



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: NOVEMBER 18, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: MAHOGANY RUN - OWNER: ISAIAH 54:17, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-39815	Staff recommends DENIAL, if approved subject to conditions:	

** CONDITIONS **

VAR-39815 CONDITIONS

Planning and Development

1. Conformance to the approved conditions for Variances (VAR-36954 and VAR-37101), Special Use Permit (SUP-36950) and Site Development Plan Review (SDR-36953).
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for new construction. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Recordation and execution of an agreement satisfactory to the City Attorney outlining the terms and conditions for offsite parking on APN 125-20-802-003 shall be required prior to the issuance of any building permits for development related to Site Development Plan Review (SDR-36953).
4. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.

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5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. 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

The subject site is currently undeveloped and abuts the north side of the Las Vegas Beltway right-of-way. Entitlements were approved for a 6,126 square-foot Auto Repair Garage (Minor) on the site, with a portion of the adjacent lot to the east to be used for access and parking. The east half of Juliano Road will be vacated to allow for the access and parking. Although the two lots are under the same ownership, they are not required to be combined through a separate mapping action. However, without such action, the proposed building would be located one foot from the east property line, encroaching nine feet into the required setback for SC-TC designated properties. A variance is therefore required. As the hardship is self-imposed, staff recommends denial of the variance request with conditions if approved. If denied, remapping of the site will be required for development of the property in conformance to the previously approved Site Development Plan Review, or a new Site Development Plan Review will be required.

ISSUES

- The unused right-of-way to the east is approved to be vacated to allow development of parking and access to the subject site. Site Development Plan Review (SDR-36953) was approved with the understanding that the vacated area would become part of the subject site. Instead, the vacated right-of-way will become part of the lot to the east, which is also owned by the applicant.
- An associated Variance (VAR-36954) to allow 25 parking spaces over the full development where 36 spaces are required was approved with the same understanding as SDR-36953. Under the current circumstances, the subject site will be deficient 11 parking spaces. A condition of approval will require recordation of an offsite parking agreement prior to the issuance of any building permits for development related to SDR-36953.
- The site plan indicates that the size of the proposed Auto Repair Garage (Minor) building has decreased two percent from the approved floor area.

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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.
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.
03/03/10	The City Council approved a Major 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) on 0.35 acres on the south side of Rome Boulevard, approximately 640 feet west of Riley Street. The Planning Commission recommended approval. Staff recommended denial.
	The City Council approved a Rezoning (ZON-36949) from U (Undeveloped) [TC (Town Center) General Plan Designation] to T-C (Town Center) on 5.93 acres at the southwest corner of Rome Boulevard and Riley Street. The Planning Commission and staff recommended approval.
	The City Council approved Variances (VAR-36954 and VAR-37101) to allow 25 parking spaces where 36 are required and to allow a one-foot rear yard setback where 20 feet is required on 0.35 acres on the south side of Rome Boulevard, approximately 640 feet west of Riley Street. The Planning Commission recommended approval. Staff recommended denial.
	The City Council approved a Special Use Permit (SUP-36950) to allow a proposed 6,126 square-foot Auto Repair Garage (Minor) with service bay openings facing a public right-of-way on the south side of Rome Boulevard, approximately 640 feet west of Riley Street. The Planning Commission recommended approval. Staff recommended denial.
	The City Council approved a Petition to Vacate (VAC-37100) a portion of the south side of Rome Boulevard between Juliano Road and Clark County 215 and a portion of the east side of Juliano Road between Rome Boulevard and Clark County 215. The Planning Commission and staff recommended approval. The Vacation has not yet recorded.

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03/03/10	The City Council approved a Site Development Plan Review (SDR-36953) for a proposed 6,126 square-foot Auto Repair Garage (Minor) with Waivers of the Town Center Development Standards to allow zero percent build-to-line where 80 percent is required, to allow the parking area to encroach seven feet into the front landscape planter where a maximum of five feet is allowed, a Waiver of Town Center Parking Lot Landscaping Standards and Waivers of Title 19 Landscape Buffer Standards to allow a zero-foot landscape buffer along portions of the side property lines where eight feet is required on a portion of 5.93 acres on the south side of Rome Boulevard, approximately 640 feet west of Riley Street. The Planning Commission recommended approval. Staff recommended denial.
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Most Recent Change of Ownership

06/10/09	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

08/12/10	Civil improvement plans (39167) for a 6,008 square-foot Auto Repair Garage (Minor) on the subject site were submitted for review by City staff. The plans are in the blueline review stage and have not been approved.
08/12/10	A plan check (39169) for a 6,008 square-foot Auto Repair Garage (Minor) on the subject site was initiated by City staff. The plans have been reviewed but have not been approved.
No business licenses have been issued for the subject site.	

Pre-Application Meeting

09/30/10	A pre-application meeting was held, where submittal requirements for a setback Variance were discussed. There were no major issues discussed.
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Neighborhood Meeting

A neighborhood meeting is not required, nor was one held.	
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Field Check

10/15/10	A field check was conducted on the subject site. The following items were noted: • The site is undeveloped and is free of trash and debris. • The north side of the cul-de-sac in Rome Boulevard is improved and contains a five-foot landscaped amenity zone and five-foot sidewalk.
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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.35

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Undeveloped [approved Auto Repair Garage (Minor)]	SC-TC (Service Commercial – Town Center)	T-C (Town Center)
North	Shopping Center	UC-TC (Urban Center Mixed Use – Town Center)	T-C (Town Center)
South	Freeway (Clark County 215)	ROW (CC 215)	ROW (CC 215)
East	Undeveloped	UC-TC (Urban Center Mixed Use – Town Center) MS-TC (Main Street Mixed Use – Town Center)	T-C (Town Center)
West	Freeway (Clark County 215)	ROW (CC 215)	ROW (CC 215)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area			
Town Center Master Plan	X		N
Special Purpose and Overlay Districts	Yes	No	Compliance
Special Purpose and Overlay Districts			
T-C (Town Center) District	X		Y
Trails (Town Center Tertiary)	X		N
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		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 the Town Center Development Standards Manual, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Setbacks			
• Front	15 Feet	92 Feet	Y
• Side	10 Feet	1 Foot	N
• Rear	20 Feet	1 Foot	Y*

*A Variance (VAR-37101) was previously approved to allow a one-foot rear yard setback on this site.

Functional Classification of Street(s)	Governing Document	Street Width (Feet)	Compliance with Street Section
<i>Rome Boulevard -- Town Center Tertiary</i>	Town Center Development Standards Manual	60	Y

ANALYSIS

The site is located within the Town Center Master Plan area; the portion of the site containing the Auto Repair Garage (Minor) use is designated SC-TC (Service Commercial – Town Center), while the remaining portion is designated UC-TC (Urban Center Mixed Use – Town Center) and MS-TC (Main Street Mixed Use – Town Center). Rome Boulevard, currently developed on the north half, is to be built out to Town Center Tertiary Street specifications, which include a five-foot sidewalk (trail) and five-foot amenity zone with alternating flowering and shade trees around the cul-de-sac bulb adjacent to the site. These requirements were specified in a previous action (SDR-36953). Building plans for the Auto Repair Garage site have been submitted for review, but no permits have been issued.

The subject site encompasses two lots, a small triangular parcel on which the approved Auto Repair Garage (Minor) is situated, and a large parcel of which only a small portion will be developed for access and parking along the west property line. In a previous action the vacation of the city's interest in the east half of Juliano Road between the two parcels was approved. Because the vacated right-of-way will attach to the eastern parcel, the property line of the western triangular parcel will not shift as was indicated in the previous approval once the vacation records. This circumstance creates two issues: the proposed building, which would have met Town Center setback requirements, will now encroach nine feet into the required side yard setback area (a 90 percent deviation from the Town Center Development Standards); and onsite parking will be reduced by 11 spaces (a 56 percent deviation from the approved parking variance).

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Although the western parcel is irregularly shaped, staff recommended denial of the Site Development Plan review for this site in part because the building proposed was too large to be placed on the site in accordance with Title 19 and Town Center standards. Without movement of the property line to the east, as was depicted in the approved plans, the western parcel becomes even more constricted. In response, the applicant has reduced the building size by two percent to 6,006 square feet. The reduction is not enough to meet the setback requirement. To address the onsite parking deficiency, the applicant has drafted an offsite parking agreement pursuant to Title 19.10.010(H). The agreement is under review but has not yet been recorded. A condition of approval will require recordation of the parking agreement prior to issuance of permits for any development related to Site Development Plan Review (SDR-36953).

Without the addition of land from the vacated portion of right-of-way, as previously depicted and approved, the proposed development will not meet Town Center setback requirements. The hardship is self-created and staff cannot recommend approval.

FINDINGS (VAR-39815)

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 19.18.070(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 designing a building within the side yard setback area. Remapping to move the property line east to encompass the whole of the development 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.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

NOTICES MAILED 162

APPROVALS 0

PROTESTS 2