



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: JUNE 17, 2015

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: INVESTOR EQUITY HOMES, LLC

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-58604	Staff recommends DENIAL, if approved subject to conditions:	
VAR-58606	Staff recommends DENIAL, if approved subject to conditions:	
VAR-58683	Staff recommends DENIAL, if approved subject to conditions:	
WVR-58614	Staff recommends DENIAL, if approved subject to conditions:	

**** CONDITIONS ****

VAR-58604 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.

YK

Public Works

5. Sign and record a Covenant Running with Land Agreement for half street improvements not constructed at this time on Ackerman Avenue and Tioga Way. 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).
6. The installation of streetlights shall be deferred provided that exterior street lighting shall be stubbed out for later use, including all necessary underground improvements including bases, conduit and pull boxes at each streetlight location, and the developer provides to the City such streetlights for 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 the Department of Public Works regarding street lighting requirements prior to submittal of construction drawings.

VAR-58606 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.

VAR-58683 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.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant has submitted a Parcel Map for a four-lot single-family residential subdivision located on the southeast corner of Ackerman Avenue and Tioga Way. The applicant is requesting several deviations from code requirements to allow for no installation of off-site and on-site improvements, as well as wall heights and street intersection off-sets, as reflected in the three Variances and one Waiver applications. The Parcel Map is on hold pending the approval of these applications. Although staff can support the additional wall height and intersection off-set, the remaining two applications are not supported. As a result, staff recommends denial of all four applications associated with this request. If denied, the Parcel Map will not be approved and the parcel will remain undivided.

ISSUES

- A Variance (VAR-58604) is required to allow no offsite improvements on Tioga Way where such are required. Staff does not support this request.
- A Variance (VAR-58606) is required to allow an eight-foot tall retaining wall where four feet is the maximum allowed. Staff does not support this request.
- A Variance (VAR-58683) is required to allow no sidewalks, streetlights or gate on a private street where such are required. Staff does not support this request.
- A Waiver (WVR-58614) is required to allow a 200-foot intersection offset where 220 feet is required. Staff does not support this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
02/18/15	The City Council approved an Annexation (ANX-56802) for this site as part of a larger request. The effective date was 02/27/15.
05/12/15	The Planning Commission unanimously voted to recommend APPROVAL on requests for a Variance (VAR-58604) TO ALLOW NO OFFSITE IMPROVEMENTS ON ACKERMAN AVENUE AND TIOGA WAY WHERE SUCH ARE REQUIRED, Variance (VAR-58606) TO ALLOW EIGHT-FOOT TALL RETAINING WALLS WHERE FOUR FEET IS THE MAXIMUM ALLOWED, Variance (VAR-58683) TO ALLOW NO SIDEWALKS, STREETLIGHTS OR GATE ON A PRIVATE STREET WHERE SUCH ARE REQUIRED, and Waiver (WVR-58614) TO ALLOW A 200-FOOT INTERSECTION OFFSET WHERE 220 FEET IS REQUIRED.

Staff Report Page Two
June 17, 2015 – City Council Meeting

<i>Most Recent Change of Ownership</i>	
06/21/13	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>
There are no related permits on file for this site.

<i>Pre-Application Meeting</i>	
03/11/15	Staff met with the applicant to review a five-lot residential subdivision, with one of the lots being a common lot. The applicant stated the project would be developed to code.
04/01/15	Staff met with the applicant a second time to work out the applications required for a four-lot residential subdivision as the applicant had changed the scope of the project since the first pre-application meeting.

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

<i>Field Check</i>	
04/02/15	Staff visited the site and found an undeveloped parcel free of trash and debris.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	2.82

<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	RNP (Rural Neighborhood Preservation)	R-E (Residence Estates)
North	Undeveloped	RN (Rural Neighborhood) Clark County	R-E (Rural Estates Residential District) Clark County
South	Undeveloped	PCD (Planned Community Development)	R-1 (Single Family Residential)
East	Single-Family, Detached	RN (Rural Neighborhood) Clark County	R-E (Rural Estates Residential District) Clark County
West	Single-Family, Detached	RN (Rural Neighborhood) Clark County	R-E (Rural Estates Residential District) Clark County

<i>Master Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
No Applicable Special Purpose or Overlay Districts	N/A
<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>
Tioga Way	Minor Collector	Planned Streets and Highways Map	60	Y
Ackerman Avenue	Minor Collector	Planned Streets and Highways Map	60	Y

<i>Streetscape Standards</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
Ackerman Avenue	To install curb, gutter, streetlights, a five-foot wide sidewalk and a five-foot wide amenity area.	To provide none of the requirements.	N
Tioga Way	To install curb, gutter, streetlights, a five-foot wide sidewalk and a five-foot wide amenity area.	To provide none of the requirements.	N

<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
To provide a 220-foot distance separation between intersections when providing external access to an existing or planned ROW of 60 feet or greater per Title 19.02.140.	To allow a 200-foot offset from the intersections of Tioga Way and the proposed Private Street.	Approval

YK

ANALYSIS

The applicant has submitted three Variances and a Waiver request for approval needed for the development of a four-lot residential subdivision. The first Variance (VAR-58604) seeks relief from the requirement of installing offsite improvements along both Tioga Way and Ackerman Avenue. The applicant states in the justification letter; “It is the developer’s belief that by constructing full offsite improvements this would not be consistent with the surrounding neighborhood and cause issues with the neighbors who currently own horse properties in the area.” Staff does not concur with this assessment of the area.

Public Works Department staff had the following comment regarding VAR-58683: “when a site is developed in the City of Las Vegas, it is customary to require the installation of all incomplete or damaged improvements surrounding the site so they match what exists in the surrounding area. Additionally, Title 19.04.070.E is in place to clearly separate private streets from public streets where they do not meet public standards as there is otherwise little to differentiate between public and private without a gate.

Although half street improvements are not customary in this area, the City is currently working on building complete streets throughout the City. In the recent past, projects similar to this one have provided all half-street improvements except for sidewalks and streetlights. A project at the northeast corner of Tioga Way and Grand Teton Drive has permits issued to construct complete half-street improvements on Tioga Way. Additionally, no gate is being provided for the private street cul-de-sac. Therefore, Public Works recommends denial of this application. However, if approved, with conditions.”

The second Variance (VAR-58606) seeks relief from limiting the retaining wall height to four feet. The applicant is requesting portions of the retaining wall to be nearly eight feet high as a result of the natural slope of the parcel. The added height is required in order to create the necessary slope to allow the sewer to drain to the west, where the main sewer connection is located in the Tioga Way right-of-way. Staff supports this request as this hardship is not self-created and is necessary in order for the development of the parcel. However, since staff does not support the other variance requests, we are recommending denial of all associated applications.

The submitted north/south cross section show a maximum natural grade less than 2% across this site. Per the Tables in Subdivision Code 19.06.050 a development with natural slopes less than or equal to 2%, is allowed a maximum four-foot retaining wall.

The submitted east/west cross section show a maximum natural grade greater than 2% across this site. Per the Tables in Subdivision Code 19.06.050, a development with natural slope greater than or equal to 2% is allowed a maximum 6-foot retaining wall. No retaining walls are shown on the east/west cross section.

Staff Report Page Five
June 17, 2015 – City Council Meeting

The third Variance (VAR-58683) seeks relief from installing sidewalks, streetlights and a gate for a proposed private street. The applicant cites several nearby four-lot residential subdivisions with similar conditions. These are primarily located within Clark County and were developed under a different jurisdiction's standards. The property was recently annexed into the City at the current owners request knowing that development would require City of Las Vegas development standards. Staff does not support this request.

In addition, the applicant requests a Waiver (WVR-58614) to allow an intersection offset to be less than the required 220 feet. Public Works staff supports this request, but has indicated that future traffic increases may require mitigation measures. Staff supports this request. However, since staff does not support two of the variance requests, we are recommending denial of all associated applications.

The applicant is requesting deviations from the City of Las Vegas development standards to develop a four-lot residential subdivision as evidences by the three Variances and one Waiver request. Several of these requests are not supported by staff and could create issues that the City would have to address in the future.

In conclusion, a four-lot single-family residential subdivision is an appropriate use for the parcel when developed to City of Las Vegas development standards. However, the applicant has requested several deviations from the City's codes and as a result, staff recommends denial of all applications as submitted for the project.

FINDINGS (VAR-58604)

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.”

Staff Report Page Six

June 17, 2015 – City Council Meeting

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to not install the required offsite improvements adjacent to their proposed development. An alternative is to install the offsite improvements that 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 (VAR-58606)

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.”

Evidence of a unique or extraordinary circumstance has been presented, in that the applicant has not created a self-imposed hardship by requesting to install an eight-foot tall retaining wall. Do to the natural grade and contour of the land there are no alternatives that would allow for conformance to the Title 19 requirements. As a result of this hardship imposed by the site's physical characteristics, it is concluded that the applicant's hardship is not preferential in nature, and it is thereby within the realm of NRS Chapter 278 for granting of Variances.

FINDINGS (VAR-58683)

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:

Staff Report Page Seven

June 17, 2015 – City Council Meeting

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 proposing to not install a gate, sidewalks or streetlights on a private street. An alternative is to install these requirements that 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 (WVR-58614)

Public Works has no immediate concerns with the requested Waiver of intersection offset distance; however it is possible that traffic patterns in the future might require the limitation of vehicular movements at the subject intersection to ensure safe operation.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

28 - VAR-58604 & VAR-58604

37 - VAR-58683

28 - WVR-58614

NOTICES MAILED

99 - VAR-58604 & VAR-58606 (By City Clerk)

99 - VAR-58683 & WVR-58614

APPROVALS

0 - VAR-58604 & VAR-58606
0 - VAR-58683 & WVR-58614

PROTESTS

6 - VAR-58604 & VAR-58606
6 - VAR-58683 & WVR-58614