



**AGENDA MEMO - PLANNING**

**PLANNING COMMISSION MEETING DATE: MAY 14, 2013**

**DEPARTMENT: PLANNING**

**ITEM DESCRIPTION: APPLICANT: CONCRETE SOLUTIONS - OWNER: JAIME LOPEZ AND REFUGIO ESPINOZA LOPEZ**

**\*\* STAFF RECOMMENDATION(S) \*\***

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
<b>VAR-48827</b>	Staff recommends DENIAL, if approved subject to conditions:	
<b>VAR-48828</b>	Staff recommends DENIAL, if approved subject to conditions:	
<b>SDR-48826</b>	Staff recommends DENIAL, if approved subject to conditions:	VAR-48827 VAR-48828

**\*\* CONDITIONS \*\***

**VAR-48827 CONDITIONS**

***Planning***

- 1.Approval of and conformance to the Conditions of Approval for Variance (VAR-48828) and Site Development Plan Review (SDR-48826) shall be required, if approved.
- 2.This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
- 3.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 Department of Building and Safety.
- 4.These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
- 5.All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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## VAR-48828 CONDITIONS

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### Planning

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-48827) and Site Development Plan Review (SDR-48826) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. 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 Department of Building and Safety.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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## SDR-28826 CONDITIONS

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### Planning

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-28827 and VAR-28828) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site and landscape plan date stamped 03/28/13, and building elevations date stamped 04/30/13, except as amended by conditions herein.
4. A Waiver from Title 19.08.040(F)(1) is hereby approved, to allow no perimeter landscape buffer along the north property line where eight feet is required, no landscape buffering along the east property line where 15 feet is required, and a 2.5-foot landscape buffer located along a 55-foot portion of the south property line where an eight-foot buffer is required.

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5. An Exception from 19.08.040(F)(8) is hereby approved to allow the 2.5-foot landscape buffer located along a portion of the south property line to be planted with 12 five-inch Purple Winter Creeper Euonymus shrubs where two 24-inch box trees spaced 30 feet on center are required.
6. 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 Department of Building and Safety.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
8. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device.
9. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
10. All rooftop mechanical equipment shall be screened from view per Title 19.08.040(E).
11. All trash enclosures shall meet screen and design requirements of Title 19.08.040(E).
12. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

13. Construct all incomplete half-street improvements adjacent to this site, and remove all existing substandard street improvements and unused driveway cuts adjacent to this site and replace with new improvements meeting current City Standards, concurrent with development of this site.
14. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

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15. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
16. This site shall connect to public sewer in Red Coach Avenue and abandon the Individual Sewage Disposal System (ISDS) according to SNHD regulations prior to the issuance of a certificate of occupancy for this site.
17. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The subject site consists of an existing single-family dwelling, which has been illegally converted into a Contractor’s Plant, Shop and Storage Yard facility. The applicant is requesting to legalize the current site conditions by means of this request and the associated Variance requests. The subject site fails to comply with Title 19, as is evidenced by the numerous Waivers and associated Variance applications. Staff cannot support this request as the site cannot be developed in a compatible and harmonious manner with the R-E (Residence Estates) parcels located in both the County and City adjacent to the north property line; therefore staff is recommending denial of this request.

**ISSUES**

- The subject site has been illegally converted from a residential to an industrial use.
- The principal structure does not meet the required 50-foot setback from the adjacent R-E (Residence Estates) parcels along the north property line.
- There are existing outdoor storage areas located within the setback areas adjacent to the R-E (Residence Estates) parcels along the north property line.
- There is existing chain link fencing with green mesh being used to screen the property and outdoor storage areas where a block wall is required.
- There is no perimeter landscape buffer area provided along the north property line where eight feet is required.
- There is no perimeter landscape buffer along the east property line where 15 feet is required.
- There is a 2.5-foot perimeter landscape buffer along a portion of the south property line where eight feet is required.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc</i>	
03/31/07	A Building Permit (#136693) was initiated for a tenant improvement at 4515 Balsam Street. No reviews were ever generated.
12/19/07	The City Council approved an Annexation (ANX-23639) for a petition to Annex property at 4515 Balsam Street, containing approximately 0.61 acres. The Planning Commission and staff recommended approval of the request. The effective date of the Annexation was 12/28/07.

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02/27/08	A Code Enforcement complaint (#62799) was processed for a business being run out of an existing residence at 4515 Balsam Street. The complaint was closed by Code Enforcement on 09/04/08.
08/20/08	The City Council approved a General Plan Amendment (GPA-28388) to amend a portion of the Centennial Hills Sector Plan of the General Plan from O (Office) to LI/R (Light Industrial/Research); Rezoning (ZON-28389) from R-E (Residence Estates) and U (Undeveloped) [O (Office) General Plan Designation] to C-PB (Planned Business Park) and M (Industrial), a Site Development Plan Review (SDR-28390) for a proposed 51,250 square-foot warehouse center with 18,100 square feet of office with Waivers to allow a 10-foot landscape buffer on the eastern property line where 15 feet is required and a zero-foot landscape buffer on the western and portions of the southern property line, and a Variance (VAR-28392) to allow a 4.62 acres to C-PB (Planned Business Park) zoning district where 20 acres is the minimum site area required and to allow a 10-foot side setback where 50 feet is required for an M (Industrial) district located adjacent to a residential district on 5.62 acres at 4505 and 4515 Balsam Street and 4491 North Rainbow Boulevard. The Planning Commission recommended approval, and staff recommended denial of the requests.
08/20/08	The City Council approved a Vacation (VAC-28393) to Vacate a 60-foot wide portion of Balsam Street located approximately 300 feet south of Red Coach Avenue. The Planning Commission recommended approval, and staff recommended denial of the request.
09/08/08	A Code Enforcement complaint (#69510) was processed for a business being run out of an existing residence and vehicles being parked on a dirt lot at 4515 Balsam Street. The complaint was closed by Code Enforcement on 09/10/08.
02/17/09	A Code Enforcement complaint (#74599) was processed for a business being run out of an existing residence and vehicles being parked on a dirt lot at 4515 Balsam Street. The complaint has not been resolved.
03/30/09	Staff administratively approved a Temporary Commercial Permit (TCP-33864) for an auction located at 4515 Balsam Avenue. The permit was valid from 03/30/09 to 04/28/09.
02/01/11	A Code Enforcement complaint (#97730) was processed for parking asphalt trucks on the neighbor's property at 4515 Balsam Avenue. The complaint was closed by Code Enforcement on 02/02/11.

<b><i>Most Recent Change of Ownership</i></b>	
06/28/12	A deed was recorded for a change in ownership.

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<b>Related Building Permits/Business Licenses</b>	
1972	The County Assessor's Office indicates a construction date of 1972 for the building located at 4515 Balsam Street.
10/21/98	A Business License (#C11-07090) was issued for a contractor at 4585 N. Rainbow Boulevard. A change of location was requested on 08/27/08 to 4515 Balsam Street. The license was denied on 10/14/08.
10/29/12	A Business License (#C25-03647) was issued for a contractor office at 4515 Balsam Street.

<b>Pre-Application Meeting</b>	
02/13/13	<p>The Planning and Development Department met with the applicant and reviewed the requirements for a Site Development Plan Review and Variance applications. The following is a list of issues discussed at the pre-application meeting:</p> <ul style="list-style-type: none"> <li>• Required Waivers and Exceptions</li> <li>• Required Variances</li> <li>• Residential Adjacency issues</li> </ul>

<b>Field Check</b>	
04/10/13	The site contains an existing concrete contractor's business. The entire front of the property consists of asphalt, which surrounds the existing landscaping (two palm trees and some shrubs). Several large vehicles and trailers were parked in front of the building. The rear is partially unpaved and contains multiple trucks and equipment. The north and south perimeters of the site are fenced by chain link with a mesh screen.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	0.67

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Contractor's Plant, Shop and Storage Yard	LI/R (Light Industry/Research)	M (Industrial)
North	Single Family Residential	O (Office)	R-E (Rural Estates); R-E Clark County
South	Office	LI/R (Light Industry/Research)	M (Industrial)
East	Undeveloped	LI/R (Light Industry/Research)	C-PB (Planned Business Park)
West	Right-of-Way (U.S. 95)	Right-of-Way (U.S. 95)	Right-of-Way (U.S. 95)

<i>Master Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
A-O (Airport Overlay) District	Y

The subject site is in compliance with all requirements of the Airport Overlay District.

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.08, the following standards apply:*

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	100 Feet	85 Feet	Y*
Min. Setbacks			
• Front	10 Feet	73 Feet	Y
• Side (north)	50 Feet	14 Feet	N
• Side (south)	10 Feet	13 Feet	Y
• Rear	0 Feet	210 Feet	Y
Max. Building Height	N/A	15 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Yes	Y
Mech. Equipment	Screened	Not Indicated	N/A

\*Lot was made legal when it was rezoned as part of a larger request through ZON-28389

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***Pursuant to Title 19.08, the following Residential Adjacency Standards Apply:***

<b><i>Residential Adjacency Standards</i></b>	<b><i>Required/Allowed</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
3:1 proximity slope	50 Feet	14 Feet	N
Adjacent development matching setback	50 Feet	80 Feet	Y
Trash Enclosure	50 Feet	75 Feet	Y

***Pursuant to Title 19.08, the following standards apply:***

<b><i>Landscaping and Open Space Standards</i></b>				
<b><i>Standards</i></b>	<b><i>Required</i></b>		<b><i>Provided</i></b>	<b><i>Compliance</i></b>
	<b><i>Ratio</i></b>	<b><i>Trees</i></b>		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	12 Trees	0 Trees	N
• South	1 Tree / 30 Linear Feet	11 Trees	0 Trees	N
• East	1 Tree / 20 Linear Feet	5 Trees	0 Trees	N
			0 Trees	N
<b>TOTAL PERIMETER TREES</b>		<b>28 Trees</b>	<b>0 Trees</b>	<b>N</b>
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	2 Trees	8 Trees	Y
<b>LANDSCAPE BUFFER WIDTHS</b>				
Min. Zone Width				
• North	8 Feet		0 Feet	N
• South	8 Feet		2.5 Feet	N
• East	15 Feet		0 Feet	N
• West	0 Feet		0 Feet	Y
Wall Height	6 to 8 Feet Adjacent to Residential		6 to 7-foot chain link fence with green mesh screening along portions of the north and south property lines	N

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*Pursuant to Title 19.08 and 19.12, the following parking standards apply:*

<b>Parking Requirement</b>							
<i>Use</i>	<i>Gross Floor Area or</i>	<i>Required</i>			<i>Provided</i>		<i>Compliance</i>
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Contractor's Plant, Shop and Storage Yard	2,784 SF	1:500	5	1	6	1	Y
<b>TOTAL SPACES REQUIRED</b>			5		6		Y
<b>Regular and Handicap Spaces Required</b>			4	1	5	1	Y
Loading Spaces			0		0		Y

<b>Waivers</b>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
East Landscape Buffer: 15 Feet	East Landscape Buffer: 0 Feet	Denial
North Landscape Buffer: 8 Feet	North Landscape Buffer: 0 Feet	Denial
South Landscape Buffer: 8 Feet	South Landscape Buffer: 2.5 Feet	Denial

<b>Exceptions</b>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
24-inch box trees 30-ft on center	5-inch Purple Winter Creeper Euonymus shrubs in lieu of 24-inch box trees within the 2.5-foot landscape buffer along the south property line.	Denial

**ANALYSIS**

Site Plan

The applicant is proposing the conversion of a 2,784 square-foot single-family residence into a Contractor's Plant, Shop & Storage Yard for use in conjunction with a concrete business. The site has never been legally converted from residential to a commercial site and has been operating as a commercial use for several years. A Site Development Plan Review (SDR-28390) for a 51,250 warehouse center was approved in 2008 for the subject site as a part of a larger request, but has since expired.

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The provided site plan depicts an existing building and seven parking spaces, including one van accessible handicapped parking space. Access to the site is provided from a driveway located off of Balsam Road. Balsam Road is designated as a 60-foot Local Street on the Master Plan of Streets and Highways. There is a 14-foot paved drive on the north side of the property that provides access to the rear yard area.

Per Title 19.08, the side yard building setback for an M (Industrial) zoned property is fifty feet when adjacent to a residential district. When this parcel was originally rezoned to M (Industrial) in 2008, it was part of a larger request and was not intended to be a standalone industrial parcel. With only an 85-foot lot width and a 14-foot setback between the principal structure and the residential parcel to the north, it is clear that the subject site is not adequate for an industrial use in such close proximity to an R-E (Residence Estates) zoning district. The existing principal structure on the site is 14 feet from the residential zoned parcels to the north where 50 feet is required and a related Variance (VAR-48827) application has been submitted to provide relief from this requirement.

The site plan depicts an existing storage container and storage canopy at the northwest corner of the subject site. These outdoor storage areas fall under the requirements of Title 19.08.040(E), Outdoor Storage. Outdoor Storage areas are not permitted within required setback areas, landscape buffer yards or other required landscape areas. Due to the adjacent R-E zoning district, the storage areas must conform to a 50-foot setback along the north property line. The site plan depicts one storage area adjacent to the north property line, and the other approximately 15 feet from the north property line. The storage areas are also required to be screened from view by a solid structure such as a wall or building at least eight-feet in height. A related Variance (VAR-48828) application has been submitted to allow the outdoor storage areas within the required setback area, and to allow the storage areas to be screened by a seven-foot high chain link fence with green mesh instead of the required eight-foot solid wall.

The submitted site plan fails to depict screen walls along the north property line pursuant to Title 19.08.040(G), which states that a six-foot tall perimeter wall be constructed when a commercial/industrial use is adjacent to any residential zoning district. The site plan indicates only the aforementioned seven-foot high chain link fence with green mesh screening instead of the required decorative screen wall. A related Variance (VAR-48828) has been submitted to provide relief from these requirements.

Title 19.08.040(G) also prohibits the use as chain link as a fencing material unless approved with an overall development plan. The site plan indicates a six-foot high chain link fence with green mesh screening along portions of the south property line. Approval of this site plan review will permit the use of chain link fencing as shown on the site plan along with the ones on the north property line.

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Landscape Plan

The Landscape Plan depicts no perimeter landscape buffers along the north and west property lines where eight feet is required, and no landscape buffering along the east property line where 15 feet is required. There is a 2.5-foot landscape buffer located along a portion of the south property line planted with 5-inch Purple Winter Creeper Euonymus shrubs where an eight-foot buffer area planted with 24-inch box trees 30 feet on center is required. The applicant has requested waivers from Title 19.08.040(F) for a reduction of perimeter landscape buffer area along the south property line and to allow zero perimeter landscaping along the east, west and north property lines. Staff recommends denial of the waivers due to the elimination of the buffering effects the perimeter landscaping would provide to the adjacent land uses.

Per 19.08.110, parking lot landscaping is required at a ratio of one landscape island for every six parking spaces. The subject site has a total of six regular parking spaces and one van accessible handicap space. There are four landscape islands, each planted with two 24-inch box inch evergreen trees. The plan is in compliance with Title 19.08.110 parking lot landscaping requirements.

Elevations

Elevation photographs provided with this application and field checks have verified that the structures have not substantially changed since the previous applications were submitted in 2009. The building was originally built as a single-family dwelling and the façade of the building will remain unchanged. The building is painted with earth tones and has rock veneer on the exterior. The elevations also indicate that the mechanical equipment is roof mounted and not properly screened. A condition of approval has been added, which requires all mechanical equipment to be properly screened. The building is approximately 15 feet in height at the roof midpoint, which would typically allow the building to be located up to the building setback line and still conform with Residential Adjacency Standards. In this case, the subject parcel is zoned M (Industrial) and adjacent to an R-E (Residence Estates) parcel, so a 50-foot setback for all structures is required. As a result, the structure does not comply with Title 19.08.060, Residential Adjacency Standards. A related Variance (VAR-28827) has been submitted to reduce the building setback to 14 feet, which would allow conformance to Residential Adjacency Standards as the one-story structure will be located at the building setback line.

Floor plans

The floor plans depict a 2,784 square-foot building that will be utilized as an office for the proposed Contractor's Plant, Shop and Storage Yard. The floor plans are indicative of typical office uses which include; office, reception, waiting rooms, conference rooms, restrooms and storage areas.

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**FINDINGS (VAR-28827)**

Per Title 19.08, the usual side yard setback for an M (Industrial) zoned parcel when adjacent to another commercial or industrial property is 10 feet. In this case, the subject site is located adjacent to a residentially zoned parcel which increases the required setback to 50 feet along the north property line. When this parcel was originally rezoned to M (Industrial) in 2008, it was part of a larger request and was not intended to be a standalone industrial parcel. With only an 85-foot lot width and a 14-foot setback between the principal structure and the residential parcel to the north, it is clear that the subject site is not adequate for an industrial use in such close proximity to an R-E (Residence Estates) district. Staff is recommending denial due to the site's inability to meet minimum setbacks for an industrial use adjacent to the residentially zoned district.

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 19.16.140(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 requesting a change from a residential to commercial use that is not compatible with the adjacent development to the north. 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.

**FINDINGS (VAR-48828)**

Title 19.08.040(E) states that outdoor storage areas are not permitted within required setback areas, landscape buffer yards or other required landscape areas. Due to the adjacent R-E zoning district, the outdoor storage areas must conform to a 50-foot setback along the north property line. The outdoor storage areas are also required to be screened from view by a solid structure such as a wall or building at least eight-feet in height. The site plan indicates that the storage areas are screened by seven-foot chain link fence with green mesh screening.

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Title 19.08.040(G) requires that, for industrial properties, a perimeter wall of an acceptable construction material shall be constructed adjacent to any residential zoning district or property used solely for residential purposes. The wall shall be a minimum height of six feet in height and in no case shall it exceed the height limitation applicable to the zoning district or property. The submitted site plan proposes seven-foot chain link fencing with green mesh screening along portions of the north property line. The wall material and locations are not acceptable per the Unified Development Code.

The applicant has failed to comply with both Title 19.08.040(E) and 19.08.040(G) by having outdoor storage areas within the building setback and screened with chain link and mesh, as well as providing no screen wall between the subject M (Industrial) zoned property and the adjacent residential property to the north, which has a zoning designation of R-E (Rural Estates). Adherence to minimum 19.08.040(E) and 19.08.040(G) 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 relocate and properly screen the outdoor storage areas, and building the required perimeter wall adjacent to a residential zoned property.

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 19.16.140(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 not relocating and properly screening the outdoor storage areas, and not building the required perimeter wall adjacent to a residential zoned property. Alternative site design and adherence to Title 19.08.040(E) and 19.08.040(G) 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.

**FINDINGS (SDR-48826)**

In order to approve a Site Development Plan application, per Title 19.16.100(E) the Planning Commission and/or City Council must affirm the following:

**1. The proposed development is compatible with adjacent development and development in the area;**

The proposed development is not compatible with adjacent residential development in the area. This is demonstrated through the number of associated Waivers and Variances requested to reduce the amount of perimeter screening, landscape buffering and encroachment into required setbacks adjacent to a residential use.

**2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The proposed development is inconsistent with several Title 19.08 landscape requirements. The site is also inconsistent with wall standards by failing to provide a screen wall along the north property line, which is adjacent to the existing single-family dwelling located with a Clark County zoning designation of R-E (Rural Estates).

**3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

Site access and circulation are negatively impacted due to the proposed industrial uses on a Local Street intended for residential uses. Access is provided from Balsam Street, which is designated as a 60-foot Local Street on the Master Plan of Streets and Highways.

**4. Building and landscape materials are appropriate for the area and for the City;**

The proposed building and landscape materials are not appropriate for this area of the City. The applicant is requesting a number of landscape Waivers for perimeter landscaping. The chain-link fence with green mesh screening is also not appropriate for the separation of industrial and residential uses, or for screening of outdoor storage areas.

**5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The overall site fails to create an orderly and aesthetically pleasing environment, as it fails to be compatible with adjacent residential development to the north. The associated Variances to allow no perimeter screen wall and to permit improperly screened outdoor storage areas and encroachments into the required setback highlight the incompatibility with the existing residential areas located to the north of the subject site. The proposed development is both undesirable and incompatible with regard to overall design and its failure to adhere to the minimum Title 19 requirements.

**6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

The proposed Contractor's Plant, Shop and Storage Yard Convenience use is not adequately screened from the existing single-family residence to the north. This will precipitate an increase in the visual, noise and dust, which will intrude upon the existing single-family residences located in both Clark County and the City of Las Vegas and will therefore impact their overall welfare.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 32

**NOTICES MAILED** 131

**APPROVALS** 2

**PROTESTS** 1