



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 17, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-28540 - APPLICANT: RAPINDER CHIMA - OWNER:
PICHAT AND SAMAN POJANSOMBOON, ET AL

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Special Use Permits (SUP-28542, SUP-28544, SUP-28545, SUP-28546, SUP-28547, SUP-28712, SUP-28713, SUP-28868), Vacation (VAC-28548) and Site Development Plan Review (SDR-28535) 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 60-foot setback, where residential adjacency standards require 185 feet for a proposed 139-room five-story Hotel on 7.97 acres at the southwest corner of Durango Drive and Farm Road.

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing a non-residential use with a building height subject to the Residential Adjacency Standards of Title 19.08. An alternative design that reduces the building height and/or observes the required building setback from the residential property line would allow conformance to the Title 19 requirements; therefore, staff recommends denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/07/98	The City Council approved a Rezoning (Z-0076-98) to T-C (Town Center) on the subject property as part of a larger request.
01/04/05	Code Enforcement cited (#24873) a vacant lot with trash and debris left from temporary Christmas tree sales. The case was closed on 01/20/05.
02/22/05	Code Enforcement cited (#26291) an illegal sign on the property. The case was closed on 02/24/05.
11/14/06	Code Enforcement cited (#47958) a vacant lot with trash and debris left from temporary pumpkin sales for Halloween. The case was closed on 11/21/06.
08/14/08	The Planning Commission recommended approval of companion items MOD-28538, SUP-28542, SUP-28544, SUP-28545, SUP-28547, SUP-28712, SUP-28713, SUP-28868, VAC-28548 and SDR-28535 concurrently with this application. The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #24/jm).
<i>Related Building Permits/Business Licenses</i>	
09/23/05	A Temporary Commercial Permit (#4597) was issued for a pumpkin sales lot at the southwest corner of Farm Road and Durango Drive.
11/14/05	A Temporary Commercial Permit (#10307) was issued for a Christmas tree sales lot at the southwest corner of Farm Road and Durango Drive.
09/25/06	A Temporary Commercial Permit (#17097) was issued for a Christmas tree sales lot at the southwest corner of Farm Road and Durango Drive.
09/17/07	A Temporary Commercial Permit (#24612) was issued for a Christmas tree sales lot at the southwest corner of Farm Road and Durango Drive.

<i>Pre-Application Meeting</i>	
03/20/08	A pre-application meeting was held and elements of this application were discussed. In addition to this application, a Major Modification and several Special Use Permit applications were discussed. A list was provided detailing the Waivers from Town Center Development Standards that the applicant needed to request. Submittal requirements were discussed.

<i>Neighborhood Meeting</i>	
07/01/08	A neighborhood meeting was held on Tuesday, July 1, 2008 at 5:30 p.m. at the YMCA Club in the CLV Community Resource Room located at 6601 North Buffalo Drive. There were 29 members of the public, seven representatives of the applicant and two city staff were present. The applicant and one of the proposed tenants offered a presentation on the proposed development. Members of the public raised the following questions and concerns: * Concerns were raised regarding the height of the hotel building (the applicant explained that the building would be approximately 55 to 60 feet in height). Some members of the public requested that the height be reduced to three stories, and stated that five-story buildings were inappropriate in that area (the east side of the freeway). * Several concerns were expressed regarding traffic flow and the amount of traffic generated by the development. The applicant noted that the traffic study for the project had already been completed, and was being reviewed by city staff. Specific concerns were raised about northbound traffic coming out of the development onto Farm Road, potential increases in traffic on Tule Springs, construction traffic on eastbound Farm Road, and whether or not a traffic light could be installed at the entrance to the development. * One member of the public stated that the hotel use was inappropriate for the site; others questioned the viability of the hotel based on the proximity of the Santa Fe Hotel/Casino and the new hotel/casino at the Kyle Canyon development. * Questions were raised relative to the other tenants proposed for the site and the ability of the developer to lease the retail space based on current market conditions. * Concerns were raised regarding the carwash and any buffers that would be provided to screen the use, and whether the use was necessary. * Questions were raised regarding impacts to the homes that are proposed abutting the site in the Village of Centennial Springs development. * Concerns were raised relative to the signage proposed for the site; the applicant stated that they would comply with the Town Center requirements.

Field Check	
07/01/08	A field check was made on site. The site is currently an undeveloped property that is juxtaposed between two major streets. To the south of this property is a mixed-use development that is currently under construction and across Farm Road to the north is a large shopping center.

Details of Application Request	
Site Area	
Gross Acres	7.97

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	TC (Town Center)	T-C (Town Center) [SC -TC (Service Commercial Town Center)] Special Land Use Designation
North	Shopping Center	TC (Town Center)	T-C (Town Center) [SC -TC (Service Commercial Town Center)] Special Land Use Designation
South	Single-Family Residential, Retail, Condominiums, Mixed Use	TC (Town Center)	T-C (Town Center) [SX-TC (Suburban Mixed Use Town Center)] Special Land Use Designation
East	Shopping Center	TC (Town Center)	T-C (Town Center) [SC -TC (Service Commercial Town Center)] Special Land Use Designation
West	Undeveloped	TC (Town Center)	T-C (Town Center) [SC -TC (Service Commercial Town Center)] Special Land Use Designation

Special Districts/Zones	Yes	No	Compliance
Special Area Plan			
T-C Town Center District	X		N*

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

**Multiple Waivers of the Town Center Development Standards have been requested as part of the companion Site Development Plan Review (SDR-28535).*

***A Multi-Use Transportation Trail is required adjacent to this site on Farm Road. The proposal adheres to Exhibit 1 of the Transportation Trails Element of The Las Vegas 2020 Master Plan.*

DEVELOPMENT STANDARDS

Pursuant to Town Center Development Standards, the following standards apply for GC-TC (General Commercial Town Center):

<i>Standard (GC-TC)</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Setbacks			
• Front	15 Feet	15 Feet	Y
• Side	10 Feet	15 Feet	Y
• Corner	15 Feet	N/A	Y
• Rear	20 Feet	14 Feet	N*
Max. Building Height	2 story	5 story, 61.8 feet	Y
Build-to Line Standards	N/A	N/A	N/A
Trash Enclosure	Screened, Enclosed	Screened, Enclosed	Y
Mech. Equipment	Screened	Screened	Y

**A Waiver has been requested as part of a companion Site Development Plan Review (SDR-28535).*

Pursuant to Title 19.08.06, 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	185 Feet	60 Feet	N*
Adjacent development matching setback	20 Feet	60 Feet	Y
Trash Enclosure	50 Feet	56 Feet	Y

ANALYSIS

The applicant is requesting a Variance to allow a 60-foot setback, where Title 19.08 Residential Adjacency Standards require 185 feet for a proposed 139-room five-story Hotel on 7.97 acres at the southwest corner of Durango Drive and Farm Road. The proposed Hotel is located 60 feet from residential property to the south. Although the residential houses approved for the property to the south have not been built, it is deemed protected property pursuant to Title 19.08 as developed for sale as it was approved by a Final Map Technical Review (FMP-11626) on 03/06/06. Therefore, the proposed 61.8 foot high, five-story Hotel must adhere to Title 19.08 Residential Adjacency Standards requiring a building greater than 15 feet to be setback at a 3:1 slope from the protected property.

In addition to this application, the applicant has proposed a Major Modification (MOD-28538) of the Town Center Land Use Plan from SC-TC (Service Commercial - Town Center) to GC-TC (General Commercial - Town Center) Special Land Use designation; a Special Use Permit (SUP-28544) for a proposed 5,100 square-foot Convenience Store (with Fuel Pumps), and an associated Gaming Establishment, Restricted License Special Use Permit (SUP-28713); a Special Use Permit (SUP-28868) for Accessory Package Liquor Off-Sale and a Special Use Permit (SUP-28547) for a proposed Car Wash; a Special Use Permit for a 7,900 square-foot Liquor Establishment (Tavern) with an associated Gaming Establishment, Restricted License (SUP-28712), Special Use Permit (SUP-28545) for a proposed 2,200 square-foot Restaurant (with Drive Through); a Petition to Vacate (VAC-28548) a portion of Durango Drive and a portion of Farm Road generally located on the southeast corner of Durango Drive and Farm Road; and Site Development Plan Review (SDR-28535) for a 139-Room five-story Hotel and a 64,700 square-foot retail development with Waivers to allow a five-story building, where two stories is the maximum height permitted and a 15-foot setback, where a 20-foot setback is required for retail buildings on 7.97 acres at the southwest corner of Durango Drive and Farm Road.

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 proposing a non-residential use with a building height subject to the Residential Adjacency Standards of Title 19.08. An alternative design that reduces the building height and/or observes the required building setback from the residential property line 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 508 by City Clerk

APPROVALS 4

PROTESTS 19