

**AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: MARCH 2, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: WAGNER HOMES, INC. - OWNER: DAYSTAR VENTURES, LLC

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
EOT-40746	Staff recommends APPROVAL, subject to conditions:	None

**** CONDITIONS ****

EOT-40746 CONDITIONS

Planning and Development

- 1.This Variance (VAR-5377) shall expire on January 19, 2013 unless another Extension of Time is approved by the City Council.
- 2.Conformance to the conditions of approval of the Variance (VAR-5377) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site is undeveloped land with previous approval for a Variance (VAR-5377) to allow no open space where 13,633 square feet is the minimum required for a proposed 19-lot single family residential development at the southeast corner of Hualapai Way and Dorrell Lane. No building permits have been issued for the proposed project, nor have plans been submitted for review. A Tentative Map (TMP-24461) was approved on 10/25/07, but has since expired. There have been new entitlements for properties to the west and northwest that includes a 124-unit addition for an approved apartment complex and a condominium/retail development. The applicant is requesting a four-year Extension of Time to allow the housing market to recover. Staff is recommending approval with a two-year time limit.

It is noted that there are three (3) related Extension of Times (EOT-40742, EOT-40745, and EOT-40744) that will be heard concurrently with this application.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
08/04/04	The City Council approved a request for an Annexation (ANX-4451) of an area consisting of approximately 5.395 acres generally located on the southeast corner of Hualapai Way and Dorrell Lane. The Planning Commission and staff recommended approval. The Annexation became effective on 08/13/04.
01/19/05	The City Council approved a request for Rezoning (ZON-4623) from U (Undeveloped) [R (Rural Density Residential) General Plan Designation] to R-PD3 (Residential Planned Development- 3 Units per acre) on 5.35 acres adjacent to the southeast corner of Hualapai Way and Dorrell Lane. The Planning Commission recommended approval; staff recommended denial.
	The City Council approved a related request for a Variance (VAR-5377) to allow no open space where 13,633 square feet is the minimum required for a proposed 19-lot single family development.
	The City Council approved a related request for a Site Development Plan Review (SDR-4626) for a 19-lot single family residential development.
04/06/05	The City Council approved a request for a Waiver of Title 18.12.160 (WVR-6035) to allow 209 feet between street intersections where 220 feet is the minimum distance separation required for a single family residential development on 5.35 acres adjacent to the southeast corner of Dorrell Lane and Hualapai Way. The Planning Commission and staff recommended approval.

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
06/09/05	The Planning Commission approved a request for a Tentative Map (TMP-6601) for a 19-lot single family residential subdivision. Staff recommended approval.
09/05/05	The City Council approved a request for a Petition to Vacate U.S. Government Patent easements generally located on Hualapai Way between Dorrell Lane and Haley Avenue. The Planning Commission and staff recommended approval.
02/07/07	The City Council approved a request for an Extension of Time (EOT-18955) of a previously approved Rezoning (ZON-4623) from U (Undeveloped) [R (Rural Density Residential) General Plan Designation] to R-PD3 (Residential Planned Development- 3 Units per acre) on 5.35 acres adjacent to the southeast corner of Hualapai Way and Dorrell Lane. Staff recommended approval.
	The City Council approved a related request for an Extension of Time (EOT-18954) of a previously approved Variance (VAR-5377) to allow no open space where 13,633 square feet is the minimum required for a proposed 19-lot single family development.
	The City Council approved a related request for an Extension of Time (EOT-18952) of a previously approved Site Development Plan Review (SDR-4626) for a 19-lot single family residential development.
04/03/07	The Planning and Development Department and Department of Public Works approved a request for a Final Map Technical Review (FMP-20340) for 'Day Dawn Ridge,' a 19-lot single family development. The map was never recorded.
09/05/07	The City Council approved a request for a Waiver of Title 18.12.160 (WVR-22255) to allow 210 feet between street intersections where 220 feet is the minimum distance separation required for a single family residential development on 5.35 acres adjacent to the northeast corner of Hualapai Way and Haley Avenue. The Planning Commission recommended approval; staff recommended denial.
	The City Council approved a related request for a Major Amendment (SDR-22253) to an approved Site Development Plan Review (SDR-4626) for a 19-lot single family residential development with access to Haley Avenue instead of Dorrell Lane.
10/25/07	The Planning Commission approved a request for a Tentative Map (TMP-24461) for a 19-lot single family residential subdivision on 5.36 acres at the southeast corner of Hualapai Way and Dorrell Lane. Staff recommended approval.

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<i>Related Relevant City Actions by P&D</i>	
02/04/09	The City Council approved a request for an Extension of Time (EOT-32752) of a previously approved Rezoning (ZON-4623) from U (Undeveloped) [R (Rural Density Residential) General Plan Designation] to R-PD3 (Residential Planned Development- 3 Units per acre) on 5.35 acres adjacent to the southeast corner of Hualapai Way and Dorrell Lane. Staff recommended approval.
	The City Council approved a related request for an Extension of Time (EOT-32753) of a previously approved Variance (VAR-5377) to allow no open space where 13,633 square feet is the minimum required for a proposed 19-lot single family development.
10/07/09	The City Council approved a request for an Extension of Time (EOT-35680) of a previously approved Waiver (WVR-22255) of Title 18.12.160 requirements to allow 210 feet between street intersections where 220 feet is the minimum distance separation required for a single family residential development on 5.35 acres adjacent to the northeast corner of Hualapai Way and Haley Avenue. Staff recommended approval.
	The City Council approved a related request for an Extension of Time (EOT-35681) of previously approved Site Development Plan Review (SDR-22253) for a 19-lot single family residential development with access to Haley Avenue instead of Dorrell Lane.

<i>Most Recent Change of Ownership</i>	
10/07/04	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>
There have not been any building permits or business license issued for the subject site.

<i>Pre-Application Meeting</i>
A pre-application meeting was not required, nor was one held.

<i>Neighborhood Meeting</i>
A neighborhood meeting was not required, nor was one held.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	5.35

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Undeveloped Land-Proposed Single Family Residential Development	R (Rural Density Residential)	U (Undeveloped) [R (Rural Density Residential) General Plan Designation] with a Resolution of Intent to R-PD3 (Residential Planned Development- 3 Units per Acre)
North	Undeveloped Land-Clark County	RL (Residential Low)-Clark County	R-E (Rural Estates Residential)- Clark County
South	Undeveloped Land-Clark County	RL (Residential Low)-Clark County	R-E (Rural Estates Residential)- Clark County
East	Undeveloped Land-Clark County	RL (Residential Low)-Clark County	R-E (Rural Estates Residential)- Clark County
West	Multi-Family Residential	PCD (Planned Community Development)	PD (Planned Development)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		X	N/A
<i>Special Purpose and Overlay Districts</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
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the third request for an Extension of Time of a previously approved Variance (VAR-5377) to allow no open space where 13,633 square feet is the minimum required for a proposed 19-lot single family residential development. No building permits have been issued for the proposed project, nor have plans been submitted for review. A Tentative Map (TMP-24461) was approved on 10/25/07, but has since expired. There have been new entitlements for properties to the west and northwest that includes a 124-unit addition for an approved apartment complex and a condominium/retail development.

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FINDINGS

The Variance (VAR-5377) has not met Title 19.18.070 requirements to exercise the entitlement as no building permits have been issued for the proposed project. Though new entitlements have been approved for properties to the west and northwest of the subject site, the proposed project will not negatively affect the surrounding development. The applicant is requesting a four-year Extension of Time to allow the housing market to recover. Staff is recommending approval of this request with a two-year time limit. Conformance to the conditions of approval of the Variance (VAR-5377) shall be required.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0