



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MARCH 8, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: PARDEE HOMES OF NEVADA

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
VAR-40773	Staff recommends DENIAL, if approved subject to conditions:	N/A

** CONDITIONS **

VAR-40773 CONDITIONS

Planning and Development

1. 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.
2. 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.
3. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

5. 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 8 feet to prevent a vehicle in the driveway from encroaching into the vehicular or pedestrian travel corridor.

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6. 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.
7. Site development to comply with all applicable previous conditions of approval for the Cliff's Edge Parent Map, the Astoria Homes at Cliff's Edge Pod 301 Final Map and all other site-related actions.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow an eight-foot or less garage face setback where six-foot or less was previously approved for a 192-lot undeveloped single-family residential subdivision on 20.50 acres located at the southwest corner of Shaumber Road and Dorrell Lane. The single family residential subdivision is located within 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 applicant 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>	
07/16/03	The City Council approved a Rezoning (ZON-2184) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) on 704 acres adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. Planning Commission and 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. Planning Commission and staff recommended approval.
06/08/06	The Planning Commission approved a Tentative Map (TMP-13107) for a 192 lot single family residential subdivision on 20.50 acres at the southeast corner of Puli Road and Dorrell Lane. The Planning Department staff recommended approval.
02/14/08	The Planning Commission approved a Variance (VAR-26236) to allow a five-foot rear setback where seven-foot is required on 20.50 acres at the southwest corner of Shaumber Road and Dorrell Lane. The Planning Department staff recommended denial.

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<i>Most Recent Change of Ownership</i>	
12/22/09	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
08/16/06	A building permit was issued (#71117) was issued for stockpile only. The permit was finalized 08/16/06.
01/16/07	A building permit was issued (#79790) was issued for grading. The permit was finalized 01/16/07.
08/21/07	A building permit was issued (#96373) was issued for retaining walls and screen walls. The permit has not been finalized.

<i>Pre-Application Meeting</i>	
01/11/11	A pre-application meeting was held with the applicant, where the submittal requirements for a Variance were discussed.

<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Field Check</i>	
01/26/11	A well maintained subdivision free of trash with graded pads for homes, including screen walls, retaining walls, sidewalks, fire hydrants, and utility boxes was observed.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	20.50

<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	ML (Medium-Low Density Residential)	PD (Planned Development)

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South	Single Family Homes	ML (Medium-Low Density Residential)	PD (Planned Development)
East	Undeveloped	PF (Public Facilities)	PD (Planned Development)
West	Undeveloped	OL (Open Land) / Clark County	PF (Public Facility) / Clark County

<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		Y
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

Per Cliff's Edge Master Development Plan and Design Guidelines the following standards apply:

<i>Standard</i>	<i>RSL (Mini-Lot Conventional) Required</i>	<i>Provided</i>	<i>Compliance</i>
Front - Garage	Less than 5 Feet or 18 Feet +	8 Feet	N

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

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ANALYSIS

The single family residential subdivision is located in the Cliff's Edge Master Plan area and PD (Planned Development) District. This request will have a negative impact on the master plan and overlay district, due to homes not being designed to conform to Residential Small Lot standards. Multi-Use Non-Equestrian and Multi-Use Equestrian trails are proposed along the western edge of the subject site. However, the applicant is not responsible for the construction of these trails, as they lie on the opposite side of the Puli Road alignment from the subject development.

The Providence Design Review Committee (DRC) has granted the applicant's request for garage setback variance via the DRC approval letter, but has given no compelling justification for the approval. The variance request is for 82 lots of the 192 lots within the subdivision development. The subdivision development was previously graded with paved roadways, utilities and perimeter walls, and is ready for home construction. These homes will be developed based on the RSL (Residential Small Lot) development standards per the Cliff's Edge Master Development Plan and Design Guidelines. The request for a variance to exceed the minimum driveway length standard and is not compatible with the Cliff's Edge Master Development Plan and Design Guidelines that require less than 5 feet or greater than 18 feet from back of sidewalk. The purpose of these design guidelines is to prevent vehicles from being parked in the driveways that are too small to accommodate them. Expanding the driveway size to eight feet could possibly allow residents and visitors to attempt to park vehicles in them, which could cause a safety hazard as vehicles will protrude across sidewalks and/or into the street. This request is self-imposed in nature as the lots could be developed with residences that allow conformance to the requirements of the Cliff's Edge Master Development Plans and Design Guidelines. Therefore, staff recommends denial of this request.

FINDINGS (VAR-40773)

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 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.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 272**APPROVALS** 1**PROTESTS** 0