



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: OCTOBER 21, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: RICHMOND AMERICAN HOMES - OWNER:
PROVIDENCE 207, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-39468	Staff recommends DENIAL.	N/A

** CONDITIONS **

VAR-39468 CONDITIONS

Planning and Development

1. Conformance to the approved conditions for Major Modification (MOD-10531), Tentative Map (TMP-11447) and Variance (VAR-13245).
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for new construction. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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Public Works

6. The distance from the face of the garage door to the back of sidewalk (or curb, if no sidewalk is proposed) shall be a minimum distance of 18 feet or a maximum distance of 7 feet to prevent a vehicle in the driveway from encroaching into the vehicular or pedestrian travel corridor.
7. The developer shall disclose to potential buyers and shall post notice within each garage of all lots shown on the approved Site Plan in which the garage door is less than eighteen feet that parking in the driveway shall not be allowed.
8. Site development to comply with all applicable previous conditions of approval for the Cliff's Edge Parent Map, the Emerson Final Map and all other site-related actions.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Variance to allow the garage setback to be seven feet or less, where five feet or less is required; a front yard, second-story setback of three feet where eight feet is required on 207 undeveloped single-family residential lots; and rear and side yard setbacks of seven feet where 10 feet is required on Lots 21 and 103. The single family residential subdivision is located at the southwest corner of Farm Road and Hualapai Way in the Cliff's Edge Master Planned community. Staff recommends denial, since neither the applicant, nor the master developer has presented any compelling justification for approval. If this application is denied, the developer will need to submit plans for models that conform to the Cliff's Edge Site Planning Guidelines.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
02/05/03	The City Council approved an Annexation (A-0035-02) of approximately 1,056 acres, which included the subject property. The Planning Commission and staff recommended approval. The effective date of this annexation was 02/14/03.
07/16/03	The City Council approved a request for a Rezoning (ZON-2184) from U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) Zone on approximately 704 acres, which included a portion of the subject property. The Planning Commission and staff recommended approval.
02/18/04	The City Council approved a Development Agreement (DIR-3451) between the City of Las Vegas and Cliff's Edge, Limited Liability Company, for the Cliff's Edge Master Planned Community. The Planning Commission and staff recommended approval.
03/11/04	The Planning Commission approved the Cliff's Edge Parent Tentative Map (TMP-3798) of 923 acres, which included the subject property. This Tentative Map serves as the guide for the further subdivision of land within the Cliff's Edge Master Development Plan area. The Planning and Development staff recommended approval.
08/03/05	The City Council approved a Major Modification (MOD-6279) to the Cliff's Edge Master Development Plan to retaining walls in conjunction with interior perimeter walls (i.e. "product" walls) to be higher than seven feet. The Planning Commission and staff recommended approval.

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11/16/05	The City Council approved a request for 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. Planning Commission and staff recommended approval. The two subject parcels were affected by this request.
02/15/06	The City Council approved a request for a Major Modification (MOD-10531) to the Cliff's Edge Master Development Plan and Design Guidelines to change land use designations from: M (Medium Residential) to: RSL (Residential Small Lot); to modify section 2.2 and the accompanying exhibit of the master development plan; and to modify section 2.1, exhibit 2-4 of the design guidelines to reflect changes to the land use categories on two separate parcels, one noted as POD 113 and located on 17.1 acres adjacent to the southwest corner of Farm Road and Hualapai Way and the other noted as a portion of POD 308 located on 9.12 acres adjacent to the northeast corner of West Centennial Parkway and North Shaumber Road. The Planning Commission and staff recommended approval.
03/23/06	The Planning Commission approved a Tentative Map (TMP-11447) for a 220 lot single family residential subdivision on the subject site. The Planning and Development staff recommended approval.
07/12/06	The City Council approved a request for a Variance (VAR-13245) to allow 220 single family dwellings with side yard setbacks of two feet where three feet is the minimum setback required on 20.9 acres at the southwest corner of Hualapai Way and Farm Road. The Planning Commission and staff recommended denial.
10/21/10	The Planning Commission will hear an application for a Review of Condition (ROC-39470) to modify the Condition of Approval Number 1 of a previously approved Variance (VAR-13245) that required all units to be fire sprinkled and receive Fire Department approval. To limit the sprinkler requirement to Lots 22, 92, 98, 102, 135 and 136. The Planning and Development Department Staff recommend denial.

<i>Most Recent Change of Ownership</i>	
06/29/10	A deed was recorded for a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
10/31/06	A building permit (75156) was issued for grading at 10155 Farm Road. The permit was finaled on 10/31/06.
01/25/07	A building permit (7000347) was issued for a Temporary Sales Trailer at 10155 Farm Road. The permit was finaled on 05/17/07.

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05/23/07	A building permit (7001732) was issued for a Pool Cabana at 10155 Farm Road. The permit was finalized on 04/17/08.
02/22/08	A building permit (99151) was issued for a pool/spa at 10155 Farm Road. The permit was finalized on 08/06/08.
C.2008	12 single family homes were constructed and sold.

<i>Pre-Application Meeting</i>	
08/26/10	A pre-application meeting was held with the applicant, where the submittal requirements for a Review of Condition and a Variance were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

<i>Field Check</i>	
09/16/10	A field check of the site revealed a partially developed single family residential subdivision, with vacant lots overgrown with weeds.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	20.9

<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	Single Family Homes / Graded Single Family Lots	RSL (Residential Small Lot)	PD (Planned Development)
North	Single Family Homes / Graded Single Family Lots	ML (Medium-Low Density Residential)	PD (Planned Development)
South	Single Family Homes / Graded Single Family Lots	L (Low Density Residential)	PD (Planned Development)
East	Single Family Homes Clark County	RL (Residential Low Density) Clark County	R-D (Suburban Estates Residential) Clark County
West	Undeveloped	PF (Public Facility/Open Space and recreation)	PD (Planned Development)

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<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area			
Cliff's Edge	X		N
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
PD (Planned Development) District	X		N
Trails	X		Y
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

DEVELOPMENT STANDARDS

Pursuant to the Cliff's Edge Master Development Plan and Design Guidelines, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Setbacks			
• Garage	<5/18+ Feet	<7/18+ Feet	N
• Front Second Story	8 Feet	3 Feet	N
• Parcel Property Line	10 Feet	7 Feet	N
Max. Building Height	3 stories or 35 feet, whichever is less	2 stories or 35 feet, whichever is less	Y

<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Street Width (Feet)</i>	<i>Compliance with Street Section</i>
<i>Farm Road: Secondary Collector</i>	Master Plan of Streets and Highways	80	Y

ANALYSIS

The subject single family residential subdivision is located in the Cliff's Edge Master Plan area and PD (Planned Development) District. This request will have negative impact on the master plan and overlay district, due to adding homes not designed to conform to Residential Small Lot standards, but will have no effect on the existing and approved, but undeveloped Bike Trail adjacent to the development.

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The Providence Design Review Committee (DRC) has granted the applicant's request for garage setback variance, a front yard, second-story setback and rear and side yard setbacks 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 Residential Small Lot setbacks. At the present time 12 homes have been constructed and this request would allow the garage setback and second-story setback to be available for the 207 remaining lots. The rear and side yard setback request applies to two Lots, 21 and 103. This request represents a twenty-eight percent increase in the garage setback, a sixty-three percent reduction in the front yard, second-story setback and a thirty percent in the rear and side yard setback established by the Cliff's Edge Site Planning Guidelines. As the developer has selected models 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 (VAR-39468)

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 19.18.070(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 single family residential homes that are too large to meet the Cliff's Edge Master Development Plan and Design Guidelines requirements.

Alternatively, providing homes that conform to the present Cliff's Edge Master Development Plan and Design Guidelines requirements would allow conformance. 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.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 21

NOTICES MAILED 283

APPROVALS 0

PROTESTS 0