



## **AGENDA MEMO**

**CITY COUNCIL MEETING DATE: SEPTEMBER 6, 2006**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: VAR-14317 - APPLICANT: BRIAN EHLERT - OWNER:**  
**WESLEY E. AND SHARON FJARE GLOVER**

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### **\*\* CONDITIONS \*\***

The Planning Commission (5-0 vote) and staff recommend APPROVAL, subject to:

#### **Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-14315) and Site Development Plan Review (SDR-14314) 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 application is a request for a Variance to allow a Residential Planned Development on less than five acres on 2.37 acres adjacent to the north side of Via Olivero Avenue approximately 320 feet east of Lisa Lane.

**EXECUTIVE SUMMARY**

This project is a proposed 5-unit residential development on a 2.59 acre infill site, surrounded by existing single family development to the north, east and west, and existing townhouse development to the south. The applicant is seeking R-PD (Residential Planned Development) zoning as there is no applicable conventional zoning district that will facilitate the development. R-PD (Residential Planned Development) zoning requires a minimum site area of five acres, and the applicant is seeking relief from this standard as the site is completely surrounded by existing development with no option of increasing the size of the site through future acquisition of adjacent land. This is an infill site with a proposed density and lot size consistent with the adjacent parcels. Therefore, staff recommends approval.

**BACKGROUND INFORMATION**

***A) Related Actions***

- |          |  |
|----------|--|
| 02/04/87 | The subject parcels were annexed into the City of Las Vegas [A-9-98(A)].   |
| 03/12/92 | The Las Vegas Planning Commission adopted the City of Las Vegas General Plan. The subject parcels are designated for Rural Residential land uses, with a maximum density of 3.5 units per net acre.  |
| 11/23/98 | The Las Vegas City Council adopted a General Plan Amendment (GPA-0027-98) to Amend a portion of the Southwest Sector of the General Plan on properties bounded by the Holmby Avenue Drainage Alignment, Via Olivero Avenue, Rainbow Boulevard, and Durango Drive, From: R (Rural Density Residential) To: DR (Desert Rural Density Residential). |
| 07/27/06 | The Planning Commission recommended approval of companion items ZON-14315 and SDR-14314 concurrently with this application.  |
| 07/27/06 | The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #74/rl).   |

**B) *Pre-Application Meeting***

- 03/06/06 The applicant was advised of the submission requirements for the related applications for this project. Public works advised the applicant regarding drainage concerns.
- 05/01/06 A follow-up meeting to address the drainage concerns was conducted.
- 07/06/06 An additional follow-up meeting was held to discuss the lot design and street access.

**C) *Neighborhood Meetings***

A neighborhood meeting is not required for a Variance application, nor was one held.

**DETAILS OF APPLICATION REQUEST**

**A) *Site Area***

Gross Acres: 2.59  
Net Acres: 2.37

**B) *Existing Land Use***

Subject Property: Undeveloped  
North: Single Family Residential  
South: Townhouse  
East: Single Family Residential  
West: Single Family Residential

**C) *Planned Land Use***

Subject Property: DR (Desert Rural Density Residential)  
North: DR (Desert Rural Density Residential)  
South: M (Medium Density Residential)  
East: DR (Desert Rural Density Residential)  
West: DR (Desert Rural Density Residential)

**D) *Existing Zoning***

Subject Property: R-E (Residence Estates)  
North: R-E (Residence Estates)  
South: R-PD13 (Residential Planned Development 13 Units Per Acre)  
East: R-PD2 (Residential Planned Development 2 Units Per Acre)  
West: R-E (Residence Estates)

**E) General Plan Compliance**

The subject site is located within the Southwest Sector of the General Plan with a DR Desert Rural Density Residential) land use designation, which allows for residential development of up to 2.49 units per acre. The proposed rezoning to R-PD2 (Residential Planned Development 2 Units Per Acre) zoning is district is consistent with the General Plan Designation.

<b>SPECIAL DISTRICTS/ZONES</b>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>		N
<b>Special Overlay District</b>		N
<b>Trails</b>		N
<b>Rural Preservation Neighborhood</b>	Y	
<b>Development Impact Notification Assessment</b>		N
<b>Project of Regional Significance</b>		N

The subject property is located in a Rural Preservation Overlay District (RPOD). The RPOD permits a maximum of two dwelling units per acre. The proposed density as reflected in the related Site Development Plan Review (SDR-14314) is consistent with the standards of a Rural Preservation Overlay District.

**ANALYSIS**

**A) Zoning Code Compliance**

**A1) Development Standards**

Development standards for an R-PD (Residential Planned Development) are determined during the site development plan review process. The Planning Commission and City Council will establish development standards through the consideration of the Site Development Plan Review (SDR-14314), a related item. Pursuant to Title 19.08, the minimum site area that is eligible for rezoning to the R PD (Residential Planned Development) zoning district is five acres. Since the subject property contains 2.59 gross acres, the applicant is requesting a Variance to reduce the five-acre minimum lot size to permit Rezoning (ZON-14315) to an RPD2 (Residential Planned Development 2 Units Per Acre) Zone.

**B) General Analysis and Discussion**

This application is one of three companion applications necessary to permit an infill development on the subject property. Without the approval of a Variance, it is not possible for the property to develop in the manner proposed.

The project, as conceived, would not readily fit within the parameters of any of the standard residential zoning districts in Title 19. The requested R-PD (Residential Planned Development) district would permit a maximum number of five custom single family homes. This density is equivalent to the adjacent development and is appropriate for the area. As there are no other standard zoning districts in the Code that would be adequate for this project and to restrict the density to that proposed, it is recommended that the requested Variance be approved.

## **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.

As this is an infill parcel, no additional land is available to develop according to the requirements of a standardized zoning district. There is no alternative design or option that would allow conformance to these specific Title 19 requirements. In view of the limitations imposed by the sites physical characteristics, it is concluded that the applicants hardship is real, and it is recommended that the Variance be granted.

The proposed Variance will not:

1. Permit a use in a zoning district in which it is not allowed;
2. Vary any minimum spacing requirements;
3. Relieve a hardship that is financial or personal in nature, but rather addresses a different operational standard that is not provided by Title 19.10.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 7

**ASSEMBLY DISTRICT** 2

**SENATE DISTRICT** 8

**NOTICES MAILED** 283 by City Clerk

**APPROVALS** 0

**PROTESTS** 0