



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: JULY 9, 2013

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: WILLIAM LYON HOMES, INC.

**** STAFF RECOMMENDATIONS ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-49483	Staff recommends APPROVAL, subject to conditions:	N/A
VAR-49484	Staff recommends APPROVAL, subject to conditions:	N/A

**** CONDITIONS ****

VAR-49483 CONDITIONS

Planning

1. Conformance to the approved conditions for Site Development Plan Review (SDR-6929).
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. 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 Department of Building and Safety.
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.

VAR-49484 CONDITIONS

Planning

1. Conformance to the approved conditions for Site Development Plan Review (SDR-6929).
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. 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 Department of Building and Safety.
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.

**** STAFF REPORT ******PROJECT DESCRIPTION**

These applications are requests for a Variance to allow a 14-foot rear yard setback where a 15-foot rear yard setback is required for two neighboring lots adjacent to the west side of Jones Boulevard. The Variance request emanates from the relinquishment of an easement on Jones Boulevard to be used for a bus stop turnout. There is currently an easement for a bus loading pad located on Jones Boulevard, south of Tropical Parkway. It is the developer's intent to dedicate the area where the bus pad is located, thus moving the rear property line westwards, resulting in the reduced 14-foot rear yard setback. Staff recommends approval of this request, as the dedication of land for the bus turnout would be in the public's best interest, while the resulting modified rear yard setback would not be a self-imposed hardship or preferential in nature. If denied, the applicant would not be allowed to utilize any of the approved model home plans for these two lots.

ISSUES

- A Variance to allow a 14-foot rear yard setback where 15 feet is required would be applied to two, individual lots.
- The proposed dedication of land provides the needed public right-of-way needed for the bus turnout and will function better than the current easements; therefore, staff supports the Variance request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
06/01/05	The City Council approved a request for a Petition to Annex (ANX-6042) an area consisting of approximately 9.633 acres generally located on the west side of Jones Boulevard between Tropical Parkway and El Campo Grande Avenue. The Planning Commission and staff recommended approval. The annexation became effective on 06/10/05.
09/07/05	The City Council approved a request for a Rezoning (ZON-6928) from RPD2 (Residential Planned Development-2 Units per Acre) to R-PD3 (Residential Planned Development-3 Units per Acre) on 14.29 acres adjacent to the southwest corner of Jones Boulevard and Tropical Parkway. The Planning Commission recommended approval; staff recommended denial.

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09/07/05	The City Council approved a related request for a Waiver (WVR-6931) of Title 18.12.160 to allow approximately 176 feet between street intersections where 220 feet is the minimum distance separation required.
	The City Council approved a related request for a Variance (VAR-6930) to allow zero open space where 32,369 square feet is required for a proposed single family residential development.
	The City Council approved a related request for a Site Development Plan Review (SDR-6929) for a 50-lot single family residential development.
09/22/05	The Planning Commission approved a request for a Tentative Map (TMP-8628) for a 50-lot single family residential subdivision on 14.29 acres adjacent to the west side of Jones Boulevard between Tropical Parkway and El Campo Grande Avenue. Staff recommended approval.
12/07/05	The City Council approved a request for a Petition to Vacate (VAC-8986) a portion of Corbett Street generally located between Jones Boulevard and Bronco Street. The Planning Commission and staff recommended approval.
07/12/06	The City Council approved a request for a Review of Condition (ROC-12865) of Condition #5 of a previously approved Rezoning (ZON-6928) to allow construction of rural street improvements where urban half street improvements were required for a proposed residential subdivision on 6.88 acres on 14.29 acres adjacent to the southwest corner of Jones Boulevard and Tropical Parkway. Staff recommended approval.
08/11/06	The Planning and Development Department approved a request for a Final Map Technical Review (FMP-15079) for 'Tropical and Jones.' This map did not record.
10/18/06	The City Council approved a request for an Extension of Time (EOT-16574) of a previously approved Variance (VAR-6930) that allowed zero open space where 32, 369 square feet is required for a proposed single family residential subdivision on 14.29 acres adjacent to the southwest corner of Jones Boulevard and Tropical Parkway. Staff recommended approval.
09/19/07	The City Council approved a request for an Extension of Time (EOT-23578) of a previously approved Rezoning (ZON-6928) from R-PD2 (Residential Planned Development-2 Units per Acre) to R-PD3 (Residential Planned Development-3 Units per Acre) on 14.29 acres adjacent to the southwest corner of Jones Boulevard and Tropical Parkway. Staff recommended approval.
	The City Council approved a related request for an Extension of Time (EOT-23673) of a previously approved Variance (VAR-6930) that allowed zero open space where 32, 369 square feet is required for a proposed single family residential subdivision.
	The City Council approved a related request for an Extension of Time (EOT-23576) of a previously approved Site Development Plan Review (SDR-6929) for a 50-lot single family residential subdivision.

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10/25/07	The Planning Commission approved a request for a Tentative Map (TMP-23570) for a 49-lot single family residential subdivision on 14.29 acres adjacent to the west side of Jones Boulevard and Tropical Parkway. Staff recommended approval.
09/02/09	The City Council approved a request for an Extension of Time (EOT-35276) of a previously approved Rezoning (ZON-6928) from R-PD2 (Residential Planned Development-2 Units per Acre) to R-PD3 (Residential Planned Development-3 Units per Acre) on 14.29 acres adjacent to the southwest corner of Jones Boulevard and Tropical Parkway. Staff recommended approval.
	The City Council approved a related request for an Extension of Time (EOT-35275) of a previously approved Variance (VAR-6930) that allowed zero open space where 32,369 square feet is required for a proposed single family residential subdivision.
	The City Council approved a related request for an Extension of Time (EOT-35274) of a previously approved Site Development Plan Review (SDR-6929) for a 50-lot single family residential development.
11/28/12	A Minor Amendment to Site Development Plan Review (SDR-47316) was administratively approved, revising the model home elevations and floor plans on 14.29 acres adjacent to the southwest corner of Jones Boulevard and Tropical Parkway.
02/25/13	The Planning Department approved a request for a Final Map Technical Review (FMP-47040) for 'Tropical and Jones.' This map recorded on 02/27/13.

Most Recent Change of Ownership

07/03/12	A deed was recorded for a change in ownership on both parcels (125-26-712-003 and 004).
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Related Building Permits/Business Licenses

There are no building permits or business licenses associated with these parcels.	
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Pre-Application Meeting

05/22/13	A pre-application meeting was held with the applicant's representative to discuss the requirements for submitting a Variance request related to the reduced rear yard setback for two parcels.
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<i>Neighborhood Meeting</i>
A neighborhood meeting is not required, nor was one held.

<i>Field Check</i>
06/03/13
A field check was made by staff and found that the two subject lots are a part of a larger residential subdivision currently under construction. The perimeter walls at the rear of the subject lots have been constructed, along with the sidewalks and street improvements.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.15 (APN 125-26-712-003)
Net Acres	0.15 (APN 125-26-712-004)

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Single Family, Detached	R (Rural Density Residential)	U (Undeveloped) Zone [R (Rural Density Residential) General Plan Designation] and R-E (Residence Estates) Zone under Resolution of Intent to R-PD3 (Residential Planned Development - 3 Units Per Acre)
North	Single Family, Detached	R (Rural Density Residential)	R-PD3 (Residential Planned Development - 3 Units Per Acre)
South	Single Family, Detached	R (Rural Density Residential)	R-D (Single Family Residential-Restricted)
East	Unincorporated Clark County – Single Family, Detached	Unincorporated Clark County – RL (Residential Low)	Unincorporated Clark County – R-E (Rural Estates Residential)
West	Single Family, Detached	R (Rural Density Residential)	R-E (Residential Estates)

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<i>Master Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
No Applicable Special Purpose or Overlay Districts	N/A
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to the approved Site Development Plan Review SDR-6929, the following setbacks apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Setbacks			
• Front of House	10 Feet	10 Feet	Y
• Front of Garage	18 Feet	18 Feet	Y
• Side	5 Feet	5 Feet	Y
• Rear	15 Feet	14 Feet	N

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Jones Boulevard	Major Street	Planned Streets and Highways Map	120	Y

ANALYSIS

Lots 3 and 4 of the requested Variance were recorded on the “Tropical & Jones” Final Map (FMP-47040) and are located adjacent to a approved southbound bus stop turnout located on the west side of Jones Boulevard. The properties were initially platted with easements granted for the bus stop encroachment; however, out of concern of future liabilities and maintenance, the applicant is requesting to dedicate the land to public right-of-way to accommodate the bus turnout. This will result in a 14-foot rear yard setback for the two lots where a 15-foot rear yard setback is required by the residential planned subdivision. In addition, none of the revised model home floor plans approved by a recent Site Development Plan Review (SDR-47316) are capable providing a 15-foot rear yard setback.

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FINDINGS (VAR-49483 & VAR-49484)

In accordance with the provisions of Title 19.16.140(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 19.16.140(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.”

The submitted site plan has provided evidence of a unique site condition, in that the depth of the rear yard is slightly reduced due to an easement being forgone for a dedication of right-of-way related to a bus turnout. In view of the surrounding context of the single-family, detached development and the applicant’s design strategies to offset the impact of the needed dedication, staff supports the applicant’s request to allow a 14-foot rear yard setback where a 15-foot rear yard setback is required. If denied, the applicant will need to submit revised model floor plans that provide a 15-foot rear yard setback, or maintain the easement on both subject parcels.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

28

NOTICES MAILED 165

APPROVALS 0

PROTESTS 0