



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: OCTOBER 21, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: RICHMOND AMERICAN HOMES

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-39475	Staff recommends APPROVAL, subject to conditions:	SDR-39474
SDR-39474	Staff recommends APPROVAL, subject to conditions:	VAR-39475

** CONDITIONS **

VAR-39475 CONDITIONS

Planning and Development

- 1.Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-39474) shall be required, if approved.
- 2.Conformance to the approved conditions for Rezoning (ZON-17697).
- 3.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.
- 4.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.
- 5.These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
- 6.All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SDR-39474 CONDITIONS

Planning and Development

1. Conformance to the conditions for Rezoning (ZON-17697) and Site Development Plan Review (SDR-17698), except as amended herein.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the construction of a single family residence. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 09/07/2010, except as amended by conditions herein.
4. Any changes based upon right-of-way, traffic or drainage studies or street improvements required by the city or public utilities shall not reduce the widths of perimeter landscape buffers, height of walls or quantities of plant materials from that on submitted landscape plans date stamped 09/07/2010. Any changes based upon subsequently submitted studies must be accommodated elsewhere on the site.
5. 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.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
7. The setbacks for this development shall be a minimum of 10 feet to the front of the house, 20 feet to the front of the garage as measured from back of sidewalk or 18 feet to the front of the garage when located on a cul de sac, five feet on the side, nine feet on the corner side, and 20 feet in the rear.
8. Lot 9 shall have a front and rear setback of five feet and a side yard setback of 20 feet.
9. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

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Public Works

10. Coordinate with the Land Development section of the Department of Public works to determine the requirements for bringing current the expired permits for the previously approved “Stonewater” civil plan, referenced as L-Civil #19236.
11. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building permits. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.
12. Site development to comply with all applicable conditions of approval for ZON-17697, SDR-17698, TMP-18682 and all other site-related actions.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Major Amendment to an approved Site Development Plan Review (SDR-17698) to reduce the side yard setbacks from nine feet to five feet and to add four new model home plans to an undeveloped 32-lot residential development. A Variance (VAR-39475) is also included with this proposed development to allow a solid eight-foot high wall where a five-foot wall with a two-foot solid bottom and three-foot screened top is the maximum height allowed. The subject site is located on 10.30 acres adjacent to the northeast and northwest corners of Ann Road and Mustang Road. The applicant proposes one and two-story detached, single-family residential dwellings. Staff recommends approval of this request, as the subject site has been parceled into individual lots and will retain the approved density of no more than three dwelling units per acre. If denied, the applicant will not be able to obtain building permits for construction.

ISSUES

- The approved Rezoning (ZON-17697) was exercised with the recordation of the Final Map (FMP-20383) for the 32-lot Single Family Subdivision.
- The single story height restrictions for Lots 5–7, 9–12, 14, 16–20, and 29-32 remain in place.
- The reduced side yard setbacks are necessary for the proposed model home plan amendments.
- The requested Variance (VAR-39475) is required for the front yard wall heights along El Campo Grande Avenue for Lots 8 and 9.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
10/20/2004	The City Council approved Annexation (ANX-4957) for the subject site, generally located on the north side of Ann Road, east and west of Mustang Road. Staff and the Planning Commission recommended approval on September 3, 2004.
12/15/2004	The City Council approved the request for a General Plan Amendment (GPA-5172), Waiver of Title 18 (WVR-5331); and a Site Development Plan Review (SDR-5175) for a 32-lot residential development on 10.65 acres located on the north side of Ann Road, east and west of Mustang Road. The Planning Commission recommended approval with staff recommending denial.

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01/30/2007	The City Council approved both requests for a Rezoning (ZON-17697) from U (Undeveloped) Zone [R (Rural Density Residential) General Plan Designation] under Resolution of Intent to R-PD3 (Residential Planned Development – 3 units per acre) to R-PD3 (Residential Planned Development – 3 Units per acre) and companion request for a Site Development Plan Review (SDR-17698) for a 32 lot residential development on 10.30 acres adjacent to the northwest and northeast corners of Ann Road and Mustang Street. The Planning Commission and staff recommended denial for both applications. City Council approved both requests, subject to amended conditions.
02/22/2007	The Planning Commission approved a request for a Tentative Map (TMP-18682) for a proposed 32-lot single-family residential subdivision on 10.7 acres adjacent to the north side of Ann Road, approximately 290 feet east of Torrey Pines Drive.
07/11/2007	The City Council approved a request for a Variance (VAR-21181) to allow an eight-foot solid front yard wall where a five-foot wall with two feet solid and three feet open is the maximum height allowed on 8.5 acres adjacent to the southwest corner of El Campo Grande Avenue and Mustang Street. The Planning Commission recommended approval with staff recommending denial. This Variance (VAR-21181) expired on 07/11/2009.
07/11/2007	The City Council approved a request for a Variance (VAR-22090) to allow a nine foot rear yard setback where a 20 foot setback is required on 8.5 acres adjacent to the southwest corner of El Campo Grande Avenue and Mustang Street. The Planning Commission recommended approval with staff recommending denial. This Variance (VAR-22090) expired on 07/11/2009.
07/30/2007	A Final Map (FMP-20383) was recorded for a 32-lot Residential Subdivision for the subject site.

<i>Most Recent Change of Ownership</i>	
04/14/2006	A deed was recorded for a change in ownership.

04/14/2006	A deed was recorded for a change in ownership.
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<i>Related Building Permits/Business Licenses</i>	
Although the site has been cleared and partially graded, there are no Building Permits recorded for this site.	

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<i>Pre-Application Meeting</i>	
08/20/2010	A pre-application meeting was held with staff to discuss the proposed changes to the established setbacks and model home floor plans. Staff briefed the applicant that the previously requested Rezoning (ZON-17697) and Waiver (WVR-5331) were exercised with the recordation of a Final Map (FMP-20383). It was explained that the proposed model home plans, the reduction in the side yard setbacks, and the revised setbacks for Lot 9 would be administered through a Major Amendment to the approved Site Development Plan Review (SDR-17698). Staff also explained the need for a new Variance request for the front yard wall heights is required as the previously approved Variance (VAR-21181) had expired.

<i>Neighborhood Meeting</i>
A neighborhood meeting is not required for this type of request, nor was one held.

<i>Field Check</i>	
09/16/2010	A field check was performed by staff with the following observations: • The site has been cleared and partially graded. • The site has a temporary wire fence to prevent access on to the site. • There were no issues with trash and debris and few weeds or overgrowth.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	10.3
Net Acres	9.73

<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	R (Rural Density Residential)	R-PD3 (Residential Planned Development – 3 Units Per Acre)
North	Single Family Residential	RNP (Rural Neighborhood Preservation)	R-E (Rural Estates Residential – Clark County Designation)
South	Undeveloped	L (Low Density Residential)	R-E (Residence Estates)

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East	Single Family Residential	RNP (Rural Neighborhood Preservation)	R-E (Rural Estates Residential – Clark County Designation)
West	Single Family Residential	RNP (Rural Neighborhood Preservation)	R-E (Rural Estates Residential – Clark County Designation)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		X	NA
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
R-PD (Residential Planned Development) District	X		Y
Trails			NA
Rural Preservation Overlay District			NA
Las Vegas Redevelopment Plan Area			NA
Development Impact Notification Assessment			NA
Project of Regional Significance			NA

DEVELOPMENT STANDARDS

Pursuant to Title 19.06, the following standards apply:

<i>Standard</i>	<i>Approved (SDR-17698)</i>	<i>Revised</i>
Min. Lot Size	7,414 SF	7,414 SF
Min. Setbacks		
• Front of House	20 feet	10 Feet
• Front of Garage	20 feet	20 Feet
• Front of Garage (Cul de Sac)	N/A	18 Feet
• Side	9 feet	5 Feet
• Corner	9 feet	9 Feet
• Rear	20 feet	20 Feet
Max. Building Height*	35 Feet/ 2 Stories	35 Feet/ 2 Stories

*See analysis section regarding height limits given to specified lots.

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Pursuant to Title 19.12, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	NA	0 Trees	10 Trees	Y
• South (Ann Road)	1 Tree / 20 Linear Feet	24 Trees	24 Trees	Y
• East	NA	0 Trees	44 Trees	Y
• West	NA	0 Trees	0Trees	Y
TOTAL PERIMETER TREES		24 Trees	78 Trees	Y
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• Portage Lake Street	0 Feet		0 Feet	Y
• El Campo Grande Avenue	0 Feet		0 Feet	Y
• Mustang Street	0 Feet		0 Feet	Y
• Ann Road	6 Feet		15 Feet	Y
Wall Height	8 Feet		6 - 8 Feet	Y

Open Space – R-PD only							
Total Acreage	Density	Required			Provided		Compliance
		Ratio	Percent	Area	Percent	Area	
10.3 acres	3.1 du/ac	1.65	5.12%	22,949 sq ft	5.37%	24,123 sq ft	Y

Functional Classification of Street(s)	Governing Document	Street Width (Feet)	Compliance with Street Section
Ann Road: Primary Arterial	Master Plan of Streets and Highways	100	N
El Campo Grande Avenue: NA	NA	60	NA
Mustang Street: NA	NA	60	NA
Portage Lake Street: Private Road	NA	37	NA

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Pursuant to Title 19.04 and 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Single Family, Detached	32 Units	2 Spaces per Unit	64		64		
TOTAL SPACES REQUIRED			64		64		Y
Regular and Handicap Spaces Required			64	0	64	0	Y

ANALYSIS

The proposed amendment to an approved Site Development Plan Review (SDR-17698) covers two areas located at the northeast and northwest corners of Ann Road and Mustang Road. The 32-lot residential subdivision has recorded a Final Map (FMP-20383), thereby establishing the legal boundaries for each lot and exercising the earlier requested Rezoning (ZON-17697) and Site Development Plan Review (SDR-17698). The applicant is proposing an amendment to the approved Site Development Plan Review (SDR-17698) to reduce the nine-foot side yard setback to a five-foot side yard setback and the 20-foot front yard setback to a 10-foot setback for houses located on culs-de-sac. The purpose of the reduced setbacks is to accommodate four new model home floor plans, which are consistent in materials and appearance to the previous floor plans.

Regarding setbacks, due to the unique configuration of Lots 8 and 9, special consideration has been made for lot-specific setbacks for Lot 9. Per Title 18, the front of the lot is determined by the side that fronts onto a street or a drive, not where the front entrance of the residence is placed. The previously approved Variance (VAR-22090) that allowed a nine-foot rear yard setback where a 20-foot setback is required is no longer necessary, as this amendment establishes setbacks unique to Lot 9. Both Lots 8 and 9 front onto El Campo Grande Avenue, but have oriented the entrances of the houses 90 degrees (counterclockwise and clockwise, respectively) so that they would face towards each other. This requires Lot 9 to utilize a five-foot front and rear yard setback (the sides adjacent to and opposite of El Campo Grande Avenue) and a 20-foot side yard setback (the sides adjacent to and opposite of Lot 8). Lot eight is capable of conforming to the typical setbacks as a corner lot and thus requires no specified setbacks.

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A previously approved Variance (VAR-21181) to allow an eight-foot solid front yard wall where a five-foot wall with two feet solid and three feet open is the maximum height allowed along El Campo Grande Avenue has expired. A new Variance request (VAR-39475) makes up part of this application and seeks to re-establish the previous entitlement to allow for an increase in wall heights. Staff supports this request, as the need stems from the unique configuration of Lots 8 and 9 having the proposed dwelling units arranged so that the front entrance sits perpendicular to the right-of-way. The Final Map for the subdivision has recorded these two lots with what would constitute a side yard arrangement along the front of the lot. Without the approval of the requested Variance (VAR-3975), these two lots would not be able to provide any privacy for what will function as the rear yards.

Access to the proposed development is primarily served by Mustang Street, via Ann Road. Lots 1 through 28 are accessed via Mustang Road, with the exception of Lots 8 and 9, which are accessed via El Campo Grande Avenue. Lots 29 through 32 receive access via Ann Road. Internal circulation is provided by 37-foot wide private streets. The proposed access is dispersed over three roads and will adequately serve this development at its completed capacity of 32 dwelling units.

The plans depict a six-foot landscape buffer provided along El Campo Grande Avenue and Mustang Road, and a 15-foot landscape buffer along Ann Road with 24-inch box trees in a pattern of three Southern Live Oaks spaced approximately 30 feet apart with a Flowering Plum tree spaced 15 feet in between. Of the six common lots provided, two of these spaces (17,224 square feet and 6,899 square feet in size) are designed as pocket parks within the Portage Lake Court neighborhood for a total of 24,123 square feet where 23,000 square feet of open space is required. The applicant has also included a meandering sidewalk that serves as landscaped trail along the west side of Mustang Street. There are two open space accommodations shown on the eastern portion, but they function as 15-foot wide landscape buffers and would not function well as recreational space.

Per the previously approved Site Development Plan Review (SDR-17698), Lots 5–7, 9–12, 14, 16–20, and 29–32 are restricted to single story. The applicant has provided a site plan that complies with this previous condition.

FINDINGS (VAR-39475)

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.”

Staff supports the applicant’s request for a Variance (VAR-39475) to allow an eight-foot solid front yard wall where a five-foot wall with two feet solid and three feet open is the maximum height allowed for Lots 8 and 9 (6315 and 6335 El Campo Grande Avenue, respectively). These two lots had previously been granted a Variance (VAR-22090) for this request prior to the recordation of a final Map (FMP-20383) for the residential subdivision. The Variance has since expired, but the lot configuration has been established by the mapping. Staff finds that request is substantiated, in that the residential subdivision was recorded with a lot configuration that was subsequently supported by the previously-approved Variance requests.

FINDINGS (SDR-39474)

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. The proposed development is compatible with adjacent development and development in the area;

The subject site is zoned R-PD3 (Residential Planned Development - 3 Units Per Acre) and the proposed amendments remain consistent with this zoning district in residential density. The applicant remains conditionally bound to the restriction of height on certain lots in order to ensure compatibility with the surrounding RNP (Rural Neighborhood Preservation) land use.

2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;

The proposed 32-lot single family development is consistent with the intent of the R-PD Residential Planned Development District as listed in Title 19.06.040 and the landscaping requirements listed in Title 19.12.040. The proposed amendments remain consistent with the three units per acre required of the R (Rural Density Residential) land use.

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3.Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;

The site receives primary access via Mustang Street with Ann Road providing access to a private cul-de-sac serving four lots and El Campo Grande Avenue providing direct access to Lots 8 and 9. A Waiver to Title 18 (WVR-5331) for the reduction of intersection offset requirements was approved and has been exercised by the recordation of the residential subdivision. Site access will not adversely affect adjacent roadways or neighborhood traffic.

4.Building and landscape materials are appropriate for the area and for the City;

The proposed amendments to the building materials and elevations are appropriate for the rural residential neighborhoods and the City. The landscaping materials of the shared open space areas remain consistent with previously approved Site Development Plan (SDR-17698) and are appropriate for the area and the City.

5.Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

The revised model home elevations are not unsightly, undesirable, or obnoxious in appearance, and are consistent with the previously approved Site Development Plan (SDR-17698). The proposed landscaped meandering sidewalks along the west side of Mustang Street create an orderly and aesthetically pleasing pedestrian environment that encourages walking within the neighborhood.

6.Appropriate measures are taken to secure and protect the public health, safety and general welfare.

If approved, the amended 32-lot single family subdivision will be subject to inspection during building construction and will therefore not compromise the public health, safety and general welfare.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

NOTICES MAILED 101 (VAR-39475)
273 (SDR-39474)

APPROVALS 0

PROTESTS 0