

**AGENDA MEMO**

PLANNING COMMISSION MEETING DATE: AUGUST 14, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-28783 - APPLICANT/OWNER: SHIRLEY CHAPLIN

**** CONDITIONS ****

STAFF RECOMMENDATION: **DENIAL.** If Approved, subject to:

Planning and Development

1. 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.

Public Works

2. If the entry gates proposed are to be electrically opened and closed, the gates may be placed immediately behind the street right-of-way line (i.e., on the private property side of where the sidewalk is located). If the entry gate is to manually opened and closed, the gates shall be set back a sufficient distance (Minimum of 18 feet) to allow a vehicle to pull completely out of the public street right-of-way before parking to manually operate the gate. The installation of either swing gates or rolling gates are acceptable as long as no part of the gates, either in the opened or closed position, intrude into the public right-of-way.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing to construct a six-foot high, white wrought iron fence along the perimeter to the existing return gates at 2808 Alta Drive, where a maximum height of five feet is allowed. Rolling remote controlled gates to allow vehicular access to the circular driveway would also be installed in conjunction with the fence. The proposed fence would be setback 20 feet from the front curb, and approximately 0.5 feet from the side property lines. The applicant is able to build a five-foot wrought iron fence providing the same sense of security while not violating Title 19 requirements. As this is a self imposed hardship, denial of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
06/19/02	The City Council approved a request to amend portions of the Southeast Sector map of the General Plan in the general vicinity of the Charleston Boulevard/Rancho Drive intersection from SC (Service Commercial) to O (Office); from R (Rural Density Residential) to DR (Desert Rural Density Residential); from O (Office) to DR (Desert Rural Density Residential) and; from L (Low Density Residential) to DR (Desert Rural Density Residential) in accordance with the recommendations of the Rancho Charleston Land Use Study and Strategic Plan. Planning Commission was unable to obtain a supermajority vote and this item was forwarded to the City Council with a recommendation of denial.
<i>Related Building Permits/Business Licenses</i>	
07/06/89	A building permit (#89030614) was issued for re-roofing at 2808 Alta Drive. The permit was made inactive on 11/17/92.
<i>Pre-Application Meeting</i>	
06/18/08	A pre-application meeting was held where the application requirements for a variance were explained to the applicant.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	
<i>Field Check</i>	
07/10/08	A routine field check revealed a well-maintained single-family home. Nothing of concern was noted by staff. The property directly to the west of the subject property has a wrought iron fence built in compliance with Title 19 standards.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.45

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single-Family Residence	DR (Desert Rural Density Residential)	R-E (Residence Estates)
North	Single-Family Residence	DR (Desert Rural Density Residential)	R-E (Residence Estates)
South	Single-Family Residence	DR (Desert Rural Density Residential)	R-A (Ranch Acres)
East	Single-Family Residence	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Single-Family Residence	DR (Desert Rural Density Residential)	R-E (Residence Estates)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (175 feet)	X		Y
Trails	X		Y
Rural Preservation Overlay District	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

Airport Overlay District

No structure shall be erected, altered or maintained on any parcel within the boundaries of the Airport Overlay District that would violate the height limitations defined by the McCarran Airport Overlay Map and the North Las Vegas Airport Overlay Map. The subject site is within the 175-foot contour limitations of the North Las Vegas Airport Overlay Map and does not violate the height limitations. The proposed use does not alter the structure in any way and is in compliance with the Airport Overlay District.

Trails Pedestrian Path

A city sponsored project along Alta Drive between Campbell Road and Rancho Drive introduced traffic-calming measures in the form of a meandering, landscaped roadway with pedestrian pathway, where residences have direct access to Alta Drive.

DEVELOPMENT STANDARDS

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	20,000 sf.	19,573 sf.	*Y
Min. Lot Width	100 ft.	112 ft.	Y
Min. Setbacks			
• Front	50 ft.	50 ft.	Y
• Side	10 ft.	14.5 ft.	Y
• Corner	15 ft.	N/A	Y
• Rear	35 ft.	72.5 ft.	Y

**The subject property was constructed in 1963, well before the General Plan designation of DR (Desert Rural Density Residential) was established, as well as the requirements stated by Title 19.08.*

ANALYSIS

The applicant is proposing to construct a six-foot high, white wrought iron fence along the perimeter to the existing return gates at 2808 Alta Drive where a maximum height of five feet is allowed. Rolling remote controlled gates to allow vehicular access to the circular driveway will be installed in conjunction with the wrought iron fence. The proposed fence would be setback 20 feet from back of curb, and approximately 0.5 feet from the side property lines. The applicant is able to build a five-foot wrought iron fence providing the same sense of security while not violating Title 19 requirements. As this is a self imposed hardship denial of this request is recommended.

Rancho Charleston Land Use Plan

The Study Area is located within the Neighborhood Revitalization area, and is guided by the following objectives as identified in the 2020 Master Plan:

- To focus residential reinvestment on transitional sites within the central city area at densities that support mass transit usage.
- To ensure that low-density residential land uses within mature neighborhoods can exist in close proximity to higher density residential, mixed-use, or non-residential land uses by mitigating adverse impacts where feasible.
- To prepare, adopt and implement special area plans and neighborhood plans where more detailed planning is needed. These special area plans shall conform to and implement the Master Plan and address land use and other issues specific to that area. Neighborhood plans shall be prepared in conformance with the neighborhood planning process.
- To ensure that the quality of existing residential neighborhoods within the City of Las Vegas is maintained and enhanced.

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- To broaden and improve the range and types of professional and technical education and training to serve the citizens of Las Vegas and the Las Vegas Valley.
- To improve the amount and quality of infill development on vacant and underutilized lands within established areas of the city.

Rural Preservation Overlay District

It is the intent of the Rural Preservation Overlay District to:

1. Ensure that the rural character of each rural preservation neighborhood is preserved.
2. Unless a rural preservation neighborhood is located within 330 feet of an existing or proposed street or highway that is more than 90 feet wide, maintain the rural character of the area developed as a low density residential development.
3. Provide adequate buffer areas, adequate screening and an orderly and efficient transition of land uses, excluding raising or keeping animals commercially or non-commercially.
4. Establish a basis for the modification of standards for the development of infrastructure to maintain the rural character of the rural preservation neighborhood.

The subject site is located within both the Rancho Charleston Land Use Plan and the Rural Preservation Overlay District. Density is not affected by this project and does not require application of the requirements of the Rural Preservation District or the Rancho Charleston Land Use Plan.

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.

