



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JULY 10, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - VAR-27954 - OWNER/APPLICANT: NEVADA POWER COMPANY

**** CONDITIONS ****

STAFF RECOMMENDATION: **APPROVAL**, subject to:

Planning and Development

1. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 06/12/08, except as amended by conditions herein.
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-27954 - Staff Report Page One
July 10, 2008 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance for a perimeter wall to allow a 14-foot high wall where an 8-foot high wall is the maximum allowable, on a 2.74 acre site located approximately 950 feet northwest of the intersection of Alta Drive and Martin Luther King Boulevard. There is an associated application for a Site Development Plan Review (SDR-27953) for a proposed Utility Substation. The site is presently vacant, and will be accessed by a private road from Martin Luther King Boulevard. Since this request does not jeopardize the health, safety and general welfare of the citizenry, staff is recommending approval of this request for a Variance and also on the Site Plan Development Review (SDR-27953).

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/17/60	A request to Rezone a portion of the subject property from R-1 (Single-Family Residential) to R-4 (High-Density Residential) was approved by City Council. The Planning Commission had recommended approval of the request.
05/22/03	A request for approval of a Tentative Map (TMP-1990) for a one-lot commercial subdivision (Alta Business Park) was Withdrawn Without Prejudice by the applicant at the Planning Commission meeting.
12/15/04	The City Council denied a General Plan Amendment (GPA-5034) application to amend a portion of the Southeast Sector Plan of the General Plan from SC (Service Commercial) to H (High Density Residential) on 16.78 acres north of Alta Drive and west of Martin L. King Boulevard. The Planning Commission and staff recommended approval of the application.
12/15/04	The City Council denied a Rezoning (ZON-4941) application for the proposed reclassification of property from C-1 (Limited Commercial) to R-PD50 (Residential Planned Development 50 units per acre) on 16.78 acres north of Alta Drive and west of Martin L. King Boulevard. The Planning Commission and staff recommended approval of the application.
12/15/04	The City Council denied a Variance (VAR-5035) application to allow a 20-foot setback where 1,212 feet is required on 16.78 acres north of Alta Drive and west of Martin L. King Boulevard. The Planning Commission and staff recommended approval of the application.
12/15/04	The City Council denied a Variance (VAR-5479) application to allow 153,879 square feet of open space where 606,678 square feet is required for an 854-unit multi-family development on 16.78 acres north of Alta Drive and west of Martin L. King Boulevard. The Planning Commission recommended approval and staff also recommended approval of the application.

VAR-27954 - Staff Report Page Two
July 10, 2008 - Planning Commission Meeting

12/15/04	The City Council Denied a Site Development Plan Review (SDR-5155) application for a proposed 21-story, 840 unit condominium development in three buildings on 16.78 acres north of Alta Drive and west of Martin L. King Boulevard. The Planning Commission and staff recommended approval of the application.
06/01/05	The City Council approved a Site Development Plan Review (SDR-6282) application, a Special Use Permit (SUP-6284) application to allow Mixed-Use development on the site, and a Variance (VAR-6283) application to address height and Residential Adjacency issues related to the proposed development. The Planning Commission and staff had recommended approval of the requests.
05/17/06	The City Council approved a request to amend the City of Las Vegas Downtown Redevelopment Plan map of the Las Vegas Redevelopment Plan to designate future land use designations as Commercial, Mixed-Use, Industrial or Public Facility located within the Redevelopment Plan expansion area and within other areas of the Las Vegas Downtown Redevelopment Plan map. The Planning Commission and staff recommended approval.
06/12/08	The Planning Commission voted to hold this item and its companion Site Development Plan Review (SDR-27953) in abeyance to the June 26, 2008 Planning Commission meeting.
<i>Related Building Permits/Business Licenses</i>	
The subject site is a new parcel. The former parcel presently has no address, no permits or licensees have been issued at that site or the subject site.	
<i>Pre-Application Meeting</i>	
04/18/08	Requirements for a Site Development Plan Review and Variance application submittal were discussed with the applicant.
<i>Neighborhood Meeting</i>	
A meeting was not required, nor was one held.	
<i>Field Check</i>	
05/21/08	Staff conducted a site visit and it was found to be undeveloped, the northern access road is secured with landscaping in place that is being well maintained.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	2.74

**VAR-27954 - Staff Report Page Three
July 10, 2008 - Planning Commission Meeting**

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	MXU (Mixed Use)	C-1 (Limited Commercial)
North	Single family homes and commercial center	M (Industrial) and MXU (Mixed Use)	RPD-11 (Residential Planned Development 11-Units Per Acre) and C-1 (Limited Commercial)
South	Office	SC (Service Commercial)	C-1
East	Retail establishment	MXU (Mixed Use)	C-1
West	Multi-family Apartment	M (Medium Low Density Residential)	RPD-19 (Residential Planned Development 19-Units Per Acre)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	N/A
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts		X	N/A
A-O Airport Overlay District	X*		YES
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

** 175 Foot Airport Overlay District - This site is subject to the North Las Vegas Airport Overlay District. Structures may be built up to 175 feet in height; any structures over this height limit, must be reviewed by the Federal Aviation Administration (FAA). The proposed buildings do not exceed 112 feet in height, therefore this development will not be subject to the Airport Overlay District standards.*

ANALYSIS

This is a request for a Variance for a perimeter wall to allow a 14-foot high wall where an 8-foot high wall is the maximum allowable, a 44% increase over what Title 19 allows. This is a 2.74 acre site which is located approximately 950 feet northwest of the intersection of Alta Drive and Martin Luther King Boulevard. There is an associated application for a Site Development Plan Review (SDR-27953) for a proposed Utility Substation. The site is presently vacant, and will be accessed by a private road from Martin Luther King Boulevard. Since this request are does not jeopardize the health, safety and general welfare of the citizenry, staff is recommending approval of this request for a Variance and also on the Site Plan Development Review (SDR-27953).

LEH

**VAR-27954 - Staff Report Page Four
July 10, 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.

Evidence of a unique or extraordinary circumstance has been presented, in the unique position of this property. It is to the rear of all abutting properties surrounding it and it would clearly be at risk for possible vandalism and theft. As the proposed utility substation will house very dangerous high voltage electrical equipment, there is a nexus with preservation of public safety as well. While alternatively constructing a wall of eight feet in height or less would allow conformance to the Title 19 requirements, it would compromise public safety. In view of the clear hardships imposed by the sites physical characteristics, it is concluded that the applicants hardship is not preferential in nature, and it is thereby allowable under the scope of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 21

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

VAR-27954 - Staff Report Page Five
July 10, 2008 - Planning Commission Meeting

NOTICES MAILED 78

APPROVALS 1

PROTESTS 1