



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: SEPTEMBER 13, 2016

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: DR HORTON - OWNER: R M H TRUST

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-63584	Staff recommends DENIAL, if approved subject to conditions:	
WVR-63585	Staff recommends DENIAL, if approved subject to conditions:	VAR-63584
TMP-63586	Staff recommends DENIAL, if approved subject to conditions:	VAR-63584 WVR-63585

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

22 - VAR-63584

24 - WVR-63585 and TMP-63586

NOTICES MAILED

274 - VAR-63584 and WVR-63585

274 - TMP-63586

APPROVALS

1 - VAR-63584 and WVR-63585

2 - TMP-63586

PROTESTS

3 - VAR-63584 and WVR-63585

2 - TMP-63586

**** CONDITIONS ****

VAR-63584 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.

WVR-63585 CONDITIONS

Planning

1. This approval shall be void two (2) 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. A Waiver from of Title 19.02.240 to allow no street lighting along the proposed interior private street where such is required is approved.
4. A Waiver from of Title 19.02.140 to allow a 187-foot external intersection offset where 220 feet is the minimum distance separation required is approved.

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5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

TMP-63586 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-63584) and Waiver (WVR-63585) shall be required, if approved.
2. 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.
3. Street names must be provided in accordance with the City of Las Vegas Street Naming and Address Assignment Regulations, 2009 Edition.
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.

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6. All development is subject to the conditions of City Departments and State Subdivision Statutes.

Public Works

7. Construct half-street improvements on Dorrell Lane and Decatur Boulevard adjacent to 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. Additionally, coordinate the construction of widened pavement adjacent to Assessor Parcel Number #125-24-503-012 between this site and the Donald & Decatur I site (TMP-63580).
8. The private street for this site must be granted as a “Public Utility Easement, Public Sewer Easement, and Public Drainage Easement with private surface maintenance by the Homeowner’s Association” on the Final Map for this site.
9. 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.
10. 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.
11. 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 or submittal of any construction drawings, 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.
12. As per Unified Development Code (UDC) 19.16.060.G, all requirements must be complied with or such future compliance must be guaranteed by an approved performance security method in accordance with UDC sections 19.02.130.C and 19.02.130.E.

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12. 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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Tentative Map for a proposed eight-lot single-family residential subdivision, comprised of eight residential lots and two common lots on a 1.90-acre undeveloped site located on the northwest corner of Dorrell Lane and Decatur Boulevard, within a R-1 (Single Family Residential) zoning district.

In addition, the applicant has also requested a Waiver of Title 19.02 and Variance of Title 19.04 Complete Street development standards; to allow a connectivity ratio of 1.0 where 1.3 is required, to allow no amenity zone where such is required along Dorrell Lane and Decatur Boulevard, to allow a 187-foot external intersection offset where 220 feet is the minimum distance separation required and to allow no streetlights along the interior private street where such are required. No unique or extraordinary evidence has been presented to warrant the requested Waiver and Variance. As such, the hardship is self-imposed and; therefore, staff recommends denial of all associated applications with this project.

ISSUES

- A Waiver is required to allow no installation of streetlights along the interior private street required by Title 19.02.240 development standards.
- A Waiver is required to allow a 187-foot external intersection offset where 220 feet is the minimum distance separation required by Title 19.02.140 development standards.
- A Variance application is required to allow a connectivity ratio of 1.0 where 1.3 is required by Title 19.04.040 development standards.
- A Variance is required to allow, no amenity zone improvements along Dorrell Lane and Decatur Boulevard, which are required by Title 19.04 development standards.

ANALYSIS

The applicant has proposed to develop the subject site into a 10-lot single-family residential subdivision located on the northwest corner of Dorrell Lane and Decatur Boulevard, within an R-1 (Single Family Residential) zoning district. The subject site is 1.90-acres and is currently undeveloped.

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In addition, the applicant has also requested a Waiver (WVR-63585) of Title 19.02 and Variance (VAR-63584) of Title 19.04 Complete Street development standards; to allow a connectivity ratio of 1.0 where 1.3 is required, to allow no amenity zone where such is required along Dorrell Lane and Decatur Boulevard, to allow a 187-foot external intersection offset where 220 feet is the minimum distance separation required and to allow no streetlights along the proposed interior private street where such are required.

The existing General Plan land use designation ML (Medium Low Density Residential) has an allowable density of 8.49 dwelling units per gross acre, which is compatible with the eight dwellings which are proposed. The proposed lots range in size from 7,088 square feet to 9,252 square feet and exceed the 60-foot minimum lot width required by code. Site access is proposed from Shady Chestnut Court by way of a 47-foot private street that will serve this site. The applicant has indicated on the submitted plan that six-foot perimeter screening walls and interior screening walls will be provided between the proposed lots and surrounding the site, which will be designed in accordance with Title 19.06.060 development standards. The submitted north/south and east/west cross section depicts maximum natural grade less than 2% across this site. Per the Tables in Subdivision Code 19.06.050 a development with natural slope less than 2%, is allowed a maximum 4-foot retaining wall. No retaining walls are shown in the cross sections.

The Clark County School District was provided an opportunity to comment on the proposed development. However, no comments were received that indicated either a favorable or unfavorable review of the proposed residential project.

The City is currently working on building complete streets throughout the City. No unique or extraordinary evidence has been presented to warrant the requested Waiver and Variance. As such, the hardship is self-imposed and; therefore, staff recommends denial of all associated applications with this project.

FINDINGS (VAR-63584)

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

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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 construct the required improvements associated with the rights-of-way within the subject site. 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-63585)

No substantial evidence has been presented to warrant the requested Waiver of Title 19.02 to allow no streetlights along the proposed interior private street and to allow a 187-foot external intersection offset where 220 feet is the minimum distance separation allowed, staff recommends denial of the request with conditions.

FINDINGS (TMP-63586)

The proposed Tentative Map conforms to Nevada Revised Statute, however the applicant has requested a Waiver (WVR-63584) of Title 19.02.240 and Variance (VAR-63585) of Title 19.04.220 Complete Street development standards to allow a connectivity ratio of 1.0 where 1.3 is required, to allow no amenity zone where such is required along Dorrell Lane and Decatur Boulevard, to allow a 187-foot external intersection offset where 220 feet is the minimum distance separation required and to allow no streetlights along the proposed interior private street where such are required. Therefore, staff recommends denial with conditions.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
05/12/64	The Board of City Commissioners approved an Annexation (A-0003-64) request of 5,000 acres generally located north of Lone Mountain Road and west of Decatur Boulevard with an effective date of 05/20/64.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
01/20/16	The City Council approved a request for a Rezoning (ZON-61791) from R-E (Residence Estates) to R-1 (Single Family Residential) at the northwest corner of Dorrell Lane and Decatur Boulevard. The Planning Commission and staff recommended approval.
04/12/16	The Planning Commission voted [7-0] to hold VAR-63584, WVR-63585 and TMP-63586 in abeyance to the May 10, 2016 Planning Commission meeting.
05/10/16	The Planning Commission voted [4-0] to hold VAR-63584, WVR-63585 and TMP-63586 in abeyance to the June 14, 2016 Planning Commission meeting.
06/14/16	The Planning Commission voted [6-0] to hold VAR-63584, WVR-63585 and TMP-63586 in abeyance to the July 12, 2016 Planning Commission meeting.
07/12/16	The Planning Commission voted [6-1] to hold VAR-63584, WVR-63585 and TMP-63586 in abeyance to the September 13, 2016 Planning Commission meeting.

<i>Most Recent Change of Ownership</i>	
06/21/05	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
There are no related Building Permits or Business Licenses associated with this property	

<i>Pre-Application Meeting</i>	
02/23/16	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Waiver, Variance and Tentative Map applications; for a proposed eight-lot residential subdivision.

<i>Neighborhood Meeting</i>	
05/03/16	Meeting Start Time: 6:00 p.m. Meeting End Time: 8:30 p.m. Attendance: 27 Members of the Public 2 Applicant Representatives 1 Council Staff Member 1 Planning Staff Member Concerns: • The surrounding neighbors strongly oppose the proposed density of the development. ○ The developer representative indicated that the proposed development meets the current density of the General Plan.

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<i>Neighborhood Meeting</i>	
	• The concern of the neighbors is that the develop standards of the previous approved entitlements were not met. ○ The developer representative explained that the previous entitlements has expired and not valid. • The neighbors preferred larger lots abutting existing R-E lots to serve as buffers along the (Donald III), and along Dorrell Lane in (Donald I). • The neighbors expressed that the previous Rezoning has expired and that the property zoning should have reverted back to its original zoning and no extension of time applied. ○ The developer representative explained Ordinance #6046 that the Resolution of Intent (ROI), properties including the proposed development are included in this ordinance which was hard zone to R-1. • Neighbors are concerned about the perimeter wall along Unicorn Street, does not want to stare at the wall. • Neighbors are concerned about traffic accidents on the Dorrell Lane and Decatur Boulevard intersections. • Neighbors indicated that the lots fronting Dorrell Lane could be dangerous and potential accidents occurring as cars from those lots will back out onto the street. Neighbors claimed that the proposed development does not meet the intent of the Rural Neighborhood Preservation.

<i>Field Check</i>	
03/03/16	During a routine site inspection staff observed that the subject site was an undeveloped parcel of land with high weeds and shrubs.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.90

<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 (Medium Low Density Residential)	R-1 (Single Family Residential)

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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>
North	Single-Family Residential	ML (Medium Low Density Residential)	R-E (Residence Estates)
South	Single-Family Residential	ML (Medium Low Density Residential)	R-PD6 (Residential Planned Development – 6 Units per Acre)
East	Undeveloped	Public – North Las Vegas	O-L (Open Land) – North Las Vegas
West	Undeveloped	ML (Medium Low Density Residential)	R-E (Residence Estates)

<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

Pursuant to Title 19.06.070 development standards, the following standards apply:

<i>Existing Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>	<i>Units Provided</i>
R-1 (Single Family Residential)	8.49 du/ac	16	8

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Setbacks:			
• Front	20 Feet	20 Feet	Y
• Side	5 Feet	5 Feet	Y
• Rear	15 Feet	15 Feet	Y
• Corner	15 Feet	15 Feet	Y
• Maximum Height	35 Feet	N/A	N/A

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<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>
Decatur Boulevard	Parkway Arterial	Master Plan of Streets & Highways	120	N*
Dorrell Lane	Minor Collector	Master Plan of Streets & Highways	60	N*

*See note on Streetscape Standards Table below

19.04.040 Connectivity		
<i>Transportation Network Element</i>	<i># Links</i>	<i># Nodes</i>
Internal Street	1	
Intersection – Internal		0
Cul-de-sac Terminus		1
Intersection – External Street or Stub Terminus		0
Intersection – Stub Terminus w/ Temporary Turn Around Easements		0
Non-Vehicular Path - Unrestricted	0	
Total	1	1
	<i>Required</i>	<i>Provided</i>
Connectivity Ratio (Links / Nodes):	1.30	1.00*

*The applicant has requested a Variance (VAR-63584) to allow a connectivity ratio of 1.0 where 1.3 is required by Title 19.04.040 development standards.

Pursuant to Title 19.02 and 19.04, the following standards apply:

<i>Streetscape Standards</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
Decatur Boulevard	120-foot wide right-of-way, including amenity zone, sidewalk and streetlights	120-foot wide right-of-way with sidewalk, streetlights and no amenity zone	N*
Dorrell Lane	60-foot wide right-of-way, including amenity zone, sidewalk and streetlights	60-foot wide right-of-way with sidewalk, streetlights and no amenity zone	N*
Shady Chestnut Court (private street)	47-foot wide right-of-way, including amenity zone, sidewalk and streetlights	47-foot wide right-of-way, sidewalk, amenity zone and no streetlights	N*

*The applicant has requested a Variance (VAR-63584) and Waiver (WVR-63585) to waive Title 19.02 improvement requirements and 19.04 complete street development standards to install no amenity zone along Decatur Boulevard and Dorrell Lane; and no streetlights on the proposed private drive Shady Chestnut Court which provides access to the subject site.

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	8 du	2 spaces per du	16				
TOTAL SPACES REQUIRED			16		16		Y
Regular and Handicap Spaces Required			16	0	16	0	Y