



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: NOVEMBER 5, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-36143 - APPLICANT/OWNER: HOUSING AUTHORITY OF THE CITY OF LAS VEGAS

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site contains an existing 150-unit senior citizen apartment building at 2525 West Washington Avenue. This is a request for a Variance to allow an eight-foot tall fence within the front yard setback where five feet is the maximum height allowed. The applicant is requesting the additional height to provide security and minimize vandalism at the senior citizen apartment development. Staff can support this request for a Variance as the proposed fence is aesthetically pleasing and harmonious with the surrounding development, and adequate landscaping is provided on either side of the fence. Furthermore, the front yard fronting Robin Street is not utilized as the front entry to the senior citizen apartment complex. The main access point is located on the side yard fronting Washington Avenue. This request does not jeopardize the health, safety and general welfare of the citizenry. For these reasons staff is recommending approval. If this request is denied, the fence must be redesigned to meet all requirements of Title 19.12.075.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
There is no related zoning history associated with the subject site.	
<i>Related Building Permits/Business Licenses</i>	
There are no related building permits or business licenses associated with the subject site.	
<i>Pre-Application Meeting</i>	
09/15/09	The Planning & Development Department met with the applicant and reviewed the requirements for a Variance application.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	
<i>Field Check</i>	
10/01/09	Staff conducted a field inspection and noted a well maintained senior citizen apartment site.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	4.55

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Senior Citizen Apartments	H (High Density Residential)	C-1 (Limited Commercial)
North	Office	LI/R (Light Industrial/Research)	C-PB (Planned Business Park)
South	Office	SC (Service Commercial)	C-1 (Limited Commercial)
East	Multi-Family Residential	ML (Medium Low Residential)	R-3 (Medium Density Residential)
West	Fire Station	M (Medium Density Residential)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan	X		
West Las Vegas Plan	X		Y
A-O Airport Overlay District	X		Y
Trails (Pioneer Trail)	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

The subject site is presently being utilized for a 150-unit senior citizen apartment located at 2525 West Washington Avenue. The applicant is requesting to construct an eight-foot tall fence around the perimeter of the entire site. A Variance is required to construct an eight foot tall fence within the front yard setback where five feet is the maximum height allowed. The proposed fence will have a series of eight foot tall by two foot long by two foot wide brick pilasters located a maximum of 24 feet on center. The brick pilasters will match the existing brick façade on the exterior of the main building. The fencing will be constructed of steel pickets, intended to match the north entry bridge railing. An electric gate mechanism will be located on the eastern driveway along Washington Avenue to provide access to the site. The fence will be constructed for security purposes. The fence is set back three feet from the east property line fronting Robin Lane and does not interfere with visibility of the public right-of-way. The proposed fence is aesthetically pleasing, as it is designed to match existing structures on the site. Furthermore, the front yard fronting Robin Street is not utilized as a front entry. The entrance to the senior citizen apartment complex is located on the side yard fronting Washington Avenue. Since this request does not jeopardize the health, safety and general welfare of the citizenry, staff is recommending approval.

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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. The site utilizes the side yard fronting Washington Avenue as its main access point and front yard. A higher fence fronting Robin Street would not interfere with visibility of the public right-of-way. The fence will provide increased safety and security for the subject site. In view of the sites physical characteristics, it is concluded that the applicants hardship is not preferential in nature, and it is thereby within the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED

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APPROVALS

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PROTESTS

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