



City of Las Vegas

Agenda Item No.: 20.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: MARCH 25, 2010**

**DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER**

☐ Consent ☒ Discussion

SUBJECT:
VAR-3738 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: RYLAND HOMES
NEVADA, LLC - Request for a variance to ALLOW A 14-FOOT REAR YARD SETBACK
WHERE 20 FEET IS REQUIRED ON 26.16 ACRES DEVELOPED LOTS WITHIN A PREVIOUSLY
APPROVED SINGLE-FAMILY RESIDENTIAL SUBDIVISION on 19.71 acres generally
located on the north side of Dorrill Lane, approximately 1,390 feet east of Shaumber Road
(Multiple APNs), Planned Development) Zone, Ward 6 (Ross)

P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

12

Planning Commission Mtg.

2

City Council Meeting

0

City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Providence Design Review Letter
6. Justification Letter
7. Protest/Support Postcards
8. Submitted after Final Agenda Protest Postcards
9. Submitted at Meeting - Kensington Rear Yard Setbacks by Attorney Robert Gronauer
10. Submitted after Meeting Recordation Notices of Planning Commission Action and Conditions of Approval

Motion made by KEEN ELLSWORTH to Approve subject to conditions

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

GLENN TROWBRIDGE, VICKI QUINN, BYRON GOYNES, RICHARD TRUESDELL,
KEEN ELLSWORTH, STEVEN EVANS, GUS FLANGAS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

NOTE: COMMISSIONER EVANS disclosed that he met with ATTORNEY GRONAUER and everything discussed tonight was discussed in his office.

Minutes:

CHAIR TRUESDELL declared the Public Hearing open.

PLANNING COMMISSION MEETING OF: MARCH 25, 2010

DOUG RANKIN, Planning and Development, stated that the applicant is proposing a single-story model that only fits on 22 of the 97 lots in this subdivision. This request would allow the single-story models to be available for the remaining 48 lots, and it represents a 30% reduction in the rear yard setback established by the Cliffs Edge Development Guidelines. Staff recommended denial since neither the applicant nor the master developer presented any compelling justification for approval. If the application is denied, the single-story model would be restricted to those 22 lots.

ATTORNEY BOB GRONAUER, 8345 West Sunset Road, appeared on behalf of Ryland Homes. The subject property is located in the Providence Master Planned Community. It was initially proposed to be developed by Kimball Hill Homes, which now is in bankruptcy. Of the 96 homes planned to be built within the Kingston Subdivision, only 49 homes were constructed. Therefore, there are 48 vacant lots, which Ryland Homes is eager to complete.

ATTORNEY GRONAUER showed the lots on a map depicting 22 lots proposed for three models, one of which would be a 2,400 square-foot, single-story home priced at \$225,000. This model home is the only one that cannot fit on all the lots. In this instance, even though the variance of 14 feet is requested, from a practical standpoint, the one-story is not being built on all 26 lots. There are two other types of two-story homes that fit on all the lots. If unable to build larger homes, the applicant would need to come in and ask for a 14-foot rear yard setback. Only four lots would require the 14-foot rear yard setback.

ATTORNEY GRONAUER noted that this is a unique circumstance because Ryland Homes is not proposing to build a brand new subdivision, but is proposing to complete the subdivision. He agreed with all conditions.

JAMES TAYLOR, resident in the Kingston Subdivision and a member of the homeowners association, was pleased that the developer will complete the subdivision, but expressed concern that the builder is building a sub-standard home compared to a standard that already exists in the development. MR. TAYLOR indicated that Ryland Homes decided to install pavers in the remainder of the homes in the same color, to match the existing homes in this subdivision. He asked whether a condition could be imposed requiring Ryland Homes to conform to the existing community's standards.

ASSISTANT CITY ATTORNEY BRYAN SCOTT advised that the issue referred to by MR. TAYLOR is not part of the variance request for a rear yard setback.

ATTORNEY GRONAUER acknowledged that Ryland Homes committed to installing pavers in the new homes, and that COUNCILMAN ROSS' office was in agreement to the request.

MR. TAYLOR remarked that the home where the applicant is requesting the 14-foot rear yard setback is almost completed. ATTORNEY GRONAUER clarified that single-story homes are requiring a 14-foot rear yard setback and that it will apply only to four lots. The home referred to by MR. TAYLOR is under construction, but the 14-foot rear yard setback will not be applicable as it is a two-story home.

COMMISSIONER GOYNES found issue with homeowners associations that dictate how a home should look. COMMISSIONER EVANS somewhat agreed with COMMISSIONER GOYNES, but noted that in this case, the residents agreed to buy property within a homeowners

PLANNING COMMISSION MEETING OF: MARCH 25, 2010

association. The community is partially completed and MR. TAYLORS concern is that the remainder of the homes would not be built to the same standards. COMMISSIONER EVANS verified that pavers would be installed.

ATTORNEY GRONAUER submitted a list outlining the parcel and lot numbers of those lots requiring the rear yard setback waiver.

COMMISSIONER ELLSWORTH verified with ASSISTANT CITY ATTORNEY SCOTT that a condition requiring pavers cannot be imposed on the rear yard setback application. However, ATTORNEY GRONAUER restated his client's commitment to install pavers in front yards.

See Item 15 for related backup.

CHAIR TRUEDELL declared the Public Hearing closed.

Meeting recessed at 8:00 p.m. to 8:16 p.m.

