



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: NOVEMBER 20, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - VAR-30267 - APPLICANT/OWNER: ARG JONES II, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to the conditions for Site Development Plan Review (SDR-30288), 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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for Variances to allow a 13-foot front yard setback where 20 feet is required and a 72-foot setback where Residential Adjacency standards require 96 feet on two lots located at 216 and 220 South Jones Boulevard. The applicant has also submitted a request for Rezoning (ZON-30261) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) and a Site Development Plan Review (SDR-30288) for the conversion of two lots of single-family residential property to an Office, with Waivers of Title 19.12.040 Perimeter Landscape requirements to allow a 13-foot landscape buffer where 15 feet is required along the west perimeter, and a zero-foot landscape buffer along the north perimeter where five feet is required. The applicant is also requesting an Exception to Title 19.10 Parking Lot Island and Planting requirements to allow zero parking lot islands/trees where two are required.

The proposed development is not consistent with Title 19 in that the applicant has requested Variances (VAR-30267) from the Commercial Development standards and the Residential Adjacency standards, as well as Waivers of the required landscape buffer areas and an Exception to the requirements for parking lot landscape island placement and planting. These all indicate that the site, as proposed, will be overbuilt.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
07/07/04	The City Council approved a request for a Rezoning (ZON-4077) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) and a request for a Site Development Plan Review (SDR-4081) for a proposed 6,096 square-foot office building and Waiver of landscaping requirements at 216 and 220 South Jones Boulevard. Planning Commission recommended approval of both applications; staff recommended approval of the Rezoning, and denial of the Site Development Plan review.
05/17/06	The City Council approved a request to amend (GPA-12156) a portion of the Southeast and a portion of the Southwest Sector Plan of the General Plan from SC (Service Commercial), L (Low Density Residential) and M (Medium Density Residential) to O (Office) on multiple parcels, including 216 and 220 South Jones Boulevard. Planning Commission and staff recommended approval.

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08/02/06	The City Council approved Extensions of Time (EOT-14214 and EOT-14683) of an approved Rezoning (ZON-4077) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) and an approved Site Development Plan Review (SDR-4081) that allowed an office and Waiver of landscaping requirements at 216 and 220 South Jones Boulevard. Staff recommended approval of both applications.
09/03/08	Applications were submitted for Extensions of Time (EOT-29067 and EOT-29068) of an approved Rezoning (ZON-4077) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) and an approved Site Development Plan Review (SDR-4081) that allowed an office and Waiver of landscaping requirements at 216 and 220 South Jones Boulevard. Both items were pulled because the approved entitlements had expired on 07/07/08.
11/06/08	The Planning Commission voted to hold this item and its related Rezoning (ZON-30261) and Site Development Plan Review (SDR-30288) in abeyance to the November 20, 2008 Planning Commission meeting.
<i>Related Building Permits/Business Licenses</i>	
11/08/07	A demolition permit (A/P #101782) was issued for the existing single-family residence located at 216 South Jones Boulevard. The permit has never been completed.
110807	A demolition permit (A/P #101783) was issued for the existing single-family residence located at 220 South Jones Boulevard. The permit has never been completed.
03/17/08	A permit (A/P #27393) was issued to remove and replace existing sidewalk, curb and gutter per approved standards at 216 and 220 South Jones Boulevard. The permit was completed on 06/10/08.
06/12/08	A demolition permit (A/P #117589) was issued for the existing single-family residence located at 220 South Jones Boulevard. The permit has never been completed; currently, it has a Stop Work status with the notation that the contractors license was suspended.
07/08/08	A plan check application (A/P #28918) was submitted with permits (A/P #s 119471, 119473 and 119474) for an office building at 220 South Jones Boulevard. The previously approved entitlements for the site (ZON-4077 and SDR-4081) expired 07/07/08, and the application has been denied by Planning pending approval of new entitlements.
<i>Pre-Application Meeting</i>	
09/08/08	A pre-application meeting was held to discuss the requirements for construction of a new office building, including Rezoning, Site Development Plan Review, Residential Adjacency issues, required Waivers and Exceptions and the need for Variances to setbacks.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

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Field Check	
09/30/08	A field check was conducted and both sites were noted to be vacant, with concrete slabs remaining from the demolished single-family residences that previously occupied the site. Debris, including two couches, was noted on both properties.

Details of Application Request	
Site Area	
Gross Acres	0.32 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant (Two single-family residences have been demolished)	O (Office)	R-1 (Single Family Residential)
North	Office building	O (Office)	P-R (Professional Office and Parking)
South	Office building	O (Office)	P-R (Professional Office and Parking)
East	Single-Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)
West	Single-Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	N/A
Special Districts/Zones	Yes	No	Compliance
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 proposed office building is 32 feet in height.

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DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	14,300 SF	Y*
Min. Lot Width	60 Feet	120 Feet	Y*
Min. Setbacks • Front • Side • Corner • Rear	20 Feet 5 Feet N/A 15 Feet	13 Feet 12 Feet N/A 72 Feet	N** Y N/A Y
Min. Distance Between Buildings	N/A	N/A	N/A
Max. Lot Coverage	50%	34%	Y
Max. Building Height	Lesser of two stories or 35 feet	2 Stories / 32 Feet	Y

**The subject site is composed of two lots. Each lot is 60 feet wide, with lot areas of 7,145 and 7,155 square feet, for a total combined lot area of 14,300 square feet.*

***The applicant has requested this Variance to allow a 13-foot front yard setback where 20 feet is required. This represents a 35% deviation from the required setback distance.*

Pursuant to Title 19.08.060, the following Residential Adjacency Standards apply:

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	96 Feet	72 Feet	N*
Adjacent development matching setback	15 Feet	72 Feet	Y
Trash Enclosure	50 Feet	50 Feet	Y

**The applicant has requested this Variance to allow a 72-foot setback where Residential Adjacency standards require 96 feet. This represents a 25% deviation from the required setback distance.*

ANALYSIS

The applicant is requesting Variances to allow a 13-foot front yard setback where 20 feet is required and a 72-foot setback where Residential Adjacency standards require 96 feet on two lots located at 216 and 220 South Jones Boulevard. The subject Variances represent a 35% deviation from the required front yard setback distance, and a 25% deviation from the setback distance required by Residential Adjacency standards. The subject Variance has demonstrated that the applicant has created a self-imposed hardship by proposing new construction that is overbuilding the subject site; therefore, staff is recommending denial.

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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 to overbuild the site. Alternative site design 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 3

SENATE DISTRICT 3

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PROTESTS 2