



AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 1, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-33016 - APPLICANT/OWNER: 11TH STREET HOLDINGS, INC.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-0-1/mb vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-33018), Special Use Permit (SUP-33014) and Site Development Plan Review (SDR-33013) shall be required, if approved.
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.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow 38 parking spaces and no loading zone where 96 parking spaces and one loading zone is required on 0.48 acres at the southeast corner of Stewart Avenue and 11th Street. In addition to this application, the applicant has submitted a request for a Variance (VAR-33018) to allow a lot coverage of 78% where 50% is the maximum allowed; to allow no setback where a 1:1 setback to height ratio is required along a street classified as collector or larger; to allow a seven-foot front yard setback where 20 feet is required; to allow a six-foot side yard setback where 10 feet is required; to allow a zero-foot rear yard setback where 20 feet is required; and to allow a zero-foot corner side yard setback where 15 feet is required, a Special Use Permit (SUP-33014) for a proposed Mixed-Use development and a Site Development Plan Review (SDR-33013) for a proposed four-story 48.5-foot tall Mixed-Use development consisting of 60 residential units and 1,924 square feet of commercial space with Waivers to allow a zero-foot landscape buffer along the north and west perimeters where 15 feet is required and to allow a zero-foot buffer along the south perimeter where eight feet is required. The proposed Variance represents a substantial 60.4% deviation from Title 19 requirements and, if approved, will negatively impact on street parking availability within the surrounding neighborhood; therefore, staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
06/09/04	A Code Enforcement complaint (#16346) was processed for general code violations. The case was resolved 01/02/07.
09/20/05	A Code Enforcement complaint (#34717) was processed for an evaporative cooler not working within a rental unit. The case was resolved 09/23/05.
09/29/05	A Code Enforcement complaint (#35020) was processed for electrical and plumbing not working within rental units. The case was resolved 09/30/05.
01/09/06	A Code Enforcement complaint (#37444) was processed for raw sewage leaks. The case was resolved 02/06/06.
11/05/07	A Code Enforcement complaint (#59514) was processed for a loose stairway, plumbing and gas leaks. The case was resolved 11/08/07.
11/14/07	A Code Enforcement complaint (#59835) was processed for outdoor auto parts storage and operating an auto repair business without a license. The case was resolved 11/16/07.
02/26/09	The Planning Commission recommended approval of companion items VAR-33018, SUP-33014 and SDR-33013 concurrently with this application. The Planning Commission voted 6-0-1/mb to recommend APPROVAL (PC Agenda Item #30/dc).
<i>Related Building Permits/Business Licenses</i>	

03/22/00	A demolition permit (#00005169) was issued at 231 North 11 th Street. The permit received final approval on 04/13/00.
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12/23/05	A business license (#T04-00024) was issued for a seven-unit trailer park at 231 North 11 th Street.
03/09/06	A business license (#A07-00262) was issued for apartments at 231 North 11 th Street. The license expired 01/15/09.
<i>Pre-Application Meeting</i>	
12/31/08	A pre-application meeting was held with the applicant where the submittal requirements for a Site Development Plan Review, setback and lot coverage Variance, parking Variance and a Special Use Permit for a Mixed-Use development were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not held, nor was one required.	

<i>Field Check</i>	
01/21/08	A field check was conducted by staff at the subject site. The site is currently unpaved without a sidewalk, occupied by several mobile homes and a small apartment building.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.48

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Multi-Family Residential	MXU (Mixed Use)	C-2 (General Commercial)
North	Multi-Family Residential, Retail	MXU (Mixed Use)	C-2 (General Commercial)
South	Undeveloped	MXU (Mixed Use)	C-2 (General Commercial)
East	Multi-Family Residential	MXU (Mixed Use)	C-2 (General Commercial)
West	Multi-Family Residential	MXU (Mixed Use)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		Y
Live/Work Overlay District	X		Y
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

Live/Work Overlay District The subject site is located within the boundaries of the Live/Work Overlay District. The proposed Mixed-Use development does not contain any associated Live/Work units as a part of the proposed project.

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required Parking Ratio	Required Parking		Provided Parking		Compliance
			Regular	Handi-capped	Regular	Handi-capped	
			Mixed Use Studio/One Bedroom Apartments	60 Units	1.25 Spaces/ Unit	75	
Mixed Use Guest Parking for Studio/One Bedroom Apartments	60 Units	1 Space/ 6 Units	10				
Mixed Use General Retail Store, Other than Listed (Less than 3,500 SF)	1,924 SF	1 Space/ 175 SF	10	1			
SubTotal			95	1	36	2	
TOTAL			96		38		N*
Loading Spaces			1		0		N*
Percent Deviation					60.4%		

* The applicant has submitted this Variance to allow 38 parking spaces and no loading zone where 96 parking spaces and one loading zone is required.

ANALYSIS

The applicant is proposing a four-story 48.5-foot tall Mixed-Use development consisting of 60 residential units and 1,924 square feet of commercial space which will occupy approximately 78% of the subject site. The minimum number of required parking spaces for this development is 96 spaces, of which two spaces must be handicapped accessible. The site plan indicates that 38 spaces, including the two handicapped accessible spaces, will be provided on-site within a single-level ground floor parking garage. The proposed parking Variance represents a 60.4% deviation from Title 19 requirements, which, if approved, would severely impact parking availability within the surrounding neighborhood due to the amount of limited on-site parking. The opportunity exists for the applicant to design this proposed development with additional parking garage levels, acquire additional neighboring parcels for parking use, reduce the scale of the proposed development or engage in an offsite parking agreement with a nearby property owner. This request represents a substantial deviation from Title 19 requirements; therefore, staff recommends denial of this request.

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 proposing to overbuild the subject site. Alternatively, redesigning the project to accommodate an additional level of parking, obtaining an additional parcel of land, reducing the scale of the proposed development or engaging in an offsite parking agreement with a neighboring property 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.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 130 by City Clerk

APPROVALS 0

PROTESTS 0