat, graded building site with a six foot block wall along the north, east and west property lines.

Details of Application Request	
Site Area	
Gross Acres	1.01

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant Land	GC-TC (General Commercial Town Center)	U(TC) [Undeveloped (Town Center General Plan Designation)]
North	Vacant Land, Car Dealership Parking Lot Under Construction	GC-TC (General Commercial Town Center)	T-C (Town Center)
South	Single Family Residences	GC-TC (General Commercial Town Center)	T-C (Town Center) and U(TC) [Undeveloped (Town Center General Plan Designation)]
East	Car Dealership	GC-TC (General Commercial Town Center)	T-C (Town Center)
West	Vacant Land	SX-TC (Suburban Mixed-Use Town Center)	T-C (Town Center)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan			
T-C Town Center District	X		Y
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
T-C Town Center District	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

Waivers		
Request	Requirement	Staff Recommendation
To allow an existing private street to terminate without the required cul-de-sac	A cul-de-sac of sufficient radius for emergency vehicle and other large vehicle access	Denial

ANALYSIS

The existing private cul-de-sac serves a four-lot development located on the north side of Regena Avenue, 150 feet east of Riley Street. The northern two lots are owned by the applicant and currently vacant. The southern two lots contain existing single family residences. As the street is private, the applicant owns the northern portion of the dedicated cul-de-sac bulb, a portion of APNs 125-29-502-012 and 015, and intends to remove that section of street to maximize parking for a proposed parking lot on the subject properties. The applicant intends to build a wall across the property line which will essentially create a half-circle dead-end street. The two existing single family residences to the south of the subject property front this cul-de-sac. Both of these existing homes have side-entry garages and driveways which front on Regena Avenue, rather than the private street, however one home has an auxiliary driveway accessed from the private cul-de-sac.

Title 18.12.130 Cul-de-sacs

Cul-de-sacs shall be designed and installed in accordance with City standards. For public streets which terminate other than at an intersection with another public street, the termination shall be provided by means of a circular cul-de-sac of a sufficient diameter to accommodate emergency service vehicles for termination. For private streets or drives which terminate at a length over one hundred fifty feet, there shall be either a circular turn-around or emergency service vehicle access gates.

While Public works has no objection to the Request for a Waiver of Title 18.12.130 to allow an existing private street to terminate without a circular cul-de-sac or emergency access gate, staff finds that applicants request for this Waiver is an indication that the site is being overbuilt. Denial of this request is recommended.

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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 choosing to eliminate a portion of the cul-de-sac bulb. Alternately, the applicant could construct the parking lot, wall and landscape buffer around the bulb of the cul-de-sac, which would result in the loss of eight to nine parking spaces. This design would allow conformance to the Title 18 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 5

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

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APPROVALS 0

PROTESTS 1