



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: FEBRUARY 14, 2017

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: PN II, INC

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
VAR-68395	Staff recommends DENIAL, if approved subject to conditions:	N/A

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 31

NOTICES MAILED 175

APPROVALS 0

PROTESTS 1

**** CONDITIONS ****

VAR-68395 CONDITIONS

Planning

1. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. 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 codes as required by the Department of Building and Safety.
3. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Staff Report Page One
February 14, 2017 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Variance to allow one parking space for a Temporary Real Estate Sales Office use at 8222 Agave Bloom Street.

ISSUES

- Pursuant to Title 19.12, the Temporary Real Estate Sales Office use shall have a minimum of five parking spaces.

ANALYSIS

The subject property is located in the R-PD2 (Residential Planned Development – 2 Units per Acre) zoning district. The property will be used as a Temporary Real Estate Sales Office use for the single family residential development. According to Title 19.12, a minimum of five on-site parking spaces shall be provided, and the spaces provided shall be in compliance with ADA parking requirements. The subject property provides one parking space that is designated as a handicapped space.

The proposed parking configuration for the Temporary Real Estate Sales Office use is not adequate pursuant to Title 19.08 standards. The four offsite parking spaces located on Agave Bloom Street contain dimensions of nine feet by 18 feet; the parallel parking standards are nine feet by 23 feet. Vehicles parked on Agave Street do not have adequate room to maneuver, and would be forced to back out to the nearest intersection.

The applicant is requesting a Variance to allow one parking space on a property where a Temporary Real Estate Sales Office use is to be conducted. There are no unique circumstances with this Variance request and staff recommends denial. If approved, it is subject to conditions.

FINDINGS (VAR-68395)

In accordance with the provisions of Title 19.16.140(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

Staff Report Page Two
February 14, 2017 - Planning Commission Meeting

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 19.16.140(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 providing one on-site parking space where the Temporary Real Estate Sales Office use requires an additional four on-site parking spaces. The proposed parking configuration in the street does not allow adequate room for vehicles to maneuver and turn around. 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.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/21/04	The City Council approved a request for a Petition to Annex (ANX-3103) property generally located on the southwest corner of Horse Drive and Coke Street containing approximately 4.8 acres. The Planning Commission recommended approval on 11/06/03. The Annexation became effective on 01/30/04.
02/09/06	The City Council approved a Petition to Annex (ANX-11001) 15.99 acres on the west side of Coke Street, north of Racel Street. The annexation became effective 04/28/06.
10/05/05	The City Council approved a request to amend the Master Plan of Streets and Highways (MSH-8232) to remove a portion of Horse Drive between Coke Street and Conough Lane. The Planning Commission recommended approval.

Staff Report Page Three
February 14, 2017 - Planning Commission Meeting

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
11/02/05	The City Council approved a request for a Petition to Vacate (VAC-8641) the south half of Horse Drive between Coke Street and Conough Lane, and the east half of Conough Lane from Horse Drive to approximately 375 feet north of Teasha Avenue. The Planning Commission recommended approval.
01/04/06	The City Council approved a request for Rezoning (ZON-9926) from U (Undeveloped) Zone [RNP (Rural Neighborhood Preservation) General Plan Designation] to R-PD2 (Residential Planned Development- 2 Units per Acre) on 5.93 acres on the northwest corner of Horse Drive and Coke Street. The Planning Commission recommended approval.
	The City Council approved a request for a Site Development Plan Review (SDR-9927) for an eight-lot single-family residential subdivision on 5.93 acres on the northwest corner of Horse Drive and Coke Street. The Planning Commission recommended approval.
01/12/06	The Planning Commission approved a request for a Tentative Map (TMP-10525) for an eight-lot residential subdivision on 5.93 acres adjacent to the south side of Horse Drive, approximately 300 feet west of Coke Street.
04/19/06	The City Council approved a request for a Petition to Annex (ANX-11001) an area consisting of approximately 15.99 acres generally located on the west side of Coke Street, north of Racel Street. The Planning Commission and staff recommended approval. The Annexation became effective on 04/28/06.
04/18/07	The City Council approved a request for a Petition to Vacate (VAC-13850) public right-of-way generally located west of the intersection of Horse Drive and Coke Street. The Planning Commission and staff recommended approval.
08/01/07	The City Council approved a request for Rezoning (ZON-13854) from U (Undeveloped) Zone [RNP (Rural Neighborhood Preservation) Master Plan designation] under Resolution of Intent to R-PD2 (Residential Planned Development- 2 Units per Acre) to R-PD2 (Residential Planned Development- 2 Units per Acre) on 24.8 acres at the southwest corner of Horse Drive and Coke Street. The Planning Commission recommended approval; staff recommended denial.
	The City Council approved a related request for a Variance (VAR-13853) to allow zero square feet of open space where 35,293 square feet are required for 49-lot Single Family Residential Development.
	The City Council approved a related request for a Site Development Plan Review (SDR-13852) for a 49-lot Single Family Residential Development.

Staff Report Page Four
February 14, 2017 - Planning Commission Meeting

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/23/07	The Planning Commission approved a request for a Tentative Map (TMP-23104) for a 49-lot Single Family Residential Development on 24.8 acres at the southwest corner of Horse Drive and Coke Street.
05/21/08	The Department of Planning administratively approved a request for an Extension of Time (EOT-27692) of a previously approved Petition to Vacate (VAC-13850) public right-of-way generally located west of the intersection of Horse Drive and Coke Street.
05/22/09	The Department of Planning staff administratively approved a request for an Extension of Time (EOT-34070) of a previously approved Petition to Vacate (VAC-13850) public right-of-way generally located west of the intersection of Horse Drive and Coke Street.
08/19/09	The City Council approved a request for an Extension of Time (EOT-35061) of a previously approved Variance (VAR-13853) to allow zero square feet of open space where 35,293 square feet are required for a 49-lot Single Family Residential Development on 24.8 acres at the southwest corner of Horse Drive and Coke Street. Staff recommended approval.
	The City Council approved a related request for an Extension of Time (EOT-35064) of a previously approved Site Development Plan Review (SDR-13852) for a 49-lot Single Family Residential Development.
05/21/10	The Department of Planning staff administratively approved a second request for an Extension of Time (EOT-37889) of an approved Vacation (VAC-13850) for public rights-of-way generally located west of the intersection of Horse Drive and Coke Street.
03/15/11	The Department of Planning staff administratively approved a third Extension of Time (EOT-40913) of a previously approved Petition to Vacate (VAC-13850) public right-of-way generally located west of the intersection of Horse Drive and Coke Street.
04/06/11	The City Council approved a request for an Extension of Time (EOT-40914) of a previously approved Variance (VAR-13853) to allow zero square feet of open space where 35,293 square feet are required for a 49-lot Single Family Residential Development on 24.8 acres at the southwest corner of Horse Drive and Coke Street. Staff recommended approval.
	The City Council approved a related request for an Extension of Time (EOT-40912) of a previously approved Site Development Plan Review (SDR-13852) for a 49-lot Single Family Residential Development.
07/12/11	The Planning Commission approved a request for a Tentative Map (TMP-41623) for a 49-lot Single Family Residential Development on 24.8 acres at the southwest corner of Horse Drive and Coke Street. Staff recommended approval.

Staff Report Page Five
February 14, 2017 - Planning Commission Meeting

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/15/11	A Code Enforcement case (108682) was process for trash and debris on property located at the northwest corner of Racel Street and Coke Street. The case was resolved on 04/02/12.
12/20/11	A Code Enforcement case (108782) was processed for trash and debris at 8325 Coke Street. The case was resolved on 04/02/12.
04/23/13	The Department of Planning staff administratively approved a fourth Extension of Time (EOT-48781) of an approved Vacation (VAC-13850) for public rights-of-way generally located west of the intersection of Horse Drive and Coke Street.
10/02/13	The City Council approved a request for an Extension of Time (EOT-50731) of an approved Variance (VAR-13853) to allow zero square feet of open space where 35,293 square feet are required for a 49-lot Single Family Residential Development on 24.8 acres at the southwest corner of Horse Drive and Coke Street. Staff recommended denial.
10/02/13	The City Council approved a request for an Extension of Time (EOT-50733) of an approved Site Development Plan Review (SDR-13852) for a 49-lot Single Family Residential Development on 24.8 acres at the southwest corner of Horse Drive and Coke Street. Staff recommended denial.
01/15/14	The Department of Planning staff administratively approved a Minor Site Development Plan Review (SDR-52465) to add eight floor plans, increase the perimeter landscape buffers along the entrance area and along the east perimeter, add architectural enhancements to the building elevations, decrease the drainage and emergency access easement from 30 feet to 25 feet wide and minor lot size adjustments on lots 21 through 37 and lots 43 through 49 on 24.8 acres at the southwest corner of Horse Drive and Coke Street.
04/17/14	The Department of Planning staff administratively approved a fifth Extension of Time (EOT-53550) of an approved Vacation (VAC-13850) for public rights-of-way generally located west of the intersection of Horse Drive and Coke Street.
09/04/14	A Final Map (FMP-55886) was processed for a 49-lot Single Family Residential Development on 23.88 acres on the west side of Coke Street, approximately 215 feet north of Racel Street.
11/05/14	The City Council approved a request for an Extension of Time (EOT-55999) of an approved Variance (VAR-13853) to allow zero square feet of open space where 35,293 square feet are required for a 49-lot Single Family Residential Development on 24.8 acres at the southwest corner of Horse Drive and Coke Street. Staff recommended approval.

Staff Report Page Six
February 14, 2017 - Planning Commission Meeting

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
06/19/15	A Final Map (FMP-55886) for a 49-lot single family residential subdivision on 23.88 acres on the west side of Coke Street, approximately 215 feet north of Racel Street, was recorded.
09/08/15	The Planning Commission approved a Major Amendment (SDR-60341) of an approved Site Development Plan Review (SDR-13852) to add three model home floor plans with elevations and establish development standards for Accessory Structures (Class II) on 24.80 acres on the west side of Coke Street, approximately 210 feet north of Racel Street. Staff recommended approval.
07/26/16	The Department of Planning administratively approved a Minor Amendment (SDR-6538) of an approved Site Development Plan Review (SDR-13852) to add three model home floor plans with elevations on 24.80 acres on the west side of Coke Street, approximately 210 north of Racel Street.

<i>Most Recent Change of Ownership</i>	
08/05/16	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
10/20/16	A building permit (#328066) was issued for a Single Family, Detached at 8222 Agave Bloom Street. The permit is currently active.
10/20/16	A building permit (#328067) was issued for an Accessory Structure (Class II) at 8222 Agave Bloom Street. The permit is currently active.

<i>Pre-Application Meeting</i>	
12/28/16	A pre-application meeting was conducted with the applicant to discuss the Variance application submittal process for a Temporary Real Estate Sales Office use. The subject property can only provide one parking space.

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

<i>Field Check</i>	
01/05/17	A field check by staff of the subject property was conducted. The subject property is currently vacant.

Staff Report Page Seven
February 14, 2017 - Planning Commission Meeting

Details of Application Request	
Site Area	
Net Acres	0.41

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Undeveloped	RNP (Rural Neighborhood Preservation)	R-PD2 (Residential Planned Development- 2 Units per Acre)
North	Undeveloped	RNP (Rural Neighborhood Preservation) - Clark County	R-PD2 (Residential Planned Development- 2 Units per Acre)
South	Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
East	Single Family, Detached	RN (Rural Neighborhood) - Clark County	R-E (Rural Estates Residential) - Clark County
West	Undeveloped	PR-OS (Parks/Recreation/Open Space)	R-PD2 (Residential Planned Development- 2 Units per Acre)

Master Plan Areas	Compliance
No Applicable Master Plan Area	N/A
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

Staff Report Page Eight
February 14, 2017 - Planning Commission Meeting

DEVELOPMENT STANDARDS

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Coke Street	Local Street	Title 13	60 Feet	N/A

Pursuant to Title 19.12, 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	
Temporary Real Estate Sales Office (Single Family Detached)	N/A	N/A	5				
TOTAL SPACES REQUIRED			5		1		N
Regular and Handicapped Spaces Required			4	1	0	1	N