



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: APRIL 11, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: TRI POINTE HOMES NEVADA, INC.

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0067-DVN1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 0

NOTICES MAILED 343

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0067-DVN1 CONDITIONS

Planning

1. Conformance to the approved conditions for Site Development Plan Review (20-0373-SDR1).
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 Building and Safety Division.
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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant has requested a Major Deviation to allow a six-foot rear yard setback to a single-story living element where 12 feet is required for Lot 35 within the approved Kyle Canyon Gateway Unit 1 subdivision, located at 10220 Arrow Range Avenue.

ISSUES

- Per the Zoning Residential Standards of the Kyle Canyon Gateway Design Guidelines, a 12-foot rear yard setback is required for a single-story element. Staff does not support the request to allow a six-foot rear yard setback where 12 feet is required for Lot 35.

ANALYSIS

The site is zoned PD (Planned Development) and is subject to the Kyle Canyon Gateway Master Development Plan and Design Guidelines. The Tentative Map for Kyle Canyon Gateway Unit 1 (20-0373-TMP1) was approved April 13, 2021, which included the subject Lot 35.

Per the Kyle Canyon Gateway Master Development Plan and Design Guidelines, requests for Deviations shall be submitted to the Master Developer for approval on a project-by-project basis. The Master Developer has provided an approval letter, dated 02/14/23. The requested Major Deviation (23-0067-DVN1) does not meet the threshold allowed per the Title 19.16.120 Administrative Deviation requirements, as the proposed project is regarding a building setback. Per Title 19.16.120, eligibility to apply for an Administrative Deviation for setbacks includes:

a. In the case of a required side or rear setback of ten feet or less, the requested deviation will not exceed ten percent of the required setback, and construction within the reduced setback will not extend more than 15 feet parallel to the property line from which the setback is measured;

b. In the case of required side or rear yard setback of greater than ten feet or a required front yard setback of greater than ten feet (exclusive of front-loading garages), the requested deviation will not exceed ten percent of the required setback, and construction within the reduced setback will not extend more than 15 feet parallel to the property line from which the setback is measured; and

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Therefore, the requested Major Deviation (23-0067-DVN1) does not meet Title 19.16.120 Administrative Deviation requirements, as the applicant has proposed a six-foot rear yard setback to a single-story living element where 12 feet is required, which is a 50 percent reduction.

Per the submitted justification letter, date stamped 03/21/23, the applicant states that the Major Deviation (23-0067-DVN1) is requested due to the subject Lot 35 abutting a knuckle at the intersection of McKinster Road and Ruston Road. The subject site does not meet Administrative Deviation requirements and the subject site does not have exceptional narrowness, shallowness, exceptional topographic conditions or other extraordinary and exceptional conditions. An alternative housing product would resolve the setback request. The proposed six-foot rear yard setback will prohibit future homeowners from being able to install an aftermarket patio cover or accessory structure in compliance with the Kyle Canyon Gateway Design Guidelines, as the rear yard will be too shallow to meet setback requirements for patio covers and accessory structures. Therefore, the hardship is self-imposed; staff recommends denial with conditions, if approved.

FINDINGS (23-0067-DVN1)

Staff finds no hardship related to the size or shape of the subject lot. The applicant is proposing to overdevelop the lot with a housing product too large for the subject lot. Additional building beyond these setbacks would therefore constitute a self-imposed hardship that cannot be supported by staff. Denial of the Major Deviation is therefore recommended, subject to conditions if approved.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
06/01/05	The City Council adopted Ordinance 5774 (ANX-5528) which annexed the subject property into the City of Las Vegas a part of a larger request. The subject site was given a future land use of PCD (Planned Community Development) and the zoning was designated as U (Undeveloped).
04/21/21	The City Council approved a rezoning (20-0370-ZON1) from U (Undeveloped) to PD (Planned Development) for the subject parcel as a part of a larger request. Staff and the Planning Commission had recommended approval on April 13, 2021.
04/21/21	The City Council approved a right-of-way and patent easement Vacation (20-0370-VAC1) for portions of the subject property as a part of a larger request. Staff and the Planning Commission had recommended approval on April 13, 2021.
04/13/21	The Planning Commission approved a Tentative Map request (20-0373-TMP1) for a 115-lot single family residential subdivision located on 22.90 acres generally located at the southeast corner of Ruston Road and Michelli Crest Way. Staff recommended approval.
04/13/21	The Planning Commission approved a Site Development Plan Review request (20-0373-SDR) for a 115-lot single family residential subdivision located on 22.90 acres generally located at the southeast corner of Ruston Road and Michelli Crest Way. Staff recommended approval.

<i>Most Recent Change of Ownership</i>	
05/06/21	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
There are no related Building Permits or Business Licenses for the subject site.	

<i>Pre-Application Meeting</i>	
02/02/23	A pre-application meeting was held with the applicant to determine submittal requirements for a Major Deviation application. No major issues were discussed.

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

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Field Check	
02/28/23	Staff conducted a routine field check and observed an undeveloped site with desert vegetation. The site was free of trash and debris at the time of inspection.

Details of Application Request	
Site Area	
Net Acres	0.14

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Vacant	PCD (Planned Community Development)	PD (Planned Development)
North			U(PCD) (Undeveloped [Planned Community Development])
South			PD (Planned Development)
East			PD (Planned Development)
West			PD (Planned Development)

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Kyle Canyon	Y
Special Area and Overlay Districts	Compliance
Kyle Canyon Gateway	N
Other Plans or Special Requirements	Compliance
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

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DEVELOPMENT STANDARDS

Pursuant to the Kyle Canyon Gateway Design Guidelines, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Setbacks			
• Rear	12 Feet	6 Feet	N*
• Front	10 Feet	10 Feet	Y
• Side	5 Feet	5 Feet	Y

*A Deviation (23-0067-DVN1) is requested to allow a reduced rear yard setback, which staff does not support.