



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-19853 - APPLICANT: ROYAL CONSTRUCTION CO. -

OWNER: TOWNE VISTAS, LLC

**** CONDITIONS ****

The Planning Commission (5-0-1/rt vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Rezoning (ZON-19210), and Site Development Plan Review (SDR-19211) 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 55-foot setback where residential adjacency standards require a 173-foot setback for a proposed 115 unit residential condominium development composed of 2 five story buildings on 4.62 acres adjacent to the southeast corner of Echelon Point Drive and North Campbell Road.

This application will be considered in conjunction with a Rezoning (ZON-19210) application and a Site Development Plan Review (SDR-19211). Staff recommends approval for the requested Variance due to the exceptional topographic conditions of the site location.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/17/01	The City Council approved the Annexation [A-19-02(A)] of this property. The annexation became effective on January 31, 2001.
11/05/03	The City Council approved the request for a Rezoning (ZON-2970) from U (Undeveloped) Zone [TC (Town Center) General Plan Designation] to T-C (Town Center) and the related Site Development Plan Review (SDR-2971) for a proposed 39-lot single-family cluster development on 5.06 acres. The Planning Commission and staff recommended approval on 10/9/03.
06/8/04	The Planning Commission approved the request for a Tentative Map (TMP-3791) for a proposed 39-lot single-family residential development. Staff recommended approval.
10/20/04	The City Council approved a Site Development Plan Review (SDR-4992) for a proposed 94-lot single family residential development on 15.17 acres. The Planning Commission and staff recommended approval on 9/23/04.
11/4/04	The Planning Commission approved the request for a Tentative Map (TMP-5118) for a proposed 94-lot single family residential development on 15.17 acres. Staff recommended approval.
04/12/07	The Planning Commission recommended approval of companion items ZON-19210 and SDR-19211 concurrently with this application. The Planning Commission voted 5-0-1/rt to recommend APPROVAL (PC Agenda Item #64/mh).
<i>Related Building Permits/Business Licenses</i>	
There are no licenses or permits related to this request.	
<i>Pre-Application Meeting</i>	
11/15/06	A pre-application meeting was held to discuss the Town Center design standards and allowable uses as required for a 125-unit multi-family development. Staff had the applicant submit revised plans showing the appropriate density of 115 units for 4.62 acres.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	4.62 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	M-TC (Medium Density Residential Town Center)	U (Undeveloped) Zone [TC (Town Center) General Plan Designation]
North	Single Family Residential Subdivision Undeveloped	ML-TC (Medium Low Density Residential Town Center)	T-C (Town Center)
South	CC-215 Beltway Alignment	Right-of-Way	Right-of-Way
East	Undeveloped	UC-TC (Urban Center Mixed Use Town Center)	U (Undeveloped) Zone [TC (Town Center) General Plan Designation]
West	Under construction [Proposed 372 Unit Condominium Development (SDR -5517)]	M-TC (Medium Density Residential Town Center)	T-C (Town Center) U (Undeveloped) [TC (Town Center) General Plan Designation] under Resolution of Intent to TC (Town Center)

DEVELOPMENT STANDARDS

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Distance Between Buildings	10 feet	79 feet	Y
Max. Building Height	7 Stories	5 stories	Y
Trash Enclosure	Screened & enclosed	Screened & enclosed	Y
Mech. Equipment	Screened from view	Screened from view	Y

Pursuant to Title 19.08, the following Residential Adjacency Setback Standards apply:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	173 feet	55 feet	N
Trash Enclosure	50 feet	150 feet	Y

ANALYSIS

Zoning Code Compliance

- **Residential Adjacency Standards**

Pursuant to Title 19.08, the following Residential Adjacency Standards apply to the subject proposal:

Building 1 is approximately 55 feet from the nearest residential property line to the north. The applicant is proposing two buildings that are approximately 57 feet, 7 inches in height. This would require an approximate 173-foot setback, therefore creating a 315% deviation of the proximity slope. The proposed building locations in regards to the planned residential property to the north fail to meet the residential adjacency standards.

The proposed development is adjacent to a planned 94-lot single-family residential subdivision (SDR-4992) to the east and north. The application of the residential adjacency standards pertains to the subject site as it is a property to be developed for multi-family residential use that is located adjacent to either single-family residential property or property which is designated for such development in the General Plan. Per the Town Center Development Standards Manual, section B.1.C, residential adjacency is applicable to the site as:

With regard to any issue pertaining to land use and development that may arise in connection with these Development Standards, and that are not addressed or provided for specifically in these standards or a development agreement entered into pursuant to Section 19.18.090 of the City of Las Vegas Zoning Code (Title 19 of the Las Vegas Municipal Code and NRS 278.0201 through NRS 278.0207), the applicable regulations and standards contained in the City of Las Vegas Zoning Code will apply.

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.

Staff recommends approval for the requested Variance due to the fact that the applicant has made efforts to follow the exceptional topographic conditions associated with a hillside that slopes northwards at decline greater than 2%.

Additional consideration has also been given to the fact that proposed medium density residential use meets the intent of the Town Center Land Use Map Four and the Town Center Building Heights, Stepbacks, and Build to Line Standards Map Five and fits the area with the approved multifamily development to the west.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 187 by City Clerk

APPROVALS 0

PROTESTS 0