



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 21, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-27432 - APPLICANT/OWNER: INVESTMENT SOLUTIONS, INC.

**** CONDITIONS ****

The Planning Commission (5-0-1/rt vote) and staff recommend DENIAL.

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-25278), Variance (VAR-25277) and Site Development Plan Review (SDR-25276) 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

This application is a request for a Variance to allow a 40.2-foot tall, two-story Office Building where 35-feet is the maximum building height allowed in the O (Office) Zoning District. The proposed Office Building is located on a 1.04 acre site generally located at the southeast corner of Red Coach Avenue and Balsam Street.

Because no justifiable reason has been given for the overbuilding of the site staff has determined this to be a self-imposed hardship; therefore, staff recommends denial of this Variance request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/20/07	The Planning Commission recommended approval for a Rezoning (ZON-25278) of 1.04 acres from the U (Undeveloped) Zoning District [O (OFFICE) General Plan Land Use Designation] to the O (Office) Zoning District at the southeast corner of Red Coach Avenue and Balsam Street. Staff recommended approval.
12/20/07	The Planning Commission recommended denial of both the request for a Site Development Plan Review (SDR-25276) for a two-story, 23,941 square-foot Office Building and its associated Variance (VAR-25277) to allow 56 parking spaces where 80 spaces are required. Staff recommended denial.
2/20/08	The City Council recommended to table Rezoning (ZON-25278), Variance (VAR-25277), and Site Development Review (SDR-25276) as the applicant was not present.
04/24/08	The Planning Commission voted 5-0-1/rt to recommend DENIAL (PC Agenda Item #46/mh).
<i>Related Building Permits/Business Licenses</i>	
There are no Building Permits or Business Licenses recorded against this property.	
<i>Pre-Application Meeting</i>	
3/19/08	A pre-application meeting was held with staff regarding the additional Variance request to be heard prior to the related Rezoning (ZON-25278), Variance (VAR-25277), and Site Development Review (SDR-25276) being heard at the City Council. Staff advised that a Variance for the five-foot height increase will need to be approved concurrently with the related Site Development Review (SDR-25276) that was tabled 2/20/08 City Council.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required for this Variance request, nor was one held.	

Field Check	
4/03/08	A field check was made with the following observations: <ul style="list-style-type: none"> • Undeveloped one-acre lot located west of existing church. • Rural one-acre single-family dwellings located in unincorporated Clark County across Red Coach Avenue and Balsam Street on the north and west. • Existing six-foot screen wall along side property line adjacent to church. • Generally flat lot with no discernible change in grade.

Details of Application Request	
Site Area	
Net Acres	1.04

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	O (Office)	U (Undeveloped)
North	Single Family Residence	O (Office)	Unincorporated Clark County
South	Undeveloped	O (Office)	U (Undeveloped)
East	Church	O (Office)	U (Undeveloped)
West	Single Family Residence	O (Office) Unincorporated Clark County	Unincorporated Clark County

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

- **A-O (Airport Overlay) District**

The proposed two-story office building has a finished height of 40.2 feet. Although this proposal will not adversely affect the 175-foot height restriction placed by the Airport Overlay District, staff finds that this height does not comply with the O (Office) Zoning District 35-foot maximum height limit.

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.050, the following standards apply to the O (Office) Zoning District:

<i>Standard</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	100 feet	150 feet	Y
Min. Setbacks			
• Front	25 feet	60 feet	Y
• Side	5 feet	25 feet	Y
• Corner	15 feet	61 feet	Y
• Rear	15 feet	33 feet	Y
Max. Lot Coverage	50%	26%	Y
Max. Building Height	Lesser of 35 feet or two stories	40.2 feet	N

Pursuant to Title 19.08.060, the following standards apply:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	120.5 feet	150 feet	Y
Adjacent development matching setback	50 feet	61 feet	Y

ANALYSIS

The applicant has added five feet to the proposed building design since the original Site Development Plan Review submittal for a total building height of 45 feet. There has been no demonstrated reason for the additional height increase as the mechanical equipment would be no more screened from public view than with the previous 35-foot tall building. The previous design proposal presented at the Planning Commission was determined to be overbuilt since it requires a Variance (VAR-25277) from the Title 19 parking requirements. Although the applicant has reduced the amount of deviation from standards, the need for a parking Variance has not been eliminated with the increase in building height that now requires an additional Variance from the Title 19.08.050 Commercial Design Standards.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), the 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 19.18.070(L) 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 increasing the height of the original 35-foot tall proposal to a height of 45 feet. The previous design proposal presented at the Planning Commission was already determined to be overbuilt in that it also requires a Variance (VAR-25277) to the required amount of parking. Even with a reduction in height to the 35-foot O (Office) Zoning District height limit, the proposal would still not allow conformance to the Title 19 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 6

ASSEMBLY DISTRICT 37

SENATE DISTRICT 4

NOTICES MAILED 107 by City Clerk

APPROVALS 0

PROTESTS 1