



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JUNE 12, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-28009 - APPLICANT/OWNER: OR INVESTMENT GROUP, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to the conditions for Special Use Permit (SUP-27321) and Site Development Plan Review (SDR-27319) 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 22-foot setback where residential adjacency standards require 87 feet for a proposed one-story building on 5.84 acres adjacent to the west side of Rancho Drive approximately 180 feet south of Lake Mead Boulevard. The applicant is requesting this Variance to accommodate a proposed one-story shopping center which consists of four buildings spread throughout the site. The buildings will feature a unified Mediterranean architectural theme with varied storefront elevations, window shapes, finish materials and roof heights at heights ranging between 26 and 50 feet.

The applicant has submitted a Site Development Plan Review (SDR-27319) for a 73,065 square-foot retail development with a Waiver to allow a one-foot landscape buffer along two 15-foot portions of the west perimeter where eight feet is required and a Major Amendment (SUP-27321) to an approved Special Use Permit (SUP-6947) to allow a one-story 50-foot building in the Airport Overlay zone where 35 feet is the maximum height allowed as companion items to this request. As this project could easily be redesigned to accommodate the proposed buildings without the need for a Variance from residential adjacency standards, staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/15/04	The City Council tabled requests for a Site Development Plan Review (SDR-5109) and a Waiver of the Commercial Development Standards to allow a three-foot front yard setback where 20 feet is the minimum required for a proposed mixed-use development consisting of 504 residential condominium units and 90,000 square feet of retail space in two 10-story buildings 94.5 feet high, a 12-story building and two 16-story buildings on 5.84 acres, a request for a Special Use Permit (SUP-5111) for a proposed mixed-use development consisting of two 10-story buildings 94.5 feet high, a 12-story building and two 16-story buildings and a request for a Variance (VAR-5114) to allow a 32-foot rear yard setback where residential adjacency standards require a minimum of 110 feet for a proposed mixed-use development consisting of two 10-story buildings 94.5 feet high, a 12-story building and two 16-story buildings adjacent to the west side of Rancho Drive approximately 180 feet south of Lake Mead Boulevard. The Planning Commission denied these requests. Staff recommended denial.

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08/17/05	The City Council approved a request for a Site Development Plan Review (SDR-6946) for a mixed use development including two 16-story towers with a total of 300 residential units and 12,548 square feet of commercial space and waivers of the residential adjacency standards and perimeter landscaping requirements, a request for a Special Use Permit (SUP-6947) for a 197-foot tall building where 35 feet is the maximum height allowed in the airport overlay zone, a request for a Special Use Permit (SUP-6948) for a mixed use development and a request for a Variance (VAR-6952) to allow a zero front setback ratio where a 1:1 setback ratio is required along a collector or larger street for a 197-foot tall building on 5.48 acres adjacent to the southwest corner of Lake Mead Boulevard and Rancho Drive. The Planning Commission and staff recommended approval of these requests.
09/19/07	The City Council approved a Request for an Extension of Time (EOT-23836) of an approved Site Development Plan Review (SDR-6946) for a mixed use development including two 16-story towers with a total of 300 residential units and 12,548 square feet of commercial space and waivers of the residential adjacency standards and perimeter landscaping requirements, a Request for an Extension of Time (EOT-23838) of an approved Special Use Permit (SUP-6947) for a 197-foot tall building where 35 feet is the maximum height allowed in the airport overlay zone, a request for an Extension of Time (EOT-23841) of an approved Special Use Permit (SUP-6948) for a mixed use development and a request for an Extension of Time (EOT-23843) of an approved Variance (VAR-6952) to allow a zero front setback ratio where a 1:1 setback ratio is required along a collector or larger street for a 197-foot tall building on 5.48 acres adjacent to the west side of Rancho Drive approximately 190 feet south of Lake Mead Boulevard. Staff recommended approval of these requests.
<i>Related Building Permits/Business Licenses</i>	
06/25/03	A Building Permit (#03013187) was issued to allow for the construction of pole sign at 2085 North Rancho Drive. The permit received final approval on 07/16/03.
<i>Pre-Application Meeting</i>	
02/07/08	A pre-application meeting was held with the applicant where elements of a Site Development Plan Review for a retail shopping center were discussed.

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<i>Neighborhood Meeting</i>	
02/19/08	<p>A neighborhood meeting was held on Tuesday, February 19, 2008 at 6:00 p.m. in the Houston Room at Texas Station Hotel and Casino located at 2101 Texas Star Lane, North Las Vegas, NV 89032. Five applicants, one planning staff member, the Ward 5 council liaison, the Ward 5 councilman and 6 members of the public were in attendance. This meeting was voluntarily held by the applicant, and proposed the original design for this project, which was similar in use but roughly double the size of this current application. The concerns expressed at the time were as follows:</p> <ul style="list-style-type: none"> • Will there be an underground tunnel constructed under Rancho Drive between the proposed project and Texas Station? (The applicant responded that there was an existing signalized crosswalk between the two properties.) • Who owns the access road from Lake Mead? (The applicant responded that it was owned by the abutting property owner, but that they had an access easement to their property from Lake Mead.) • What will happen to the block wall on the west side of the property? (The applicant's representative responded that the wall would be brought up to code, and that extensive landscaping would be installed along the common property line.) • Will the gas station property be included in the development? (The applicant responded that they did not have control of the gas station property.) • Will there be slots? (The applicant responded that the project was retail/restaurant/office, and that the only gaming would be as allowed accessory to a sports bar.) • When is the scheduled completion date? (Late 2009/early 2010) • What type of tenants? (Small grocery market, drug store, bank, small gym/day spa, general retail, food court, sit-down restaurants, office.) • How much parking will be provided? (670 spaces, approximately 100 more spaces than required by code, located in a multi-story garage.) • The general consensus of the public was that the project was superior to the 16-story mixed-use project that had previously been approved for the site, and that the design of the project would enhance the area.
<i>Field Check</i>	
04/14/08	A field check was conducted by staff at the subject property. The site was noted to be undeveloped and flat, with numerous political advertisements on site and graffiti on the west perimeter wall of the property.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	5.83

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	GC (General Commercial)	C-2 (General Commercial)
North	Convenience Store/Gas Station	GC (General Commercial)	C-2 (General Commercial)
	Access Road	M (Medium Density Residential)	R-3 (Medium Density Residential)
South	Access Road	M (Medium Density Residential)	R-3 (Medium Density Residential)
East	Hotel/Casino	RC [Resort Commercial (City of North Las Vegas)]	C-2 [General Commercial (City of North Las Vegas)]
West	Multi Family 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	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District 35 Feet	X		N*
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance	X		Y**

* The applicant has submitted a Special Use Permit (SUP-27321) to allow a 50-foot one-story building where 35 feet is the maximum allowed in the A-O District.

** The Traffic Impact Analysis revealed that this project will generate 8,504 ADT. This meets the criteria of a Project of Significant Impact which must be submitted if a project exceeds 6,250 ADT. A Project of Significant Impact has been filed.

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following development standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	254,300 SF	Y
Min. Lot Width	100 Feet	825 Feet	Y
Min. Setbacks			
• Front	20 Feet	24 Feet	Y
• Side	10 Feet	12.08 Feet	Y
• Corner	15 Feet	15 Feet	Y
• Rear	87 Feet	22 Feet	N*

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Max. Lot Coverage	50%	28.7%	Y
Max. Building Height	35 Feet	50 Feet	N**
Trash Enclosure	Screened w/ Roof or Trellis	Screened w/ Roof/Trellis except for trash area at rear of Building A	N***
Mech. Equipment	Screened	Screened	Y

* The residential adjacency standards listed in Title 19.08.06 require an 87-foot rear setback. The applicant has submitted this Variance request to allow a 22-foot rear setback where residential adjacency standards require 87 feet.

** The subject site is located in the North Las Vegas Airport Overlay within the 35-foot height limitation contour. The applicant has submitted a Special Use Permit (SUP-27321) to allow a 50-foot building height where 35 feet is permitted.

*** All trash enclosures shown on the plans have been screened per the standards listed in Title 19.08 with the exception of the trash area located at the rear of Building A. The applicant has indicated that this may be a location for a trash compactor should the future tenant of Building A require it. A condition has been added requiring the applicant to screen all trash enclosures per the standards listed in Title 19.08.

Pursuant to Title 19.08.060, the following residential adjacency standards apply:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	87 Feet	22 Feet	N*
Adjacent development matching setback	20 Feet	22 Feet	Y
Trash Enclosure	50 Feet	50 Feet	Y

* The residential adjacency standards listed in Title 19.08.06 require an 87-foot rear setback. The applicant has submitted this Variance request to allow a 22-foot rear setback where residential adjacency standards require 87 feet.

Pursuant to Title 19.12, the following landscape standards apply:

<i>Parking Requirement</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Parking Ratio</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>
			<i>Parking</i>		<i>Parking</i>		
			<i>Regular</i>	<i>Handi-capped</i>	<i>Regular</i>	<i>Handi-capped</i>	
Shopping Center	73,065 SF	1 space / 250 SF	286	7	287	7	

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TOTAL			293	294	Y
Loading Spaces			4	4	Y

ANALYSIS

The site plan indicates that a total of four buildings are proposed to be constructed on site totaling 73,065 square-feet. Two buildings, A and B, will be larger in size, measuring 37,625 square feet and 26,510 square feet respectively, and will be located towards the rear, or west perimeter, of the property. The remaining two buildings, C and D, will be smaller in size, measuring 4,270 square feet and 4,660 square feet respectively, and will be located adjacent to Rancho Drive, at the front of the property. Building A will house a 30,800 square-foot market along with three retail units and a day spa, Building B will house a 12,665 square-foot junior anchor, a 3,250 square foot bank with drive-through, and seven smaller retail units. Building C will house a 1,760 square-foot drive-through restaurant and a 2,510 square foot retail suite while Building D will house a 4,660 square foot restaurant. Each building features varying roof heights. Building A features a staggered roof and parapet at the façade, which ranges between 25 feet and 48 feet, while the rear of the building features a uniform height of 26.5 feet. Building B has similar staggered roof and parapet heights, ranging between 28 and 50 feet in height, while the rear of the building is a uniform 29 feet in height. Similarly, Buildings C and D have the a staggered roof height, ranging between 26 and 34 feet and 26 and 32 feet, respectively.

The placement of Buildings A and B at the rear of the property have necessitated the applicant to request this Variance. The residential property located to the west of the subject property is an existing two-story condominium development. Building A is sited 22 feet from the residential property and Building B is sited 56 feet from the residential property. The applicant was asked to relocate the buildings further east towards Rancho Drive and place the parking lot at the rear of the development which would satisfy the Building Placement and Orientation standards listed in Title 19.08 for this corner property; however the applicant chose to submit this Variance. By redesigning this site to comply with the standards listed in Title 19.08, the applicant would not need to submit this Variance, therefore staff recommends denial of this request.

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.

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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 locating Buildings A and B 22 feet and 56 feet, respectively, from residential property. Relocating Buildings A and B adjacent to Rancho Drive would 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 7

SENATE DISTRICT 4

NOTICES MAILED 520

APPROVALS 1

PROTESTS 5