

**AGENDA MEMO**

PLANNING COMMISSION MEETING DATE: MARCH 27, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-26863 - APPLICANT: G.C. WALLACE, INC. - OWNER:
PULTE HOMES

**** CONDITIONS ****

STAFF RECOMMENDATION: **DENIAL.** If Approved, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for General Plan Amendment (GPA-9144) Rezoning (ZON-9141), Variance (VAR-9143), Vacation (VAC-9540), and Site Development Review (SDR-9142), and Tentative Map (TMP-11690) 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.

Public Works

3. The distance from the face of the garage door to the front property line shall be a minimum distance of 18 feet or a maximum distance of 5 feet to prevent a vehicle in the driveway from encroaching into the vehicular or pedestrian travel corridor, unless otherwise allowed by the City Engineer through an approved Deviation from Standards.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow a 15-foot front yard setback on a single family home, where 20 feet is required in an R-PD4 (Residential Planned Development 4 Units Per Acre) Zone.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/18/06	The City Council approved requests for a General Plan Amendment (GPA-9144) from DR (Desert Rural Density Residential) and R (Rural Density Residential) to L (Low Density Residential), a Rezoning (ZON-9141) from R-E (Residence Estates) to R-PD4 (Residential Planned Development 4 Units Per Acre), a Variance (VAR-9143) to allow a reduction in required open space, a Vacation (VAC-9540) of Tina Lane west of Rebecca Road, and a Site Development Plan Review (SDR-9142) for a proposed 79-lot single-family residential subdivision on the subject site. The City Council amended the number of proposed lots to 78. The Planning Commission considered the items on 12/15/05 and recommended denial of GPA-9144 and approval of the other items. Staff recommended denial of all items.
2/03/06	Tentative Map (TMP-11690) for a 78-lot single-family residential subdivision on 18.66 acres at the southwest corner of Ann Road and Rebecca Road. The Planning Commission approved the request. Staff recommended approval.
<i>Pre-Application Meeting</i>	
02/08/08	The requirements for a Variance application were discussed as well as the requirement to submit two separate Variance applications (VAR-26862) and (VAR-26863) for the requested deviation from the requirements of Site Development Plan Review (SDR-9142).
<i>Neighborhood Meeting</i>	
A meeting was not required nor was one held.	

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Field Check	
02/15/08	The subject site is presently being developed, nothing further of note was observed.

Details of Application Request	
Site Area	
Gross Acres	.19

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	L (Low Density Residential)	RPD-4 (Residential Planned Development 4 Units Per Acre)
North	Undeveloped	L (Low Density Residential)	RPD-4 (Residential Planned Development 4 Units Per Acre)
South	Single Family Residence	R (Rural Density Residential)	R-E (Residential Estates)
East	Undeveloped	L (Low Density Residential)	RPD-4 (Residential Planned Development 4 Units Per Acre)
West	Single Family Residence	R (Rural Density Residential)	R-E (Residential Estates)

Special Districts/Zones	Yes	No	Compliance
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

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DEVELOPMENT STANDARDS

Per Title 19.06.040 and approved Site Development Plan Review (SDR-9142)

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	5,482 SF	7,649	Yes
Min. Lot Width	65 Feet	63	Yes
Min. Setbacks (In Feet)			
• Front (Home Face)	20 Feet	15 Feet	No*
• Front (Garage)	15 Feet	15 Feet	Yes
• Side	5 Feet	5 Feet	Yes
• Corner	10 Feet	10 Feet	Yes
• Rear	15 Feet	15 Feet	Yes
Max. Building Height	Two Stories/35 Feet	Single Story	Yes

**Per approved Residential Planned Development (R-PD, Site Development Review (SDR-9142)*

ANALYSIS

The subject property is located within an approved 78-lot single-family residential development on 18.66 acres. The neighborhood receives access from Ann Road, a Primary (100-foot) Arterial on the Master Plan of Streets and Highways. Internal 51-foot public streets provide access to individual lots. Lots sizes range from 5,482 to 9,010 square feet and 0.70 acres of internal open space is provided. Each unit will provide a three-car garage, which is in excess of the two spaces per dwelling unit required by Title 19. The approved building elevations depict two-story homes with stucco exteriors, tiled roofs, and three car garages.

The request for deviation from the approved setback requirements is not appropriate. This is a self imposed hardship which could be alleviated with alternative design and therefore staff recommends denial.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), 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.

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Additionally, Title 19.18.070L 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 based on design. An alternative design would allow 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 8

ASSEMBLY DISTRICT 1

SENATE DISTRICT 6

NOTICES MAILED 130

APPROVALS 0

PROTESTS 0