



## AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 20, 2007  
DEPARTMENT: PLANNING AND DEVELOPMENT  
ITEM DESCRIPTION: VAR-20782 - APPLICANT/OWNER: PEDRO GARCIA

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

The Planning Commission (5-1/bg vote) and staff recommend APPROVAL, subject to:

#### Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-20783), Waiver (WVR-21491) and Site Development Plan Review (SDR-20780) shall be required, 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.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Variance to allow a rezoning of a property that is less than five acres to an R-PD (Residential Planned Development) zoning district on 1.16 acres at 4881 Donald Road. The project proposes to subdivide the existing single family lot into a five-lot residential subdivision.

The proposed rezoning to the R-PD4 (Residential Planned Development Four Units per Acre) zoning district is consistent with the ML (Medium Low Density Residential) General Plan designation. The project represents an infill development that is consistent with the objectives of the General Plan and compatible with neighboring approvals. For these reasons this variance request is appropriate and approval of this request is recommended.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
05/24/07	The Planning Commission recommended approval of companion items ZON-20783, WVR-21491 and SDR-20780 concurrently with this application.  The Planning Commission voted 5-1/bg to recommend APPROVAL (PC Agenda Item #6/rts).
<b><i>Related Building Permits/Business Licenses</i></b>	
07/13/94	A building permit application, plan check R-0157-94, was submitted for the site. This was for a plan check review for a single family dwelling at 4881 Donald Road. This permit (94346003) was reviewed and approved by the Planning and Development Department on 07/20/94 and issued by the Building and Safety Department 08/30/94. Project listed as completed on 03/28/95.
<b><i>Pre-Application Meeting</i></b>	
03/01/07	A pre-application meeting was held and elements of this application were discussed. It was noted that this site has a ML (Medium Low Density Residential) General Plan designation. Submittal requirements were discussed.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required for this application, nor was one held.	
<b><i>Field Check</i></b>	
04/06/07	The Department of Planning and Development conducted a site visit that found that this was a developed site that has a single family, detached home that is a single story high. The site includes mature trees and front lawn area with a walled in area in the rear.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	1.16

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Single Family, Detached	ML (Medium Low Density Residential)	R-E (Residence Estates)
North	Single Family, Detached	ML (Medium Low Density Residential)	R-PD3 (Residential Planned Development 3 Units per Acre)
South	Single Family, Detached	ML (Medium Low Density Residential)	R-E (Residence Estates)
East	Single Family, Detached	ML (Medium Low Density Residential)	R-E (Residence Estates)
West	Undeveloped	L (Low Density Residential)	R-E (Residence Estates) under Resolution of Intent to R-1 (Single Family Residential)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>		X	n/a
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>		X	n/a
<b>Trails</b>		X	n/a
<b>Rural Preservation Overlay District</b>	X		N*
<b>Development Impact Notification Assessment</b>		X	n/a
<b>Project of Regional Significance</b>		X	n/a

\* The proposed density will exceed the two units per acre called for by the Rural Preservation Overlay District. This location has a ML (Medium Low Density Residential) General Plan Designation and there are approved developments to the north and west that are of comparable densities.

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.08, the following development standards apply:*

<i>Standard</i>	<i>Proposed *</i>
Min. Lot Size	6,926 Square Feet
Min. Lot Width	60 Feet
Min. Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Corner</li> <li>• Rear</li> </ul>	18 Feet 5 Feet 10 Feet 15 Feet
Max. Lot Coverage	n/a
Max. Building Height	2 Stories/35 Feet (which ever is less)

\* Pursuant to Title 19.08.040 (C)(4), the development standards for a project shall be established by the approval of an R-PD (Residential Planned Development) District and the approved Site Development Plan as described in Subchapter 19.18.050. Development standards shall include minimum front, side and rear setbacks, maximum building heights, wall and fence design and heights, parking standards, landscaping and other design and development criteria. Any future development will require review for determination of appropriate development standards.

<b>Existing Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
R-E	2.0 du/ac	2 du/ac
<b>Proposed Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
R-PD4	4.49 du/ac	5 du/ac
<b>General Plan</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
ML	5.6 8 du/ac	9 du/ac

*Pursuant to Title 19.04 and 19.10, the following parking standards apply:*

<b>Parking Requirement</b>					
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Parking Ratio</i>	<i>Required</i>		<i>Compliance</i>
			<i>Parking</i>		
			Regular	Handicapped	
Single Family, Detached	5-Lots	2 Spaces / SFD	10 Spaces	0 Spaces	
<b>TOTAL</b> (including handicap)			10 Spaces		Indeterminate *

- \* There are no floor plans proposed at this time for this development as it is the applicants stated intention that the lots will be custom homes. A standard condition of approval appears in the Site Development Plan Review (SDR-20780) requiring all City Code requirements and design standards of all City Departments must be satisfied. This would include the above parking standard.

## **ANALYSIS**

Per Title 19.06.040, R-PD (Residential Planned Development) developments require a minimum site size of five acres. The applicant is requesting relief from this requirement to allow a site area of 1.16 acres. Under similar circumstances, the comparable Zoning district of R-1 (Single Family Residential) would require a Variance for setbacks. In addition, the proposed development is in compliance with the maximum density allowed for the General Plan Land Use Designation of ML (Medium Low Density Residential), and provides a good buffer between a higher density single-family development approved to the west and larger single-family lots to the east. Finally, per Title 19.06.040(A): Any additional tract which contains less than the minimum site area, but which is contiguous to property previously zoned R-PD, may also be zoned R-PD by the City Council if it otherwise qualifies for the R-PD zoning designation. Although the section continues to add the condition that, Both such properties must be owned by or be under the control of the same property owner. While not under common ownership or control there have been previous R-PD (Residential Planned Development) developments approved on the adjacent property to the west and built to the north, staff feels that the adjacent approvals are a contributing factor in supporting this variance request. In light of these circumstances staff is recommending approval.

## **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** 2

**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 241 by City Clerk

**APPROVALS** 0

**PROTESTS** 0