



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 11, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-21139 - APPLICANT/OWNER: AHP OF NEVADA, INC.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for General Plan Amendment (GPA-20466), Rezoning (ZON-20470), Special Use Permit (SUP-20471) and Site Development Plan Review (SDR-20468) 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

The project is a request for a Variance to allow a proposed convalescent care center to be setback 30 feet from a residential property line where the Residential Adjacency Standards requires a proximity slope setback of 66 feet for a 22-foot high building. The project is located on a vacant 3.99 acre site located at 3450 North Buffalo Drive, adjacent to the southeast corner of Delhi Avenue and Tioga Way.

The project height of 22 feet will not fall within the proximity slope limit required under Title 19.08 - Residential Adjacency Standards. Staff considers the expansion to be excessive and as such recommends denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
3/25/1997	The Board of Zoning Adjustment considered and approved an Extension of Time (No. A-35) for an approved Special Use Permit allowing a convalescent care facility at the east side of Buffalo Drive bounded by Ruby Valley and Tioga Way. Staff recommended approval.
12/19/1996	The project site was incorporated into the city as part of an Annexation (A-0022-96) and was approved by the Planning Commission for an approximately 2.5 acre area of land.
9/26/1996	The project site was incorporated into the city as part of an Annexation [A-0010-96(A)] and was approved by the Planning Commission for an approximately 2.5 acre area of land.
06/14/07	The Planning Commission recommended approval of companion items GPA-20466, ZON-20470, SUP-20471 and SDR-20468 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #15/ja).
<i>Related Building Permits/Business Licenses</i>	
7/17/2001	An business license was issued by Business Licensing for a Cosmetology Establishment (B05-02813-6-09383). The license is currently active.
11/13/1998	An active business license was issued by Business Licensing for a Nursing Home (N04-00009-2-081886). The license is currently active.
<i>Pre-Application Meeting</i>	
02/13/2007	A Pre-application meeting was held with the applicant and Planning staff advised of the General Plan, Zoning, and Special Use Permit requirements applicable to the proposed project.

Neighborhood Meeting	
A neighborhood meeting is not required for this type of application nor was one held.	

Details of Application Request	
Site Area	
Net Acres	3.99

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Convalescent Care	Rural Density Residential (General Plan Designation)	U (Undeveloped) [R (Rural Density Residential) General Plan Designation] Proposed to R-3 (Medium Density Residential)
North	Private School	Rural Density Residential	Clark County/ R-E (Rural Estates)
South	Single-family Residential and Commercial Office	Rural Density Residential	Clark County/ R-E (Rural Estates)
East	Single-family Residential	Rural Density Residential	Clark County/ Single-family Residential
West	Single-family Residential	Medium Low Density Residential	U (Undeveloped) [ML (Medium Low Density Residential) General Plan Designation]

Special Districts/Zones	Yes	No	Compliance
Special Area Plan			
Centennial Hills	X		Y
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District	X		Y
Northwest Openspace	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

The following residential development standards apply per Title 19.08:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6,500	94,733	Y
Min. Lot Width	NA	NA	Y
Min. Setbacks <ul style="list-style-type: none"> • Front • Side • Corner • Rear 	20 feet 5 feet 5 feet 20 feet	120 feet 30 feet 81 feet 64 feet	Y
Min. Distance Between Buildings	10	NA	Y
Max. Lot Coverage	NA	NA	Y
Max. Building Height	2 stories or 35 feet, lesser of the two	22 feet tall with 30 foot setback	N
Trash Enclosure	Yes	Yes	Y
Mech. Equipment	Yes	Yes	Y

Pursuant to Title 19.08.060, the following Residential Adjacency Standards apply:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	66 feet	30 feet	N
Adjacent development matching setback	35 feet	30 feet	N
Trash Enclosure	50 feet	60 feet	Y

ANALYSIS

Residential Adjacency

Single-family residential units within Clark County jurisdiction are situated along the southern boundary of the site. The structure will be situated on a pad that will be raised 3 feet above the existing grade resulting in a total building height of 22 feet. The building height is subject to the 3:1 proximity slope regulation which at the proposed project height of 22-feet requires a 66 foot setback from the property line bordering the residential use to the south. The project proposes a 30 foot setback from the residential property line and therefore will not meet the minimum set back requirements and proximity slope limitations imposed by Title 19.08 Residential Adjacency Standards (RAS). No topographical constraints exist on the property and as such staff considers the inability of the project to meet RAS a self imposed hardship. Staff recommendation is for 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 designing an expansion project that will not conform to Title 19.08 Residential Adjacency Standards. An alternative design reducing the project height and/or combined with a reduction in square footage will allow for 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 5

ASSEMBLY DISTRICT 37

SENATE DISTRICT 6

NOTICES MAILED 250 by City Clerk

APPROVALS 0

PROTESTS 0