

**AGENDA MEMO**

PLANNING COMMISSION MEETING DATE: SEPTEMBER 25, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-29441 - APPLICANT/OWNER: RICHMOND AMERICAN HOMES

**** CONDITIONS ****

STAFF RECOMMENDATION: **APPROVAL**, subject to:

Planning and Development

1. 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

2. 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 application is a request for a Variance to allow a five-foot front yard setback where 18 feet is required for a new single-family residence at 6785 Briarwood Bend. The subject site is Lot 5, within the approved 36-lot R-PD (Residential Planned Development) Highland Grove. Staff has found that reducing the front setback from 18 feet to five feet would not cause any detriment to the public good and is recommending approval of this application.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/05/03	The City Council approved a petition (A-0038-02) to Annex undeveloped property located in various parts of the City under the provisions of NRS 268.597 No. 1(b) containing approximately 495 acres. The Planning Commission recommended approval.
06/01/05	The City Council approved a request for a General Plan Amendment (GPA-6285) to amend a portion of the Centennial Hills Sector Plan of the General Plan from R (Rural) to ML (Medium Low Density Residential) on 4.16 acres, approximately 550 feet north of Ann Road. The Planning Commission recommended approval.
06/01/05	The City Council approved a request for a Rezoning (ZON-6291) from U (Undeveloped) [R (Rural Density Residential) General Plan Designation] to R-PD8 (Residential Planned Development 8 Units per Acre) on 4.16 acres 550 feet north of Ann Road. The Planning Commission recommended approval.
06/01/05	The City Council approved a request for a Variance (VAR-6289) to allow a Planned Unit Development to be less than five acres for a proposed residential development on 4.16 acres adjacent to the east side of Balsam Street, approximately 550 feet north of Ann Road. The Planning Commission recommended approval.
06/01/05	The City Council approved a petition for Vacation (VAC-6293) to Vacate a portion of Balsam Street. The Planning Commission recommended approval.
06/01/05	The City Council approved a request for a Site Development Plan Review (SDR-6294) for a 36-lot residential development on 4.16 acres 550 feet north of Ann Road. The Planning Commission recommended approval.

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08/25/05	The Planning Commission (final action) approved a request for a Tentative Map (TMP-8351) for a 36-lot single-family residential subdivision on 4.59 acres adjacent to the northwest corner of Glen Landing Avenue and Balsam Street.
02/02/06	Civil Improvement Plans were submitted and approved for a 36-lot residential subdivision on 4.30 acres adjacent to the east side of Balsam Street approximately 575-feet north of Ann Road.
03/17/06	A Final Map (FMP-10823) was recorded for a 36-lot single-family residential subdivision on 4.30 acres adjacent to the east side of Balsam Street approximately 575-feet north of Ann Road.
<i>Related Building Permits/Business Licenses</i>	
No building permits have been issued for Lot 5 at 6785 Briarwood Bend.	
<i>Pre-Application Meeting</i>	
08/06/08	A pre-application meeting was held where the submittal requirements for a front yard setback Variance were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

<i>Field Check</i>	
08/19/08	Staff performed a routine field check where an undeveloped lot was observed within a residential development. Nothing of concern was noted by staff.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.06

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single-Family Residential	ML (Medium Low Density Residential)	R-PD8 (Residential Planned Development 8 Units Per Acre)
North	Single-Family Residential	ML (Medium Low Density Residential)	R-PD8 (Residential Planned Development 8 Units Per Acre)
South	Single-Family Residential	ML (Medium Low Density Residential)	R-PD8 (Residential Planned Development 8 Units Per Acre)
East	Single-Family Residential	ML (Medium Low Density Residential)	R-PD8 (Residential Planned Development 8 Units Per Acre)
West	Single-Family Residential	ML (Medium Low Density Residential)	R-PD8 (Residential Planned Development 8 Units Per Acre)

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Centennial Hills Sector Plan	X		Y
Northwest Open Space Plan	X		Y
<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		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

- **Multi Use Transportation Trail**

Adjacent to the south perimeter of this housing development, along Ann Road exist a multi-use transportation trail. This trail is intended to be used and shared by bicyclists and persons on other non-motorized vehicles and for pedestrians.

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.040(C)(4), the development standards for a project shall be established by the approval of an R-PD District and the approved Site Development Plan as described in Subchapter 19.18.050. The above development standards [Site Development Plan Review (SDR-6294)] were approved by the City Council on 06/01/05.

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	2,394 s.f.	2,394 s.f	Y
Min. Lot Width	35 ft.	36 ft.	Y
Min. Setbacks			
● Front	18 ft.	5ft.*	N*
● Side	3.5 ft.	5 ft.	Y
● Corner	N/A	N/A	N/A
● Rear	10 ft.	20 ft.	Y

**The applicant is requesting a Variance to allow a 5-foot front yard setback where 18 feet is required.*

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ANALYSIS

This application is a request for a Variance to allow a five-foot front yard setback where 18 feet is required for a new single-family residence at 6785 Briarwood Bend. The subject site is Lot 5, within an approved 36-lot R-PD (Residential Planned Development), and the only lot in the Highland Grove subdivision for which the applicant seeks the Variance. This accounts for approximately 0.03 percent of the total units.

Condition #3 of approved Site Development Plan Review (SDR-6294) states, All development shall be in conformance with the revised site plan, date stamped 05/10/05 The site plan date stamped 05/10/05 specifies the front yard setback to be 18 feet to garage. The City of Las Vegas Public Works Department requires a driveway to be either five feet or less, or 18 feet and greater in length in order to prevent vehicles from intruding onto public right-of-way. The proposed five-foot front yard setback is within the design parameters required by the Department of Public Works and staff finds the granting of this Variance would not cause any detriment to the public good, impairment of any affected natural resources and would not impair the intent and purpose of any ordinance or resolution.

Staff has found that reducing the front yard setback from 18 feet to five feet would not be inconsistent with the spirit and intent of the R-PD (Residential Planned Development) and is recommending approval of this Variance request.

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.

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.

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The City of Las Vegas Public Works Department requires a driveway to be either five feet or less, or 18 feet and greater in length in order to prevent vehicles from intruding onto public right-of-way. Reducing the driveway from 18 feet to five feet will not cause any detriment to the public good, therefore staff is recommending approval of this Variance request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 10

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 201

APPROVALS 0

PROTESTS 2