

AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 11, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: WVR-22088 - 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 Waiver to Title 18.12.250 has been approved to allow the driveway access to occur only from the rear yard of Lot 8 as shown on the provided site plans date stamped 05/18/07.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Waiver to Title 18.12.250 to allow the driveway access to occur from the rear yard of Lot 8. In addition to this Waiver (WVR-22088), two related Variances (VAR-22090 and VAR-21181) have been requested.

This request, along with the additional Variance requests, is 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 VAR-22090 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #44/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		Y
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:

Standard	Required/Allowed	Provided	Compliance
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	Y

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

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer:				
Min. Trees	1 Tree/30 linear feet	17 Trees	74 trees	Y
TOTAL		17	74	Y
Min. Zone Width	6 feet		6 & 15 feet	Y
Wall Height	6 feet		6 feet	Y

ANALYSIS

The requested Waiver to Title 18.12.250 stems from a lot layout that seeks to accommodate utility hook-ups by re-orienting Lots 8 and 9 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, the applicant has created a design that basically turns the two end lots inside-out.

Although Title 19.06.040 provides the entitlement for Residential Planned Developments to propose design standards unique to each project, 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.

This arrangement has caused Lot 8 to require driveway access from the rear yard of a residential lot onto El Campo Grande Avenue, a secondary thoroughfare.

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 an inadequate lot layout. An alternative ___ layout utilizing the cul-de-sac in a manner similar to the southern end of the project would accommodate Lots 8 and 9 in a manner that would allow conformance to the Title 18 and Title 19 requirements. The applicant states that the current arrangement stems from the restrictions required by various utilities standards for placing hook-ups, meter boxes, and other connections. Despite the applicants justification, this issue still arises from a poor layout and not an actual restriction stemming from a utility easement. 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 250 by Planning Department

APPROVALS 0

PROTESTS 7