



AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 20, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-28651 - APPLICANT/OWNER: KRAFT FAMILY, LP, ET AL

**** CONDITIONS ****

The Planning Commission (4-2/ds, bg-1/rt vote) and staff recommend DENIAL.

Planning and Development

1. Approval of and conformance to the Conditions of Approval for General Plan Amendment (GPA-28394), Rezoning (ZON-28396), Site Development Plan Review (SDR-28397), Variance (VAR-28400), Special Use Permit (SUP-28398) and Special Use Permit (SUP-28399) 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 zero-foot building setback where 10 feet is required along the north and south property lines, a 10-foot setback where 20 feet is required along the east property line and a 10-foot setback where residential adjacency standards require 75 feet along the west property line on 2.37 acres on the west side of Rainbow Boulevard, approximately 150 feet north of Red Coach Avenue.

In addition to this application, the applicant has submitted a General Plan Amendment (GPA-28394) to Amend a portion of the Northwest Sector of the Centennial Hills Master Plan from O (Office) to SC (Service Commercial), a request for a Rezoning (ZON-28396) from U (Undeveloped) [O (Office) General Plan Designation] to C-1 (Limited Commercial) for the subject property and a request for a Site Development Plan Review (SDR-28397) for a 74,540 square-foot Mini-Storage and Boat/RV Storage Facility with Waivers to allow a zero-foot landscape buffer on the north and south property lines where eight feet is required and a 10-foot landscape buffer on the east property line where 15 feet is required.

Additional companion items include a request for a Special Use Permit (SUP-28398) to allow for a proposed Recreational Vehicle and Boat Storage Facility, a request for a Special Use Permit (SUP-28399) to allow for a proposed Mini-Storage Facility, and a request for a Variance (VAR-28400) to allow five parking spaces where 16 parking spaces are required. The requests for the multiple Waivers, setback and parking Variances are indications that the site is overbuilt; therefore staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/20/07	The City Council approved an Annexation (ANX-25478) of property located on the west side of the North Rainbow Boulevard alignment 580 feet south of the West Lone Mountain Road alignment containing approximately 3.94 acres. The Planning Commission and staff recommended approval of this request.
07/24/08	The Planning Commission recommended denial of companion items GPA-28394, ZON-28396, VAR-28400, SUP-28398, SUP-28399 and SDR-28397 concurrently with this application. The Planning Commission voted 4-2 ds, bg-1/rt to recommend DENIAL (PC Agenda Item #24/dc).
<i>Related Building Permits/Business Licenses</i>	
There are no building permits or business licenses associated with the subject properties.	

<i>Pre-Application Meeting</i>	
05/28/08	A pre-application meeting was held with the applicant where elements of a General Plan Amendment, a Rezoning, a Site Development Plan Review, a Special Use Permit for a Mini Storage Facility, a Special Use Permit for a Recreational Vehicle and Boat Storage facility, a Variance to allow a zero-foot setback where 10 feet is required and a 10-foot setback where 20 feet is required and a Variance to allow five parking spaces where 16 are required were discussed.
<i>Neighborhood Meeting</i>	
06/30/08	A neighborhood meeting was held at the Mountain Crest Community Center, 4701 North Durango Drive at 6:15 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: • A landscape buffer is shown within the alley (bridal path)/utility easement; the residents vehemently opposed any vacation of the alley or use of the alley for the development. • The residents requested that the perimeter wall surrounding the property be tall enough to prevent anyone from looking into their back yards; the applicant explained that the wall was shown at 15 feet in height. • The residents had concerns about lighting on the property (the applicant explained that downward-directed fixtures would be used to prevent spillover), and also expressed concerns about street lighting on Rainbow; they would prefer that rural lighting standards be maintained. Concern was also expressed regarding signage for the project, and impacts to residents of the area (the applicant stated that a wall sign on Rainbow was all that was shown on the plans).

<i>Field Check</i>	
06/17/08	A field check was performed by staff at the subject properties. The site was noted as being relatively flat, graded site with minimal weeds. Single-family homes were observed to the west of this property while recently completed apartments were observed to the east.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	2.37

<i>Surrounding Property</i>	<i>Existing Land Use</i>	<i>Planned Land Use</i>	<i>Existing Zoning</i>
Subject Property	Undeveloped	O (Office)	U (Undeveloped) [O (Office) General Plan Designation]
North	Undeveloped	O (Office)	U (Undeveloped) [O (Office) General Plan Designation]
South	Undeveloped	O (Office)	Clark County R-E (Rural Estates Residential)
East	Multi-Family Residential	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Single-Family Residential	O (Office)	Clark County R-E (Rural Estates 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 (175-Foot)	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							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Recreational Vehicle and Boat Storage	36 Recreational Vehicle / Boat Spaces	1 space per 50 storage spaces	1				
Mini Storage Facility	500 Storage Units	1 space per 50 storage units plus 5 spaces on the exterior of the security fence	14	1	4	1	
SubTotal			15	1	4	1	
TOTAL			16		5		N*

* The applicant has requested a Variance (VAR-28400) to allow five parking spaces where 16 are required.

ANALYSIS

This application is a request for a Variance to allow zero-foot building setback where 10 feet is required along the north and south property lines, a 10-foot setback where 20 feet is required along the east property line and a 10-foot setback where residential adjacency standards require 75 feet for a proposed Mini-Storage Facility and Recreational Vehicle and Boat Storage. A related Site Development Plan Review (SDR-28397) will be considered concurrently with this request. The proposed Mini-Storage Facility and Recreational Vehicle/Boat Storage uses are incompatible with the adjacent single family residences to the west of the subject property. Additionally, no compelling justification has been provided as to why the proposed Variance is necessary in order to accommodate the site as designed, nor has reason been given for the zero-foot building setback and reduced east perimeter setback. The applicant has overbuilt the subject site resulting in multiple buildings which intrude into the required landscape buffers which is a self-imposed hardship; therefore, 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 overbuilding the proposed site. Alternatively, re-orientation of the proposed buildings or scaling back the proposed 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

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ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 116 by City Clerk

APPROVALS 1

PROTESTS 0