



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 11, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-21238 - APPLICANT/OWNER: POULOS FAMILY TRUST, AND ASHTON BOYD FAMILY TRUST

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (4-2/bg/sd vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-21234), Vacation (VAC-21240), Variance (VAR-21239), and Site Development Plan Review (SDR-21236) 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

This is a request for a Variance to allow 220 parking spaces where 253 is the minimum required for a proposed 300-unit apartment building on 1.38 acres on the north side of Bridger Avenue between 9th Street and 10th Street. The request does not meet the criteria for the approval of variances, as the hardship is self-created and the applicant could revise the development to comply with parking requirements.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/04/61	The Board of City Commissioners approved a Special Use Permit (U-0032-60) for an office at 227 South 9th street.
10/01/03	The City Council approved a request to Amend the City of Las Vegas Downtown Development Plan Map (Map 9) of the Las Vegas Redevelopment Plan from Industrial to Commercial and from Industrial to Mixed Use for properties bounded by Charleston Boulevard to the north, Third Street to the east, Commerce Street to the west and Colorado Street to the south.
12/07/06	The Planning Commission approved the following requests: a Rezoning (ZON-17740) from R-4 (High Density Residential) to R-5 (Apartment); a Vacation (VAC-17744) of a portion of an existing alley generally located north of Bridger Avenue, 140 feet east of Tenth Street; a Variance (VAR-17741) to allow 150 parking spaces where 425 spaces are required ; a Variance (VAR-17742) to allow an eight-foot setback from the north property line where the residential adjacency standards require a setback of 198 feet and to allow trash enclosures to be 10 feet from residential property where a 50-foot minimum setback is required; a Variance (VAR-17743) to allow a zero-foot setbacks from the east, west, and south property lines where 20 feet, 10 feet, five feet are the minimum setbacks required to allow a building height of 66 feet where 55 feet is the maximum height allowed; and a Site Development Plan Review (SDR-17745) for a on 1.38 acres on the north side of Bridger Avenue between 9th Street and 10th Street. These items were withdrawn from the 2/07/07 City Council meeting.
06/14/07	The Planning Commission recommended approval of companion items ZON-21234, VAR-21239, VAC-21240 and SDR-21236 concurrently with this application. The Planning Commission voted 4-2/bg/sd to recommend APPROVAL (PC Agenda Item #19/mh).

<i>Pre-Application Meeting</i>	
08/18/06	The requirements for a rezoning application were reviewed. Issues regarding the specific changes stemming from the revisions to the previous five applications heard at the 12/07/06 Planning Commission meeting were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	
<i>Field Check</i>	
4/19/07	A Field Check was made with the following observations: 1. The proposed vacation will cut off access from an actively used alley. However, the majority of that use stems from the apartments to be redeveloped. 2. The proposal is similar with an existing apartment building but is out of context regarding size and massing with the immediate surrounding neighborhood. 3. The site is within short distance of a similar project at 811 Bridger Avenue, which seems to be a functional apartment building with no observable issues from the street regarding off-site parking.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.38 Acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Offices, multi-family dwellings, single family dwellings.	Mixed Use	R-4
North	Single family dwelling	Mixed Use	R-4
South	Apartments	Mixed Use	R-4
East	Apartments	Mixed Use	R-4
West	Apartments and Non-profit organization	Mixed Use	C-V and C-2

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan		X	NA
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	
Trails	X		Y
Rural Preservation Overlay District		X	
Development Impact Notification Assessment		X	
Project of Regional Significance		X	

- **Redevelopment Area**

The subject site is located within the Downtown Redevelopment Area, where special funding may be available for proposed projects. Developments are subject to all requirements of Title 19.

- **Trails**

The Master Plan Transportation Trails Element depicts a trail along 9th Street adjacent to this site. If this trail is constructed, it will be constructed by the city, and therefore the applicant is not required to show the trail on the submitted plans.

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Multi-family: Studio & 1BR	300 units	1.25 spaces per unit plus one guest space for every six units	375 spaces	9 spaces	220 spaces	9 spaces	N
Guest Spaces	300 units	1 space per 6 units	50 spaces				
TOTAL			425 spaces	9 spaces	220 spaces	9 spaces	N*
Percent Deviation					48 %		

ANALYSIS

Comparison of the most recent application versus current proposal:		
	Approved per SDR-17745	Proposed per SDR-21236
Project Description	300 unit, 66 foot high, six story apartment building	300 unit, 62 foot high, six story apartment building
Zoning	R-5 (Apartment)	R-5 (Apartment)
Parking	150 spaces where 425 required	220 spaces where 425 required

The applicant has requested this Variance to allow 220 parking spaces on this site where 425 are required. The provided parking for this site does not meet the on-site parking requirements for Studio and one bedroom Multi-family and Condominium Developments as listed in Table 1 of Title 19.10.010 (F).

Because there is no hardship associated with this site, and because staff finds that this proposed development is too intense for the subject property, staff is recommending denial of this parking variance. As part of this development, the applicant is proposing to vacate a portion of an existing 20-foot wide public alley that currently bisects this site and connects Carson Avenue and Bridger Avenue. In order to mitigate the vacation of this portion of the alley, the applicant proposes to construct a new alley, which will connect the un-vacated portion of the existing alley to Tenth Street.

Because staff is recommending denial of the rezoning, site development plan review, Variance to design standards, and the alley vacation associated with this development, staff is recommending denial of the Variance from parking standards.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), the 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 19.18.070(L) 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 not providing the required number of parking spaces for the prospective uses. The provision of additional parking spaces or a reduction in the number of apartments 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 15

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 127 by City Clerk

APPROVALS 5

PROTESTS 1