



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JULY 24, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-28514 - APPLICANT/OWNER: FIELD DEVELOPMENT, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-28511), Special Use Permit (SUP-28513) and Site Development Plan Review (SDR-28512) shall be required, 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 for 10-foot rear building setback where 20 feet is required for a proposed 4,500 square-foot Building Maintenance Service and Sales facility at 3920 Leon Avenue. This request for a Variance to reduce the rear building setback standard is not based on the overall site size or shape. The applicant has not offered any justification that would warrant a Variance from the design standards other than their own building size and design preference. The request for a Variance is due to a self imposed hardship that an alternative design would have allowed for compliance with Title 19.08 development standards.

A related General Plan Amendment (GPA-28510) to amend a portion of the Northwest Sector of the General Plan from O (Office) to SC (Service Commercial), a Rezoning (ZON-28511) from O (Office) to C-1 (Limited Commercial); Special Use Permit (SUP-28513) for a Building Maintenance Service and Sales use; and a Site Development Plan Review (SDR-28512) for the existing two-story 8,120 square-foot office building and the addition of a 4,500 square-foot Building Maintenance Service and Sales building and outdoor storage area with Waivers to allow for a zero-foot landscape buffer along portions of the north, south, and west perimeters where eight feet is required will be considered concurrently. Due to the self-imposed hardship created by the proposed building placement and size, and the intensity of the proposed use, denial of this and all affiliated applications is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/07/01	The City Council approved a request for Rezoning (Z-0108-00) from: R-E (Residence Estates) and C-2 (General Commercial) to: C-1 (Limited Commercial) on 1.04 acres located at 3900 Leon Avenue. The Planning Commission recommended approval.
04/04/01	The City Council approved a request for a Site Development Plan Review [Z-0108-00(1)] for a 24,000 square-foot office building on approximately 1.04 acres located on the west side of Leon Avenue, approximately 400 feet south of Alexander Road. The Planning Commission recommended approval.
04/02/03	The City Council approved a request to amend portions of the Centennial Hills Sector Plan and the Southwest Sector Map (GPA-1363) from: GC (General Commercial), SC (Service Commercial) and DR (Desert Rural Density Residential) to: GC (General Commercial), O (Office), PF (Public Facilities), ML (Medium-Low Density Residential) and DR (Desert Rural Density Residential) on property located on, or in close proximity to, both sides of Rancho Drive from Vegas Drive to the northern City limits at Moccasin Road. The Planning Commission recommended approval.

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09/04/03	An encroachment agreement (#2705) was finalized for a meandering sidewalk on the west side of Leon Avenue along the property line and two planter areas approximately 5 feet wide and 14 feet long each consisting of decomposed granite, boulders, trees, shrubs, and ground cover to satisfy a condition of Z-0108-00(1).
05/05/05	A Code Enforcement case (#29612) was opened for a complaint that the aesthetic appearance of a 2-story office building was visually offensive from Rancho Drive. The case was resolved on 05/16/05.
<i>Related Building Permits/Business Licenses</i>	
03/05/97	A business license (#C11-06288-B-074264) was issued for a contractor at 3920 Leon Avenue, Suite #220.
02/17/99	A business license (#C11-09503-B-083939) was issued for a contractor at 3920 Leon Avenue, Suite #120.
02/01/00	A business license (#C11-09009-B-089024) was issued for a contractor at 3920 Leon Avenue, Suite #240.
12/20/01	A building permit (#1022085) was issued for onsites at 3920 Leon Avenue. The permit was finalized on 06/17/02.
12/20/01	A building permit (#1022086) was issued for a shell building certificate of completion. The permit was finalized on 02/19/03.
01/30/02	A building permit (#2001544) was issued for a temporary construction trailer at 3920 Leon Avenue. The permit expired on 08/10/02.
03/06/02	A building permit (#2003991) was issued for onsite water and sewer at 3920 Leon Avenue. The permit expired 03/22/03.
09/17/02	A building permit (#2016789) was issued to extend water and sewer at 3920 Leon Avenue. The permit expired on 03/22/03.
09/19/02	A building permit (#2017060) was issued for a block wall at 3920 Leon Avenue. The permit expired on 04/26/03.
02/26/03	A building permit (#3003886) was issued for a non-work certificate of occupancy at 3920 Leon Avenue, Suite #110. The permit expired on 08/30/03.
02/26/03	A building permit (#3003887) was issued for a non-work certificate of occupancy at 3920 Leon Avenue, Suite #150. The permit expired on 08/30/03.
05/16/03	A business license (#C11-07485-E-110105) was issued for a contractor at 3920 Leon Avenue. The license was marked out of business on 07/04/06.
05/27/05	A business license (#C11-10005-E-123058) was issued for a contractor at 3920 Leon Avenue, Suite #5.
07/27/05	A business license (#C11-07892-G-123430) was issued for a contractor at 3920 Leon Avenue, Suite #110.
08/25/05	A business license (#C11-07914-H-122891) was issued for a contractor at 3920 Leon Avenue, Suite #240. The license was marked out of business on 08/22/07.
03/05/97	A business license (#C11-06288-B-074264) was issued for a contractor at 3920 Leon Avenue, Suite #220.

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11/16/05	A business license (#D06-00904-K-125704) was issued for a designer decorator at 3920 Leon Avenue, Suite #240. The license was marked out of business on 10/04/07.
06/02/06	A building permit (#66859) was issued for temporary power at 3920 Leon Avenue. The permit was finalized on 07/21/06.
05/07/07	A business license (#C11-09120-D-133938) was issued for a contractor at 3920 Leon Avenue, Suite #140.
05/15/07	A business license (#C11-09156-D-133685) was issued for a contractor at 3920 Leon Avenue, Suite #240.
06/22/07	A business license (#C11-09270-F-134407) was issued for a contractor at 3920 Leon Avenue, Suite #140.
<i>Pre-Application Meeting</i>	
05/28/08	A pre-application meeting was held with staff to discuss the submittal requirements for a General Plan Amendment (GPA), Rezoning (ZON), Variance (VAR), Site Development Plan Review (SDR), and a Special Use Permit (SUP).
<i>Neighborhood Meeting</i>	
07/07/08	<p>A neighborhood meeting was held on Monday, July 7, 2008 at 6:00 p.m. at 5715 West Alexander Road, Suite 135, Las Vegas, Nevada 89130. The applicant and approximately 15 members of the public were in attendance. Staff was not in attendance at this meeting. Comments and concerns were the following:</p> <ul style="list-style-type: none"> Members of the public were concerned that if this particular use ever vacated, a C-1 (Limited Commercial) zoning could allow other more intense uses on the site. The members of the public wanted to know if there could be a condition placed upon the zoning restricting future uses.

<i>Field Check</i>	
06/17/08	<p>The following observations were made by staff during a routine field check:</p> <ul style="list-style-type: none"> The gate to the existing trash enclosure was off the hinges and needed to be repaired. It also did not have a roof or trellis over it. Existing perimeter CMU block wall was not to City design standards (20% contrasting material), nor did it have a cap. A commercial shipping container was noted on-site. Existing landscaping around meandering sidewalk was scarce. Existing office building was well maintained. A temporary power pole was noted on-site. The existing parking lot was in need of wheel stops to prevent vehicular traffic from traveling off of the designated drive aisle. Illegal, outdoor storage was observed on site, which is not permitted in an O (Office) zoned district.

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07/03/08	A follow-up field check was performed where it was noted that all illegal, outdoor storage had been removed, as well as the commercial shipping container from 3920 Leon. The property to the south, 3910 Leon Avenue still had illegal outdoor storage.
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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.04

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office	O (Office)	O (Office)
North	Vacant Land	O (Office)	O (Office)
South	Office / Outdoor Storage	O (Office)	O (Office)
East	Single-Family Residential	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Vacant Land	GC (General Commercial)	C-2 (General Commercial)

<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	Y		Y
A-O (Airport Overlay) District (105 feet)	Y		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

Airport Overlay District

No structure shall be erected, altered or maintained on any parcel within the boundaries of the Airport Overlay District that would violate the height limitations defined by the McCarran Airport Overlay Map and the North Las Vegas Airport Overlay Map. The subject site is within the 105-foot contour limitations and does not violate the height limitations. The proposed structure does not exceed the height limitation and is in compliance with the Airport Overlay District.

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DEVELOPMENT STANDARDS

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	100 ft.	109 ft.	Y
Min. Setbacks			
• Front	20 ft.	20 ft.	Y
• Side	10 ft.	10 ft.	Y
• Corner	15 ft.	20 ft.	Y
• Rear	20 ft.	10 ft.	*N
Min. Distance Between Buildings	10 ft.	14 ft.	Y
Max. Lot Coverage	50%	23.4%	Y
Max. Building Height	2 stories or 35 feet, whichever is less.	24 ft.	Y
Trash Enclosure	Screened	Not Screened	**N

**The applicant has submitted a related application for a Variance (VAR-28514) to allow for a 10-foot rear setback where 20 feet is required.*

***The applicant has an existing trash enclosure on-site that is not in compliance with Title 19.08 standards. A condition has been added requiring the existing trash enclosure and any additional trash enclosure(s) built on the site to be in compliance with Title 19.08 standards.*

ANALYSIS

The subject site, which will consists of an existing 6,120 square-foot office building and a proposed 4,500 square-foot Building Maintenance Service and Sales facility with outdoor storage is located at 3920 Leon Avenue. The request for a variance to reduce the required rear building setback from 20 feet to 10 feet is not acceptable. The purpose of these design guidelines is to provide for an adequate buffer between properties. Reducing the required minimum setback along with the requested landscape buffer waivers eliminate this buffer between properties. The request for a variance is due to a self imposed hardship that alternative designs would have allowed for compliance with the minimum development standards set forth by 19.08. Due to this self imposed hardship, staff is recommending denial of this and all affiliated applications.

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:

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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 providing a site plan that does not comply with the rear building setback required by Title 19.08. An alternative site plan 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 3

ASSEMBLY DISTRICT 1

SENATE DISTRICT 4

NOTICES MAILED 105

APPROVALS 0

PROTESTS 1