



## **AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JULY 11, 2007**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: VAR-21181 - APPLICANT/OWNER: RICHMOND AMERICAN HOMES**

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

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to:

#### **Planning and Development**

1. Conformance to the conditions for Rezoning (ZON-17698) and Site Development Plan Review (SDR-17697) 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.
3. A Variance to the Title 19.12.075 Wall Height standards has been approved to allow a nine-foot rear yard setback where a 20-foot setback is required for Lots 8 & 9 as shown on the provided site plans date stamped 05/18/07.

#### **Public Works**

4. The proposed walls shall not be located within the public right-ofway or interfere with Site Visibility Restriction Zones. The proposed walls shall not be located within existing or proposed public sewer or drainage easements. The City of Las Vegas Traffic Engineering Representative shall have final approval of wall placement to ensure that sight visibility is maintained.

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

**PROJECT DESCRIPTION**

This application is a request for a Variance to allow an eight-foot solid front yard wall where a five-foot wall with two feet solid and three feet open is the maximum height allowed on 8.5 acres adjacent to the southwest corner of El Campo Grande Avenue and Mustang Street.

This request, along with an additional Variance and Waiver request, seeks to ultimately allow an eight-foot high wall along El Campo Grande. The applicants proposal stems from the self-imposed lot layout that does not adequately conform to Titles 18 or 19. Because an alternative design would ultimately satisfy this condition, staff is recommending denial.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
10/20/04	The City Council approved Annexation (ANX-4957) for the subject site, generally located on the north side of Ann Road, east and west of Mustang Road. Staff and the Planning Commission recommended approval on September 3, 2004.
10/21/04	The Planning Commission approved a related General Plan Amendment (GPA-5172), Title 18 Waiver (WVR-5331), and Site Development Plan Review (SDR-5175) for a 32-lot residential subdivision on 10.65 acres. Staff recommended denial.
12/15/04	The City Council approved General Plan Amendment (GPA-5172), Title 18 Waiver (WVR-5331); Site Development Plan Review (SDR-5175) for a 32-lot residential subdivision on 10.65 acres.
1/03/07	The City Council approved both requests for a Rezoning (ZON-17697) from U (Undeveloped) Zone [R (Rural Density Residential) General Plan Designation] under Resolution of Intent to R-PD3 (Residential Planned Development 3 units per acre) to R-PD3 (Residential Planned Development 3 Units per acre) and companion request for a Site Development Plan Review (SDR-17698) for a 32 lot residential subdivision on 10.30 acres adjacent to the northwest and northeast corners of Ann Road and Mustang Street. The Planning Commission and staff recommended denial for both applications. City Council approved both requests subject to amended conditions.
2/22/07	The Planning Commission approved a request for a Tentative Map (TMP-18682) for a proposed 32-lot single-family residential subdivision on 10.7 acres adjacent to the north side of Ann Road, approximately 290 feet east of Torrey Pines Drive.
06/14/07	The Planning Commission recommended approval of companion items VAR-22080 and WVR-22088 concurrently with this application.  The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #42/mh).

<b><i>Pre-Application Meeting</i></b>	
3/21/07	A Pre-application meeting was held with the applicant. Planning staff advised the applicant of the Variance requirement prior to submission of a building permit for the front walls. A follow-up meeting was held to inform the applicants of an additional Variance for setbacks and a Waiver for drive-way access will be required.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required for this type of application nor was one held.	

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	8.5

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped	Rural Density Residential (R)	RPD-3
North	Single-family residential	Rural Neighborhood Preservation (RNP)	R-E (Rural Estates Residential Clark County Designation )
South	Undeveloped	Rural Density Residential (R)	R-E
East	Single-family residential	Rural Neighborhood Preservation (RNP)	R-E (Rural Estates Residential Clark County Designation )
West	Single-family residential	Rural Neighborhood Preservation (RNP)	R-E (Rural Estates Residential Clark County Designation )

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

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.06, the development standards are established under Planned Development District approved SDR-17698:*

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	7,283 sf	7,414 sf	Y
Min. Lot Width	NA	NA	NA
Min. Setbacks			
• Front	20 feet	20 feet	Y
• Side	9 feet	9 feet	Y
• Corner	9 feet	9 feet	Y
• Rear	20 feet	20 feet	Y*
Max. Building Height	2 stories/35 feet	2-story & 1 story	Y

\*Lot #8 does comply with the established setbacks; however, Lot #9 does not. An associated Variance (VAR-22090) has been requested.

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

<i>Parking Requirement</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Parking Ratio</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>
			<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Single Family Detached	32 units	2 per unit	64		64		Y
<b>TOTAL</b>			64		64		Y

<i>Open Space R-PD only</i>							
<i>Total Acreage</i>	<i>Density</i>	<i>Required</i>			<i>Provided</i>		<i>Compliance</i>
		<i>Ratio</i>	<i>Percent</i>	<i>Area</i>	<i>Percent</i>	<i>Area</i>	
10.3 acres	3.1 du/ac	1.65	5.12%	22,949 sq ft	5.12%	23,000 sq ft	Y

**ANALYSIS**

The requested Waiver to Title 19.12.075 Wall Standards stems from a lot layout that seeks to accommodate utility hook-ups by re-orienting lots eight and nine so that they access El Campo Grande Avenue. Rather than have these two lots receive access from the internal street that serve the rest of the neighborhood as shown in the original scheme- the applicant has created a design that basically turns the two end lots inside-out and adversely affects the overall design of the

northern portion of this proposal. This self-imposed hardship has required a Variance to Title 19.12.075 Wall Standards as the two lots are showing eight-foot walls in what is defined as the front yard. All development is still subject the basic definitions of front, rear, side and corner lots as listed in Titles 18 and 19. As such, the front lot line of Lot 8 is taken from Mustang Road, and the front lot line for Lot 9 is taken from El Campo Grande Avenue.

As this issue could be resolved through the redesign of the Lots 8 & 9, staff is recommending denial of this Variance request, along with the associated Variance (VAR-22090) and Waiver (WVR-22088) requests.

## **FINDINGS**

In accordance with the provisions of Title 19.18.070(B), the 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 providing a house plan that does not comply with the setbacks that were established by the applicant during the original Site Development Plan Review (SDR-17697). Because of the non-typical lot arrangement, Lot 8 will require an approved Variance for an eight-foot front-wall height adjacent to Mustang Road and Lot 9 will require a Variance for an eight-foot front-wall height adjacent to El Campo Grande Avenue. An alternative arrangement with the house accessing Mustang Road, rather than receiving site access from a rear yard drive way off of El Campo Grande Avenue, would allow conformance to the Title 19 requirements, the approved Site Plan Design Review, and result in a more coherent design. In view of the absence of any hardships imposed by the sites physical characteristics, it is concluded that the applicants hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 256 by City Clerk

**APPROVALS** 0

**PROTESTS** 7