

**AGENDA MEMO**

CITY COUNCIL MEETING DATE: FEBRUARY 7, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - VAR-16525 - APPLICANT: RICHMOND
AMERICAN HOMES - OWNER: SCHNIPPLE FAMILY TRUS

THIS ITEM WAS HELD IN ABEYANCE FROM THE JANUARY 17, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

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

Planning and Development

1. Conformance to the conditions for General Plan Amendment (GPA-16511), Rezoning (ZON-16519), and Site Development Plan Review (SDR-16522) if approved.
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.
3. The applicant shall make a contribution To Whom It May Concern: the City of Las Vegas Parks CIP Fund in the amount of \$88,380 to be utilized by the City Council for improvements to existing public parks nearby. This contribution must be made to Land Development prior to approval of a Final Map; otherwise the developer is still required to comply with the Open Space requirement in accordance with Title 19 of the Las Vegas Municipal Code.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting to provide 33,226 square feet of open space where 55,321 square feet is the minimum amount of open space required. This is a 40 percent deviation from requirements. The open space does not provide an adequate amount of useable space and is primarily a buffer between the proposed development and adjacent properties. The nearest park is approximately one mile from the site. This is considered a self-imposed hardship and denial of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
04/28/05	The Planning Commission tabled at the request of the applicant an application for a Rezoning (ZON-5669) from R-1 (Single-Family Residential) to C-1 (Limited Commercial) on the subject property. Staff recommended approval.
11/16/05	The City Council approved a General Plan Amendment (GPA-7678) from SC (Service Commercial) to MLA (Medium-Low Attached Density Residential); a Waiver (WVR-9060) of Title 18.12.160 to allow 88 feet between street intersections where 220 feet is the minimum separation required; a Site Development Plan Review (SDR-9061) for a 50-lot, single-family residential development; and a Rezoning (ZON-9058) from R-1 (Single Family Residential) to R-PD8 (Residential Planned Development - 8 Units per acre). The Planning Commission and staff recommended approval.
12/01/05	The Planning Commission Approved a Tentative Map (TMP-9764) for a 50-lot, single-family residential subdivision. Staff recommended approval.
11/16/06	The Planning Commission recommended denial of companion items GPA-16511, ZON-16519 and SDR-16522 concurrently with this application.
11/16/06	The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #9/ng)..
<i>Related Building Permits/Business Licenses</i>	
There are no building permits or business licenses related to this application.	
<i>Pre-Application Meeting</i>	
08/14/06	A pre-application meeting was held and the following items were noted. A bus turnout and drainage study is required. The General Plan change was discussed. A knuckle deviation would be necessary. The homes would be sprinkled.

<i>Neighborhood Meeting</i>	
09/26/06	A neighborhood meeting was held at Brinley Middle School, 2480 Maverick Street, Las Vegas, Nevada. In attendance were the applicant, one staff member, and one member of the public. Concerns regarding the density of the project, lack of open space, and an increase in traffic were discussed.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	6.19
Net Acres	5.33

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	ML (Medium-Low Density Residential)	R-1 (Single-Family Residential) Zone under Resolution of Intent to R-PD8 (Residential Planned Development - 8 Units per Acre) Zone
North	Storage	LI/R (Light Industry/Research)	C-M (Commercial/Industrial)
South	Single-Family Residential	ML (Medium-Low Density Residential)	R-CL (Single-Family Compact-Lot)
East	Single-Family Residential	ML (Medium-Low Density Residential)	R-CL (Single-Family Compact-Lot)
West	Convenience Store Single-Family Residential	SC (Service Commercial)	C-1 (Limited Commercial) R-E (Residence Estates)

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

DEVELOPMENT STANDARDS

Per Title 19.12 the following Landscape Standards apply:

<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>		
Buffer: Min. Trees	1 Tree/30 Linear Feet	69 Trees	96 Trees	Y
Min. Zone Width	6 Feet		6 Feet	Y
Wall Height	6 Feet		6 Feet	Y

<i>Open Space</i>							
<i>Total Acreage</i>	<i>Density</i>	<i>Required</i>			<i>Provided</i>		<i>Compliance</i>
		<i>Ratio</i>	<i>Percent</i>	<i>Area</i>	<i>Percent</i>	<i>Area</i>	
6.19 Acres	12.44	1.65	20.53	1.27 Acres or 55,321 SF	12.28	0.76 Acres or 33,226 SF	N

ANALYSIS

The open space for the proposed development does not meet Title 19.06 requirements as designed. The open space provided for the proposed development is used primarily as a buffer between this property and adjacent uses and does not include an adequate amount of useable open space. Amenities for children or other recreational areas are not provided. The nearest park is approximately one mile south of the proposed development. The provided open space constitutes a 40 percent deviation from standards. The lack of required open space is considered a self-imposed hardship and denial of this request 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 through the applicants design choices. Alternative design 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 3

ASSEMBLY DISTRICT 7

SENATE DISTRICT 4

NOTICES MAILED 356 by City Clerk

APPROVALS 0

PROTESTS 0