

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: JANUARY 28, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: VAR-37101 - APPLICANT: J & N DEVELOPMENT - OWNER: ISIAH 54:17, LLC**

**** CONDITIONS ******STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:**Planning and Development**

1. Approval of Major Modification (MOD-36955) and Rezoning (ZON-36949), and approval of and conformance to the Conditions of Approval for Variance (VAR-36954), Special Use Permit (SUP-36950), Petition of Vacation (VAC-37100) and Site Development Plan Review (SDR-36953) 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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site is currently undeveloped and abuts the north side of the Las Vegas Beltway right-of-way. A 6,126 square-foot Auto Repair Garage (Minor) is proposed to be located on a 0.35-acre triangular-shaped lot on the south side of Rome Boulevard, approximately 640 feet west of Riley Street, with a portion of the adjacent lot to the east to be used for access. A Variance is requested to allow a one-foot rear yard building setback where 20 feet is required on the building site, a 95 percent deviation from the rear setback required in the SC-TC (Service Commercial – Town Center) District by the Town Center Development Standards Manual. Because the building as proposed is too large to be placed on the site in accordance with Town Center Development Standards, staff recommends denial. If denied, the use and the site as proposed cannot be approved.

ISSUES

- Modification (MOD-36955) of the Centennial Hills Town Center Land Use Plan to change the Special Land Use Designation from UC-TC (Urban Center Mixed-Use – Town Center) to SC-TC (Service Commercial – Town Center) is required to allow the use on the subject site.
- Rezoning from U (Undeveloped) [TC (Town Center) General Plan Designation] to T-C (Town Center) prior to development of the site is required. ZON-36949 has been submitted for this request.
- This request (VAR-37101) must be approved prior to approval of a Site Development Plan Review for development of the site as proposed.
- In addition to not meeting Town Center Development Standards with regard to rear yard setback, the proposed development does not meet the required build-to-line standards, parking requirements and landscaping standards.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
07/03/96	The City Council approved the Annexation (A-0002-96) of approximately 115.72 acres generally located south of Deer Springs Way between El Capitan Way and Durango Drive, including current APN 125-20-801-005. The Planning Commission and staff recommended approval. The annexation became effective 07/12/96.

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02/05/03	The City Council approved the Annexation (A-0038-02) of approximately 495 acres, including current APN 125-20-802-003. The Planning Commission and staff recommended approval. The annexation became effective 02/14/03.
06/10/09	A deed was recorded indicating change of ownership of the property.
01/28/10	The Planning Commission will consider companion applications for a Major Modification (MOD-36955), a Rezoning (ZON-36949), a Variance (VAR-36954), a Special Use Permit (SUP-36950), a Vacation (VAC-37100) and a Site Development Plan Review (SDR-36953) associated with development of the site with a proposed 6,126 square-foot Auto Repair Garage (Minor).

Related Building Permits/Business Licenses

There are no building permits or business licenses associated with the subject site.

Pre-Application Meeting

11/17/09	A pre-application meeting was held to discuss development of the subject site, with the following topics addressed: • Rezoning to T-C (Town Center) is required. • A Modification (MOD) of the Town Center Land Use Plan from UC-TC (Urban Center Mixed Use – Town Center) to SC-TC (Service Commercial – Town Center) or GC-TC (General Commercial – Town Center) or EC-TC (Employment Center Mixed Use – Town Center) is required. • A Special Use Permit is required for an Auto Repair Garage (Minor) because the proposed use does not meet Condition B: Openings to the service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties. • A Variance will be required for building setbacks; the proposed structure does not meet the required 20-foot rear setback. • Waivers are required for building placement (build-to-line standards), which require 80% of the building façade to abut the build-to-line on the side of the building facing the street. • The development must comply with Town Center and Title 19 landscaping requirements, or a waiver will be required. • A Waiver is required for the 20% open space requirement. • A Vacation of portions of adjacent public right-of-way in conflict with the development is required. • Minimum 24-foot drive aisles are required.
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<i>Neighborhood Meeting</i>	
A neighborhood meeting was neither required nor held.	

<i>Field Check</i>	
12/22/09	During a routine site visit, it was noted that the site was undeveloped. Completed half-street improvements and a perimeter wall exist along Rome Boulevard, with weeds growing adjacent.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.35
Gross Acres	0.52 (including rights-of-way to be vacated)

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	UC-TC (Urban Center Mixed Use – Town Center) [PROPOSED: SC-TC (Service Commercial – Town Center)]	U (Undeveloped) [PROPOSED: T-C (Town Center)]
North	Shopping Center	UC-TC (Urban Center Mixed Use – Town Center)	T-C (Town Center)
South	ROW (CC 215)	ROW (CC 215)	ROW (CC 215)
East	Undeveloped	UC-TC (Urban Center Mixed Use – Town Center) and MS-TC (Main Street Mixed Use – Town Center)	T-C (Town Center)
West	ROW (CC 215)	ROW (CC 215)	ROW (CC 215)

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

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
T-C Town Center District	X		N
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 the Town Center Development Standards Manual, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Setbacks (TCDSM, Section C.1.C)			
• Front	15 Feet	77 Feet	Y
• Side	10 Feet	35 Feet	Y
• Rear	20 Feet	1 Foot	N
Percent Deviation	95%		N

ANALYSIS

The subject setback variance is proposed in conjunction with a proposed 6,216 square-foot Auto Repair Garage (Minor) on the site. The proposed building will be placed at the rear of the triangularly shaped site, approximately one foot from the Las Vegas Beltway (CC 215) right-of-way. The building proposed is too large to accommodate Town Center Development Standards Manual requirements for setbacks, as well as build-to-line ratio and landscaping (addressed in the accompanying Site Development Plan Review, SDR-36953). The setback variance represents a deviation of 95 percent from the rear setback standard. As the site is overbuilt, the hardship is self-preferential in nature and cannot be supported by staff.

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 overbuilding the site. A site design that includes a smaller building would allow conformance to Town Center Development Standards Manual 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

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NOTICES MAILED 164

APPROVALS 0

PROTESTS 0