



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MAY 22, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - VAR-27287 - APPLICANT: THE ASTORIA CORPORATION - OWNER: ASTORIA ALEXANDER, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to the Conditions of Approval for Major Modification (MOD-8637), Variances (VAR-8636, VAR-9903 and VAR-12913), Waiver (WVR-8638), and Site Development Plan Review (SDR-8635) 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.

VAR-27287 - Staff Report Page One
May 22, 2008 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a parking Variance in connection with an approved 30-acre, 371-lot single family residential subdivision located at the southwest corner of the I-215 Beltway and Alexander Road. This subdivision is partially built-out, with 291 lots remaining vacant. The applicant is proposing to reduce the number of allowed parking spaces from 557 to 432 in order to introduce four new model homes to subdivision. These four model homes will contain a single car garage, where the applicant currently offers a mix of single-car and two-car garage homes. The amount of parking currently allowed reflects a previously approved reduction from Title 19.04 standards. A Variance (VAR-8962) was approved as a companion item to the original Site Development Plan Review (SDR-8635) of this subdivision to allow 557 parking spaces where 742 were required by Title 19.04. While the applicant is adding a greater variety of housing options to the community, staff finds that the request for a reduction in parking will encourage on-street parking which can create sight visibility issues, safety hazards and an irreversible community parking shortage; therefore, staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
07/05/01	The City Council approved a request for Rezoning (Z-0028-01) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) Zone on approximately 10 acres located on the north side of the Gilmore Avenue alignment and on the west side of the beltway alignment. The Planning Commission and staff recommended approval.
10/01/03	The City Council approved a request for an Extension of Time (EOT-2622) on an approved Rezoning (Z-0028-01) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) on 9.14 acres adjacent to the north side of the Gilmore Avenue alignment, west of the Western Beltway alignment. The Planning Commission and staff recommended approval.
07/06/05	The City Council approved a request for an Extension of Time (EOT-6738) on an approved Rezoning (Z-0028-01) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) on 9.14 acres adjacent to the north side of the Gilmore Avenue alignment, west of the Western Beltway alignment. The Planning Commission and staff recommended approval.

VAR-27287 - Staff Report Page Two
May 22, 2008 - Planning Commission Meeting

11/02/05	The City Council approved a Major Modification (MOD-8637) to the Lone Mountain West Master Development Plan to amend section 2.3.4 Medium-Low Density Residential to allow 3-story dwellings where 2 stories is the maximum allowed and to amend tables 2, 3, and 4 to reflect the proposed changes in land use designations and to change the land use designation from MFM (Multi-Family Medium Residential) to ML (Medium-Low Density Residential) on 30.0 acres adjacent to the southwest corner of Alexander Road the I-215 Beltway. The Planning Commission recommended approval, staff recommended denial.
11/02/05	The City Council approved or a Site Development Plan Review (SDR-8635) for a proposed 371-lot single family residential development and a waiver of section 3.5.3 of the Lone Mountain West Master Development Plan to allow a 3.5 foot setback where a setback of less than two feet or more than ten feet is required on 30.0 acres adjacent to the southwest corner of Alexander Road and the I-215 Beltway. The Planning Commission recommended approval, staff recommended denial.
11/02/05	The City Council approved a Variance (VAR-8636) to allow 95,028 square feet of open space where 122,430 square feet of open space is required for a proposed 371-lot single family residential development on 30.00 acres adjacent to the southwest corner of Alexander Road the 215 Beltway. The Planning Commission recommended approval, staff recommended denial.
11/02/05	The City Council approved a Variance (VAR-8962) to allow 557 parking spaces where 742 parking spaces are required for a proposed 371-lot single family residential development on 30.00 acres adjacent to the south of Alexander Road and east of the 215 Beltway. The Planning Commission recommended approval, staff recommended denial.
11/02/05	The City Council approved a Waiver (WVR-8638) of Title 18.12.130 to allow 770-foot and 180-foot length private drives where 150 feet is the maximum length allowed for a proposed 371-lot single-family residential development on 30.0 acres adjacent to the southwest corner of Alexander Road and the I-215 Beltway. The Planning Commission recommended approval, staff recommended denial.
12/01/05	The Planning Commission approved a Variance (VAR-9903) to allow retaining walls with a maximum of eight feet where six feet is the maximum height allowed on 30.0 acres adjacent to the southwest corner of Alexander Road and the I-215 Beltway. Staff recommended approval.
06/21/06	The City Council approved a Variance (VAR-12913) to allow one enclosed off-street parking space where two enclosed off-street spaces is the minimum required for 371 lots on 30.0 acres adjacent to the southwest corner of Alexander Road and the I-215 Beltway. The Planning Commission recommended approval, staff recommended denial.
04/24/08	The Planning Commission approved a request to hold this Variance (VAR-27287) in abeyance until 05/22/08.

VAR-27287 - Staff Report Page Three
May 22, 2008 - Planning Commission Meeting

Related Building Permits/Business Licenses	
10/05/06	A building permit (#67909) was issued for a community pool/spa.
07/14/06	A building permit (#06004646) was issued for park onsite at the subject development.
05/26/06	A building permit (#66403) was issued for a wall/fence.
03/28/06	A building permit (#62458) was issued for site grading.
01/26/06	A building permit (#58544) was issued for site grading.
Pre-Application Meeting	
02/13/08	A pre-application meeting was held with the applicant where parking requirements and elements of the Variance submittal were discussed.
Neighborhood Meeting	
A neighborhood meeting is not required, nor was one held.	

Field Check	
03/17/08	A field check was performed by staff at the subject property. The site was noted as fully improved, with flat graded building lots, paved roads, sidewalks, curbs, gutters, perimeter walls, landscape buffers and a community park. Several model homes were located near the center of the development and approximately 70 completed homes were located near the southern portion of the subdivision.

Details of Application Request	
Site Area	
Gross Acres	31.40

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Flat, Graded Single Family Home Lots	ML (Medium Low Density Residential)	PD (Planned Development)
North	Multi Family Residential	MFM (Multi-Family Medium Residential)	PD (Planned Development)
South	Single Family Homes	ML (Medium Low Density Residential)	PD (Planned Development)
East	I-215 Beltway	ROW (Right-of-Way)	I-215 Beltway
West	Single Family Homes	ML (Medium Low Density Residential)	PD (Planned Development)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan			
Lone Mountain West	X		Y

VAR-27287 - Staff Report Page Four
May 22, 2008 - Planning Commission Meeting

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		Y
PD (Planned Development) District	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

<i>Parking Requirement</i>				
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required Per Title 19.04</i>	<i>Approved Through VAR-8962</i>	<i>Proposed Parking</i>
		<i>Parking</i>	<i>Parking</i>	<i>Parking</i>
		Regular	Regular	Regular
Single Family, Detached	341 Units (2 spaces per dwelling unit)	742	557	432
TOTAL		742	557	432
Percent Deviation		0%	25% from Title 19.04	42% from Title 19.04 22% from VAR-8962
Parking Space Deviation		0	-185 from Title 19.04	-310 from Title 19.04 -125 from VAR-8962

ANALYSIS

The applicant is requesting this Variance to permit 432 parking spaces where 557 were allowed. The subject property is an approved 371-lot single family home development of which 80 homes have been built. Of those 80 built homes, 61 have provided two parking spaces and 19 have provided one parking space, for a total of 141 existing, provided parking spaces. For the remaining vacant 291 home sites, the applicant has chosen to add four new single-car garage models to the existing mix of single and two-car garage home options. In the event that the future home buyers of the remaining 291 lots all select single-car garage options, the minimum parking provided would be one space for each of the 291 lots plus the existing 141 provided parking spaces for a total of 432 parking spaces within the community. This Variance to allow 432 parking spaces where 557 were allowed has been requested to allow the builder to provide greater flexibility to future home buyers. Staff finds that single car garages are not necessary as there are other models to choose from that do not require the single car garage. Denial of this request is recommended.

VAR-27287 - Staff Report Page Five
May 22, 2008 - Planning Commission Meeting

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 electing to provide four new model homes which provide only a single car garage. Alternatively, the applicant could provide additional two car garage model home options or limit one car garage home options to 166 of the remaining 291 lots, which would allow conformance to the previously allowed 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 8

ASSEMBLY DISTRICT 4

SENATE DISTRICT 9

VAR-27287 - Staff Report Page Six
May 22, 2008 - Planning Commission Meeting

NOTICES MAILED 1,249

APPROVALS 0

PROTESTS 11