



AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 16, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: CHABAD SOUTHERN NEVADA, INC.

THIS ITEM WAS HELD IN ABEYANCE FROM THE JUNE 2, 2010 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT

** STAFF RECOMMENDATION(S) **

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-37627	Staff recommends DENIAL, if approved subject to conditions:	N/A

** CONDITIONS **

VAR-37627 CONDITIONS

Planning and Development

1. Conformance to the approved conditions for Site Development Plan Review (SDR-18342).
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the subject signage. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All necessary building permits shall be obtained prior to installation of any signage, and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ******PROJECT DESCRIPTION**

This is a request for a Variance to allow a second attached sign on the front façade of a previously approved private school where only one attached sign is allowed. The school is currently under construction at 1312 Vista Drive. Staff is recommending denial as the applicant has provided no evidence of unique or extraordinary circumstances pursuant to Title 19.18.070 that would substantiate the request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
06/22/78	The Board of Zoning Adjustment approved a request for a Variance (V-0049-78) to allow a 5-foot high wrought iron fence in the front yard setback area at 1254 Vista Drive.
10/24/85	The Board of Zoning Adjustment denied a request for a Variance (V-0100-85) to allow a proposed Commercial Child Care facility at 1254 Vista Drive.
10/24/91	The Board of Zoning Adjustment approved a request for a Special Use Permit (U-0256-91) to allow a proposed Synagogue with a Child Care use at 1254 Vista Drive.
08/17/94	The City Council approved a Rezoning (Z-0057-94) from R-E (Residence Estates) to P-R (Professional Office and Parking) at 1253 Arville Street. The Planning Commission recommended approved the request.
07/25/95	The Board of Zoning Adjustment approved a request for a Plot Plan and Elevation Review [U-0085-95(1)] for a proposed 7,700 square-foot two story off-site church related school at 1253 Arville Street.
03/26/98	The Planning Commission struck a request from the agenda for a Site Development Plan Review [Z-57-94(1)] for a proposed 11,959 square foot synagogue at 1261 Arville Street. This item was replaced with a Variance (V-0013-98) at the Planning Commission's discretion.
04/14/98	The Board of Zoning Adjustment approved a request for a Variance (V-0013-98) to allow a 10-foot rear yard setback where 15 feet is required; and an 11,959 square-foot building where 10,000 square feet is the maximum allowed on property located at 1261 Arville Street. NOTE: This application replaced Z-57-94(1).
08/15/01	The City Council denied a request for a Special Use Permit and a Site Development Plan Review (U-0065-01) which includes a reduction in the amount of required perimeter and parking lot landscaping for a proposed 4,893 square-foot church complex located at 1214 Vista Drive. The Planning Commission also recommended denial of the request.

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08/09/07	The Planning Commission tabled a request for a Variance (VAR-22086) to allow a 23-foot setback where residential adjacency standards require an 87-foot setback and to allow a 44-foot building height where a 35-foot building height is the maximum allowed for a proposed 84,276 square-foot private school adjacent to the west side of Vista Drive, approximately 530 feet south of Charleston Boulevard.
01/09/08	The City Council approved a request for a Site Development Plan Review (SDR-18342) for a proposed 84,276 square-foot, 44-foot tall Private School and a Waiver of the Perimeter Landscape Buffer requirements to allow no landscaping along the north and east property lines and along portions of the south and west property lines where a minimum eight-foot wide buffer is required adjacent to the west side of Vista Drive, approximately 530 feet south of Charleston Boulevard. Note: This application has been amended to be a 77,881 square-foot, 35-foot high Private School with no landscape Waiver requested. The Planning Commission and Staff recommended approval of the request.
04/22/10	The Planning Commission (5-0 vote) recommended APPROVAL of companion items VAR-37276, VAR-37277, SDR-36050, VAR-37627 and SDR-37569 concurrently (PC Agenda Item 33-37/sg).
<i>Related Building Permits/Business Licenses</i>	
06/30/09	A Building Demolition Dust Control permit (#142464) was issued for three detached structures at 1312 Vista Drive. The building permit was finalized on 07/31/09.
07/15/09	A Building Permit (#143557) was issued for a Construction Trailer at 1312 Vista Drive. The building permit was finalized on 08/28/09.
07/24/09	A Building Permit (#143882) was issued for Sprinklers for a Temporary Construction Trailer at 1312 Vista Drive. The building permit was finalized on 08/28/09.
08/21/09	A Building Permit (#146017) was issued for early grading at 1312 Vista Drive. The building permit has not received a final inspection.
09/18/09	A Building Permit (#128454) was issued for a Private School at 1312 Vista Drive. The building permit has not received a final inspection.
	A Building Permit (#128456) was issued for On-Site Improvements and Hardscapes at 1312 Vista Drive. The building permit has not received a final inspection.
	A Building Permit (#128457) was issued for a Trash Enclosure at 1312 Vista Drive. The building permit has not received a final inspection.
<i>Pre-Application Meeting</i>	
02/17/10	A pre-application meeting was held to discuss the signage requirements of Title 19.14. Submittal requirements were reviewed for a Variance to allow two signs where one sign is permitted.

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Neighborhood Meeting	
A neighborhood meeting was neither required nor held for this request.	
Field Check	
03/24/10	A field check was conducted by staff. The site is under construction for a private school previously approved via SDR-18342.

Details of Application Request	
Site Area	
Net Acres	3.03

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Proposed Private School – per (SDR-18342)	R (Rural Density Residential)	R-E (Residence Estates)
North	Church	R (Rural Density Residential)	R-E (Residence Estates)
South	Single-Family Residence	R (Rural Density Residential)	R-E (Residence Estates)
East	Undeveloped	R (Rural Density Residential)	R-E (Residence Estates)
	Single-Family Residence	R (Rural Density Residential)	R-E (Residence Estates)
	Single-Family Residence	R (Rural Density Residential)	R-E (Residence Estates)
West	Synagogue	SC (Service Commercial)	P-R (Professional Office and Parking)
	Office	SC (Service Commercial)	P-R (Professional Office and Parking)
	Office	SC (Service Commercial)	P-R (Professional Office and Parking)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	NA
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O Airport Overlay District (175 and 200 Feet)	X		Y
Trails		X	NA
Rural Preservation Overlay District	X		Y
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA
			SG

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DEVELOPMENT STANDARDS

Institutional Signs (Freestanding):		
Standards	Allowed	Provided
Maximum Number	1/ Street frontage 1 Total	1 Total
Maximum Area	50 SF	50 SF
Maximum Height	8 Feet	8 Feet
Minimum Setback	5 Feet	5 Feet
Illumination	Direct/Internal	Internal Fluorescent

Institutional Signs (Attached):		
Standards	Allowed	Provided
Maximum Number	1 Sign / Building Elevation with Street Frontage 1 Total	2 Signs
Maximum Area	10% of the Building Elevation or 1,152 SF	140 SF
Maximum Projection	2 Feet	Flush-Mounted
Illumination	Internal/External	Internal Neon (Halo Effect)

ANALYSIS

Institutions located within residentially zoned districts are limited to no more than one attached sign per elevation that faces directly onto a street frontage or on-site parking area. The sign area may be no more than 10% of the total area of the elevation that it is attached to. The applicant is proposing two attached signs, one over the front entry and a second one higher on the building and to the left of the entry. The combined area of the signage is less than the 10% allowed. Staff is recommending denial as the applicant has provided no evidence of unique or extraordinary circumstances pursuant to Title 19.18.070 that would substantiate the request, and the signs could be combined into a single sign that would comply with the requirements of Title 19.14.

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 19.18.070(L) 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 signage that does not comply with Title 19.14. Combining the two signs into a single sign would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 21

NOTICES MAILED 219 (By City Clerk)

APPROVALS 20

PROTESTS 8