



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: DECEMBER 16, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: GREYSTONE NEVADA, LLC - OWNER: MS
RIALTO CLIFF'S EDGE NV, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-39813	Staff recommends DENIAL, if approved subject to conditions:	

** CONDITIONS **

VAR-39813 CONDITIONS

Planning and Development

1. Conformance to the approved conditions for Rezoning (ZON-1520 and ZON-2184) and the Cliff's Edge Master Development Plan and Design Guidelines.
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 on one of the specified lots. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. A three-foot rear yard setback for 75% of the structure with a seven-foot rear yard setback for the remaining 25% of the structure may be utilized for the following 44 lots: 138; 143 through 157; 386 through 393; 501 through 503; 505 through 518; 520 through 522; of Cliff's Edge Pod 115, 116, and 117 Subdivision.
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.

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5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for a building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The requested Variance is to allow a three-foot rear yard setback for 75% of the structure with a seven-foot rear yard setback for remaining 25% of the structure for 44 undeveloped RSL (Residential Small Lot) lots where the Cliff's Edge Master Development Plan and Design Guidelines require a three-foot rear yard setback for 50% of structure with a seven-foot rear yard setback for the remaining half of the structure. All 44 lots are within an existing 20-acre, 205-lot single family residential subdivision located at the northwest corner of Elkhorn Road and Egan Crest Drive. Because the hardship is self-imposed, staff recommends denial. If this application is denied, the residential subdivision will continue development with the approved model home plans that comply with the established setbacks.

ISSUES

- The applicant is proposing to modify the rear setbacks of the Residential Small Lot (RSL) Development Standards by allowing 25% more of the structure to be located within the three-foot rear yard setback.
- The Variance is required for a proposed two-story model home plan to provide a full-depth driveway (18 feet) for 44 existing lots by means of decreased rear yard setbacks.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
03/19/03	The City Council approved the "Cliff's Edge Master Development Plan" to regulate development and the provision of infrastructure in the area around the subject site. The Planning Commission and staff recommended approval.
04/16/03	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 297.50 acres and to establish a Master Plan for the Cliff's Edge Development adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. The Planning Commission recommended approval on 02/13/03.

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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 covering 21 separate parcels in the Cliff's Edge area, and approved amendments to the approved Cliff's Edge Master Development Plan. The Planning Commission and staff recommended approval on 06/12/03.
12/04/03	A Minor Modification (MOD-3189) to the Cliff's Edge Master Development Plan and Design Guidelines was administratively approved by the Planning and Development Department, subject to a number of conditions.
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 recommended approval on 01/08/04. Staff recommended approval of this application.
02/18/04	The City Council approved a request for a Rezoning (ZON-3241) from U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) Zone on approximately 90 acres covering 20 separate parcels in the Cliff's Edge area. The Planning Commission recommended approval on 01/08/04. Staff recommended approval of this application.
03/11/04	The Planning Commission approved a Tentative Map (TMP-3798) for a 35-lot mixed-use subdivision on 922.96 acres generally located adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. This Tentative Map is to serve as the guiding map for the further subdivision of land within the Cliff's Edge Master Development Plan Area.
05/05/04	The City Council approved a Major Modification (MOD-3955) to the Cliff's Edge Master Development Plan to change land use designations from Village Commercial to Medium Low Density Residential and Medium Residential; from Medium Residential to Residential Small Lot; and from Medium Low Density Residential to Public Facilities; to modify Section 6.2.3 regarding retaining walls; and to modify Table 1 (Section 2.2) to reflect changes to the land use categories on 40 total acres within the Cliff's Edge Master Development Plan area. The Planning Commission and staff both recommended approval.
06/16/04	The City Council approved an amendment to the Master Plan of Streets and Highways (MSH-4197) to add major roads within the Cliff's Edge Master Development Plan area, generally located between Grand Teton Drive and Clark County 215, and between Puli Road and Hualapai Way. The preparation and submission of this request was a condition of approval of the Cliff's Edge parent Tentative Map, as approved by the Planning Commission on 03/11/04.

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07/20/05	The City Council approved a Waiver of Title 18.12.160 (WVR-6704) to allow a minimum of 51 feet between internal street intersections where 125 feet is the minimum distance separation required for a proposed Single-Family Residential Development on 94.18 acres adjacent to the northwest corner of Hualapai Way and Elkhorn Road. The Planning Commission recommended approval on 06/23/05.
08/03/05	The City Council approved a Major Modification (MOD-6279) to the Cliff's Edge Master Development Plan to change land use designations from: ML (Medium Low Density Residential) to: L (Low Density Residential) and RSL (Residential Small Lot); from: L (Low Density Residential) to: ML (Medium Low Density Residential); and from: RSL (Residential Small Lot) to: ML (Medium Low Density Residential); and to modify the following sections of the Master Development Plan: Sections 2.2, 2.3.5, 2.3.6 and 2.3.7; to modify or add to the Design Guidelines as follows: section 3.1.1, 3.2.3b, 5.10, 5.10.1, 6.2.1, 6.2.2, 6.2.3, 7 and exhibits 2, 7a, 7b, 8a, 14a, 14b, 14c, 15 and 17 on 1,156 acres generally located adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. The Planning Commission recommended approval on 05/26/05.
08/11/05	The Planning Commission approved a request for a Tentative Map (TMP-6845) for a 612-lot Single Family Residential Subdivision on 94.0 acres adjacent to the west side Hualapai Way, between Severance Lane and Elkhorn Road.
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 Cliff's Edge 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 recommended approval 10/20/2005.
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 (Pod 113 - located on 17.1 acres adjacent to the southwest corner of Farm Road and Hualapai Way and a portion of Pod 308 - located on 9.12 acres adjacent to the northeast corner of West Centennial Parkway and North Shaumber Road). Planning Commission and staff recommended approval.

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03/08/06	A Final Map Technical Review (FMP-10135) for a 4-Lot Single Family Residential Subdivision on 1.44 acres adjacent to the west side Egan Crest Drive, south of Severence Lane was approved by staff. This map recorded on 04/14/2006.
03/08/06	A Final Map Technical Review (FMP-10201) for a 4-Lot Single Family Residential Subdivision on 1.44 acres adjacent to the west side Egan Crest Drive, south of Severence Lane. The map was recorded on 04/17/2006.
03/13/06	The Planning and Development Department administratively approved a request for a Minor Modification (MOD-10809) to the Cliff's Edge Master Development Plan and Design Guidelines to revise and clarify Section 6 (Entry and Wall Guidelines) of the Cliff's Edge Master Development Plan and Guidelines.
06/21/06	A Final Map Technical Review (FMP-10599) for a 79-Lot Single Family Residential Subdivision on 15.28 acres adjacent to the southwest corner of Severence Lane and Egan Crest Drive. The map was recorded on 06/30/2006.
06/26/2006	A Final Map Technical Review (FMP-10587:) for a 205-lot Single Family Residential Subdivision on 19.01 acres adjacent to the west side of Egan Crest Drive, south of Severence Lane: The map was recorded on 06/30/2006.
04/04/07	The City Council approved a request for a Major Modification (MOD-19114) to the Cliff's Edge Master Development Plan and Design Guidelines (to clarify certain setback, landscape, design, wall, architectural projection separation and balcony separation standards; to allow three-story single family dwellings with a maximum height of 38 feet and to add a sign standard section. Planning Commission and staff recommended approval.
09/19/07	The City Council approved a request for a Major Modification (MOD-22968) to the Cliff's Edge Master Development Plan and Design Guidelines to change the land use designation from RSL (Residential Small Lot) to M (Medium Density Residential) on 9.12 acres at the northeast corner of Centennial Parkway and Shaumber Road. Planning Commission and staff recommended approval.

<i>Most Recent Change of Ownership</i>	
11/29/2007	A deed was recorded for a change in ownership for the 31 specified lots.

<i>Related Building Permits/Business Licenses</i>
There are no building permits or business licenses associated with the 31 lots specified in this request.

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<i>Pre-Application Meeting</i>	
09/07/10	A pre-application meeting was held with staff to discuss the required actions necessary for the addition of a new model home plan to an existing residential subdivision to allow modified rear and side yard setbacks for a potential 75 lots. The initial request focused on the side and rear setbacks for 31 select Medium-Low Density Residential Lots. Staff discussed the submittal requirements for a Variance request.
11/15/2010	A follow-up meeting was held with staff to discuss a modification to the original proposal. The applicant stated the desire to remove the 31 Medium Low Density residential units from the Variance request and only apply a modified rear yard setback to 44 select Residential Small Lot units. The applicant was advised on the process for tabling the item so that the Variance could be re-notified to the 12/16/10 Planning Commission.

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

Field Check	
10/15/10	A Field Check was performed by staff with the following observations: • There are 72 homes of the 205 lot subdivision completed. • Perimeter walls have been completed for the subdivision.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	20

<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 Residential Subdivision	ML (Medium Low Density Residential) – Cliff’s Edge Special Land Use Designation	PD (Planned Development)
		RSL (Residential Small Lot) – Cliff’s Edge Special Land Use Designation	
North	Single-Family Residential Subdivision	ML (Medium Low Density Residential) – Cliff’s Edge Special Land Use Designation	PD (Planned Development)
		RSL (Residential Small Lot) – Cliff’s Edge Special Land Use Designation	

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South	Single-Family Residential Subdivision	ML (Medium Low Density Residential) – Cliff’s Edge Special Land Use Designation	PD (Planned Development)
		L (Low Density Residential) – Cliff’s Edge Special Land Use Designation	
East	Single-Family Residential Subdivision	L (Low Density Residential) – Cliff’s Edge Special Land Use Designation	PD (Planned Development)
West	Detention Basin	RSL (Residential Small Lot) – Cliff’s Edge Special Land Use Designation	PD (Planned Development)
		PF (Public Facility) – Cliff’s Edge Special Land Use Designation	

Master Plan Areas	Yes	No	Compliance
Master Plan Area			
Cliff’s Edge	X		N
Special Purpose and Overlay Districts	Yes	No	Compliance
Special Purpose and Overlay Districts			
PD (Planned Development) District	X		N
Trails		X	NA
Rural Preservation Overlay District		X	NA
Las Vegas Redevelopment Plan Area		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

DEVELOPMENT STANDARDS

Cliff’s Edge Master Development Plan and Design Guidelines 3.2.5

Standard	Required/Allowed	Provided	Compliance
Min. Setbacks			
• Front Entry Garage	≥5 feet or ≤18 feet	≥5 feet or ≤18 feet	Y
• Side (Interior)	3 feet	3 feet	Y
• Rear	3feet for 50% of structure with 7 feet for remaining half	3 feet for 50% of structure with 7 feet for remaining half	N
Deviation from Standard	50%		

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ANALYSIS

The applicant states that the requested Variance is necessary in order to accommodate a full-depth (18-foot) driveway for a proposed 1,585 square-foot, two-story model home plan. The Master Developer, through the Providence Design Review Committee (DRC), has approved the applicant's request for the proposed 1,585 square-foot, two-story model home plan, but no compelling justification for the increase in the three-foot wide rear yard setback has been given.

The typical lot size in this subdivision is 40 feet wide by 55 feet deep. The proposed model home plan for the 44 selected lots is too large to conform to the Cliff's Edge Design Guidelines for the Residential Small Lot Land Use and would constitute a 50 percent deviation from the Rear Setback Standards. The developer has selected a model home for the single-family subdivision that does not conform to the development standards thus making the hardship self-preferential in nature, which cannot be supported by staff.

Presently 72 homes of the 205 lots have been constructed and, if approved, this request would allow the requested Variance to apply to 44 of the remaining 161 undeveloped lots. The proposed increase in the amount of structure allowed within the three-foot rear yard setback reduces the amount of useful space along the rear property line, and there are public safety concerns regarding the limited access created by the narrow yards. If denied, the applicant would still be allowed to proceed with model home plans that comply with the established setbacks.

FINDINGS (VAR-39813)

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."

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No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing a model home plan that does not provide adequate rear yard setbacks within the mapped lots. The approved model home plans allow conformance to the Cliff's Edge Master Development Plan and Design Guidelines requirements, whereas the proposed 1585 Model floor plan does not. 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 16

NOTICES MAILED 428

APPROVALS 1

PROTESTS 15