



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MAY 14, 2013

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: T H M ENTERPRISES, LLC

** STAFF RECOMMENDATION **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-48779	Staff recommends DENIAL, if approved subject to conditions:	N/A

** CONDITIONS **

VAR-48779 CONDITIONS

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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Public Works

5. The installation of sidewalk and streetlights may be deferred provided that exterior street lighting shall be stubbed out for later use, including all necessary underground conduit and pull boxes at each streetlight location and the developer provide to the City such streetlights for the future installation. Alternatively, monies in lieu of such deferred streetlights, including bases, may be contributed to the City if allowed by the Department of Public Works. Coordinate with the Traffic Engineering Section of Public Works regarding street lighting requirements prior to submittal of construction drawings. Sign and record a covenant running with the land for sidewalk and streetlights not constructed at this time on Juliano Road and Hickam Avenue. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete). Sidewalk may be installed if recommended in an approved Drainage Study for this site.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Variance to not provide sidewalks, street lights, and offsite improvements related to four proposed undeveloped residential lots on 2.5 acres. The subject site is located near the southeast corner of Juliano Road and Hickam Avenue, within the R-E (Residential Estates) zoning district. The proposed site has no physical abnormalities that would require any deviations from code in order to be fully developed with the necessary improvements; furthermore, there are sidewalks and offsite improvements provided in nearby neighborhood developments to the south. Staff recommends denial of this request. If denied, the applicant would be required to construct the necessary sidewalks and offsite improvements and install street lights prior to the development of any of the residential lots.

ISSUES

- The submitted plans do not provide sidewalks as required by Title 19.02.040.
- The submitted plans do not provide curbs and gutters as required by Title 19.02.050.
- The submitted plans do not provide off-site improvements as required by Title 19.02.130.
- The submitted plans do not provide street lights as required by Title 19.02.240.
- The submitted plans do not comply with the standards listed in Title 19.04.200.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
01/16/02	The City Council approved a petition to Annex [A-0048-01(A)] 2.5 acres of property generally located at the intersection of Juliano Road and Hickam Avenue. The Planning Commission and staff recommended approval.
01/12/06	The Planning Commission denied a request for a Rezoning (ZON-10495) from: U (Undeveloped) [DR (Desert Rural Residential) General Plan Designation] to R-PD2 (Residential Planned Development – 2 Units Per Acre) on 2.50 acres at the Southeast corner of Juliano Road and Hickam Avenue. Staff Recommended denial. The applicant withdrew the request prior to being heard by City Council.

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01/12/06	The Planning Commission denied a request for a Variance (VAR-10496) to allow a proposed residential planned development on 2.50 acres where the minimum allowed is 5 acres at the Southeast corner of Juliano Road and Hickam Avenue. Staff Recommended denial. The applicant withdrew the request prior to being heard by City Council.
	The Planning Commission denied a request for a Waiver (WVR-10947) of Title 18.12 to allow 175 feet between centerline intersections where 220 feet is the minimum allowed on 2.50 acres at the Southeast corner of Juliano Road and Hickam Avenue. Staff Recommended denial. The applicant withdrew the request prior to being heard by City Council.
	The Planning Commission denied a request for a Site Development Plan Review (SDR-10494) for a five-lot residential subdivision on 2.50 acres at the Southeast corner of Juliano Road and Hickam Avenue. Staff Recommended denial. The applicant withdrew the request prior to being heard by City Council.
03/12/13	A request for a Variance (VAR-47840) to allow a private street to not comply with minimum standards for a public street, including no sidewalks or streetlights where such are required and a width of 40 feet where a minimum of 47 feet is required on 2.5 acres generally located on the southeast corner of Juliano Road and Hickam Avenue was withdrawn without prejudice at 3/12/13 Planning Commission.

<i>Most Recent Change of Ownership</i>	
08/16/12	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
There are no building permits or business licenses related to this request.	

<i>Pre-Application Meeting</i>	
03/13/13	A pre-application meeting was held between staff and the applicant's representative to discuss the submittal requirements for a Variance to not complete offsite improvements, which include sidewalks and streetlights along Juliano Road and Hickam Avenue.

<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of request, nor was one held.	

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Field Check	
04/09/13	A field check of the site was conducted and staff found an undeveloped site free of trash and debris.

Details of Application Request	
Site Area	
Gross Acres	2.5

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Undeveloped	DR (Desert Rural Residential)	U (Undeveloped) [DR (Desert Rural Residential) General Plan Designation]
North	Single Family, Detached	Unincorporated Clark County RNP (Rural Neighborhood Preservation)	Unincorporated Clark County R-E (Rural Estates)
South	Undeveloped	RNP (Rural Neighborhood Preservation)	U (Undeveloped) [RNP (Rural Neighborhood Preservation) General Plan Designation]
East	Undeveloped	Unincorporated Clark County RNP (Rural Neighborhood Preservation)	Unincorporated Clark County R-E (Rural Estates)
West	Undeveloped	Unincorporated Clark County RNP (Rural Neighborhood Preservation)	Unincorporated Clark County R-E (Rural Estates)

Master Plan Areas	Compliance
No Applicable Master Plan Area	N/A
Special Purpose and Overlay Districts	Compliance
No Applicable Special Purpose or Overlay Districts	N/A
Rural Preservation Overlay District	N/A

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<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

<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>
Hickam Avenue	60' Minor Collector Street	Title 19.04 Complete Streets	30'	N
Juliano Road	60' Minor Collector Street	Title 19.04 Complete Streets	30'	N

Pursuant to Title 19.04.200, the following standards apply:

<i>Streetscape Standards</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
60' Minor Collector Street (Hickam Avenue)	Utility & Mechanical Boxes	Not Shown	Not Shown
	Street Lights	Not Provided	N
	Fire Hydrants	Not Shown	Not Shown
	Tree Placement	Not Provided	N
	Tree Spacing	Not Provided	N
60' Minor Collector Street (Juliano Road)	Utility & Mechanical Boxes	Not Shown	Not Shown
	Street Lights	Not Provided	N
	Fire Hydrants	Not Shown	Not Shown
	Tree Placement	Not Provided	N
	Tree Spacing	Not Provided	N

ANALYSIS

Typically, a Waiver of the public street standards would occur if the site improvements are proposed as private streets separated by gates per Title 19.04.070(A); however, it is customary to require the installation of all incomplete or damaged improvements surrounding the site when a site is developed in the City of Las Vegas with public streets. In Title 19.16.040(K), the Director of Public Works is authorized to delay the installation of offsite improvements if the site is located in an area where partial or full public street improvements are not customary. Since this site is in such an area, the Department of Public Works has no objection to the deferment of sidewalk and streetlights, provided the applicant adheres to the conditions of

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approval. Since the applicant is proposing public streets, then all street and offsite improvements required of Title 19.02 and 19.04 apply. Specifically, sidewalks, streetlamps, curbs and gutters are listed out in the code to provide the necessary improvements for the public's benefit. The applicant states that the request to not provide the improvements is in response to the requests made during previous neighborhood meetings regarding the preceding development proposal for this site. The applicant states that it is the desire to retain the rural character of the area by not completing the sidewalks and street lights and that there is no network of improvements to connect to.

Staff finds no substantial reason to not provide sidewalks, streetlamps, and offsite improvements and that accessibility for all ages and abilities will be neglected, requiring citizens who rely on wheeled-access to use the street. The request for a Variance to not provide the necessary offsite improvements, sidewalks, and streetlamps is a self-created hardship; therefore staff recommends denial of this request.

FINDINGS (VAR-48779)

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.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by not providing the required streetscapes and off site improvements. The applicant states that the intent is provide streetscapes that are rural in context; however, staff finds that there is an existing network of sidewalks, streetlamps, and offsite improvements in close proximity to the subject site. The provision of the required

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streetscapes, street lights, sidewalks, and offsite improvements would not only allow conformance to the Title 19 requirements, but would serve as the necessary improvements for neighborhood accessibility for all existing and future residents. 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 13

NOTICES MAILED 81

APPROVALS 0

PROTESTS 2