

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 1, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-13853 - APPLICANT/OWNER: WILLIAM LYON HOMES

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-13854) and Site Development Plan Review (SDR-13852) shall be required.
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. In lieu of compliance with the open space requirements of Municipal Code 19.06.040, the developer will be allowed to make a contribution To Whom It May Concern: the City of Las Vegas Parks CIP Fund in the amount of \$141,172.00 to be utilized by the City Council for improvements to existing public parks nearby. This contribution must be made to Land Development prior to approval of a Final Map; otherwise the developer is still required to comply with the Open Space requirement in accordance with Title 19 of the Las Vegas Municipal Code.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Variance to allow zero square feet of open space where 35,293 square feet is the minimum amount required for a proposed 49-lot single-family residential subdivision on 24.8 acres at the southwest corner of Horse Drive and Coke Street. This item, along with companion items ZON-13854 and VAR-13853, were tabled at the 09/07/06 Planning Commission meeting at the request of the applicant in anticipation of the city's plans to grade the adjacent property for a proposed stormwater detention facility at Floyd Lamb State Park. The plan is being brought back to the table with no revisions.

Per Title 19.06, the R-PD District requires the provision of efficient utilization of common open space. The applicant maintains that the large lots provide sufficient private open space and that useable open space is available at nearby Floyd Lamb State Park. As the applicant has created a self-imposed hardship by designing a planned residential development without common open space, staff recommends denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/21/04	The City Council approved 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 and staff recommended approval. The effective date was 01/30/04.
01/04/06	The City Council approved a request for a Rezoning (ZON-9926) from U (Undeveloped) Zone [RNP (Rural Neighborhood Preservation) General Plan Designation] to R-PD2 (Residential Planned Development - 2 units per acre) and a Site Development Review (SDR-9927) for an eight-lot single family subdivision on 5.93 acres on the northwest corner of Horse Drive and Coke Street. The Planning Commission and staff recommended denial. These approvals will expire on 01/04/08.
01/12/06	The Planning Commission approved a Tentative Map (TMP-10525) for the proposed eight-lot Horse and Coke Subdivision on 5.93 acres encompassing Assessors Parcel Numbers 125-09-702-001 and 125-09-702-002. Staff recommended approval. No final map based on this tentative map has been recorded on this site. The approval expires 01/12/08.
04/19/06	The City Council approved a Petition to Annex (ANX-11001) property generally located on the southwest corner of Horse Drive and Coke Street, containing approximately 16 acres. The Planning Commission and staff recommended approval. The effective date was 04/28/06.

09/07/06	This and associated items ZON-13854 and VAR-13853 were tabled at the applicants request.
02/07/07	The City Council approved Ordinance No.5891, clarifying and standardizing the provisions governing the expiration and termination of zoning-related applications and approvals. The ordinance specifies, in part, that a public hearing item that is tabled at the request of the applicant shall expire six months after the last announced public hearing date. As the ordinance was adopted after this and related items were tabled, these items are not subject to the six-month expiration.
04/18/07	The City Council approved a Petition of Vacation (VAC-13850) to vacate public rights-of-way generally located west of the intersection of Horse Drive and Coke Street. This vacation has not yet been recorded.
06/28/07	The Planning Commission recommended approval of companion items ZON-13854 and SDR-13852 concurrently with this application. The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #27/ss).
<i>Related Building Permits/Business Licenses</i>	
At this time, there are no building permits or business licenses related to the subject site.	
<i>Pre-Application Meeting</i>	
04/24/06	A pre-application meeting was held detailing the requirements for submittal of an R-PD (Residential Planned Development), which included the following: <ul style="list-style-type: none"> a. Approval of Annexation (ANX-11001) b. A Variance for Open Space will be needed c. Public Works requested rural improvements along Coke Street
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required as part of this application request, nor was one held.	

<i>Field Check</i>	
06/05/07 -- The site is undeveloped. Large, single-family lots are located to the north, south and east of the subject site. Property to the north has a rural character with dense landscaped buffers around the perimeter. This area is primarily flat.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	24.8

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	RNP (Rural Neighborhood Preservation)	U (Undeveloped) and U (Undeveloped) under Resolution of Intent to R-PD2 (Residential Planned Development 2 Units Per Acre)
North	Single Family Residential	RNP (Rural Neighborhood Preservation)	Clark County
South	Undeveloped	RNP (Rural Neighborhood Preservation)	Clark County
	Single Family Residential	DR (Desert Rural Density Residential)	R-E (Residence Estates)
East	Single Family Residential	PCD (Planned Community Development)	R-PD3 (Residential Planned Development 3 Units Per Acre)
West	Floyd Lamb Park undeveloped	PR-OS (Parks/Recreation/Open Space)	R-E (Residence Estates)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X*	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

* A Multi-use Non-Equestrian Trail is required on the west side of this proposed development (Conough Lane). However, it is wholly within the boundaries of Floyd Lamb State Park and not a part of this proposal.

DEVELOPMENT STANDARDS

Per Title 19.06, the following open space standards apply to the subject proposal:

<i>Open Space</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>	
24.8	1.98 du/ac	0.0165	3.26%	35,293 SF	0%	0 SF	N

ANALYSIS

Per Title 19.06; the R-PD (Residential Planned Development) District is intended to provide for flexibility and innovation in residential development, with emphasis on enhanced residential amenities; efficient utilization of open space; the separation of pedestrian and vehicular traffic; and homogeneity of land use patterns. As the requested proposal does not provide for any enhanced residential amenities or open space, staff cannot support this Variance request.

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. An alternative design containing fewer residential lots would allow for conformance to the Title 19 requirements. 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

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SENATE DISTRICT 9

NOTICES MAILED 237 by City Clerk

APPROVALS 0

PROTESTS 2