



**AGENDA MEMO - PLANNING**

PLANNING COMMISSION MEETING DATE: SEPTEMBER 11, 2018  
 DEPARTMENT: PLANNING  
 ITEM DESCRIPTION: APPLICANT: LENNAR - OWNER: RYLAND HOMES  
 NEVADA, LLC

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**\*\* STAFF RECOMMENDATION(S) \*\***

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
VAR-73812	Staff recommends DENIAL, if approved subject to conditions:	

**\*\* NOTIFICATION \*\***

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 17

NOTICES MAILED 208

PROTESTS 0

APPROVALS 0

**\*\* CONDITIONS \*\***

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**VAR-73812 CONDITIONS**

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**Planning**

1. 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.
2. 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.
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.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request to allow a reduced corner side yard setback for a proposed house located within a Planned Community Development at 10831 Lost Ark Avenue.

**ISSUES**

- Variance (VAR-73812) has been requested to allow a corner side yard setback of five feet where 10 feet is required within the Peaceful Ridge Planned Community Development. Staff does not support the request.

**ANALYSIS**

The subject site is located within the Lone Mountain West Master Plan Area. It is subject to the development standards approved through Site Development Plan Review (SDR-47610). The Planning Commission approved Tentative Map (TMP-57011) to allow a 322-lot residential subdivision at the subject site on 01/13/15. The applicant has requested a reduced corner side yard setback for Lot 244 to allow a setback of five feet where 10 feet is required.

Per the submitted justification letter, the reduced setback is needed due to a proposed attached sidewalk. It is noted that the proposed reduced setback will physically appear no different than the other corner side setbacks within the subject subdivision.

Staff finds that no unique or extraordinary evidence has been presented to warrant the requested Variance to deviate from the approved setback requirements within Site Development Plan Review (SDR-47610). As such, the hardship is self-imposed and therefore, staff recommends denial of the request to allow a reduced corner side yard setback.

**FINDINGS (VAR-73812)**

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:

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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.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to construct a single-family dwelling that does not meet Peaceful Ridge setback requirements. Utilizing an alternative house model would allow for conformance to the Peaceful Ridge requirements. 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.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc</i></b>	
07/17/02	The City Council approved a Petition to Annex (A-0083-01) property located on the north side of Craig Road, approximately 330 feet east of Puli Road. The Planning Commission and staff recommended approval.
01/08/03	The City Council approved a Petition to Annex (A-0036-02) one parcel of land generally located on the northeast corner of Craig Road and Puli Road. The Planning Commission and staff recommended approval.
02/05/03	The City Council approved a Petition to Annex (A-0038-02) undeveloped property located in various parts of the city under the provisions of NRS 268.597 No. 1(b) containing approximately 495 acres, including portions of the subject properties. The Planning Commission and staff recommended approval.

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<b>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc</b>	
11/02/05	The City Council approved a Major Modification (MOD-8637) to the Lone Mountain West Master Development Plan to amend Section 2.3.4 (Medium-Low Density Residential) to allow three-story dwellings where two stories is the maximum allowed, as part of a larger request. The Planning Commission recommended approval, staff recommended denial.
03/15/06	The City Council approved a Rezoning (ZON-11187) from U (Undeveloped) to PD (Planned Development) on 38.6 acres located at the southeast corner of Lone Mountain Road and Puli Road. The Planning Commission recommended approval, staff recommended denial.
03/15/06	The City Council approved a Major Modification (MOD-11184) to the Lone Mountain West Master Development Plan to add 4.95 acres to the Plan area, to change the land use designation from L (Low Density Residential) to ML (Medium-Low Density Residential), and amend chapters One (Introduction) and Two (Land Use), Figures One (1) through Three (3), and Tables One (1) through Five (5) of the Master Development Plan on 38.6 acres located at the southeast corner of Lone Mountain Road and Puli Road. The Planning Commission recommended approval, staff recommended denial.
03/15/06	The City Council approved a Vacation (VAC-11354) of the east half of Puli Road between Red Coach Avenue and Stange Avenue, and the south half of Red Coach Avenue east of Puli Road. The Planning Commission recommended approval, staff recommended denial.
04/05/06	The City Council approved a Site Development Plan Review (SDR-11188) for a proposed 308-lot single-family residential subdivision on 38.6 acres at the southeast corner of Lone Mountain Road and Puli Road. The Planning Commission recommended approval, staff recommended denial.
05/11/06	The Planning Commission approved a request for a Tentative Map (TMP-12630) for a proposed 308-lot single-family residential subdivision on 38.6 acres at the southeast corner of Lone Mountain Road and Puli Road. Staff recommended approval.
02/14/08	The Planning Commission denied a request for a Site Development Plan Review (SDR-25487) for a Major Amendment to an approved Site Development Plan Review (SDR-11188) to replace a portion of a 308-lot single-family residential development with a 296-unit multi-family residential development and a Major Modification to the Lone Mountain West Master Plan (MOD-25974) to amend the land use

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<b>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc</b>	
	designation from ML (Medium-Low Density Residential) to MFM (Multi-Family Medium Residential) and to amend tables one (1) through five (5) of the master development plan. The City Council abeyed this item on 3/19/08 and 04/02/08 to 05/07/08. Staff recommended denial of these items.
04/02/08	The City Council approved a request for an Extension of Time (EOT-26688) of an approved Site Development Plan Review (SDR-11188) for a proposed 308-lot residential development on 38.6 acres at the southeast corner of Lone Mountain Road and Puli Road.
04/10/08	An Administrative Extension of Time (EOT-26581) review for an approved Vacation (VAC-11354) of the east half of Puli Road Between Red Coach and Strange Avenue is scheduled.
04/24/08	The Planning Commission approved a Tentative Map (TMP-27083) for a 308-lot single-family residential subdivision on 38.6 acres adjacent to the southeast corner of Lone Mountain Road and Puli Road. Staff recommended approval.
05/14/09	An Administrative Extension of Time (EOT-33792) of an approved Vacation (VAC-12067) to Vacate U.S. Government Patent Easements generally located northwest of the intersection of Hickam Avenue and Cliff Shadows Parkway was approved.
05/28/09	An Administrative Extension of Time (EOT-34187) of an approved Vacation (VAC-11354) which Vacated the east half of Puli Road between Red Coach Avenue and Stange Avenue, and the south half of Red Coach Avenue east of Puli Road was approved. This expired 03/22/10 without being exercised.
04/03/13	The City Council approved MOD-47606, ZON-47605, VAR-47606, VAR-47609, VAC-47611 and SDR-47610 for a 322-lot single-family residential subdivision on 55.00 gross acres at the southeast corner of Lone Mountain Road and Puli Road. The Planning Commission and staff recommended approval of MOD-47606, ZON-47605 and VAC-47611 and denial of VAR-47606, VAR-47609 and SDR-47610.
05/13/13	The Planning Commission approved a Tentative Map (TMP-48840 for a 322-lot residential subdivision on 55.0 gross acres at the southeast corner of Lone Mountain Road and Puli Road. Staff recommended approval.
12/16/14	An Administrative Site Development Plan Review (SDR-57012) was approved to remove an internal street, create two new common lots and to relocate the pump house on 55.00 gross acres at the southeast corner of Lone Mountain Road and Puli Road.

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<b>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc</b>	
01/13/15	The Planning Commission approved a Tentative Map (TMP-57011) for a 322-lot residential subdivision on 55.00 gross acres at the southeast corner of Lone Mountain Road and Puli Road. Staff recommended approval. The approval has been exercised.
08/05/15	The City Council approved a Review of Condition (ROC-59914) of an approved Site Development Plan Review (SDR-47610) to modify Conditions "B" and "C" to match a new maintenance agreement with the City of Las Vegas on 55.00 gross acres at the southeast corner of Lone Mountain Road and Puli Road. Staff recommended approval.
06/15/16	A Final Map (FMP-53328) for a three-pod single family residential subdivision with three common lots on 55.00 acres at the southeast corner of Lone Mountain Road and Puli Road was recorded. [Book 152 Page 2 of Plats]
10/19/16	The City Council approved a Major Modification (MOD-65948) of the Lone Mountain West Land Use Plan from L (Low Density Residential) and ML (Medium-Low Density Residential) to PF (Public Facilities) on 0.41 acres on the west side of Eagle Nest Peak Street at the western terminus of Stange Avenue. The Planning Commission and staff recommended approval.
01/03/17	An application (FMP-68402) was submitted for Final Map Technical Review for a 30-lot single family residential subdivision (Peaceful Ridge at Lone Mountain & Puli Phase 3.1) on 21.15 acres at the southwest corner of Stange Avenue and Kersee Street. This map was recorded on 11/13/17.
	An application (FMP-68401) was submitted for Final Map Technical Review for a 30-lot single family residential subdivision (Peaceful Ridge at Lone Mountain & Puli Phase 3.2) on 17.79 acres on the west side of Kersee Street, approximately 200 feet south of Stange Avenue. This map was recorded on 12/11/17.
02/01/17	The Department of Planning administratively approved Site Development Plan Review (SDR-68429) for a Minor Amendment of an approved Site Development Plan Review (SDR-47610) for additional two-story model home plans on 173 undeveloped lots within an approved 328-lot single family residential development at the southwest corner of Stange Avenue and Kersee Street.

<b>Most Recent Change of Ownership</b>	
01/31/17	A deed was recorded for a change in ownership.

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<b>Related Building Permits/Business Licenses</b>	
There are no related building permits/business licenses on file.	

<b>Pre-Application Meeting</b>	
06/20/18	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed corner side yard setback Variance request.

<b>Neighborhood Meeting</b>	
A Neighborhood meeting was not required, nor was one held.	

<b>Field Check</b>	
07/03/18	Staff conducted a routine field check and found an undeveloped lot. No issues were noted.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	.0849 acres

<b>Surrounding Property</b>	<b>Existing Land Use Per Title 19.12</b>	<b>Planned or Special Land Use Designation</b>	<b>Existing Zoning District</b>
Subject Property	Undeveloped	L (Low Density Residential) – Lone Mountain West	PD (Planned Development)
North	Undeveloped	L (Low Density Residential) – Lone Mountain West	PD (Planned Development)
South	Undeveloped	PF (Public Facilities) – Lone Mountain West	U (Undeveloped) [PF (Public Facilities)]
East	Single Family, Detached	L (Low Density Residential) – Lone Mountain West	PD (Planned Development)
West	Undeveloped	DR (Desert Rural Density Residential)	U (Undeveloped) [DR (Desert Rural)]

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<b>Master and Neighborhood Plan Areas</b>	<b>Compliance</b>
Lone Mountain West	*N
<b>Special Area and Overlay Districts</b>	<b>Compliance</b>
PD (Planned Development) District – (Peaceful Ridge)	*N
<b>Other Plans or Special Requirements</b>	<b>Compliance</b>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

\*The applicant has requested the subject Variance to deviate from the approved development standards of Site Development Plan Review (SDR-47610).

**DEVELOPMENT STANDARDS**

***Pursuant to the previously approved Site Development Plan Review (SDR-47610), the following standards apply:***

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Setbacks			
• Front	10 Feet	18 Feet	Y
• Side	5 Feet	5 Feet	Y
• Corner	10 Feet	5 Feet	*N
• Rear	15 Feet	15 Feet	Y

\* The applicant has requested the subject Variance in order to allow a reduced corner side yard setback.