



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: DECEMBER 17, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAR-36577 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER:
THE CITY OF LAS VEGAS**

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to the conditions for Rezoning (ZON-24442) and Site Development Plan Review (SDR-28121), except as amended herein.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-36576) shall be required, if approved.
3. 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

This is a request for a Variance to allow 170 parking spaces where 228 are required for a proposed 144-unit, three story multi-family residential developments at 15 West Owens Avenue. This represents a 25% deviation from standard. Staff cannot support the Variance request, as the applicant has not provided compelling evidence of a unique or extraordinary circumstance, and has created a self-imposed hardship by proposing to overbuild the site; therefore, staff is recommending denial of this request. If this application is denied, an associated request for Site Development Plan Review (SDR-36576) must also be denied, and the site must comply with the previously approved Site Development Plan Review (SDR-28121).

ISSUES

- Approval of this request is necessary for the approval of a companion Site Development Plan Review (SDR-36576) for a proposed 144-unit, three story multi-family residential development.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
11/27/07	City Council approved a request to Amend a portion of the Southeast Sector Plan of the General Plan (GPA-24441) from M (Medium Density Residential) to H (High Density Residential) and a Rezoning (ZON-24442) from R-MHP (Residential Mobile/Manufactured Home Park) to R-5 (Apartment) on 4.86 acres on the south side of Owens Avenue, approximately 840 feet west of Main Street.
08/20/08	City Council approved a Site Development Plan Review (SDR-28121) for a 150-Unit Multi-Family residential development on 4.86 acres on the south side of Owens Avenue, approximately 850 feet west of Main Street. Planning Commission and staff recommended approval.
<i>Related Building Permits/Business Licenses</i>	
There are no building licenses or permits that pertain to this site.	
<i>Pre-Application Meeting</i>	
10/21/09	The Planning & Development Department met with the applicant and reviewed the requirements for a Major Amendment to a Site Development Plan Review and Variance.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	4.86

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	H (High Density Residential)	R-5 (Apartments)
North	Offices	Downtown Business Area - North Las Vegas	R-2 (Two Family) – North Las Vegas
South	Las Vegas Indian Colony (Mobile Home Units)	ML (Medium Low Residential)	C-V (Civic)
East	Apartments	H (High Density Residential)	C-V (Civic)
West	Rescue Mission	M (Medium Density Residential)	M (Industrial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown North Land Use Plan	X		Y
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District – 75 Feet	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

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Multi-Family	One-Bedroom Unit – 96	1.25 Space / Unit	120				

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	Two Bedroom Unit – 48	1.75 Space / Unit	84				
Guest	144 Units	1 Space / 6 Units	24				
SubTotal			221	7	161	9	N
TOTAL			228		170		N

ANALYSIS

A total of 228 parking spaces are required per Title 19.10 Parking Standards for the proposed development. The site plan depicts 170 parking spaces, including nine handicap spaces, which is a 25% deviation from standard. The parking provided on this site is inadequate to meet the needs of the proposed development. Alternative site design or a project of smaller scope would alleviate the need for this Variance; therefore, staff is recommending denial of the request, as the applicant has created a self-imposed hardship by proposing to overbuild the site.

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. Alternative design of the site with a reduced building footprint or a reduced number of apartment units would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 9

NOTICES MAILED 64

APPROVALS 0

PROTESTS 0