



## AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 20, 2007  
DEPARTMENT: PLANNING AND DEVELOPMENT  
ITEM DESCRIPTION: VAR-19672 - APPLICANT: TCR-SOUTHWEST - OWNER:  
COHEN 1969 TRUST

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

Staff recommends DENIAL. The Planning Commission (5-0-1/rt vote) recommends APPROVAL, subject to:

#### Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-19673) and Site Development Plan Review (SDR-19670) 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**

The project is a request for a Variance to allow 68,875 square feet of open space where 115,869 square feet is required for a proposed 161-unit multi-family residential subdivision on 6.30 acres at 3132 North Jones Boulevard, southeast of the intersection of North Jones Boulevard at West Cheyenne Avenue. No physical site constraints prevent the project design from complying with the openspace requirements. Furthermore, the project will not conform to the underlying zone and General Plan. Staff recommends denial of the request.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
09/06/06	The City Council considered a request for a General Plan Amendment (GPA-14354), Rezoning (ZON-14356), and Site Development Plan Review (SDR-14352) for a proposed 161-unit condominium development on 7.1 gross acres at 3132 North Jones Boulevard. Planning Commission and staff recommended denial. City Council approved the project subject to conditions.
10/27/97	The City Council approved a Rezoning (Z-86-97) from U (Underdeveloped) Zone [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) for development of a 16,708 square foot drugstore. Planning Commission and Staff recommended approval.
06/15/94	The City Council considered a request for reclassification (Z-41-94) of property located on the southeast corner of Cheyenne Avenue and Jones Boulevard from N-U (Non-Urban) to C-1 (Limited Commercial). City Council, Planning Commission, and staff recommended approval.
05/24/07	The Planning Commission recommended approval of companion items ZON-19673 and SDR-19670 concurrently with this application.  The Planning Commission voted 5-0-1/rt to recommend APPROVAL (PC Agenda Item #31/ja).
<b><i>Related Building Permits/Business Licenses</i></b>	
None	
<b><i>Pre-Application Meeting</i></b>	
01/24/07	A Pre-Application conference was held with the applicant and staff advised of the openspace requirements.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required for this application type nor was one held.	

<b>Details of Application Request</b>	
<b>Site Area</b>	
Gross Acres	7.36 acres
Net Acres	6.30 acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Vacant	M (Medium Density Residential)	C-1 (Limited Commercial) under ROI (ZON-14356)
North	Commercial and Parking	SC (Service Commercial)	C-1 (Limited Commercial)
South	Multi-family Residential	U (Undeveloped) M (Medium Density Residential)	U (Undeveloped) M (Medium Density Residential)
East	Single Family Residential	Single Family Residential	Unincorporated Residential area
West	Vacant lot and Commercial	SC (Service Commercial)	C-1 (Limited Commercial), U (Undeveloped) SC (Service Commercial)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>			
R-PD (Residential Planned Development) District	X		Y
A-O (Airport Overlay) District	X		Y
<b>Trails</b>		X	Y
<b>Rural Preservation Overlay District</b>		X	Y
<b>Development Impact Notification Assessment</b>		X	Y
<b>Project of Regional Significance</b>		X	Y

**DEVELOPMENT STANDARDS**

<b>Standard</b>	<b>Requested R-PD</b>
Min. Lot Size	NA
Min. Lot Width	300 feet

Min. Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Corner</li> <li>• Rear</li> </ul>	20 feet  5 feet (south property line, 25 (along private road) 20 feet (along Cheyenne Avenue) 20 feet
Min. Distance Between Buildings	20 feet
Max. Building Height	3 stories/40 feet

*In accordance with Title 19 Section 19.08.060 the following Residential Adjacency Standards apply to the project:*

<b>Residential Adjacency Standards</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
3:1 proximity slope	<u>East Property Line</u> 120 feet 69 feet <u>West Property Line</u> 120 feet	<u>East Property Line</u> 120 feet 80 feet <u>West Property Line</u> 120 feet	 Y Y Y
Adjacent development matching setback	YES	YES	Y
Trash Enclosure	50 feet	120 feet 75 feet 127 feet	Y

*Pursuant to Title 19 Section 19.12 the following landscape standards apply:*

<b>Landscaping and Open Space Standards</b>				
<b>Standards</b>	<b>Required</b>		<b>Provided</b>	<b>Compliance</b>
	<b>Ratio</b>	<b>Trees</b>		
Parking Area	1 Trees/6 Space	17 islands with 17 Trees	19 island with 19 trees	Y
Buffer: Min. Trees	1 Trees/20 Linear Feet	98 Trees	90	N
<b>TOTAL</b>				
Min. Zone Width	10 Feet along Public Right-of-Way 6 feet along interior lot lines		15 feet 6 feet	Y
Wall Height	4 Feet with top 2 feet open visibility along front property line 8 Feet along interior lot lines		Unknown	N

Pursuant to Title 19 Section 19.06.040 the following open space standards apply:

<b>Open Space R-PD only</b>							
<b>Total Acreage</b>	<b>Density</b>	<b>Required</b>			<b>Provided</b>		<b>Compliance</b>
		<b>Ratio</b>	<b>Percent</b>	<b>Area</b>	<b>Percent</b>	<b>Area</b>	
6.30 acres (274,428 square feet)	25.5 du/acre	1.65	42%	115,869 square feet (2.66 acres)	25%	68,824 square feet (1.58 acres)	N*

Pursuant to Title 19.10, the following parking standards apply:

<b>Parking Requirement</b>							
<b>Use</b>	<b>Gross Floor Area or Number of Units</b>	<b>Parking Ratio</b>	<b>Required</b>		<b>Provided</b>		<b>Compliance</b>
			<b>Parking</b>		<b>Parking</b>		
			<b>Regular</b>	<b>Handi-capped</b>	<b>Regular</b>	<b>Handi-capped</b>	
Multi-Family Residential	Studio and One Bedroom Units - 75 units	1.25 spaces per unit	94		94		Y
	Two Bedroom Units - 70 units	1.75 spaces per unit	122		122		Y
	Three Bedroom and Above Units - 15 units	Two spaces per unit	30		30		Y
Guest parking	161 units	1 guest space for every 6 units	27		32		Y
<b>SubTotal</b>			273		278		Y
<b>ADA Accessible</b>	3 units	1 space for each ADA accessible unit		3		5	Y
<b>TOTAL</b>			273		278		Y

Loading Spaces							
Percent Deviation							

**ANALYSIS**

The project will result in a Residential Planned (Multi-Family) Development composed of 161 1, 2, and 3 bedroom units with associated landscape and hardscape improvements on a 6.30 net acre site. The project site is bounded by Jones Boulevard to the west, a thru street/drive north and west of the site between an existing commercial/retail structure and the project site; Cheyenne Avenue to the north, Rowland Street and Clark County residential land to the east, and multi-family residential development to the south.

- **General Plan and Zoning**

The project site is zoned as U (Undeveloped) M (Medium Density Residential) General Plan Designation] Zone under Resolution of Intent to R-PD25 (Residential Planned Development - 25 units per acre Zone). The proposed zone change to R-PD25 (Residential Planned Development - 25 Units Per Acre) which is consistent with the allowable density (25.49 Units Per Acre) for the Medium Density Residential Land Use category is being considered with this request. Per Title 19.06 the R-PD (Residential Planned Development) District is intended to provide for flexibility and innovation in residential development, with an emphasis on enhanced amenities, efficient utilization of open space, the separation of pedestrian and vehicular traffic, and homogeneity of land use patterns.

While the density of the proposed development meets the requirements of the M (Medium Density Residential) Land Use Designation, the lack of open space for the development fails to meet the requirements of the Residential Planned Development category and therefore is not considered to meet the intent of the General Plan.

- **Site Plan/Openspace Requirement**

Residential planned developments containing 12 or more dwelling units require compliance with the openspace and common recreational facilities allocation requirement of Title 19.06.040. The project site plan proposes 68,824 square feet (1.58 acres) of openspace where 2.66 acres (115,869 square feet) is required (42 percent deficiency). The project site is a flat parcel that does not possess any topographical constraints. Additionally no unique site conditions exist which precludes the project from implementing code requirements. The deviation from the standard is 60 percent. Staff does not support the Variance request as the proposal is significantly deficient in required openspace and therefore recommends denial.

## **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 development with inadequate openspace. A project alternative that reduces the number of units would allow conformance to 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 5**

**ASSEMBLY DISTRICT 1**

**SENATE DISTRICT 3**

**NOTICES MAILED 293 by City Clerk**

**APPROVALS 0**

**PROTESTS 1**