



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MARCH 25, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAR-37380 - APPLICANT/OWNER: RYLAND HOMES
NEVADA, LLC**

**** CONDITIONS ****

Staff recommends DENIAL, if approved subject to conditions:

Planning and Development

1. Conformance to the conditions for Rezoning (ZON-1520) and Major Modification (MOD-9174).
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 application is a request for a Variance to allow a 14-foot rear yard setback where 20 feet is required on 26 undeveloped single-family residential lots located north of Dorrell lane and east of Shaumber Road in the Cliff's Edge Master Planned community. Ryland Homes' single story model only fits on 22 of the 97 lot subdivision. At the present time 49 homes have been constructed and this request would allow the single story model to be available for the 48 remaining lots. This request represents a thirty percent reduction in the rear yard setback established by the Cliff's Edge Site Planning Guidelines. Staff recommends denial, since neither the applicant, nor the master developer has presented any compelling justification for approval. If this application is denied, the single story model will be restricted to the 22 lots originally approved.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
02/05/03	The City Council approved the Annexation (A-0035-02) of approximately 1,187 acres generally located adjacent to the southeast corner of Grand Teton Drive and Puli Road. The Planning Commission and staff recommended approval. The annexation became effective 02/14/03.
03/19/03	The City Council approved a Rezoning (ZON-1520) from U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) Zone on approximately 317.5 acres. Including the subject subdivision. The Planning Commission and staff recommended approval.
03/11/04	The Planning Commission approved the Cliff's Edge Parent Tentative Map (TMP-3798). Staff recommended approval.
06/24/04	The Planning Commission approved the Brighton & Kensington Tentative Map (TMP-3798). 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. The Planning Commission and staff recommended approval.
10/21/09	A deed was recorded to show a change in ownership.
<i>Related Building Permits/Business Licenses</i>	
There are no building permits or business licenses associated with the subject properties.	

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<i>Pre-Application Meeting</i>	
01/29/10	A pre-application meeting was held with the applicant where elements of submitting a Variance to allow a 14-foot rear yard setback where 20 feet is required on twenty-six undeveloped single-family residential lots were discussed. The topics included: • The submittal of application materials, meeting dates, and deadlines were discussed at the pre-application meeting.

<i>Neighborhood Meeting</i>	
A neighborhood meeting was neither required nor held.	
<i>Field Check</i>	
02/18/10	A partially built out residential subdivision, with many graded pads awaiting single family homes.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	19.71

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single-Family Residential	L (Low Density Residential)	PD (Planned Development)
North	Single-Family Residential	RSL (Residential Small Lot)	PD (Planned Development)
South	Single-Family Residential	L (Low Density Residential)	PD (Planned Development)
East	Single-Family Residential	ML (Medium-Low Density Residential)	PD (Planned Development)
West	Single-Family Residential	ML (Medium-Low Density Residential)	PD (Planned Development)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Cliff's Edge (Providence)	X		N

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
PD Planned Development District	X		N
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

DEVELOPMENT STANDARDS

Cliff's Edge Master Development Plan and Design Guidelines 3.2.5

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Setbacks			
• Front	10 feet	10 feet	Y
• Side	5 feet	5 feet	Y
• Corner	10 feet	10 feet	Y
• Rear	20 feet	14 feet	N
Percent Deviation	30%		N

ANALYSIS

This request is to allow a 14-foot rear yard setback where 20 feet is required on 26 undeveloped single-family residential lots in an approved 97 single-family residential development. The Master Developer, Providence Design Review Committee (DRC) has granted the applicant's request for the rear yard setback variance, via the (DRC) approval letter, but has given no compelling justification for the approval. The proposed single-family floor plan for these lots is too large to accommodate Cliff's Edge Master Development Plan and Design Guidelines for Low Density Residential rear setbacks. The setback variance represents a deviation of 30 percent from the rear setback standard. As the developer has selected a model for the single-family subdivision that does not conform to the development standards, the hardship is self-preferential in nature and cannot be supported by staff.

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 19.18.070(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 proposing to reduce the rear yard setback to 14 feet to allow for current single story homes, the plans for which are too intense on 26 lots. Keeping model home Plan 1 only on the present 22 lots, would allow conformance to the Cliff’s Edge Master Development Plan and Design Guidelines requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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