



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAR-16533 - APPLICANT/OWNER: WILLIAM B. PALMER II
AND ROSELLE J. PALMER**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-0-1/sd vote) recommends APPROVAL.

Planning and Development

1. Conformance to the conditions for General Plan Amendment (GPA-16140), Rezoning (ZON-16141) and Site Development Plan Review (SDR-16139) 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 ****

PROJECT DESCRIPTION

This application is for a Variance from the residential adjacency setback requirements of Title 19.08.060. The applicant seeks a variance to allow a setback of 10 Feet where a proximity slope setback of 54 Feet is required as well as to allow a side yard setback of 10 feet where an adjacent development matching setback of 35 Feet is required. This application is related to GPA-16140, ZON-16141, and SDR-16139.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/06/91	The City Council denied a Rezoning (Z-148-90) from R-E (Residential Estates) to P-R (Professional Offices and Parking). Planning Commission recommended denial.
03/12/92	The Planning Commission approved the three Land Use Sector Maps of the General Plan.
10/05/06	The Planning Commission recommended approval of companion items GPA-16140, ZON-16141 AND SDR-16139 concurrently with this application. The Planning Commission voted 6-0-1/sd to recommend APPROVAL (PC Agenda Item#27/rl).
<i>Pre-Application Meeting</i>	
08/04/06	The applicant was requested to submit a Rezoning and Site Development Plan Review including landscape waivers. Also, the applicant was informed that a Variance would be required for the location of the trash enclosure.

Neighborhood Meeting				
08/31/06		Per policy set forth in the city of Las Vegas application packet, a neighborhood meeting shall be held with the surrounding property owners. The applicant is requested to hold this meeting within 14 days of the closing date of this application. In accordance with the above, on August 31, 2006 a neighborhood meeting sponsored by the applicant was held. Seven persons attended had the following comments: • Will the proposed structure comply with setbacks? (The applicant responded that the building would be in compliance) • Are there any required easements on the site? • Don't want there to be any additional traffic in the residential neighborhood (Mohawk Street). • Allowing the P-R conversion is one step closer to allowing commercial uses to encroach upon the residential neighborhood. • Is the one-story height of the proposed structure consistent with the residential structures in the neighborhood? • Will the proposed structure look like a residence? (The applicant stated that the structure was designed to be 16 to 18-Feet in height and look like a residential structure, so it would blend with the single-family properties that surround it on three sides.) • When will construction start? When will demolition of the existing structure begin? (The applicant responded that construction would probably not start until July 2007, with demolition to precede site grading.) • Concerns were expressed regarding construction noise and dust control. • One resident stated that their principal concern was relative to the traffic that would be generated by the proposed use.		
Details of Application Request				
Site Area				
Gross Acres		0.76		
Net Acres		0.73		
Surrounding Property		Existing Land Use	Planned Land Use	Existing Zoning
Subject Property		Single Family Residential	DR (Desert Rural Density Residential)	R-E (Residential Estates)
North		Single Family Residential	DR(Desert Rural Density Residential)	R-E (Residential Estates)
South		Parking Lot	SC (Service Commercial)	P-R (Professional Office and Parking)
East		Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
West		Group Quarters Facility, Single Family Residential	DR (Desert Rural Density Residential), Unincorporated Clark County	R-E (Residential Estates), Unincorporated Clark County

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		N	Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		N	Y
Trails		N	Y
Rural Preservation Overlay District		N	Y
Development Impact Notification Assessment		N	Y
Project of Regional Significance		N	Y

DEVELOPMENT STANDARDS

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	NA	31,799 SF	Y
Min. Lot Width	60 Feet	100 Feet	Y
Min. Setbacks • Front • Side • Corner • Rear	20 Feet 5 Feet 15 Feet 15 Feet	169 Feet 10 Feet NA 15 Feet	Y
Max. Lot Coverage	50%	29%	Y
Max. Building Height	35 Feet	18 Feet	Y
Trash Enclosure	50 Feet from Residential	20 Feet from Residential	N

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	54 Feet	10 Feet	N
Adjacent development matching setback	35 Feet	10 Feet	N
Trash Enclosure	50 Feet from Residential	6 Feet from Residential	N

<i>Existing Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>	<i>Proposed Zoning</i>	<i>Permitted Density</i>	<i>General Plan</i>	<i>Permitted Density</i>
R-E (Residential Estates)	2.18	1	P-R (Professional Office and Parking)	0	O (Office)	0

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree/ 6 Spaces	5 Trees	4 Trees	N
Buffer: Min. Trees	1 Tree/ 20 Linear Feet	38 Trees	38 Trees	Y
TOTAL		43 Trees	42 Trees	N
Min. Zone Width	Sides 8 Feet Rear 15 Feet		8 Feet 15 Feet	Y
Wall Height	6-8 Feet		Not Provided	

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Office	9,300	1/300	29	2	29	2	Y
TOTAL			31		31		

ANALYSIS

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

- Proximity slope. The height of the proposed building at the west edge, which is adjacent to existing single-family homes, is 18 feet; therefore, a 3:1 Proximity Slope would require that it be set back least 54 feet from the east, north and west property lines. The site plan shows the building to be set back 10 feet from the property lines to the east and west, and 15 feet from the north. The amount of deviation from the standard is 69 percent.
- Building setback. The proposed building must also be set back at least 15 feet from the east property line to match the rear yard setback of the R-1 (Single Family Residential) zoning district and 35 Feet from the north and west to match the rear yard setbacks of the R-E (Residential Estates) zoning district. This standard has not been met, as the proposed building is set back 10 feet from the east and west property lines, and 15 feet from the north property line.

The building as designed will place a 9,300 Square Foot building within 10 feet of low-density single-family residential lots. While the other properties which front Potosi street are commercial and compatible in scale and design, the applicant proposes to set back the proposed building 169 Feet from the front of the property, far away from all of the commercial development in the area.

Public Works has no comments on this Variance. All site-related conditions of approval associated with this site are addressed with the Site Development Plan Review.

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 concerning this site has been presented. The applicant has created a self-imposed hardship by proposing to overbuild the site. Reducing the size of the structure, changing its dimensions, and/or placing the structure closer to the front of the lot would allow conformance to Title 19 residential adjacency setback 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.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 3

SENATE DISTRICT 11

NOTICES MAILED 88 by City Clerk

APPROVALS 0

PROTESTS 0