



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 14, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-36906 – APPLICANT/OWNER: CLARK COUNTY
SCHOOL DISTRICT

**** CONDITIONS ****

STAFF RECOMMENDATION: **DENIAL.** If Approved, subject to:

Planning and Development

1. Conformance to the conditions for Site Development Plan Review (SDR-36550) 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 an existing six-foot chain-link fence to remain and not to provide a six to eight-foot block wall adjacent to a residential zoning district where a perimeter wall is required for any commercial property located adjacent to a residential zoning district on a portion of a 5.31 acre site at 408 Upland Avenue. Staff is recommending denial of the request as the applicant has created a self-imposed hardship that could be alleviated through adherence to Title 19.12.075 Wall Standards and the omission of a solid screen wall will result in greater visual and aural impacts on the adjacent residences to the east. If denied, the applicant would be required to construct the required six to eight-foot block wall adjacent to the existing residences to the east.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
There is no change of ownership history on the subject site.	
1959	The County Assessor's Office indicates a construction year of 1959.
03/12/70	The City Council approved a Rezoning (Z-0012-70) from C-V (Civic) to R-1 (Single Family Residential) generally located on the west side of Falcon Lane between Mayflower Lane and Alta Drive. The Planning Commission and staff recommended approval of the request.
04/18/05	A Code Enforcement case (#28918) was processed for an excessively loud intercom system at 408 Upland Boulevard. The case was closed on 04/19/05.
01/14/09	The Planning Commission will consider a related Site Development Plan Review (SDR-36550) for a proposed 22-space Parking Lot addition at an existing Public School, Primary with a Waiver of the Perimeter Landscape Buffer Requirements to allow a zero-foot landscape buffer along the east perimeter where 15 feet is required on a portion of a 5.31 acre site at 408 Upland Avenue.
<i>Related Building Permits/Business Licenses</i>	
There are no related business licenses on the subject site.	
07/30/92	A Building Permit (#92154895) was issued for a fire alarm at 408 Upland Boulevard. The permit was finalized on 08/10/92.
<i>Pre-Application Meeting</i>	
10/29/09	The following items were discussed at the pre-application meeting: • The existing Public School, Primary with associated parking. • Waivers required as no additional landscaping is being proposed.

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<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required nor was one held.	
<i>Field Check</i>	
11/12/09	A field check was completed on the indicted date. Planning and Development found the following items: • Planning and Development staff identified the existing Public School, Primary with associated parking. • Planning and Development staff noted the undeveloped portion of the site to be developed into a parking lot as well as maintained and fenced with chain-link.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	5.31 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Public School, Primary	PF (Public Facilities)	C-V (Civic)
North	Single Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)
South	Church	PF (Public Facilities)	R-1 (Single Family Residential)
East	Single Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)
West	Single Family Dwellings	L (Low Density Residential)	R-1 (Single Family 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 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

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DEVELOPMENT STANDARDS

Pursuant to Title 19.12.075 Landscape and Buffer Standards (Wall Standards), the following standards apply:

<i>Landscaping and Open Space Standards (Wall Standards)</i>			
<i>Standards</i>	<i>Required</i>		<i>Provided</i>
	<i>Ratio</i>	<i>Trees</i>	
Wall Height	6-8-foot block wall adjacent to residential development		Existing six-foot Chain-link
			N

ANALYSIS

Title 19.12.075 Wall Standards require that, for commercial properties, a perimeter wall shall be constructed adjacent to any residential zoning district or property used solely for residential purposes. The wall shall be a minimum of six feet in height and in no case shall it exceed the height limitation applicable to the zoning district or property. The submitted plan indicates an existing six-foot chain-link fence on the subject site. The applicant has failed to comply with Title 19.12.075 by proposing no block wall between the subject property and the adjacent residential properties to the east. Adherence to minimum Title 19.12.075 requirements would alleviate the need for this Variance; therefore, staff is recommending denial of this request as the applicant has created a self-imposed hardship by proposing to not build a required wall adjacent to a residential zoned property, which will result in greater visual and aural impacts on the adjacent properties from the proposed parking lot.

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

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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 failing to construct a minimum six-foot wall in order to adequately protect the existing residentially zoned property to the east. Alternative site design and adherence to Title 19.12.075 Wall Standards 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 669

APPROVALS 0

PROTESTS 0