



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: SEPTEMBER 13, 2016

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: PN II, INC - OWNER: GHR HOLDINGS, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-65942	Staff recommends DENIAL, if approved subject to conditions:	
WVR-65940	Staff recommends DENIAL, if approved subject to conditions:	VAR-65942
WVR-65941	Staff recommends DENIAL, if approved subject to conditions:	VAR-65942 WVR-65940
VAC-66114	Staff recommends APPROVAL, subject to conditions:	
TMP-65943	Staff recommends DENIAL, if approved subject to conditions:	VAR-65942 WVR-65940 WVR-65941 VAC-66114

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

0

NOTICES MAILED 85 – VAR-65942 and WVR-65940

85 – WVR-65941 and TMP-65943

1 – VAC-66114

APPROVALS 0 – VAR-65942 and WVR-65940

0 – WVR-65941 and TMP-65943

0 – VAC-66114

PROTESTS 0 – VAR-65942 and WVR-65940

0 – WVR-65941 and TMP-65943

0 – VAC-66114

**** CONDITIONS ****

VAR-65942 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.

Public Works

5. Sign and record a Covenant Running with Land Agreement for half street improvements not constructed at this time on Washburn Road and Rosada 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. A Homeowners Association (HOA) must be created to maintain all unimproved rights-of-way and public easements within the limits of this site. Alternatively, each individual lot owner must maintain the unimproved public right-of-way for the full frontage of the associated lot and the each individual lot owner must maintain the public easements associated with each lot.

7. Submit an Encroachment Agreement for landscaping, private improvements, and unimproved areas in the Washburn Road and Rosada Way public rights-of-way prior to this issuance of permits for these improvements. The applicant must carry an insurance policy for the term of the Encroachment Agreement and add the City of Las Vegas as an additionally insured entity on this insurance policy. If requested by the City, the applicant shall remove property encroaching in the public right-of-way at the applicant's expense pursuant to the terms of the City's Encroachment Agreement. The installation and maintenance of all private improvements in the public right-of-way shall be the responsibility of the applicant and any successors in interest to the property and assigns pursuant to the terms of the Encroachment Agreement. Coordinate all requirements for the Encroachment Agreement with the Land Development Section of the Department of Building and Safety (229-4836).

WVR-65940 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 where such is required is approved.
4. A Waiver from of Title 19.02.140.A to allow an intersection offset of 100 feet where 220 feet is required is approved.
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.

Public Works

7. 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 conduit and pull boxes at each future streetlight location, and the developer shall provide to the City such streetlights for future installation. Alternatively, monies in lieu of such deferred streetlights, including foundations, may be contributed to the City if allowed by the Department of Public Works. The contributed amount shall be based on the City's current bond schedules for all streetlights and associated infrastructure deferred by this action adjacent to this site. If no curb or gutter is required, the street light contribution amount shall include the cost of constructing the underground infrastructure for the standard streetlight construction on Rosada Way and Washburn Road.

WVR-65941 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 19.04.070 to allow private streets to be developed to non-public street standards behind a gate is approved.
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.

VAC-66114 CONDITIONS

Planning

1. The limits of this Petition of Vacation shall be the U.S. Government Patent Easements located along the 60-foot wide Park Street alignment bisecting the center of Assessor Parcel Number 125-31-701-005 as shown on the submitted exhibit for property generally located on the south side of Washburn Road, west of Tee Pee Lane.
2. The Order of Relinquishment shall record immediately prior to the Final Map for this site.
3. All public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.
4. The Order of Relinquishment of Interest shall not be recorded until all of the conditions of approval have been met provided, however, the conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way being vacated must be retained.
5. All development shall be in conformance with code requirements and design standards of all City Departments.
6. If the Order of Vacation (or Order of Relinquishment of Interest if a Patent Reservation) is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.

TMP-65943 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-65942), Waiver (WVR-65940), Waiver (WVR-65941) and Vacation (VAC-66114) 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.
6. All development is subject to the conditions of City Departments and State Subdivision Statutes.

Public Works

7. A Petition of Vacation, such as VAC-66114, to eliminate the U.S. Government Patent Easements within this site shall record immediately prior to the Final Map for this site.
8. Dedicate 30-feet of right-of-way for Washburn Road and 30-feet for Rosada Way on the Final Map for this site.
9. Provide proof of legal access and construction rights on the south side of Rosada Way on Assessor's Parcel Number (APN) #125-31-701-011 adjacent to this site. Prepare a Declaration of Utilization to utilize existing Bureau of Land Management (BLM) patent easements for sewer and roadway construction requirements on the south side of Rosada Way.
10. Construct half street improvements on Washburn Road and Rosada Way meeting complete street standards including overpaving and transition paving where legally able concurrent with the 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. Improvements on Washburn Road and Rosada Way may be modified through the approval of WVR-65941 and VAR-65942.
11. Private streets must be granted and labeled on the Final Map for this site as Public Utility Easements (P.U.E.), Public Sewer Easements, and Public Drainage Easements to be privately maintained by the Homeowner's Association.
12. Extend public sewer in Rosada Way to the west edge of this site at a depth and location acceptable to the Sanitary Sewer Section of the Department of Public Works concurrent with the development of this site.
13. Construct oversized sewer in Washburn Road adjacent to this site concurrent with the required off-site improvements for Washburn Road. If Washburn Road off-site improvements are deferred through VAR-65942, then the requirement for sewer improvements in Washburn Road shall also be deferred.
14. 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.

15. 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.
16. 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.
17. 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.
18. 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 16-lot single-family residential subdivision, on a 10-acre undeveloped site located on the south side of Washburn Road, approximately 320 feet west of Tee Pee Lane, within an R-E (Residence Estates) zoning district.

ISSUES

- A Waiver (WVR-65490) of Title 19.02.240 and 19.01.140.A has been requested to allow no streetlights where such are required and to allow an intersection offset of 100 feet where 220 feet is required. Staff does not support this request.
- A Waiver (WVR-65941) of Title 19.04.070 private street requirements has been requested to allow private streets to be developed to non-public street standards behind a gate. Staff does not support this request.
- A Variance (VAR-65942) of Title 19.04.100 has been requested to allow a stub street terminus where a cul-de-sac is required, and to allow a deviation from complete street standards where such is required. Staff does not support this request.
- A Vacation (VAC-66114) has been requested to Vacate U.S. Government Patent Easements on property located on the south side of Washburn Road, approximately 645 feet west of Tee Pee Lane. Staff supports this request.
- Access to the subdivision will be from Rosada Way, a 60-Foot Minor Collector Street as designated by the Master Plan of Streets and Highways.

ANALYSIS

The subject site is 10-acres and is undeveloped, with existing residential development to the north, south, east and west. The existing General Plan land use designation RNP (Rural Neighborhood Preservation) has an allowable density of 2.00 dwelling units per gross acre, which is compatible with the 16 dwellings which are proposed. Also, the minimum connectivity score of 1.30 (links/nodes) outlined within Title 19.04.040 do not apply to developments within the R-E Residence Estates zoning district. The proposed lots range in size from 20,001 square feet to 21,137 square feet and exceed the 100-foot minimum lot width required by code. Site access is proposed from Rosada Way with a 55-foot wide gated access that will serve this site.

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The applicant has requested a Waiver (WVR-65490) of Title 19.02.240 and 19.01.140.A to allow no streetlights where such are required and to allow an intersection offset of 100 feet where 220 feet is required from the existing Park Street alignment located to the south of the subject site. Additionally, a Waiver (WVR-65941) of Title 19.04.070 private street requirements has been request to allow private streets to be developed to non-public street standards behind a gate. The applicant has proposed to install 37-foot wide private streets with L-curb gutters and no sidewalk where a 47-foot wide private street with a five-foot sidewalk is the minimum required. Also, a Variance (VAR-65942) of Title 19.04.100 has been requested to allow a stub street terminus where a cul-de-sac is required within the proposed residential subdivision, and to allow a deviation from complete street standards where such is required. The applicant has proposed to install no amenity zone and sidewalk along the Washburn Road and Rosada Way, which are classified as 60-foot Minor Collector Streets and required installation of a 5-foot amenity zone and five-foot sidewalk adjacent to the roadway. Lastly, a Vacation (VAC-66114) has been requested to Vacate U.S. Government Patent Easements on property located on the south side of Washburn Road, approximately 645 feet west of Tee Pee Lane.

The submitted east/west cross sections depict 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 2%, is allowed a maximum 6-foot retaining wall. Although not labeled, it appears that there are two retaining walls approximately 6-feet in height. One is interior to the site and the other is shown on the east property line. The submitted north/south 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 north/south cross section.

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 Waivers and Variance. As such, the hardship is self-imposed and therefore, staff recommends denial of all associated applications with this project, except for the proposed Vacation.

FINDINGS (VAR-65942)

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:

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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 install a stub street terminus where a cul-de-sac is required and to not construct the required improvements associated with the rights-of-ways along Washburn Road and Rosada Way. 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-65940)

No substantial evidence has been presented to warrant the requested Waivers of Title 19.02.240 and 19.01.140.A to allow no streetlights where such are required and to allow an intersection offset of 100 feet where 220 feet is required. Staff recommends denial of the request with conditions.

FINDINGS (WVR-65941)

No substantial evidence has been presented to warrant the requested Waiver of Title 19.04.070 private street requirements to allow private streets to be developed to non-public street standards behind a gate; staff recommends denial of the request with conditions.

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FINDINGS (VAC-66114)

The City of Las Vegas has no objection to the vacation application request to relinquish the City's interests in U.S. Government Patent Reservations generally located on the south side of Washburn Road, west of Tee Pee Lane. This Vacation request should be sent to all the utilities however, as no right-of-way is proposed to be vacated, and thus no franchise rights are involved, it is not necessary to wait for responses from any of the public utilities or other parties interested in preserving a right in this patent easement. Since only City interests are involved; any utility company's interests will need to be addressed with each respective utility company and will not be affected by the City relinquishing its interest. Furthermore, we recommend that this item be declared Final Action at the Planning Commission.

FINDINGS (TMP-65943)

The proposed Tentative Map conforms to Nevada Revised Statute, however the applicant has requested Waivers and Variances of Title 19.02 Subdivision Design and 19.04 Complete Street development standards to allow a 37-foot private street where 47 feet is required, an intersection offset of 100 feet where 220 feet is required no amenity zone improvements, sidewalk and streetlights to the proposed development depicted on the submitted plans. Staff does not support these request and recommends denial with conditions.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
09/02/15	The City Council approved a Petition for Annexation (ANX-59278) of approximately 95.54 acres generally located south of Ann Road and east of Hualapai Way.

<i>Most Recent Change of Ownership</i>	
Circa 01/88	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
There are no related Building Permits/Business Licenses for the subject property.	

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<i>Pre-Application Meeting</i>	
07/28/16	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Waiver, Waiver, Variance and Tentative Map applications; for a proposed 16-lot residential subdivision.

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

<i>Field Check</i>	
08/04/16	During a routine site inspection staff observed that the subject site was an undeveloped parcel of land with high weeds and shrubs throughout the site.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	10.00

<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	RNP (Rural Neighborhood Preservation)	R-E (Residence Estates)
	Single-Family Detached Dwelling	RNP (Rural Neighborhood Preservation) – Clark County	R-E (Rural Estates Residential) – Clark County
South	Undeveloped	RNP (Rural Neighborhood Preservation) – Clark County	R-E (Rural Estates Residential) – Clark County

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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>
	Single-Family Detached Dwelling	RNP (Rural Neighborhood Preservation) – Clark County	R-E (Rural Estates Residential) – Clark County
East	Single-Family Detached Dwelling	RNP (Rural Neighborhood Preservation) – Clark County	R-E (Rural Estates Residential) – Clark County
West	Undeveloped	RNP (Rural Neighborhood Preservation) – Clark County	R-E (Rural Estates Residential) – Clark County
	Single-Family Detached Dwelling	RNP (Rural Neighborhood Preservation) – Clark County	R-E (Rural Estates Residential) – 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

Pursuant to Title 19.06.060 development standards, the following standards apply:

<i>Existing Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>	<i>Units Provided</i>
R-E (Residence Estates)	10.00 du/ac	20	16

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<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Setbacks:			
• Front (public street)	50 Feet	N/A	Y
• Front (private street)	30 Feet	30 Feet	Y
• Side	10 Feet	10 Feet	Y
• Rear	35 Feet	35 Feet	Y
• Corner	15 Feet	15 Feet	Y
• Maximum Height	35 Feet	N/A	N/A

<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>
Rosada Way	Public Street	Master Plan of Streets & Highways	60	N

**See note on Streetscape Standards Table below*

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

<i>Streetscape Standards</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
Washburn Road	60-foot wide right-of-way, including amenity zone, sidewalk and streetlights	60-foot wide right-of-way, no amenity zone, sidewalk and streetlights	N*
Rosada Way	60-foot wide right-of-way, including amenity zone, sidewalk and streetlights	60-foot wide right-of-way, no amenity zone, sidewalk and streetlights	N*
Street A, B, D (private streets)	47-foot wide right-of-way, including amenity zone, sidewalk and streetlights	37-foot wide right-of-way, no amenity zone, sidewalk and streetlights	N*

**The applicant has requested a Variance (VAR-65942), Waiver (WVR-65940) and Waiver (WVR-65941) to waive all Title 19.02 improvement requirements and 19.04 complete street development standards associated with the insufficient right-of-way width, no sidewalk and streetlight improvements along the proposed private streets and existing Washburn Road and Rosada Way rights-of-way which surround the subject site.*

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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	16 du	2 spaces per du	32				
TOTAL SPACES REQUIRED			32		32		Y
Regular and Handicap Spaces Required			32	0	32	0	Y