

AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 11, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-21239 - 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-21238), 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 application is a request for a Variance to allow a six-story, 62-foot tall apartment building where the Title 19.08 Design Standards allow a maximum height of 55 feet and five stories. Additionally, the applicant is requesting that no front yard setback be provided where a 10-foot setback is required, that no rear yard setback be provided where a 20-foot setback is required, and that no corner side yard setback be provided where a five-foot setback is required. The proposed apartment building is located at the northwest corner of 10th Street and Bridger Avenue and the northeast corner of 9th Street and Bridger Avenue over six existing parcels for total site acreage of 1.38 acres.

In addition to this Variance request, the applicant has requested an associated Rezoning (ZON-21234), Vacation (VAC-21240), parking Variance (VAR-21238), and Site Development Plan Review (SDR-21236). As the proposed design is more intense than the existing residential development on this block and requires multiple Variances and Waivers, staff recommends denial.

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	<p>The Planning Commission recommended approval of companion items ZON-21234, VAR-21238, VAC-21240 and SDR-21236 concurrently with this application.</p> <p>The Planning Commission voted 4-2/bg/sd to recommend APPROVAL (PC Agenda Item #20/mh).</p>
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Pre-Application Meeting

08/18/06	<p>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.</p>
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Neighborhood Meeting

A neighborhood meeting was not required, nor was one held.

Field Check

4/19/07	<p>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.</p>
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Details of Application Request

Site Area	
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

Special Districts/Zones	Yes	No	Compliance
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 19.08, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	7,000 square feet	1.38 acres	Y
Min. Lot Width	N/A	180 feet	Y
Min. Setbacks			
• Front (west)	10 Feet	0 Feet	N
• Side (north)	5 Feet	8 Feet	Y**
• Corner (south)	5 Feet	0 Feet	N
• Rear (east)	20 Feet	0 Feet	N
Min. Distance Between Buildings	N/A	1 building	Y
Max. Lot Coverage	N/A	81 %	Y
Max. Building Height	5 Stories or 55 Feet	62 Feet	N***

**This setback complies with the R-5 standards, but does not comply with the Residential Adjacency Standards. This issue will be considered under a Waiver request as permitted by 19.08.060(B)5b.

Pursuant to Title 19.08.06, the following standards apply:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	162 feet from north property line	10 feet	N*
Adjacent development matching setback	5 feet	8 feet	Y
Trash Enclosure	50 feet from north property line	50 Feet	Y

*The Residential Adjacency Setback deficiency will be considered under a Waiver request associated with SDR-21236

ANALYSIS

<i>Comparison of the most recent application versus current proposal:</i>		
	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)
Density		
- Max. Allowed by Zoning	>25.50 du/ac	>25.50 du/ac
- Requested per the Project	217.39 du/ac	217.39 du/ac
Building Footprint	48,111 SF	48,111 SF
Building Heights		
- Elevation Height	66 Feet	62 Feet
- Number of Stories	6-Stories	6-Stories
Residential Adjacency Setback	8 feet where 198 feet required	10 feet where 186 feet required
Setbacks Allowed		
- Front	0 feet where 10 feet required	0 feet where 10 feet required
- Side	0 feet where 5 feet required	10 feet where 5 feet required
- Corner Side	0 feet where 5 feet required	0 feet where 5 feet required
- Rear	0 feet where 20 feet required	0 feet where 20 feet required
Landscape Buffer Widths		
- North	5 feet	5 feet
- South (Bridger)	4 feet	4 feet
- East (9 th)	0 feet	0 feet
- West (10 th)	10 feet	10 feet

The site is currently developed with two apartment buildings, two single-family dwellings, and an office building. The applicant proposes to demolish these structures and construct a 300-unit apartment building. The applicant has requested this Variance to allow the building to be zero feet from the west property line where ten feet is the minimum setback required, zero feet from the east property line where 20 feet is the minimum setback required, and zero feet from the south property line where five feet is the minimum setback required. Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's setback standards, staff is recommending denial of these setback variances.

The applicant has also requested a Variance to allow a building height of 62 feet where the R-5 (Apartment) zoning District standards allow a maximum height of 55 feet. Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's height requirements, staff is recommending denial of this variance.

Additionally, the proposed apartment building does not comply with the Residential Adjacency Standards. However; as this proposal meets the criteria for a Waiver per Title 19.08.060(B)5b, this issue will be considered under a Waiver request to the associated Site Development Plan Review (SDR-21236).

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 designing a project that does not comply with the setback and height 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 0

PROTESTS 0