

AGENDA MEMO

MOCK PLANNING COMMISSION MEETING DATE: APRIL 29, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-4207 - APPLICANT: JMA ARCHITECTURE STUDIOS -

OWNER: QUEENSRIDGE TOWERS, LIMITED LIABILITY COMPANY, ET AL

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to the Conditions of Approval for Rezoning (ZON-4205) and Site Development Review (SDR-4206).
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
3. The applicant shall submit a sight line analysis of the visual impacts the towers will have on surrounding residential areas.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

The applicant is requesting a Variance from the Residential Adjacency Standards for building heights and setbacks.

A rezoning (ZON-4205) and a site development plan review (SDR-4206) applications were filed as companion items.

B) Applicants Justification

The applicant states that the variance is warranted due to the fact that the tower will allow for a much greater distance from the single-family residences than the average residential project, and that the project will allow greater rear-yard privacy and protection than a normal single-family development.

BACKGROUND INFORMATION

A) Previous Actions

- 04/04/90 The City Council approved a request for C-1 (Limited Commercial) zoning (Z0017-90) on this site as part of a larger request.
- 01/04/95 The City Council approved a request for R-3 (Medium Density Residential) zoning (Z-0146-94) on this site as part of a larger request.
- 10/28/97 The City Council approved a request for PD (Planned Development) zoning (Z0078-97) on a portion of this site. The request permitted the development of three 12-story condominium towers.

B) Pre-Application Meeting

- 01/08/04 At the pre-application conference, questions were raised relative to the appropriate zoning and General Plan designation for the proposed development. Subsequent pre-application meetings were held on 02/13/04 and 3/19/04, where issues relative to residential adjacency requirements and the height of the towers were discussed.

E) General Plan Compliance

Southwest General Plan

The subject site is currently designated GTC (General Tourist Commercial)) on the Southwest Sector Plan of the General Plan. The requested P-D (Planned Development) zoning is consistent with the GTC General Plan designation. The proposed P-D zone will allow the proposed commercial / residential/ office development proposed on this site and will be consistent with applicable standards of the City of Las Vegas General Plan.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Clark County Notification		X
Project of Regional Significance		X

The requested P-D (Planned Development) zoning is generally consistent with the goals and policies of the General Plan. The proposed site design is harmonious with typical development of GTC designated areas of the City. The proposed development consists of the four condominium towers with ancillary uses, clubhouse and a 17,400 square foot, single story, office building, all of which are allowable uses within a P-D (Planned Development) zoning district.

A) Zoning Code Compliance

A1) Residential Adjacency Standards

Pursuant to Title 19.08, the following Residential Adjacency Standards apply to the subject proposal:

- a) Proximity slope. The westernmost tower will extend approximately 58 feet into the required proximity slope, and will be located 239 feet from the nearest single-family residential property line to the west where a 570 foot separation from the residential is required.
- b) Building setback. The proposed buildings will exceed the required minimum building setback requirement.

B) General Analysis and Discussion

The westernmost condominium building will be 14 stories in height; the other three towers are to be 18 stories. The westernmost residential tower is located 239 feet from the nearest single-family property to the west, and extends 58 feet above the proximity slope limitation. The other buildings on the site will conform to the Residential Adjacency Standards.

FINDINGS

Due the proximity of the subject parcel to the casino use to the north, the golf course that surrounds the site on three sides, the natural slope of the site and the small amount of existing residential uses, the height of the proposed development will generally have a minimal impact on the surrounding properties. The westernmost building has been designed so that the upper stories step back away from the residential development to the west, thereby reducing its impact. However, the overall size of the parcel and the placement of the buildings on the site allows for the opportunity to increase the setback between the westernmost tower and the residential properties or to reduce the height of the tower.

The previous development plan that was approved for a portion of the site in 1997 allowed for the construction of three 12-story residential towers. As this project was found to be compatible with the surrounding area, a similar standard should be applied to this project. Consequently, staff would recommend that the westernmost tower be restricted to 12 stories in height in conformance with the previous approval.

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.

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No evidence of a unique or extraordinary circumstance has been presented. The applicant has created a self-imposed hardship by designing the site with one of the buildings too close to the adjacent residential subdivision. Alternative design, such as reducing the 14 story building and moving it east, 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. The recommendation is for denial of the variance.

NOTICES MAILED 226

APPROVALS 0

PROTESTS 0