



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: NOVEMBER 5, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ABEYANCE - VAR-35758 - APPLICANT/OWNER: BUSTAN
FAMILY REVOCABLE LIVING TRUST**

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to the conditions for Site Development Plan Review (SDR-35757) and Variance (VAR-35760) 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 a Variance to allow 35% lot coverage where Title 19.08.050 limits the lot coverage to a maximum of 30% for a proposed office development at 2511 West Charleston Boulevard. Associated requests have also been submitted for a Variance (VAR-35760) to allow reduced parking and an increase in compact parking spaces and a Site Development Plan Review (SDR-35757) for a proposed 4,999 square foot office with Waivers of the Title 19.12.040 Perimeter Landscape Buffer Standards.

Staff cannot support this Variance request, as the applicant has not provided compelling evidence of a unique or extraordinary circumstance, and has created a self-imposed hardship by proposing to overbuild the site; therefore, staff is recommending denial of this request. If this application is denied, associated requests for a Variance (VAR-35760) and Site Development Plan Review (SDR-35757) must also be denied, and the site will remain as it is.

Issues

- Approval of this Variance request is required to approve associated requests for a Variance (VAR-35760) to allow reduced parking and an increase in compact parking spaces and a Site Development Plan Review (SDR-35757) for a proposed 4,999 square foot office with Waivers of the Title 19.12.040 Perimeter Landscape Buffer Standards.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
06/19/02	The City Council approved a General Plan Amendment (GPA-0047-01) to amend portions of the Southeast Sector map of the General Plan in the general vicinity of the Charleston Boulevard/Rancho Drive intersection from SC (Service Commercial) to O (Office), from R (Rural Density Residential) to DR (Desert Rural Density Residential), from O (Office) to DR (Desert Rural Density Residential) and from L (Low Density Residential) to DR (Desert Rural Density Residential). Planning Commission recommended denial. Staff recommended approval.
05/21/09	A deed was recorded for a change in ownership at 2511 West Charleston Boulevard.
10/09/09	Planning Commission voted to hold this item in abeyance at the applicants request.

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<i>Related Building Permits/Business Licenses</i>	
04/07/99	A business license (Q07-00149) for a Medical Firm was issued at 2511 West Charleston Boulevard. The license was marked out of business on 07/15/09.
10/23/02	A business license (Q07-00148) for a Medical Firm was issued at 2511 West Charleston Boulevard. The license was marked out of business on 09/30/08.

<i>Pre-Application Meeting</i>	
08/21/09	The following items were discussed at the pre-application conference: • Meet with Flood Control to determine finished floor elevations, but no drainage study is required. • Waivers of the perimeter landscape buffers will be required. • A Variance is required to allow 15 parking spaces where 17 spaces are required and 60% of the required on-site parking to be compact parking spaces where 30% is the maximum allowed. • A Variance is required to allow 35% lot coverage where 30% is the maximum allowed.
10/07/09	City staff from Planning & Development, Public Works, Traffic, and Fire Departments met with the applicant. The following items were discussed at the meeting: • Site Circulation It was determined that the previous proposal had inadequate site circulation causing potential traffic hazards at the point of entry and exit. • Staff discussed with the applicant several options to help alleviate these traffic hazards.

<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required for this application, nor was one held.	
<i>Field Check</i>	
09/03/09	A field check was performed by staff at the subject property and found an unoccupied office building. The site was well maintained with the exception of the following: • Dead landscaping in the front yard landscape buffer. • Faded parking lot striping.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.33

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office	O (Office)	C-D (Designed Commercial)
North	Medical Offices	O (Office)	C-D (Designed Commercial)

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South	Single-Family Residential	L (Low Density Residential)	R-1 (Single-Family Residential)
East	Office	O (Office)	P-R (Professional Office and Parking)
West	Office	O (Office)	P-R (Professional Office and Parking)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		Y
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

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.050, the following development standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	100 Feet	90 Feet	N*
Min. Setbacks			
• Front	25 Feet	44 Feet	Y
• Side	10 Feet	12 Feet	Y
• Rear	25 Feet	42 Feet	Y
Max. Lot Coverage	30%	35%	N
Max. Building Height	2 Stories or 35 Feet	20 Feet	Y
Trash Enclosure	Y	Curb-Side Pick-up	Y

**The subject site is nonconforming for required lot width.*

ANALYSIS

The proposed office building covers approximately 35% of the available lot area, where a maximum of 30% coverage is allowed within the C-D (Designed Commercial) zoning district, per the Development Standards of Title 19.08.050. Approval of this Variance is required to allow the excessive lot coverage that is proposed. Alternative site design or a project of smaller scope would alleviate the need for this Variance; therefore, staff is recommending denial of the request as the applicant has created a self-imposed hardship by proposing to overbuild the site.

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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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NOTICES MAILED

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APPROVALS

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PROTESTS

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