



AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 20, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-28392 - APPLICANT/OWNER: SCOTT ASHJIAN, ET AL

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-1/se-1/rt vote) recommends APPROVAL.

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Vacation (VAC-28393) and Site Development Plan Review (SDR-28390) 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 a 4.62 acre C-PB (Planned Business Park) zoning district where 20 acres is the minimum site area required and to allow a 10-foot side setback where 50 feet is required for an M (Industrial) district located adjacent to a residential district on 5.62 acres at 4505 and 4515 Balsam Street, 4491 North Rainbow Boulevard and 2.39 acres 300 feet south of Red Coach Avenue on Balsam Street.

In addition to this request, the applicant has submitted a General Plan Amendment (GPA-28388) to Amend a portion of the Northwest Sector of the Centennial Hills Master Plan from O (Office) to LI/R (Light Industrial/Research) and a request for a Rezoning (ZON-28389) from R-E (Residence Estates) and U (Undeveloped) [O (Office) General Plan designation] to M (Industrial) and C-PB (Planned Business Park) for the subject property. Additional companion items include a request for a Site Development Plan Review (SDR-28390) for a proposed 51,250 square-foot Warehouse Center with 18,100 square feet of Office with Waivers to allow a 10-foot landscape buffer on the eastern property line, where 15 feet is required and a zero-foot landscape buffer on the western and portions of the southern property line, where eight feet is required and a request for a Vacation (VAC-28393) to Vacate a 60-foot wide portion of Balsam Street located approximately 300 feet south of Red Coach Avenue.

The requests for the multiple Waivers and Variances are indications that the site is overbuilt and the proposed land use is inappropriate for the subject location; therefore staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/03/03	The City Council approved an Annexation (ANX-2874) of two parcels of land generally located on the west side of Rainbow Boulevard, 315 feet south of Red Coach Avenue, containing approximately 4.39 acres. The Planning Commission and staff recommend approval of this request.
01/20/05	A Code Enforcement complaint (#25305) was issued against the subject property (4491 North Rainbow Boulevard) for a vacant house with broken windows. This case was resolved 03/07/05.
05/17/05	A Code Enforcement complaint (#30040) was issued against the subject property (4491 North Rainbow Boulevard) for overgrown vegetation. This case was resolved 06/28/05.

10/05/05	A Code Enforcement complaint (#35122) was issued against the subject property (4491 North Rainbow Boulevard) for a vacant home. This case was resolved 03/02/07.
04/09/07	A Code Enforcement complaint (#52045) was issued against the subject property (4491 North Rainbow Boulevard) for a vacant house, broken fencing, an abandoned travel trailer on site, trash, debris and dead vegetation. This case was resolved 05/04/07.
12/19/07	The City Council approved an Annexation (ANX-23635) of property at 4505 Balsam Street, containing approximately 0.62 acres and an Annexation (ANX-23639) of property at 4515 Balsam Street, containing approximately 0.61 acres. The Planning Commission and staff recommended approval of these requests.
02/27/08	A Code Enforcement complaint (#62799) was issued against the subject property (4615 Balsam Street) from a citizen complaint regarding business activity at this property (paving business), trucks being parked on property and people coming and going from an R-E (Residence Estates) zoned property. This case is still open pending resolution.
03/18/08	A Code Enforcement complaint (#63537) was issued against the subject property (4615 Balsam Street) for running a paving business out of a single family home. Commercial tractor/trailers were noted to be parked in the back of the home. The zoning on the property was noted as being R-E (Residence Estates). This case was resolved 03/27/08.
07/24/08	The Planning Commission recommended approval of companion items GPA-28388, ZON-28389, VAC-28393 and SDR-28390 concurrently with this application. The Planning Commission voted 5-1/se-1/rt to recommend APPROVAL (PC Agenda Item #18/dc).
Related Building Permits/Business Licenses	
There are no building permits associated with the subject properties.	
Pre-Application Meeting	
05/28/08	A pre-application meeting was held with the applicant where elements of a General Plan Amendment, Rezoning, Site Development Plan Review, Variance and Vacation were discussed.
Neighborhood Meeting	
06/30/08	A neighborhood meeting was held at the Mountain Crest Community Center, 4701 North Durango Drive at 6:40 PM. The applicant, one Planning and Development staff member, one Clark County Commission Liaison and six area residents were present. The following was discussed: The representative for the applicant briefly described the proposed project. Members of the public raised the following questions and concerns: <ul style="list-style-type: none"> • Residents were supportive of the plan to remove access from Balsam Avenue, so that all access would be from Rainbow. • Residents were supportive of the proposed perimeter wall around the property.

	No issues were raised regarding the proposed 30' height of the structures.
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Field Check	
06/17/08	A field check was performed by staff at the subject properties. 4505 & 4515 Balsam Street were observed to contain existing homes which have been converted to commercial use; however no business licenses or building permits exist for these homes. The front yards were noted as paved with asphalt; screened, chain link fence with barbed wire was noted at the rear of the properties. The undeveloped lot on the east side of Balsam Street and at 4491 North Rainbow Boulevard was noted as being relatively flat, graded with some weeds/dead landscape, a vacant single-family home and a temporary chain link construction fence around the perimeters.

Details of Application Request	
Site Area	
Gross Acres	5.62

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped; Vacant Single-Family Residence and Contractors Plant, Shop & Storage Yard	O (Office)	R-E (Residence Estates) and U (Undeveloped) [O (Office) General Plan designation]
North	Church/House of Worship; Undeveloped, Single-Family Residence and Contractors Plant, Shop & Storage Yard	O (Office)	U (Undeveloped) [O (Office) General Plan designation] and Clark County R-E (Rural Estates Residential)
South	Mini-Storage Facility and Office	SC (Service Commercial)	C-1 (Limited Commercial)
East	Single-Family Residential	M (Medium Density Residential)	R-CL (Single Family Compact-Lot)
West	U.S. 95	R.O.W. (Right of Way)	R.O.W. (Right of Way)

<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 (175 Feet)	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

* The subject property is located within the North Las Vegas Airport Overlay within the 175-foot height limitation contour. None of the buildings on the subject property extend beyond this limitation.

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
<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>		
			Regular	Handi-capped	Regular	Handi-capped	
Office, Other than Listed (Proposed)	18,100 SF	1 space per 300 SF	58	3			
Warehouse / Distribution Center	51,250 SF	1 space per 1,000 SF	50	2			
SubTotal			108	5	104	12	
TOTAL			113 Spaces		116 Spaces		Y
Loading Spaces			4 Loading Spaces		6 Internal Loading Spaces		Y*

* The site plan indicates that each new building proposed on site will provide an internal loading zone, for a total of six loading spaces.

ANALYSIS

This application is a request for a Variance to allow a 4.62 acre C-PB (Planned Business Park) zoning district where 20 acres is the minimum site area required and to allow a 10-foot side setback where 50 feet is required for an M (Industrial) district located adjacent to a residential district. The applicant is proposing that two of the four parcels associated with this request, located east of the existing Balsam Street centerline be rezoned from R-E (Residence Estates) and U (Undeveloped) [O (Office) General Plan Designation] to C-PB (Planned Business Park) to accommodate six proposed Office and Warehouse buildings totaling 63,250 square feet. Title 19.08 limits the CP-B (Planned Business Park) zoning district to parcels which are 20 acres in size or greater.

Additionally, the applicant is proposing that two of the four parcels associated with this request, located to the west of the existing Balsam Street centerline, be Rezoned from R-E (Residence Estates) to M (Industrial). There are two existing structures on these parcels of which one has a side yard setback of 10 feet from two adjacent Clark County R-E (Rural Residential Estate) zoned properties to the north. Title 19.08 states that where a property in an M (Industrial) district is adjacent to a residential district, the minimum setback from the property line shall be 50 feet. The applicant is requesting this Waiver to accommodate the proposed Rezoning of the existing building.

This request is not appropriate for the area and both Variances are the result of self-imposed hardships. As the proposed uses are inappropriate for the neighborhood, staff recommends denial of this Variance 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.

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 requesting the M (Industrial) and C-PB (Planned Business Park) zoning for the subject properties. Alternatively, requesting a less intense zoning district, such as C-1 (Limited Commercial) and incorporating a redesign of the proposed buildings, 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 8

ASSEMBLY DISTRICT 37

SENATE DISTRICT 4

NOTICES MAILED 280 by City Clerk

APPROVALS 1

PROTESTS 2