



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MAY 27, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: LILLY B. GUERRERO

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-37980	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

VAR-37980 CONDITIONS

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.
2. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all code as required by the Building and Safety Department.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow four 56-foot wide lots where 65-foot wide lots are the minimum required, on property adjacent to the east side of Pecos Street, approximately 125 feet south of Sunrise Avenue. The applicant is requesting the Variance in order to complete a four-lot residential Parcel Map. The applicant has provided demonstration of adequate setbacks, but has not shown the proposed dwellings on the site.

This is a third request of the variance, whereas the second Variance (VAR-25064) has expired as of January 11, 2010. The request stems from the ratio of the property depth to the property width, resulting in a unique circumstance in which the anticipated four-lot subdivision will not meet the R-1 (Single Family Residential) Zoning District lot width standards, but will exceed the required lot size and density standards. Therefore, staff recommends approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
01/09/03	The Planning Commission approved a Variance (VAR-1312) to allow four 56-foot wide lots where 65-foot wide lots are the minimum required on this site. Staff recommended denial of this request.
02/24/05	The Planning Commission approved a request for an Extension of Time (EOT-5921) of an approved Variance (VAR-1312) to allow four 56-foot wide lots where 65-foot wide lots are the minimum required on property adjacent to the east side of Pecos Road, approximately 125 feet south of Sunrise Avenue. This Extension of Time expired on 01/09/07.
01/09/08	The City Council approved a Variance (VAR-25064) to create four 56-foot wide lots where 65-foot wide lots are the minimum required on property adjacent to the east side of Pecos Road, approximately 125 feet south of Sunrise Avenue. The Planning Commission and staff recommended approval of this request. This Variance expired on 01/09/10.
02/20/08	A request for technical review of a Parcel Map (PMP-26972) on 0.73 acres adjacent to the east side of Pecos Street, approximately 140 feet south of Sunrise Avenue. A mylar was submitted on 04/29/09 and was not recorded.
03/24/09	A Code Enforcement case (#76047) was processed to evict people from the vacant lot. The case was closed by Code Enforcement on 01/22/10.

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Most Recent Change of Ownership	
12/01/06	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses
There are no related Building Permits or Business Licenses associated with this property.

Pre-Application Meeting	
03/31/10	A pre-application meeting was held with a designated representative of the applicant to discuss re-applying for a previously approved Variance that had expired. The applicant is seeking a four-lot parcel map and will require an approved Variance to allow a 56-foot wide lot where the R-1 (Single Family Residential) Zoning District requires a 65-foot wide lot.

Neighborhood Meeting
A neighborhood meeting was not required, nor was one held.

Field Check	
04/22/10	Staff conducted a site visit and noted that the property has excessive weeds growing throughout the site. There is trash throughout the site. Graffiti has been observed along the north perimeter block wall. The chain link fence along Pecos Street is partially torn down.

Details of Application Request	
Site Area	
Net Acres	0.73

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	L (Low Density Residential)	R-1 (Single Family Residential)
North	Undeveloped/ Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)
South	Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)
East	Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)
West	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)

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<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		X	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following development standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6,500 SF	7,600 SF	Y
Min. Lot Width	65 Feet	56 Feet	N*

**The applicant received previous approval for an identical Variance (VAR-1312) to allow 56-foot lot widths where 65 feet is the minimum width required. This approval was granted an Extension of Time (EOT-5921) that expired on 1/09/07 and approval of an identical Variance (VAR-25064) that expired on 01/09/10.*

ANALYSIS

The General Plan Land Use designation for the site has been L (Low Density Residential) on the Southeast Sector Plan. This request is not affected by any General Plan policies, as approval of the Variance will not affect the maximum density of 5.49 dwelling units per acre. The existing R-1 (Single Family Residential) zoning is in conformance with this land use designation.

Although the applicant has requested a lot width that is narrower than what Title 19.08.040 allows, the resulting lots still exceed the minimum lot size required for the R-1 (Single Family Residential) Zoning District and have enough width at the street front to provide adequate site access.

FINDINGS (VAR-37980)

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.”

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Additionally, Title 19.18.070(L) 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.”

Based upon the particular shape of the site, the ability to maintain the L (Low Density Residential) land use of 5.49 units-per-acre, lot size, and the previous approval, staff has no objection to this Variance request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

NOTICES MAILED 288

APPROVALS 0

PROTESTS 3