

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: NOVEMBER 15, 2006**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: VAR-15373 - APPLICANT: SCA DESIGN - OWNER: HILLBILLY ACRES, LLC.**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE NOVEMBER 1, 2006 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.***

**\*\* CONDITIONS \*\***

The Planning Commission (4-3/ds/se/sd vote) and staff recommend DENIAL.

**Planning and Development**

1. A Rezoning (ZON-15371) and a Site Development Plan Review (SDR-15375) application approved by the City of Las Vegas is required prior to issuance of any permits, any site grading, and all development activity for the site.
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**

The applicant has amended this request for Variance and now seeks to allow a five foot side yard setback where a residential adjacency setback of 79 feet 6 inches is required, a 17 foot front yard setback where 20 feet is required, and 17 foot rear yard setback where 20 feet is required on 1.69 acres adjacent to the west side of Paniflow Street, approximately 100 feet south of Harris Avenue. A related Rezoning (ZON-15371) and Site Development Plan Review (SDR-15375) will be considered concurrently.

**EXECUTIVE SUMMARY**

The proposed multi-family development requests setback reductions in the front and rear yards. Additionally, reductions of the minimum planter widths are requested along three property lines and the buildings as proposed are too close to existing single-family properties to meet Residential Adjacency Standards. All of the inadequacies listed above are not in compliance with the R-3 (Medium Density Residential) development standards. Since the buildings could have been designed to conform to Zoning Code standards, the recommendation is for denial.

**BACKGROUND INFORMATION**

***A) Related Actions***

- 10/05/06      The Planning Commission recommended denial of companion item SDR-15375 and approval of ZON-15371 concurrently with this application.
- 10/05/06      The Planning Commission voted 4-3/ds/se/sd to recommend DENIAL (PC Agenda Item #16/ar).

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

- 07/07/06      At the pre-application meeting, staff informed the applicant of the setback, residential adjacency, and landscaping requirements of the proposed development. Staff also noted that there are parcel lines on this site which will need to be eliminated prior to any construction.

***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**

Gross Acres: 1.69

**B) Existing Land Use**

Subject Property: Undeveloped  
 North: Single Family Dwellings  
 South: Undeveloped  
 East: Apartments  
 West: Single Family Dwellings.

**C) Planned Land Use**

Subject Property: M (Medium Density Residential)  
 North: M (Medium Density Residential)  
 South: M (Medium Density Residential)  
 East: M (Medium Density Residential)  
 West: L (Low Density Residential)

**D) Existing Zoning**

Subject Property: R-E (Residence Estate)  
 North: R-E (Residence Estate)  
 South: R-E (Residence Estate)  
 East: R-3 (Medium Density Residential)  
 West: R-3 (Medium Density Residential)

**E) General Plan Compliance**

The subject property is located in the Southeast Sector of the General Plan and has a land use designation of M (Medium Density Residential). This designation allows up to 25 units per acre and a variety of multi-family housing options. The proposed zoning of R-3 (Medium Density Residential) is compatible with the land use designation.

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

**ANALYSIS**

**A) Zoning Code Compliance**

A1) Development Standards

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

<b>Standards</b>	<b>Required</b>	<b>Requested</b>	<b>Compliance</b>
Min. Lot Size	6500 Square Feet	1.69 Acres	Y
Min. Lot Width	N/A	148 Feet	Y
Min. Setbacks			
Front	20 Feet	17 Feet	N
Side (residential adjacency)	79 Feet 6 Inches	5 Feet	N
Rear	20 Feet	17 Feet	N
Max. Lot Coverage	N/A	28.7 %	Y
Max. Building Height	2 Stories /35 Feet	2 Stories/26 Feet Six Inches	Y*

The apartments proposed for this site do not comply with the Residential Adjacency Standards.

A2) Residential Adjacency Standards

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

- a) Proximity slope. Based on the heights of the buildings, a proximity slope setback of 79 feet six inches is required. One of the buildings is five feet from the side property line and does not comply with this standard.
- b) Building setback. Buildings in the north portion of this site are required to maintain a setback greater than or equal to that of the adjacent R-E zoned property, which is required to have a 10 foot side yard setback. One of the buildings is five feet from the side property line and does not comply with this standard.

A3) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	Ratio	Required		Provided	
		Parking		Parking	
		Regular	Handicap	Regular	Handicap
36 three-bedroom apartment units	two spaces per unit plus one guest space per unit	78	4	78	4

The proposed development meets the parking requirements of the zoning code.

A4) Landscape and Open Space Standards

Pursuant to Title 19.12, the following Landscape Standards apply to the subject proposal:

Standards	Required		Provided
	Ratio	Trees	
Parking Area	1 Tree/6 Spaces	13 Trees	0 Trees
Buffer:			
• Min. Trees			
North	1 Tree/20 Linear Feet	10 Trees	6 Trees
South	1 Tree/20 Linear Feet	10 Trees	6 Trees
East	1 Tree/20 Linear Feet	20 Trees	14 Trees
West	1 Tree/20 Linear Feet	18 Trees	11 Trees
• Min. Zone Width			
North		15 Feet	5 Feet
South		15 Feet	15 Feet
East		10 Feet	7 Feet
West		15 Feet	4 Feet

The proposed development does not meet the landscape standards of the Zoning Code.

**B) General Analysis and Discussion**

The variances requested are related to setbacks and the residential adjacency requirement. One of the buildings is located five feet from single family properties where 79 feet six inches is required, and the front and rear yard setbacks do not conform to R-3 (Medium Density Residential) standards. The buildings can be designed in a different configuration that allows for compliance with R-3 development standards; therefore, denial is recommended.

## **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 structure that is too close to adjacent residential development based on its height. Alternative design and building location would allow conformance to the Title 19 requirements. 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.

## **NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 11

**ASSEMBLY DISTRICT** 28

**SENATE DISTRICT** 2

**NOTICES MAILED** 75 by City Clerk

**APPROVALS** 0

**PROTESTS** 0