



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: FEBRUARY 14, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-26237 - APPLICANT/OWNER: ASTORIA CE 307, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to the conditions for Rezoning (ZON-2184), Major Modification (MOD-9174) and Tentative Map (TMP-13107) 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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow a five-foot rear yard setback where a seven-foot setback is required for a 192-lot single-family residential subdivision on 20.50 acres located at the southwest corner of Shaumber Road and Dorrell Lane. This request for a Variance to exceed the rear yard setback standard is not based on the overall site size or shape. The applicant has not offered any justification that would warrant a Variance from the design standards other than their own design preference. The request for a Variance is due to a self imposed hardship, and alternative designs would allow for compliance with Cliffs Edge Master Development Guidelines.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
Month/date/year	Action
07/16/03	The City Council approved a Rezoning (ZON-2184) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) on 704 acres adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. Planning Commission and staff recommended approval.
11/16/05	The City Council approved a Major Modification (MOD-9174) to the Cliff's Edge Master Development Plan and Design Guidelines to establish standards for rear loaded residential small lot housing products and to add Section 3.2.5B to the design guidelines on 1,156 acres generally located adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. Planning Commission and staff recommended approval.
06/08/06	The Planning Commission approved a Tentative Map (TMP-13107) for a 192 lot single family residential subdivision on 20.50 acres at the southeast corner of Puli Road and Dorrell Lane. Note that per the Cliffs Edge Master Plan the Tentative Map serves as the Site Development Plan.

<i>Pre-Application Meeting</i>	
12/12/07	A pre-application meeting was held and the requirements of a Variance were explained.
<i>Neighborhood Meeting</i>	
08/23/06	A meeting was not required, nor was one held.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	20.50

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	PCD (Planned Community Development) RSL (Residential Small Lot)	PD (Planned Development)
North	Single Family Homes	PCD (Planned Community Development)	PD (Planned Development)
South	Single Family Homes	PCD (Planned Community Development)	PD (Planned Development)
East	Undeveloped	PCD (Planned Community Development)	PD (Planned Development)
West	Undeveloped	Clark County	Clark County

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
Cliffs Edge	X	
Special Overlay District		X
Trails	X	
Rural Preservation Overlay District		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Cliffs Edge

The subject proposal is located within the Cliffs Edge Master Development Plan area. Within Cliffs Edge, it has a designation of R-SL (Residential Small Lot). As such, specific development standards apply. These standards are outlined below.

Trails

A multi-use, equestrian trail is proposed along the western edge of the subject site. However, the applicant is not responsible for the construction of this trail as it lies on the opposite side of the Puli Road alignment from the subject development.

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DEVELOPMENT STANDARDS

A1) Development Standards

Pursuant to the Cliffs Edge Master Development Plan and Design Guidelines, the following Development Standards apply to the subject proposal:

Standards	Required	Provided	Compliance
Min. Setbacks Front Single Story	8 Feet to living area 5 Feet to Porch	8 Feet	Y
Front Two Story	8 Feet for up to a maximum of 60% of the width of the elevation, otherwise 10 Feet	12 Feet	Y
Front - Garage	Less than 5 Feet or 18 Feet +	18 Feet*	N*
Side Interior	3 Feet	3.5 Feet	Y
Side - Perimeter	5 Feet for single story element with no gable end, or 10 Feet for two story element	10 Feet (Single Story) 10 Feet (Two Story)	Y
Corner Single Story	10 Feet	10 Feet	Y
Corner Two Story	10 Feet	12 Feet	Y
Rear Interior	10 Feet, except 5 Feet allowed for up to 50% of the width of the elevation	5 Feet	N*
Rear - Perimeter	10 Feet, except that no more than two adjacent buildings may have the same rear setback; otherwise an additional offset of at least 5 feet is required	10 Feet*	Y
Max. Building Height	35 Feet	35 Feet	Y
Number of Lots	N/A	192	Y
Max. Density	15 Du/Ac	9.4 Du/Ac	Y
Private/Public Street	Private	Private	Y
Open Space	14,600 SF	14,701 SF	Y

*The subject Variance (VAR-26236 and VAR-26237) requests do not meet all applicable development standards per the Cliffs Edge Master Development Plan and Design Guidelines.

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ANALYSIS

The subject site, which will consist of 192 lots on 20.5 acres, is located adjacent to Bureau of Land Management land to the west. The homes will be developed based on the R-SL (Residential Small Lot) development standards per the Cliffs Edge Master Development Plan and Design Guidelines. The request for a variance to exceed the minimum driveway length standard is not acceptable. The purpose of these design guidelines is to prevent vehicles from being parked in driveways that are too small to accommodate them. Expanding the driveway size to seven feet could possibly allow residents and visitors to attempt to park smaller vehicles in them, which could cause a safety hazard. The request for a variance is due to a self-imposed hardship, and alternative designs would allow for compliance with Cliffs Edge Master Development Guidelines.

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 Tentative Map (TMP-13107). An alternative arrangement, would allow conformance to the Cliffs Edge Development Standards. 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.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 0

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 78

APPROVALS 0

PROTESTS 1