



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 6, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-14797 - APPLICANT/OWNER: MARISELA CARDONA

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-14796), Site Development Plan Review (SDR-14795), Waiver (WVR-15056) 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 an R-PD development to be 1.62 acres where five acres is the minimum required on 1.62 acres at 814 North Tonopah Drive.

EXECUTIVE SUMMARY

Staff supports infill development projects such as this one as it will be compatible with the surrounding neighborhood and provide additional housing choices for residents and potential residents. Staff recommends approval of this request for a variance as creative development (as allowed by R-PD zoning) is required in order to adequately develop the subject lot.

BACKGROUND INFORMATION

A) Related Actions

- 08/10/06 The Planning Commission recommended approval of companion items ZON-14796, WVR-15056 and SDR-14795 concurrently with this application.
- 08/10/06 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #44/stf).

B) Pre-Application Meeting

- 06/14/06 A pre-application meeting with the applicant was held and the following items were discussed:
- Staff gave the applicant a variety of options regarding zoning possibilities for the site.
 - Staff informed the applicant of the submittal requirements for the appropriate applicants needed to develop the site.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 1.62

B) Existing Land Use

Subject Property: Single-Family Residential
 North: Multi-Family Residential
 South: Single-Family Residential
 East: Undeveloped
 West: Multi-Family Residential

C) Planned Land Use

Subject Property: MXU (Mixed Use)
 North: MXU (Mixed Use)
 South: MXU (Mixed Use)
 East: MXU (Mixed Use)
 West: M (Medium Density Residential)

D) Existing Zoning

Subject Property: R-E (Residence Estates)
 North: R-3 (Medium Density Residential)
 South: R-PD3 (Residential Planned Development 3 Units per Acre)
 East: R-E (Residence Estates)
 West: R-3 (Medium Density Residential); R-PD16 (Residential Planned Development 16 Units per Acre)

E) General Plan Compliance

The subject site is located within the Downtown Redevelopment Plan area. Within that area, it has a land use designation of MXU (Mixed Use). The Mixed Use designation allows for a mix of uses that are normally allowed within the L, ML, M, H, O, SC, and GC designations. The applicant has requested a change of zoning from R-E (Residence Estates) to R-PD5 (Residential Planned Development 5 Units per Acre). This zoning category complies with the MXU designation.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
Downtown Redevelopment Plan Area	X	
Special Overlay District	X	
Airport Overlay District	X	
Trails		X
Rural Preservation Overlay District	X	
Development Impact Notification Assessment		X
Project of Regional Significance		X

Downtown Redevelopment Plan Area

The subject site is located within the Downtown Redevelopment Plan area. No additional development standards will be placed on the project as a result of this designation. Rather, this designation targets areas in need of heightened development efforts.

Airport Overlay District

The subject site is located within the North Las Vegas Airport Overlay District which restricts the height of structures to 140 feet. The subject proposal will be well under this maximum height allowed.

Rural Preservation Overlay District

The subject site is located in a Rural Preservation Overlay District buffer area. As such, good cause must be shown to exceed rural density. Staff finds that the fact that surrounding properties far exceed rural level densities represents such good cause for this project.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.06 the following Development Standards apply to the subject proposal:

Standards	Required	Requested	Compliance
Min. Size to Develop	5 Acres	1.62 Acres	N

Per Title 19.06.040, R-PD developments require a minimum site size of five acres. The applicant is requesting relief from this requirement to allow a site area of 1.62 acres.

- **R-PD ONLY**

Pursuant to Title 19.06, the following Open Space Standards apply to the subject proposal:

No open space is required for this project as there are fewer than 12 lots in the proposed subdivision.

B) General Analysis and Discussion

Staff supports this Variance as it represents a creative way to develop an infill residential project that is consistent with the surrounding area. The lot is narrow and will not allow development of this type without a Variance.

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.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 18

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 221 by City Clerk

APPROVALS 0

PROTESTS 0