



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MARCH 11, 2014

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: D R HORTON - OWNER: VALENCIA A13004 INVESTORS, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
ZON-52391	Staff recommends APPROVAL.	
VAR-52392	Staff recommends DENIAL, if approved subject to conditions:	ZON-52391
TMP-52393	Staff recommends DENIAL, if approved subject to conditions:	ZON-52391 VAR-52392

** CONDITIONS **

VAR-52392 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval of Tentative Map (TMP-52393) shall be required, if approved.
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 Department of Building and Safety.
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.

YK

TMP-52393 CONDITIONS

Planning

1. Approval of the Tentative Map shall be for no more than four (4) years. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map with four (4) years of the approval of the Tentative Map, this action is void.
2. All development shall conform to the Conditions of Approval of Variance (VAR-52392).
3. Street names must be provided in accordance with the City's Street Naming Regulations.
4. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
5. In conjunction with creation, declaration and recordation of the subject common-interest community, and prior to recordation of the Covenants, Codes and Restrictions "CC&R"), or conveyance of any unit within the community, the Developer is required to record a Declaration of Private Maintenance Requirements ("DPMR") as a covenant on all associated properties, and on behalf of all current and future property owners. The DPMR is to include a listing of all privately owned and/or maintained infrastructure improvements, along with assignment of maintenance responsibility for each to the common interest community or the respective individual property owners, and is to provide a brief description of the required level of maintenance for privately maintained components. The DPMR must be reviewed and approved by the City of Las Vegas Department of Field Operations prior to recordation, and must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met, and the City of Las Vegas be required to provide for said maintenance. Also, the CC&R are to include a statement of obligation of compliance with the DPMR. Following recordation, the Developer is to submit copies of the recorded DPMR and CC&R documents to the City of Las Vegas Department of Field Operations.
6. All development is subject to the conditions of City Departments and State Subdivision Statutes.

Conditions Page Three

March 11, 2014 - Planning Commission Meeting

Public Works

7. In accordance with code requirements of Title 13.56, remove all substandard improvements including unused driveways on Buffalo Drive and replace with new improvements meeting Current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. Internal public streets are allowed with sidewalk on one side only.
8. All landscaping and private improvements installed with this project 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.
9. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for this Site Plan Prior to submittal of construction drawings for this site.
10. Meet with the Traffic Division of the Department of Public Works to determine the final geometric design of the gated entry to meet the intent of Standard Drawing #222.1. Comply with the recommendation of the Traffic Division prior to approval of construction drawings for this site.
11. Contact the City Engineer's Office at 229-6272 to coordinate the development of this project with the "Buffalo Drive – Charleston to Sahara Restriping" project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
12. A working sanitary sewer connection shall be in place prior to final inspection of any units within this development. Full permanent improvements on all major access streets, including all required landscaped areas between the perimeter wall and adjacent public street, shall be constructed and accepted by the City prior to issuance of any building permits beyond 50% of all units within this development. All off-site improvements adjacent to this site, including all required landscaped areas between the perimeter walls and adjacent public streets, shall be constructed and accepted prior to issuance of building permits beyond 75%. The above thresholds notwithstanding, all required improvements shall be constructed in accordance with Title 19.02.130.D.

Conditions Page Four

March 11, 2014 - Planning Commission Meeting

13. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.
14. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations.

Staff Report Page One**March 11, 2014 - Planning Commission Meeting****** STAFF REPORT ******PROJECT DESCRIPTION**

The applicant is requesting a Rezoning application to change the zoning district from R-E (Residence Estates) to R-1 (Single Family Residential) on land located adjacent to the east side of Buffalo Drive, approximately 220 feet north of Oakey Boulevard. The land is currently undeveloped. Staff recommends approval of the request as the density of the proposal is compatible with the existing surrounding residential developments and will provide an appropriate buffer between the R-PD2 (Residential Planned Development – 2 Units per Acre) to the east and with Buffalo Drive to the west. If denied, the parcels would remain unchanged and only residential development that meets the current R-E (Residence Estates) zoning could be developed.

The applicant is also requesting a Variance that would allow the subdivision to have a Connectivity Ratio of 1.0 where the minimum required is 1.3. This request results from self-created hardship in the design of the project. Staff does not support this Variance request and correspondently, staff recommends denial of the Variance and Tentative Map applications. If denied, no permits would be issued for the project.

ISSUES

- The project is located within 300 feet of the Rural Preservation Overlay. The density will not change with this project; therefore, the project meets the intent of the Rural Preservation Overlay.
- The applicant provided a late change that eliminates the need for one of the two Variances that were noticed with this project.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
03/19/86	The City Council approved a request to Annex (A-0009-85) approximately 1,509 acres of land, including the subject site. The effective date was 03/28/95.
03/20/96	The City Council denied a request for a Rezoning (Z-0091-95) on the northern portion of the subject site from R-E (Residence Estates) to P-R (Professional Office and Parking). The Planning Commission recommended approval.
11/23/98	The City Council approved a request (GPA-0027-98) to amend the Southwest Sector Map of the General Plan on properties bounded by the Holmby Channel, Via Olivero Avenue, Rainbow Boulevard and Durango Drive, from R (Rural Density Residential) to DR (Desert Rural Density Residential). The Planning Commission and staff recommended approval.

Staff Report Page Two

March 11, 2014 - Planning Commission Meeting

08/15/01	The City Council denied a request (GPA-0017-01) to amend the Southwest Sector Map of the General Plan from DR (Desert Rural Density Residential) to O (Office) on 5.4 Acres on the east side of Buffalo Drive, approximately 1,450 feet south of Charleston Boulevard. The Planning Commission recommended approval. Staff had recommended denial.
07/07/04	The City Council approved a Rezoning (ZON-4003) from R-E (Residence Estates) to R-PD5 (Residential Planned Development – 5 Units per Acre). Also, companion applications for a General Plan Amendment (GPA-4000) from the DR (Desert Rural Density Residential) to the MLA (Medium-Low Attached Density Residential) land use designation, a Variance (VAR-4005) to allow Residential Planned Development zoning to be used on a parcel smaller than five acres, and a Site Development Plan Review (SDR-4004) for a 28-lot attached single-family residential project on the subject site. The Planning Commission and staff recommended denial.
08/26/05	The Planning Commission approved Variance (VAR-4804) to allow zero open space where 11,500 square feet is required for a 16-lot single family on 2.92 acres adjacent to the east side of Buffalo Drive, approximately 220 feet north of Oakey Boulevard.
11/02/05	The City Council approved an Extension of Time (EOT-8826) of an approved Variance (VAR-4804) to allow zero square feet of open space where 11,500 square feet is required for a 16-lot single family residential development on 2.92 acres adjacent to the east side of Buffalo Drive, approximately 220 feet north of Oakey Boulevard. The Planning Commission and staff recommended approval.
08/16/06	The City Council approved Extension of Time (EOT-14967) of an approved Site Development Plan Review (SDR-4004) that allowed a 28-unit attached single family development, Extension of Time (EOT-14966) of an approved Rezoning (ZON-4003) from R-E (Residence Estates) to R-PD5 (Residential Planned Development – 5 Units per Acre), and an Extension of Time (EOT-14969) of an approved Variance (VAR-4005) that allowed an R-PD (Residential Planned Development) zoning district on 2.92 acres adjacent to the east side of Buffalo Drive, approximately 220 feet north of Oakey Boulevard. Staff recommended approval. The applications expired on 07/07/08.
11/07/06	Planning staff administratively approved an Extension of Time (EOT-16285) for an approved Variance (VAR-4804) which allowed zero square feet of open space where 11,500 square feet is required for a 16-lot single family residential development on 2.92 acres adjacent to the east side of Buffalo Drive, approximately 220 feet north of Oakey Boulevard. The applications expired on 07/07/08.

Staff Report Page Three

March 11, 2014 - Planning Commission Meeting

<i>Most Recent Change of Ownership</i>	
03/24/10	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>
No relevant permits or business licenses are on file.

<i>Pre-Application Meeting</i>	
11/21/13	Staff met with the applicant and reviewed the project and the corresponding Rezoning, Variance and Tentative Map application requirements. Staff informed the applicant that the Variances are both self-imposed hardships and may be difficult for staff to support.

Neighborhood Meeting	
01/27/14	The applicant held a voluntary neighborhood meeting with the following results:
	Meeting Start Time: 5:43pm Meeting End Time: 6:37pm
	Attendance Public: 13 Applicant: 4
	Staff: 1 – Dept. of Planning; 1 – Ward 1 Liaison
	The applicant described changes that had been made to the plan since the previous submittal, reducing the total number of lots to 11 and modifying the rezoning request to R-1 (Single Family Residential). The following questions and issues were raised: • It was noted that the proposed residences would be two stories in height; members of the public voiced concerns about the impact of the height on the east side of the development site, but did not have concerns with two-story residences on the west side of the site. • Residents noted concerns about the proposed rooftop decks, and the impacts that would raise for the properties that abut the subject site to the east. • Questions were raised about the rear-yard setback along the east property line; the applicant noted that a 15-foot setback was required by code, but that the developer would provide a 20-foot rear yard setback. • Residents requested that a row of trees be provided on the east side of the property to screen the existing residential neighborhood that abuts the site.

Staff Report Page Four

March 11, 2014 - Planning Commission Meeting

<i>Neighborhood Meeting</i>	
	- Residents voiced concerns about water pressure in the area, and worried that the proposed development would further impact their pressure; the applicant noted that they would need to connect to the water line in Oakley Boulevard, which is from a different supply line and a different water pressure zone. - A question was raised about whether the new development would have a homeowners association; the applicant noted that an HOA would be needed to maintain the landscaping and the entry gate. Overall, members of the public stated that they would object to the project if it impacted their water pressure, but were supportive of the reduction in density and the addition of a gate for the proposed development.

<i>Field Check</i>	
01/02/14	Staff visited the site and found the property to be fenced with a chain link fence and relatively free of trash and debris.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	2.91

<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	L (Low Density Residential)	R-E (Residence Estates)
North	Single Family, Detached	L (Low Density Residential)	R-PD5 [Residential (Planned Development – 5 Units per Acre)]
South	Undeveloped	DR (Desert Rural Density Residential)	R-E (Residence Estates)
	Single Family, Detached		
East	Single Family, Detached	DR (Desert Rural Density Residential)	R-PD2 [Residential (Planned Development – 2 Units per Acre)]
			R-E (Residence Estates)
West	Public Park	PR-OS (Park/Recreation/Open Space)	C-V (Civic)

Staff Report Page Five

March 11, 2014 - Planning Commission Meeting

<i>Master Plan Areas</i>	<i>Compliance</i>
Southwest Sector Plan	Y
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
Rural Preservation Overlay District (300 Feet Buffer Area)	Y
<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>General Plan</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
L (Low Density Residential)	5.49	16
<i>Existing Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
R-E (Residence Estates)	5.49	16
<i>Proposed Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
R-1 (Single Family Residential)	5.49	16

<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>
Buffalo Drive	Primary Arterial	Planned Streets and Highways	100	Y

<i>19.04.040 Connectivity</i>		
<i>Transportation Network Element</i>	<i># Links</i>	<i># Nodes</i>
Internal Street	2	
Intersection – Internal		1
Cul-de-sac Terminus		1
Intersection – External Street or Stub Terminus		
Intersection – Stub Terminus w/ Temporary Turn Around Easements		
Non-Vehicular Path - Unrestricted		
Total	2	2
	<i>Required</i>	<i>Provided</i>
<i>Connectivity Ratio (Links / Nodes):</i>	1.30	1.0

Staff Report Page Six

March 11, 2014 - Planning Commission Meeting

Pursuant to Title 19.08 and 19.12, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Single Family, Detached	11	2 per unit	22				
TOTAL SPACES REQUIRED			22		22		Y

ANALYSIS

The subject request is to change the zoning designation of a tract of land located adjacent to the east side of Buffalo Drive, approximately 220 feet north of Oakey Boulevard from R-E (Residence Estates) to R-1 (Single Family Residential). The request is permitted under the L (Low Density Residential) land use designation. This proposal is an appropriate buffer zone from the R-PD2 [Residential (Planned Development – 2 Units per Acre)] neighborhood to the east, the R-PD5 [Residential (Planned Development – 5 Units per Acre)] to the north and the R-E (Residence Estates) property to the south.

This project promotes Objective 2.6 of the General Plan: “To improve the amount and quality of infill development on vacant and underutilized lands within established areas of the city.”

The proposed Rezoning request would facilitate a permitted zoning district under the L (Low Density Residential) land use designation and meets the intent of the Rural Preservation Neighborhood Overlay. Staff finds that the R-1 (Single Family Residential) zoning request can be supported as an appropriate buffer for the surrounding residential neighborhoods and Buffalo Drive and recommend approval.

There is a Variance requested with this project; to allow a Connectivity Ratio of 1.0, where the minimum allowed is 1.3 for an R-1 (Single Family Residential) zoning district. The Variance is not supported by staff as it is a self-created hardship that could be met without reducing the number of lots proposed.

The Public Works Department submitted the following comments regarding the Variance: “We note that this Variance request is in support of a Tentative Map (TMP-52393) design that does not meet the City’s Connectivity Ratio requirements per Municipal Code 19.04.040 and also requests public streets with sidewalk on one side only. Public Works notes that other similarly sized parcels in similar situations have been designed to meet the connectivity requirements, and believes that this subdivision could be redesigned to do so. Therefore, Public Works recommends denial of this Variance request”.

Staff Report Page Seven

March 11, 2014 - Planning Commission Meeting

The Tentative Map reflects an eleven lot single family residential subdivision. The site is laid out along a private, cul-de-sac street behind a controlled gate. Common lot 'A' is along the Buffalo Drive frontage and is ten feet wide with dense landscaping. Common lot 'B' is along the south perimeter and consists of a drainage easement and buffer landscaping. The applicant has not provided a pedestrian connection to Buffalo Drive either between lots three and four or lots four and five, which could have met the connectivity ratio without the need for a variance.

The proposed lots range in size from 7,482 square feet to 8,648 square feet. Site access is proposed from Buffalo Drive by way of a 42-foot wide private street. No neighborhood parks are proposed. However, two common lots totaling 9,927 square feet of open space are to be provided within the project.

The Clark County School District projects that approximately 4 primary and secondary school students will be generated by the proposed development on this site. Of the three schools serving the area (Derfelt Elementary School, Johnson Middle School and Bonanza High School), the District notes that only Johnson Middle School and Bonanza High School were not over capacity for the 2013-14 school year, and that no additional schools are planned.

The Public Works Department submitted the following comments regarding the Tentative Map: "There are retaining walls shown along the east, west, and south property lines, however, the submitted cross sections do not show the existing grade across the site and therefore the percent of cross fall cannot be determined. Based on rough contour data, it appears the north to south cross slope is less than 2% and the east to west cross slope is slightly greater than 2%.

Per the Tables in Subdivision Code 19.06.050, a development with natural slope greater than 2% is allowed a maximum 6-foot retaining wall. A 5.3-foot retaining wall is shown along the east property line and a 4.0 foot retaining wall is shown along the west property line.

Per the Tables in Subdivision Code 19.06.050 a development with natural slope less than or equal to 2%, is allowed a maximum 4-foot retaining wall. A 2.7-foot retaining wall is shown on the south property line and no retaining wall is shown on the north property line.

It was noted that the Tentative Map request is related to VAR-52392 and ZON-52028. Public Works had no comment on ZON-52028, however they recommend denial of VAR-52392. They also recommend denial of the Tentative Map request".

FINDINGS (ZON-52391)

In order to approve a Rezoning application, pursuant to Title 19.16.090(L), the Planning Commission or City Council must affirm the following:

1.The proposal conforms to the General Plan.

Staff Report Page Eight
March 11, 2014 - Planning Commission Meeting

The proposed Rezoning to R-1 (Single Family Residential) conforms to the density range allowed by the existing L (Low Density Residential) General Plan designation and supports Objective 2.6.

2.The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.

The detached single-family residential use proposed on the subject property is proposed at an appropriate density with the surrounding properties and is therefore, compatible with the lower-density uses and zoning designations of these surrounding properties.

3.Growth and development factors in the community indicate the need for or appropriateness of the rezoning.

The density and size of the lots proposed for the property to be rezoned will resemble the development pattern of surrounding properties. The proposed Rezoning is therefore appropriate.

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

Access to the property is provided by Buffalo Drive, identified as a 100-foot Primary Arterial on the Master Plan of Streets and Highways. This road is adequate to meet the traffic demands of the proposed single-family residential development.

FINDINGS (VAR-52392)

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

Staff Report Page Nine

March 11, 2014 - Planning Commission Meeting

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 designing a project that doesn’t meet minimum code requirements. An alternative design would allow conformance to the Title 19 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.

FINDINGS (TMP-52393)

The proposed Tentative Map conforms to Nevada Revised Statutes. However, the project requires two Variances from Title 19 Development Standards that staff does not support. Therefore, staff recommends denial. If approved, subject to conditions.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

24

NOTICES MAILED 158

APPROVALS 0

PROTESTS 0