



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: OCTOBER 8, 2013
 DEPARTMENT: PLANNING
 ITEM DESCRIPTION: APPLICANT: DR HORTON, INC. - OWNER: DR HORTON, INC., ET AL

**** STAFF RECOMMENDATION ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-50917	Staff recommends DENIAL, if approved subject to conditions:	N/A

**** CONDITIONS ****

SUP-50917 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under the Town Center Master Development Standards Manual for a Private Street use.
2. Conformance to the approved conditions for Site Development Plan Review (SDR-48852).
3. 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.
4. 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.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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Public Works

6.A Homeowners' Association shall be established to maintain all private roadways, landscaping and common areas created with this development. All private improvements and landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Special Use Permit for Private Streets located within a proposed 211-lot single family residential development previously submitted under the Site Development Plan Review (SDR-48852). The initial Site Development Plan Review (SDR-48852) has undergone three revisions since the initial submittal, with the requested lot count being reduced from 211 residential lots to 210 residential lots and minor rearrangements to the locations of certain driveways in relation to street corners. This Special Use Permit request will not address the design deficiencies found within the proposed Site Development Plan Review (SDR-48852); therefore, staff recommends denial of this request.

ISSUES

- A Text Amendment has been recommended for approval by the Planning Commission to include language that will modify the published version of the Town Center Development Standards Manual. Included in this revision is the correction of a scrivener’s error to include the Private Street Use within the Permitted Uses - Table 1. Specifically, to include the allowance for Private Streets in the residential land use districts by means of a Special Use Permit.
- Due to a scrivener’s error, the Private Street use is not permitted in the published version of the Town Center Development Standards Manual for the ML-TC (Medium Low – Town Center) zoning district; however, the City Council-adopted version of the Town Center Development Standards Manual does allow for Private Streets in residential land use districts by means of a Special Use Permit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
10/17/07	The City Council approved a Major Modification (MOD-22882) of the Town Center Land Use Map to change the land use designation from: ML-TC (Medium Low Residential - Town Center) to: M-TC (Medium Residential - Town Center) on 10.13 acres adjacent to the southeast corner of Deer Springs Way and Campbell Road, on 10.13 acres adjacent to the southeast corner of Deer Springs Way and Campbell Road. The Planning Commission and staff recommended approval.
	The City Council approved a Site Development Plan Review (SDR-22877) for a proposed two-story, 149-unit Multi-Family Residential development on 10.13 acres adjacent to the southeast corner of Deer Springs Way and Campbell Road. The Planning Commission and staff recommended approval.

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07/10/08	The Planning Commission approved a Tentative Map (TMP-28262) for a 372-unit condominium development. Staff recommended approval.
04/15/09	The City Council approved an Extension of Time (EOT-33650) of an approved Site Development Plan Review (SDR-22877) for a proposed two story, 149-unit Multi-Family Residential development on 10.13 acres adjacent to the southeast corner of Deer Springs Way and Campbell Road. Staff recommended approval.
06/19/13	The City Council approved a Major Modification (MOD-48855) of the Town Center Land Use Plan to Amend the Special Land Use Designation from the M-TC (Medium Density Residential - Town Center) to: ML-TC (Medium Low Density Residential - Town Center) on 26.4 acres Petition to Vacate (VAC-48854) all of the City of Las Vegas public drainage easements generally located adjacent to the southeast corner of Deer Springs Way and Campbell Road. The Planning Commission and staff recommended approval.
	The City Council approved the request to abey the request for a Site Development Plan Review (SDR-48852) for a 211-lot single family subdivision to the 07/24/13 City Council, in order to submit revised site plans.
07/09/13	The Planning Commission approved the request to abey the request for a Tentative Map (TMP-49542) for a proposed 211-lot single family residential subdivision with a Waiver (WVR-49873) to allow a nonstandard street design to the 08/13/13 Planning Commission.
07/24/13	The City Council approved the request to abey the request for a Site Development Plan Review (SDR-48852) for a 211-lot single family subdivision to the 08/07/13 City Council, in order to further revise the submitted site plans.
08/07/13	The City Council approved the request to abey the request for a Site Development Plan Review (SDR-48852) for a 211-lot single family subdivision to the 09/18/13 City Council, in order to further revise the submitted site plans.
08/13/13	The Planning Commission approved the request to abey the request for a Tentative Map (TMP-49542) for a proposed 211-lot single family residential subdivision with a Waiver (WVR-49873) to allow a nonstandard street design to the 10/08/13 Planning Commission. NOTE: This request will require an abeyance request to the 12/10/13 Planning Commission, pending the outcome of the Site Development Plan Review (SDR-48852) at the 11/20/13 City Council.
09/18/13	The City Council approved the request to abey the request for a Site Development Plan Review (SDR-48852) for a 211-lot single family subdivision to the 11/20/13 City Council, in order to allow the Site Development Plan Review (SDR-48852) to be heard with this submitted Special Use Permit (SUP-50917) request.

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<i>Most Recent Change of Ownership</i>	
02/20/13	A deed was recorded for a change in ownership.

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

<i>Pre-Application Meeting</i>	
05/14/13	A pre-application meeting was held with staff and the applicant's representative to discuss the submittal requirements for a proposed Tentative Map for a 211-lot single family subdivision. It was noted during the meeting that a Waiver of the street standards would be required.

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

<i>Field Check</i>	
08/29/13	Staff conducted a site visit and found that subject site has been graded in preparation for previous multi-family developments. The site is partially enclosed with a decorative wall with iron fencing. The site did not exhibit any signs of illegal dumping or trash and debris.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	26.40

<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	Undeveloped	ML-TC (Medium Low Density Residential-Town Center)	T-C (Town Center)
North	Single-Family Residential, Detached	ML-TC (Medium Low Density Residential-Town Center)	T-C (Town Center)
South	Right-of-Way (215)	Right-of-Way (215)	Right-of-Way (215)

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<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>
East	Undeveloped	UC-TC (Urban Center Mixed Use – Town Center)	T-C (Town Center)
West	Single-Family Residential, Detached	ML-TC (Medium Low Density Residential-Town Center)	T-C (Town Center)
	Multi-Family Residential	M-TC (Medium Density Residential – Town Center)	

<i>Master Plan Areas</i>	<i>Compliance</i>
Town Center Master Plan	N
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
T-C (Town Center) District	N
<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>
Deer Springs Way	Town Center Arterial (80')	Town Center Development Standards Manual	80'	Y
Campbell Road	Town Center Residential Collector (80')	Town Center Development Standards Manual	80'	Y
Echelon Point Drive	Town Center Collector (80')	Town Center Development Standards Manual	80'	Y

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ANALYSIS

The Private Street use is not defined by the Town Center Development Standards Manual; however, a definition is provided by Title 19.18 as.

“Any roadway, other than a private drive, that is not owned by a public entity or is designated for use by specified property owners, maintained by or on behalf of those property owners, and not dedicated to nor intended for access by the general public.”

The proposed use meets the definition, as the proposed interior streets serving the development would not be owned or maintained by the City, County or State and would not be intended for access by the general public.

The conditions of approval for a Special Use Permit Requirements for a gated subdivision with private streets area as follows:

- a. Abutting public street stubs from previously approved adjacent developments shall be terminated in a cul-de-sac or shall be extended to connect to another public street.

This requirement does not apply to this development, as there are no existing public stub streets adjacent to the site.

- b. Gated communities not taking access directly off an arterial roadway shall have a minimum of two active gated entrances. Additional gated entrances may be required to disperse the traffic throughout the street network.

The proposed use meets this requirement, as access to the development is directly from Campbell Road and Echelon Point Drive, both Town Center Residential Collectors. The site plan indicates that there are two active gated entrances

- c. Consideration must be given to previously approved grading plans and drainage studies to assure minimum impact to existing and future developments.

The future grading of this site will take into account the grading plans and drainage studies of the existing adjacent properties; therefore, the proposed use will meet this requirement.

Due to a scrivener’s error, the Town Center Development Standards Manual currently does not include the text in the published version of the manual that is included within the formally adopted by the City Council. At issue is the lack of the Private Street use included within the permitted uses table. There are references throughout the code to the Private Street land use within residential land use districts that may create confusion in the Town Center Development Standards Manual.

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A proposed Text Amendment (TXT-46131) has been approved by the Planning Commission and will be forwarded to City Council in ordinance to provide updated references to the current Unified Development Code and to remove the language regarding the use of asterisks for denoting Special Use Permit conditions that may not be waived. Staff recommends denial of this Special Use Permit request, based upon the design of the submitted Site Development Plan Review (SDR-48852), and the inability of the Private Street use to address the street design deficiencies.

FINDINGS (SUP-50917)

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

1. The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.

Staff finds that the proposed Private Street use cannot be conducted in a manner that is harmonious and compatible, as it is a component of the submitted street design found within the Site Development Plan Review (SDR-48852), which has also been recommended for denial.

2. The subject site is physically suitable for the type and intensity of land use proposed.

The subject site is not physically suitable for the number and site layout of the proposed single-family lots. The proposed street design does not provide the necessary street knuckle design, as evidenced by the requested Waiver (WVR-49873). Staff recommends denial of the Special Use Permit for Private Streets, as the application has been submitted in lieu of adequate site design changes.

3. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.

Access to the site is adequately served by Echelon Point Drive, an 80-foot Town Center Residential Collector, and via Deer Springs Way, an 80-foot Town Center Collector. Staff finds that the proposed interior street design does not provide the required street knuckle radius and a lack of adequate curb space between the adjacent driveways located on the proposed culs-de-sac. Although the development should not have an adverse impact on the vehicular capacity of the street networks, the proposed Private Street use will not address the design concerns found within the proposed subdivision.

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4. Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.

Approval of this Special Use Permit for the Private Street use at this location is not in full support of the public health, safety, or welfare, as the use is being submitted in lieu of the necessary street design changes for the proposed 211-lot single family residential subdivision. The lack of street knuckles and culs-de-sac that serve more than four lots create potential conflict zones on the sidewalks and streets. Because of the outstanding design issues with the submitted Site Development Plan Review (SDR-48852), staff recommends denial of this Special Use Permit.

5. The use meets all of the applicable conditions per Title 19.12.

There are no applicable conditions per Title 19.12 for the Private Street use; however, the proposed use does meet the Minimum Special Use Permit Requirement listed in the Town Center Development Standards Manual.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 25

NOTICES MAILED 774

APPROVALS 0

PROTESTS 1