



Planning Commission Agenda Item

Date: November 08, 2017
Item No: 10.

TO: Planning Commission

FROM: Alfredo Melesio, Jr., AICP, Director Land Development & Community Services

Prepared By: Marc Jordan

SUBJECT: VN-05-17 (59983) PARK PLACE RV & BOAT (Public Hearing).
 Applicant: Frank DeLuca. Request: A variance in a C-2 (General Commercial District) to allow a 10-foot setback adjacent to a residential district where 30 feet is required. Location: Approximately 290 feet south of Ann Road and approximately 270 feet east of Decatur Boulevard. (APN 124-31-101-007). (For possible action)

RECOMMENDATION:

The Land Development and Community Services Department recommends that VN-04-17 be approved (in part) subject to conditions.

GENERAL INFORMATION:

Comprehensive Plan:	Community Commercial
Existing land use and zoning:	Undeveloped; C-2, General Commercial District
Surrounding land use and zoning:	<u>North:</u> Commercial Center; C-2, General Commercial District <u>East:</u> Mini-Warehousing; C-2, General Commercial District <u>South:</u> Single-Family Homes; PUD, Planned Unit Development District <u>West:</u> Commercial Center; C-2, General Commercial District

BACKGROUND INFORMATION:

The applicant is requesting Planning Commission approval to allow a 10-foot setback adjacent to a residential district where 30 feet is required for buildings and structures. According to the applicant's letter of intent, the applicant is proposing to construct canopies approximately 10 feet from the southern property line to cover recreational vehicles that are proposed to be stored on the subject site. The applicant has also indicated the area between the property line and canopies would be developed as a

drainage channel. Furthermore, the applicant has indicated that the subject site is higher in elevation by several feet from the adjacent residential, and the adjacent residents would not be able to see the canopies beyond the property line wall.

The applicant has also requested a special use permit (UN-52-17) to allow an automobile, boat and RV storage facility on the subject site. That application is also on this agenda for Planning Commission consideration.

DEPARTMENT COMMENTS:

Public Works:	No comments
Police:	No comments
Fire:	Please see the attached memorandum.

ANALYSIS

The subject site is approximately 5.42 acres in size; has a width of approximately 700 feet; a depth of approximately 355 feet; and is rectangular. There are no exceptional or extraordinary circumstances that would warrant support of the proposed variance. Furthermore, there is nothing unique about the subject site that would not allow the applicant to develop the property in a similar manner as the adjacent properties.

However, in reviewing the commercial developments to the east and west of the subject site, staff would support reducing the setback for the canopies to 20 feet from the residential district. The applicant is proposing to construct canopies to serve as cover for the storage of RV's. Canopies would be classified as a structure and not a building, and are typically open on all sides. As a result, staff would support a reduction in the setback for a canopy structure only as it is not a fully enclosed building and should not have the same impacts as a building would next to residential. Furthermore, allowing a 20-foot setback for the canopies instead of requiring a 30-foot setback would offer the applicant similar opportunities for development as the adjacent commercial sites, and does not grant the applicant a privilege different than the adjacent commercial developments.

The Zoning Ordinance requires a 20-foot landscape buffer for commercial development when the commercial development is next to a residential development. The property to the south is zoned PUD, Planned Unit Development District, and has been developed with single-family detached dwelling units. The residential development is a cluster type development with reduced setbacks ranging from eight (8) feet to 10 feet from the northern property line which separates the residential from the proposed commercial. The landscaped buffer is designed to reduce the impacts of the commercial development from the residential development.

The commercial developments to the east and west of the subject site have installed the required landscaped buffer, while also incorporating the drainage channel. The

applicant has not requested a waiver of the landscape buffer, which is a separate application. While the subject site may be higher in elevation than the adjacent residential, the required landscape buffer will still provide additional screening from the commercial development as the homes are two-story in height.

The applicant is proposing a variety of canopy sizes, ranging in width between 10 and 12 feet, and ranging in depth between 20 feet and 42 feet. The canopies proposed near the residential property line have a width of 12 feet and a depth of 24 feet. The applicant could redesign the subject site by reducing one row of canopies by 10 feet which would allow the applicant to provide a 20-foot setback and comply with the landscape buffer requirements.

Requirements for Approval of a Variance

In accordance with the Zoning Ordinance, the Planning Commission may, by motion, grant a variance if the Planning Commission finds, from the evidence presented, that all of the following criteria has been met:

1. There are exceptional and extraordinary circumstances and conditions applicable to the property involved and that such circumstances and conditions do not apply generally to other properties in the same vicinity and zoning district;
2. Such variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by property in the same vicinity and zoning district and denied to the property in question; and
3. The granting of such variance will not be materially detrimental to the public safety and welfare or injurious to other property or improvements in the same vicinity and zoning district.

State Law, under NRS 278.300 (1)(c), sets forth the requirements which must be met before a Planning Commission is empowered to grant a variance:

“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 regulation enacted under NRS 278.010 to 278.630, inclusive, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of property, to authorize a variance from that strict application 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.”

CONDITIONS:

Planning and Zoning:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. A minimum 20-foot setback shall be provided between the canopies and the southern property line.
3. A minimum 20 feet of landscaping shall be provided next to the southern property line and landscaping shall be installed according to the requirements of the Zoning Ordinance.

ATTACHMENTS:

Fire Prevention Memorandum
Letter of Intent
Site Plan
Building Elevations
Clark County Assessor's Map
Location and Zoning Map