



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JULY 24, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: WVR-28533 - APPLICANT/OWNER: TBG DEVELOPMENT I, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to the Conditions of Approval for Rezoning (ZON-19990) and Site Development Plan Review (SDR-19986) shall be required, if approved.
2. A revised site plan depicting conformance to Title 19.12.030 requirements for landscaping on the north and east property lines, including an additional one 24-inch box tree on the north property line and three 24-inch box trees on the east property line shall be submitted to and approved by the Planning and Development Department, prior to a final inspection.
3. 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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Waiver from Title 19.12.030 to provide a zero-foot landscaping buffer along a 37.5-foot portion and a 1.5-foot landscaping buffer along a 30-foot portion of the east property line, where eight feet is required on 1.88 acres at 7605 Grand Teton Drive. The subject site is currently under construction with a 10,896 square-foot Child Care Center and 8,000 square-foot Medical Office building. This Waiver is requested in order to construct two large child play areas within the required eight-foot landscape buffer. As this Waiver is an indication of the overdevelopment of the site, staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
06/06/07	The City Council approved a General Plan Amendment (GPA-19992) of a portion of the Centennial Hills Sector Plan from PCD (Planned Community Development) to SC (Service Commercial); a Rezoning (ZON-19990) from U (Undeveloped) [PCD (Planned Community Development) General Plan designation] to C-1 (Limited Commercial) and a Site Development Plan Review (SDR-19986) for a 10,896 square-foot child care center and an 8,000 square-foot medical office building on 1.87 acres at the southwest corner of Grand Teton Drive and Buffalo Drive. The Planning Commission and staff recommended approval of these requests.
03/27/08	The Planning Commission approved a Tentative Map (TMP-26861) for a one-lot commercial subdivision on 1.88 acres at 7601 Grand Teton Drive. Staff recommended approval of this request.
05/21/08	The Planning and Development Department received a submittal for a Final Map (FMP-28241) for a 1-lot commercial subdivision on 1.88 acres at 7601 Grand Teton Drive. A Final Map technical review was completed on 06/04/08.
<i>Related Building Permits/Business Licenses</i>	
10/05/07	A Plan Check (#25022) was approved for a daycare facility, offsite improvements and a trash enclosure at 7601 Grand Teton Drive.
04/04/08	Building permits (#99424, 99425) were issued for onsite improvements and a trash enclosure at 7601 Grand Teton Drive.
04/04/08	A building permit (#99423) was issued for an Office Shell at 7603 Grand Teton Drive.

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04/04/08	A building permit (#99522) was issued for a Day Care Center building at 7605 Grand Teton Drive.
04/15/08	A building permit (#113008) was issued for a wall fence at 7601 Grand Teton Drive.
04/25/08	Building permits (#113741, 113743) were issued for underground water/sewer and on-site improvements at 7601 Grand Teton Drive.
<i>Pre-Application Meeting</i>	
06/09/08	A pre-application meeting was held to discuss the requirements for submitting a Waiver at 7605 Grand Teton.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Field Check</i>	
07/24/08	A field check was conducted which found the subject site under construction, including the two buildings on site. A substantial difference of grade exists on this site. The lowest portions are located on the east property line, with the highest portions on the west property line.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.88

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	SC (Service Commercial)	U (Undeveloped) Under Resolution of Intent to C-1 (Limited Commercial)
North	Single-Family Residential	PCD (Planned Community Development)	R-PD4 (Residential Planned Development - 4 Units Per Acre)
South	Single-Family Residential	PCD (Planned Community Development)	R-PD6 (Residential Planned Development - 6 Units Per Acre)
East	Public School	PF-CC (Public Facility-Clark County)	C-V (Civic)
West	Single-Family Residential	PCD (Planned Community Development)	R-PD6 (Residential Planned Development - 6 Units Per Acre)

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Centennial Hills Sector Plan	X		Y
Special Purpose and Overlay Districts		X	N/A
Trails	X		Y *
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

* A Multi-Use Transportation trail is located on the north side of the parcel along Grand Teton Drive and has been addressed in Site Development Plan Review (SDR-19986).

Pursuant to Title 19.12 the following Commercial Landscape standards apply:

<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	12 Trees	12 Trees	Y
Buffer:				
Min. Trees				
North Property Line	1 Trees/20 Linear Feet	11 Trees	10 Trees	
East Property Line	1 Trees/20 Linear Feet	10 Trees	7 Trees	
South Property Line	1 Trees/20 Linear Feet	14 Trees	14 Trees	
West Property Line	1 Trees/20 Linear Feet	13 Trees	13 Trees	N*
TOTAL		60 Trees	56 Trees	N*
Min. Zone Width	15 Feet (along ROW) 8 Feet (along interior lot lines)		20 Feet 0 Feet	N**
Wall Height	8 Feet (along child care center play areas)		8 Feet	N***

* A condition has been added to add four additional trees in order to satisfy with Title 19.12 requirements for landscaping.

** This Waiver is requesting a zero-foot landscaping buffer along a 37.5-foot portion and a 1.5-foot landscaping buffer along a 30-foot portion of the west property line where eight feet is required.

*** This development was conditioned in Site Development Plan Review (SDR-19986) to increase the wall height for compliance with the Special Use Permit Requirements of Title 19.04 for a Child Care Center.

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ANALYSIS

This application is a request for a Waiver from Title 19.12.030 to provide a zero-foot landscaping buffer along a 37.5-foot portion and a 1.5-foot landscaping buffer along a 30-foot portion of the west property line where eight feet is required on 1.88 acres at 7605 Grand Teton Drive. The subject site is currently under construction with a 10,896 square-foot Child Care Center and 8,000 square-foot Medical Office building. The shade structures on the submitted site plan are not part of this review. This Waiver is requested in order to construct two large child play areas within the required eight-foot landscape buffer. As this Waiver is an indication of the overdevelopment of the site, staff recommends denial of this request.

- **Landscape Plan**

Per Table 1 Perimeter Landscape Buffer Widths listed in *Title 19.12.030*, commercial developments are required to provide an 8-foot wide buffer for interior lot lines and a 15-foot wide buffer for property lines fronting right-of-way landscaped with 24 box trees planted 20 feet on center and a minimum of four (4) five-gallon shrubs per tree. The subject Waiver is to reduce the required buffer width on the east property line in order to accommodate two childrens play areas. The applicant has clustered trees on the west property line in order to provide the amount of trees required by Title 19.12.030.

This Waiver, as proposed, seeks to remedy the over-building at the subject site. The required buffer widths are designed to insure compatibility with the surrounding properties. These two play areas will have a distance separation from the surrounding property to the east of zero feet and 1.5 feet. The reduction of these buffer widths for the proposed play areas will abut the residential properties to the west and are not compatible; 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 due to over-development of the subject site. Alternatively, a less intense development 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 17

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 337

APPROVALS 0

PROTESTS 1