



## AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 21, 2007  
DEPARTMENT: PLANNING AND DEVELOPMENT  
ITEM DESCRIPTION: ABEYANCE - SDR-17247 - APPLICANT/OWNER: TOUSA HOMES, INC.

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*THIS ITEM WAS HELD IN ABEYANCE FROM THE FEBRUARY 21, 2007 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN ROSS.*

### **\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (5-0 vote) recommends APPROVAL, subject to:

#### **Planning and Development**

1. Conformance to the Conditions of Approval for Rezoning (ZON-17242) and Variance (VAR-12244), if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 10/02/06, except as amended by conditions herein.
4. A Waiver from streetscape requirements is hereby approved, to allow no streetscape along Deer Springs Way where six feet of streetscape is required.
5. The standards for this development shall include a Minimum lot size of 16,030 square feet and Building height shall not exceed two stories or 29.5 feet, whichever is less.
6. The setbacks for this development shall be a minimum of 20 feet to the front of the house, as measured from back of sidewalk or from back of curb if no sidewalk is provided, 10 feet on the side, 15 feet on the corner side, and 25 feet in the rear.
7. 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 as Final Map submittal. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
8. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

9. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
10. Air conditioning units shall not be mounted on rooftops.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
12. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
13. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

14. The private entry street shall not be gated.
15. A Homeowners Association shall be established to maintain all private roadways, landscaping and common areas created with this development. All private improvements and landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
16. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON17242 and all other applicable site-related actions.
17. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.
18. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The proposed development is for a five-lot single-family residential subdivision. The site would be accessed by a cul-de-sac off Deer Springs Way. The project requires a Variance to allow a Residential Planned Development on less than five acres and a waiver of streetscape requirements along Deer Springs Way. These deviations are not supported as they are due to the applicants design choices. The proposed development standards more closely match the R-D (Single-family Residential-Restricted) District than the R-E (Residence Estates) that is currently in place on the site and is most prevalent in the area. The rezoning would permit five lots where four lots would be permitted under the current designation. Due to the deviations from standards and smaller lot sizes than the adjacent property, denial of this request is recommended.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
12/21/06	The Planning Commission recommended approval of companion items ZON-17242 and VAR-17244 concurrently with this application.  The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #29/ng).
<b><i>Related Building Permits/Business Licenses</i></b>	
There are no permits or licenses related to this development.	
<b><i>Pre-Application Meeting</i></b>	
09/15/06	A pre-application meeting was held. It was noted that the site was located in the Rural Preservation Overlay District Buffer. The applicant stated that these would be a mix of one and two-story homes and that the cul-de-sac would align with the western portion that is already developed.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required, nor was one held.	

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	2.86
Net Acres	2.26

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Single-family Residential	L (Low Density Residential)	R-E (Residence Estates)
North	Single-family Residential	L (Low Density Residential)	R-E (Residence Estates)
South	Undeveloped	L (Low Density Residential)	R-E (Residence Estates)

East	Single-family Residential	ML (Medium Low Density Residential)	R-1 (Single-family Residential)
West	Single-family Residential	L (Low Density Residential)	R-E (Residence Estates)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
R-PD (Residential Planned Development) District	X		N
<b>Trails</b>		X	Y
<b>Rural Preservation Overlay District (Buffer)</b>	X		Y
<b>Development Impact Notification Assessment</b>		X	Y
<b>Project of Regional Significance</b>		X	Y

**DEVELOPMENT STANDARDS**

*Per Title 19.06 the following Development Standards apply:*

<i>Standard</i>	<i>Provided</i>
Min. Lot Size	16,030 SF
Min. Lot Width	91.79 Feet
Min. Setbacks	
• Front	20 Feet
• Side	10 Feet
• Corner	15 Feet
• Rear	25 Feet
Max. Building Height	29.5 Feet

<i>Residential Adjacency Standards</i>
Residential Adjacency Standards do not apply to the proposed development.

<i>Existing Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>	<i>Proposed Zoning</i>	<i>Permitted Density</i>	<i>General Plan</i>	<i>Permitted Density</i>
R-E (Residence Estates)	2 Units Per Acre	Seven  (Only Five are Proposed)	R-PD2 (Residential Planned Development 2 Units Per Acre)	2.49 Units Per Acre	L (Low Density Residential)	5.49 Units Per Acre)

<b><i>Open Space</i></b>
Per Title 19.06.040 Residential Planned Developments with less than 12 dwelling units are not required to provide open space. This development is proposing five-lots and is not required to provide open space. It is noted that the applicant is proving a six-foot streetscape area along Bradley Road (Common Lot A) that includes landscaping that meets Code requirements. The applicant is requesting a waiver of the streetscape requirements along Deer Springs Way.

*Pursuant to Title 19.10, the following parking standards apply:*

<b><i>Parking Requirement</i></b>
The project is required to provide a minimum of two parking spaces pre dwelling unit. Each unit is proposed to have a minimum of a two car garage, while most units include a three car garage. This meets Title 19.10 parking requirements.

<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
Streetscape requirements along Deer Springs Way. The applicant is requesting no streetscape and would like rural standards in this area.	6 Feet	This waiver is not supported and the applicant should provide the streetscape along Deer Springs Way.

## **ANALYSIS**

The proposed development would consist of five lots. The smallest lot is 16,030 square feet. The largest lot is 16,575 square feet. The current R-E (Residence Estates) zone permits a minimum lot size of 20,000 square feet; therefore, with the current zoning a total of four lots would be permitted. The setbacks that are proposed are similar to the setbacks for the R-D (Single-family Residential-Restricted) District. These setbacks are much less than what is permitted in the R-E (Residence Estates) Zone. Elevations show one and two story homes. Materials will consist of stucco and Spanish tile. Colors will be white and tan stucco with tan and green accents.

Per Title 19.06.040 for the R-PD (Residential Planned Development) District the minimum site area that is eligible for rezoning to the R-PD (Residential Planned Development) zoning district is five acres. Any additional tract which contains less than the minimum site area, but which is contiguous to property previously zoned R-PD (Residential Planned Development), may also be zoned R-PD (Residential Planned Development) by the City Council if it otherwise qualifies for the R-PD (Residential Planned Development) zoning designation. Both such properties must be owned by or be under the control of the same property owner. This particular development is an infill parcel. The adjacent parcels are zoned R-E (Residence Estates). The site does not meet the intent of the R-PD (Residential Planned Development) District as defined in Title 19.06.

The proposed development would have five lots and would not require open space. It is noted that streetscape is required along both Bradley Road and Deer Springs Way. The applicant is providing the required six-foot wide streetscape along Bradley Road; however, a waiver is requested for the streetscape along Deer Springs Way. This is in an effort to maintain a rural appearance to the property. This waiver is not supported as the applicant has the room to provide for this landscaping and is opting not to provide the streetscape based on their design choices.

The homes are single and two-story homes. These homes range in size from 3,300 to 4,800 square feet and typically feature three-car garages. Design and color schemes are typical of development in this area.

## **FINDINGS**

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

**1. The proposed development is compatible with adjacent development and development in the area;**

The proposed development is not considered compatible with the area. The adjacent cul-de-sac features three lots built to R-E standards. The proposed development consists of five lots and the proposed standards more closely match those of the R-D District.

**2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The proposed development is not consistent with Title 19. The project requires a Variance (VAR-17244) to allow a Residential Planned Development on less than five acres. Additionally, the project does not meet the intent of the Residential Planned Development District as defined in Title 19.06.040. The site also requires a waiver of streetscape standards along Deer Springs Way, as designed. Due to these several deviations from Title 19, denial of this request is recommended.

**3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

Site access is provided from Deer Springs Way an 80-foot Secondary Collector. This street will provide adequate access to the proposed development.

**4. Building and landscape materials are appropriate for the area and for the City;**

Building and landscape materials are appropriate for the area and the City of Las Vegas.

- 5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

Elevations and design characteristics are not unsightly or obnoxious and will be harmonious and compatible with development in the area.

- 6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

The proposed development will not compromise the public health or the general welfare.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 7

**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 150 by Planning and Development Dept

**APPROVALS** 0

**PROTESTS** 0