



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 6, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-14322 - APPLICANT/OWNER: CENTEX HOMES

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-0 vote) recommends APPROVAL.

Planning and Development

1. Approval of and conformance to the Conditions of Approval for General Plan Amendment (GPA-14318), Rezoning (ZON-14321), Variance (VAR-14900), and Site Development Plan Review (SDR-14323) shall be required.
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.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Variance to allow three stories where two stories or 35 feet is the maximum height allowed in conjunction with a proposed 92-unit residential condominium development on 4.43 acres adjacent to the west side of Rock Springs Drive, approximately 300 feet south of Lake Mead Boulevard. GPA-14318, ZON-14321, VAR-14900 and SDR-14323 were filed as companion applications.

EXECUTIVE SUMMARY

The purpose of this request is to develop a vacant parcel just south of an existing commercial area along Lake Mead and west of Rock Springs. All of the current and proposed development around the site has been or will be limited to two stories in height. The proposed scope of the development will be more intense than the surrounding area, and does not comply with height or parking requirements. The recommendation is for denial.

BACKGROUND INFORMATION

A) Related Actions

- | | |
|----------|--|
| 08/07/91 | The City Council approved a rezoning (Z-0056-91) from N-U (Non-urban) to C-V (Civic). |
| 12/02/92 | The City Council approved an extension of time [Z-0056-91(1)] of an approved rezoning. |
| 01/19/94 | The City Council approved an extension of time [Z-0056-91(2)] of an approved rezoning. |
| 07/27/06 | The Planning Commission recommended approval of companion items ZON-14321, GPA-14318 and SDR-14323 concurrently with this application. |
| 07/27/06 | The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #40/kcw). |

B) Pre-Application Meeting

- | | |
|----------|--|
| 05/25/06 | <p>A pre-application conference was held with applicant and the following was discussed:</p> <ul style="list-style-type: none">▪ GPA of PF to H▪ Rezoning from U to R-4▪ Site Plan review for a 92 unit condo▪ It is recommended that the GPA to be M (Medium), Rezone to R-3▪ Redesign buildings to R-3 standards |
|----------|--|

- Traffic- the entryway is too short
- R-4 zoning will require compliance with setbacks
- Only one variance proposed
- Applicant will consider R-PD development

C) *Neighborhood Meetings*

06/26/06 A neighborhood meeting sponsored by the applicant was held at the Johnson Community Center, 340 Villa Monterey Drive. Four persons attended representing the applicant, but none of the invited public was in attendance.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Net Acres: 4.43 Acres

B) *Existing Land Use*

Subject Property	Undeveloped
North	Retail under construction
South	School
East	Retail
West	Offices

C) *Planned Land Use*

Subject Property	PF (Public Facilities)
North	SC (Service Commercial)
South	PF (Public Facilities)
East	SC (Service Commercial)
West	SC (Service Commercial)

D) *Existing Zoning*

Subject Property	U (Undeveloped) [PF (Public Facilities) Master Plan Designation]
North	U (Undeveloped) under Resolution of Intent to C-1 (Limited Commercial) [SC (Service Commercial) Master Plan Designation]
South	U (Undeveloped) [PF (Public Facilities) Master Plan Designation]
East	C-1 (Limited Commercial)
West	C-1 (Limited Commercial)

E) *General Plan Compliance*

The Southwest Sector Map of the General Plan designates the parcel as PF (Public Facilities). The applicant has requested to change the land use designation to H (High Density Residential) to allow the proposed residential development. The density of the project will be consistent with the proposed land use designation for the property.

<i>SPECIAL DISTRICTS/ZONES</i>	YES	NO
SPECIAL PLAN AREA		X
RURAL PRESERVATION NEIGHBORHOOD		X
SPECIAL OVERLAY DISTRICT	X	
Airport Overlay District	X	
TRAILS		X
RURAL PRESERVATION NEIGHBORHOOD		X
PROJECT OF REGIONAL SIGNIFICANCE		X
DEVELOPMENT IMPACT NOTIFICATION ASSESSMENT		X

Airport Overlay District

The subject parcel is located within the Airport Overlay District, where any development over 175 feet in height requires Special Use Permit approval. As the proposed structures will be significantly less than 175 feet in height, no Special Use Permit is required.

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

Standards	Required	Provided	Compliance
Min. Lot Size	6,500 Square Feet	199,069 SF	Y
Min. Lot Width	N/A	N/A	N/A
Min. Setbacks			
• Front	10 Feet	11.39 Feet	Y
• Side	5 Feet	6.08 Feet	Y
• Corner	5 Feet	N/A	Y
• Rear	20 Feet	20 Feet	Y
• Between buildings	10 Feet	13.68 Feet	Y
Max. Lot Coverage	N/A	35.3%	N/A
Max. Building Height	2 Stories / 35 Feet	3 Stories	N
Trash Enclosure	Gated and Roofed	Gated	N
Loading Zone	N/A	N/A	N/A
Mech. Equipment	Screened	Not shown	

The allowable height under the proposed R-4 zoning requirements is limited to two stories or 35 feet, whichever is less; the proposed development will be three stories and 35 feet. The subject deviation is one story higher than that is allowed.

B) General Analysis and Discussion

The elevations show two- and three-story multiplexes with garages and unit entrances on the first floor. The height is shown at 35 feet, but the three-story design exceeds the two-story limitation of the proposed R-4 zoning. The height of the proposed development is too intense for the neighborhood as evidenced by the need for the variance. The applicant has not demonstrated a hardship that would justify the deviation from standards.

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 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 proposing a development one story taller than that which is allowed. An alternative design of two stories would allow conformance to the Title 19 requirements for height and would be more compatible with the surrounding development.

In view of the absence of any hardships imposed by the sites physical characteristics, it is concluded that the applicants hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

PLANNING COMMISSION ACTION

Condition #3 needs to have reference to VAR-14900 removed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 6

ASSEMBLY DISTRICT 37

SENATE DISTRICT 6

NOTICES MAILED 145 by City Clerk

APPROVALS 0

PROTESTS 0