



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 10, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - VAR-23661 - APPLICANT: NOELLE SORELL -
OWNER: ST THOMAS CATHOLIC CHURCH

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for General Plan Amendment (GPA-22587), Rezoning (ZON-23373), and Site Development Plan Review (SDR-23377) 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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The application is a request for a Variance from the Title 19.06.04(A) requirement to allow a 2.49 acre parcel to be rezoned to an R-PD (Residential Planned Development) zoning district where a five acre parcel is the minimum allowable size for Rezoning. The subject property is located at the southeast corner of Roberta Lane and Apricot Lane. An associated General Plan Amendment (GPA-22587), Rezoning (ZON-23373), and Site Development Plan Review (SDR-23377) for an 11-lot single family detached residential development accompany this request.

Staff has recommended denial of this Variance request as it is a self-imposed hardship that is part of an overall development that has been determined to be incompatible with the properties adjacent to the east, west, and south.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
4/14/06	The City of Las Vegas annexed (ANX-10579) 2.5 acres generally located on the southeast corner of Roberta Lane and Apricot Lane.
12/07/06	The Planning Commission accepted a request from the applicant to Withdraw without Prejudice an application for a Site Development Plan Review (SDR-16849) and related Special Use Permit (SUP-16850) for an 11,590 square foot church with Waivers of perimeter landscape buffers on a 2.5 acre site.
7/26/07	The Planning Commission accepted a request to abey this item until the 9/13/07 Planning Commission Meeting.
9/13/07	The applicant requested to table this item until the 9/27/07 Planning Commission Meeting.
9/27/07	The applicant requested to table this item until the 12/06/07 Planning Commission Meeting in order to meet with the neighbors regarding the design of the proposal.
12/06/07	The applicant requested to table this item until the 1/10/08 Planning Commission Meeting in order to revise the renderings of the proposal.
12/12/07	Planning and Development staff contacted the applicants representative and suggested revisions to the site plan. Staff also offered to meet with the applicant. As of this date, the applicant has not submitted revised plans or called to set up a meeting with staff.
<i>Related Building Permits/Business Licenses</i>	
There are no Building Permits or Business Licenses affiliated with the subject site.	

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Pre-Application Meeting	
4/16/07	A pre-application meeting was held by Planning staff with the applicant to explain the submittal requirements for a General Plan Amendment, Variance, Rezoning, and Site Development Plan Review needed to develop 11 single family units on 2.49 acres.

Details of Application Request	
Site Area	
Gross Acres	2.49 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	R (Rural Density Residential)	U (Undeveloped) [R (Rural Density Residential)]
North	Single-family Residential	R (Rural Density Residential)	R-PD6 (Residential Planned Development 6 Units Per Acre)
South	Clark County - Rural residential	R (Rural Density Residential)	Rural Residential
East	Clark County - Rural residential	R (Rural Density Residential)	Rural Residential
West	Clark County - Rural residential	R (Rural Density Residential)	Rural Residential

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	NA
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts		X	NA
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

Field Check	
6/21/07	A site visit was conducted to the site and the property is an undeveloped dirt lot surrounded by low density residential to the south, east, and west, and medium low density residential to the north.
Neighborhood Meeting	
6/28/07	A neighborhood meeting was held by the applicant and was attended by 13 members of the public, Councilman Barlow (Ward 5), a representative from the Planning and Development Department, and two applicants. Project concerns were voiced by the public in regards to lot size, building height, site access, traffic impacts, and a request to age restrict any proposed future community development.

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ANALYSIS

Pursuant to Title 19.08.040, the minimum site area that is required for rezoning to the R-PD (Residential Planned Development) Zoning District is five acres. Since the subject property contains 2.49 acres, the applicant is requesting a Variance to reduce the five-acre minimum lot size to permit the Rezoning (ZON-23373) of the site to the R-PD11 (Residential Planned Development 11 Units per Acre) Zoning District. Without the approval of a Variance, it is not possible for the property to develop in the manner proposed. Although this is an infill parcel and no additional land is available, an alternative design with reduced density would allow the development of eight lots in the R-D (Single Family Residential-Restricted) standardized zoning district versus the proposed 11-lot single family Residential Planned Development subdivision.

Because the applicant is seeking to remedy a self-imposed hardship with the proposed Rezoning of an inadequately sized parcel, staff recommends denial.

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 selecting a 2.49 acre property for a Residential Planned Development where a five acre or larger property is required. An alternative site or a development of 8.9 units per acre 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.

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