



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 11, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-22090 - APPLICANT/OWNER: RICHMOND AMERICAN HOMES

**** 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-17697), and Site Development Plan Review (SDR-17698).
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 setback standards as established by SDR-17698 has been approved to allow a nine-foot rear yard setback where a 20-foot setback is required for Lot 9 as shown on the provided site plans date stamped 05/18/07.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is an application request for a Variance to allow a nine-foot rear yard setback where the approved Site Development Plan Review (SDR-17697) established a 20-foot setback. The affected lot is located at the northeast end of an 8.5 acre parcel (APN 125-26-801-012) 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&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-21181 and WVR-22088 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #43/mh). |

| <i>Pre-Application Meeting</i> | |
|---|--|
| 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. |
| <i>Neighborhood Meeting</i> | |
| A neighborhood meeting is not required for this type of application nor was one held. | |

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

| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning |
|-----------------------------|---------------------------|---------------------------------------|---|
| 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) |

| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---|-------------------|------------------|--------------------------|
| Special Area Plan | | X | |
| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| Special Purpose and Overlay Districts | | | |
| R-PD (Residential Planned Development) District | X | | N |
| Trails | | X | NA |
| Rural Preservation Overlay District | | X | NA |
| Development Impact Notification Assessment | | X | NA |
| Project of Regional Significance | | 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 | 26 feet | Y |
| • Side | 9 feet | 25 feet | Y |
| • Rear | 20 feet | 9 feet | N |
| Max. Building Height | 2 stories/35 feet | 1 story | Y |

ANALYSIS

The requested Variance to the setback standards as established by the approved Site Development Plan Review (SDR-17698), as set forth by Title 19.06.040, 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 Lots 8 and 9 receive access from the internal street that serve the rest of the neighborhood, the applicant has created a design that basically turns the two end lots inside-out. This has required the applicant seek a Variance to the 20-foot rear setback for Lot 9 as the nine-foot setback (mistakenly used as a side yard setback) does not comply with the established design standards.

Although Residential Planned Developments are provided the entitlement to establish their own design standards, 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, thus establishing the rear lot lines.

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). An alternative arrangement with the house facing El Campo Grande Avenue, rather than being situated sideways, would allow conformance to the Title 19 requirements and the approved Site Plan Design Review. 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 5

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 256 by City Clerk

APPROVALS 0

PROTESTS 7