



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: DECEMBER 16, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SKY VIEW PINES, LIMITED PARTNERSHIP

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-40088	Staff recommends DENIAL, if approved subject to conditions:	N/A

** CONDITIONS **

VAR-40088 CONDITIONS

Planning and Development

1. Conformance to the approved conditions for Site Development Plan Review (SDR-28121) and Site Development Plan Review (SDR-36576).
2. This approval shall be void two years from the date of final approval, unless upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. The landscape plan shall conform to the requirement of Condition of Approval #5 of Site Development Plan Review (SDR-36576). Perimeter trees relocated to the interior of the site pursuant to this condition shall maintain the minimum 24-inch box size requirement. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
4. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.

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5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. 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

The subject site is located at 21 West Owens Avenue and is approved for a 144-unit, three story apartment development that is under construction. The applicant is proposing to install security gates, which will result in a reduction of 14 parking spaces, from 170 spaces to 156 spaces. Staff is recommending denial of the Variance request, as the applicant has not provided compelling evidence of a unique or extraordinary circumstance, concerning the property and has created a self-imposed hardship by overbuilding the site. If this application is denied, the site must comply with the previously approved Site Development Plan Reviews (SDR-28121 and SDR-36576) and Variance (VAR-36577).

ISSUES

- A previous Variance (VAR-36577) was approved to allow 170 parking spaces where 228 were required. This request is for a further reduction of 14 spaces.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
11/27/07	The 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. The Planning Commission and staff recommended approval.
08/20/08	The 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. The Planning Commission and staff recommended approval.
01/20/10	The City Council approved a Major Amendment (SDR-36576) to a previously approved Site Development Plan Review (SDR-28121) for site modifications and a Variance (VAR-36577) to allow 170 parking spaces where 228 are required for a proposed 144-unit, three story multi-family residential development at 15 West Owens Avenue. The Planning Commission recommended approval, and the Planning and Development staff recommended denial.

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<i>Most Recent Change of Ownership</i>	
02/16/10	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
04/29/10	A building permit (161619) was issued for rough grading at 21 West Owens Avenue. The permit has not been finalized.
06/08/10	A building permit (153942) was issued for onsite improvements at 21 West Owens Avenue. The permit has not been finalized.
06/08/10	A building permit (153943) was issued for Building # 1, which contains 24 units at 21 West Owens Avenue. The permit has not been finalized.
06/08/10	A building permit (153944) was issued for Building # 2, which contains 30 units at 21 West Owens Avenue. The permit has not been finalized.
06/08/10	A building permit (153945) was issued for Building # 3, which contains 30 units at 21 West Owens Avenue. The permit has not been finalized.
06/08/10	A building permit (153946) was issued for Building # 4, which contains 30 units at 21 West Owens Avenue. The permit has not been finalized.
06/08/10	A building permit (153947) was issued for Building # 5, which contains 30 units at 21 West Owens Avenue. The permit has not been finalized.
06/08/10	A building permit (153948) was issued for the recreation building at 21 West Owens Avenue. The permit has not been finalized.
07/01/10	A building permit (165591) was issued for perimeter walls at 21 West Owens Avenue. The permit has not been finalized.

<i>Pre-Application Meeting</i>	
09/28/10	A pre-application meeting was held with staff to discuss the required actions necessary to reduce the approved parking. Staff discussed the submittal requirements for a Variance request.

<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Field Check</i>	
11/09/10	During a site visit, staff noted a Multi-Family Residential Development under construction that is clear of trash and debris.

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

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Apartments	H (High Density Residential)	R-5 (Apartments)
North	Offices	Downtown Business Area - North Las Vegas	R-2 (Two Family) – North Las Vegas
South	Mobile Home Park	ML (Medium Low Residential)	C-V (Civic)
East	Apartments	H (High Density Residential)	R-5 (Apartments)
West	Rescue Mission	M (Medium Density Residential)	M (Industrial)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area			
Downtown North Plan	X		Y
Special Purpose and Overlay Districts	<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	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

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Street Width (Feet)</i>	<i>Compliance with Street Section</i>
<i>Owens Avenue</i>	Primary Arterial	Master Plan of Streets and Highways	100	Y

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Pursuant to Title 19.04, 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				
	Two Bedroom Unit – 48	1.75 Space / Unit	84				
Guest	144 Units	1 Space / 6 Units	24				
TOTAL SPACES REQUIRED			170*		156		N
Regular and Handicap Spaces Required			161	9	147	9	N
Percent Deviation			9%				

*Per approved Variance (VAR-36577).

ANALYSIS

A previous Variance (VAR-36577) was approved to allow 170 parking spaces, where 228 spaces were required on this site. The applicant is proposing to install security gates at the entrance, which would reduce the available parking to 156 parking spaces including nine handicap spaces, which is a 9% deviation from the approved parking Variance and a 34% deviation from Title 19.10 Parking Standards. The provided parking on this site is inadequate to meet the needs of the proposed development.

The subject site is located in the Airport Overlay District, with 175-foot height restriction and the development conforms to the height restriction. An on-street bike lane runs along the northern property line and will not be negatively impacted by the proposed Variance.

The applicant has depicted some of the perimeter trees that are required by Condition of Approval #5 of Site Development Plan Review (SDR-36576) to be relocated to the interior of the site as 15 gallon size where such trees are required to be 24-inch box size. A condition has been added to address the deficiency in tree size.

An alternative site design 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 add traffic gates to the site after construction has begun.

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FINDINGS (VAR-40088)

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 19.18.070(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.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by altering the approved site design after construction has started. Alternative site design or a reduction in the scope of the project would allow conformance to 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.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

12

NOTICES MAILED

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APPROVALS

2

PROTESTS

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