



**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JUNE 20, 2007**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: WVR-21491 - APPLICANT/OWNER: PEDRO GARCIA**

---

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

Staff recommends DENIAL. The Planning Commission (5-1/bg vote) recommends APPROVAL, subject to:

**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-20783), Variance (VAR-20782) and Site Development Plan Review (SDR-20780) shall be required.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**Public Works**

3. The non-circular termination as depicted on the revised Site Plan dated Received Apr 23 2007 is hereby approved.
4. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of any construction plans, the issuance of any permits or the submittal of a map for this site. The termination of the private street shall meet the approval of the Department of Fire Services.
5. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON20783, Site Development Plan Review SDR20780 and all other applicable siterelated actions.

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

**PROJECT DESCRIPTION**

This is a request for a Waiver to Title 18.12.130 to allow a proposed private street to end in a hammer head where a cul-de-sac is required at 4881 Donald Road. The waiver would allow the proposed five-lot residential subdivisions 265-foot long private street to terminate in a half hammer head terminus design.

It is the applicants belief that as the homes built at this location will be an enhancement to the area and that the proposed private street design will be adequate to accommodate the limited traffic generated by the five proposed residential lots. Staff is recommending denial.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
05/24/07	The Planning Commission recommended approval of companion items ZON-20783, VAR-20782 and SDR-20780 concurrently with this application.  The Planning Commission voted 5-1/bg to recommend APPROVAL (PC Agenda Item #5/rts).
<b><i>Related Building Permits/Business Licenses</i></b>	
07/13/94	A building permit application, plan check R-0157-94, was submitted for the site. This was for a plan check review for a single family dwelling at 4881 Donald Road. This permit (94346003) was reviewed and approved by the Planning and Development Department on 07/20/94 and issued by the Building and Safety Department 08/30/94. Project listed as completed on 03/28/95.
<b><i>Pre-Application Meeting</i></b>	
03/01/07	A pre-application meeting was held and elements of this application were discussed. It was noted that this site has a ML (Medium Low Density Residential) General Plan designation. Submittal requirements were discussed.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required for this application, nor was one held.	
<b><i>Field Check</i></b>	
04/06/07	The Department of Planning and Development conducted a site visit that found that this was a developed site that has a single family, detached home that is a single story high. The site includes mature trees and front lawn area with a walled in area in the rear.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	1.16

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Single Family, Detached	ML (Medium Low Density Residential)	R-E (Residence Estates)
North	Single Family, Detached	ML (Medium Low Density Residential)	R-PD3 (Residential Planned Development 3 Units per Acre)
South	Single Family, Detached	ML (Medium Low Density Residential)	R-E (Residence Estates)
East	Single Family, Detached	ML (Medium Low Density Residential)	R-E (Residence Estates)
West	Undeveloped	L (Low Density Residential)	R-E (Residence Estates) under Resolution of Intent to R-1 (Single Family Residential)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>		X	n/a
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>		X	n/a
<b>Trails</b>		X	n/a
<b>Rural Preservation Overlay District</b>	X		N*
<b>Development Impact Notification Assessment</b>		X	n/a
<b>Project of Regional Significance</b>		X	n/a

\* The proposed density will exceed the two units per acre called for by the Rural Preservation Overlay District. This location has a ML (Medium Low Density Residential) General Plan Designation and there are approved developments to the north and west that are of comparable densities.

**DEVELOPMENT STANDARDS**

<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
To allow a half hammer head street terminus where a cul-de-sac is required	A cul-de-sac of sufficient radius for emergency vehicle and other large vehicle access	Approval *

- \* The applicant has indicated that they have received support from the City's Fire Marshal for the street design based on the applicant's intention to have the future homes equipped with a sprinkler system. A condition of approval requiring the homes have a working sprinkler system has been added to the Site Development Plan Review (SDR-20780) to reflect the applicant's stated intention.

## **ANALYSIS**

This request is not a Zoning Code compliance issue but a request for a Waiver in Title 18.12.130 of the Subdivision Ordinance to allow a street to terminate in a dead end where a cul-de-sac is required.

Specifically, Title 18.12.130 states:

Cul-de-sacs shall be designed and installed in accordance with City standards. For public streets which terminate other than at an intersection with another public street, the termination shall be provided by means of a circular cul-de-sac of a sufficient diameter to accommodate emergency service vehicles for termination. For private streets or drives which terminate at a length over one hundred fifty feet, there shall be either a circular turn-around or emergency service vehicle access gates.

Public Works recommends denial of the Request for a Waiver of Title 18.12.130 to allow the proposed private street, to terminate without a circular cul-de-sac or emergency access gate where one is required for streets terminating other than at an intersection with another public street. Public Works cannot support this request due to the inability of large vehicles such as delivery trucks to turn around upon reaching the street terminus.

## **FINDINGS**

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 19.18.070L 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 not designing the site to properly accommodate the proper street terminus. Redesign of the project with attention to lot layout would allow conformance to the Title 18 requirements. In view of the absence of any hardships imposed by the sites physical characteristics, it is concluded that the applicants hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**                      2

**ASSEMBLY DISTRICT**                      13

**SENATE DISTRICT**                                      9

**NOTICES MAILED**                      239                      by Planning Department

**APPROVALS**    0

**PROTESTS**    0