



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MARCH 12, 2013

DEPARTMENT: PLANNING

**ITEM DESCRIPTION: APPLICANT: DR HORTON, INC. - OWNER: PAY DIRT
IRREVOCABLE BUSINESS TRUST ET AL, ET AL**

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-48169	Staff recommends DENIAL, if approved subject to conditions:	
TMP-48166	Staff recommends DENIAL, if approved subject to conditions:	VAR-48169

** CONDITIONS **

VAR-48169 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for a Tentative Map (TMP-48166) shall be required, if approved.
2. Conformance to the approved conditions for Rezoning (ZON-12235).
3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
5. 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-48166 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 for Variance (VAR-48169).
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.

Public Works

7. The Final Map for this site should be labeled as a "Merger and Resubdivision".

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8. Dedicate the proposed public streets and appropriate radius corners on the Final Map for this site.
9. Construct half-street improvements on Donald Road and Dorrell Lane to City Standards including appropriate transition paving to match the existing improvements adjacent to this site concurrent with development of this site. Extend widened pavement west on Dorrell Lane to prevent a “sawtooth” road configuration on Dorrell Lane. 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). 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.
10. 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 within 24 months of approval of construction drawings.
11. Site Visibility Restriction Zones (S.V.R.Z.) adjacent to public streets shall be indicated on civil improvement plans, not on Final Maps, and shall include the following note: "No walls, fences, trees, shrubs, utility appurtenances or any other object, other than traffic control devices and street light poles, may be constructed or installed within the Sight Visibility Restriction Zone (S.V.R.Z.) unless said object is maintained at less than 24 inches in height measured from adjacent top of curb, or where no curb exists, a height of 27 inches measured from the top of adjacent asphalt, gravel, or pavement street surface". Area shall be labeled as "Privately Maintained". All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
12. A common lot shall be created with a Public Drainage Easement over the entire common lot for drainage purposes between Lots 28 and 29 to be privately maintained by the Homeowners Association. Alternatively, the drainage easement between Lots 28 & 29 shall be labeled as a “Public Drainage Easement to be Privately Maintained” and specifically identify who owns the underlying property and improvements, and who is responsible for perpetual maintenance, prior to recordation of a Final Map for this site.

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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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting approval of a proposed 31-lot single family residential development on 7.40 gross acres of undeveloped land on the north side of Dorrell Lane, approximately 420 feet west of Decatur Boulevard. As the site is already zoned R-1 (Single Family Residential), only a Tentative Map is needed for approval. The lots will front on 47-foot wide public streets that will have access to both Dorrell Lane and Donald Road. The street and lot configuration meets Title 19 connectivity and Complete Streets requirements but requires a variance for lot width and setbacks in order to accommodate the design of the proposed dwellings. As the characteristics of the subject site do not warrant narrower lots and the proposed products are not all designed to fit on these lots, staff recommends denial of the variance and the tentative map based on it. If denied, the site would remain undeveloped with a zoning designation of R-1.

ISSUES

- Per Nevada Revised Statutes Chapter 278, land proposed to be subdivided into five or more lots requires Planning Commission approval of a Tentative Map prior to subdividing. Staff does not support the applicant's request, as a self-imposed variance from Title 19 is necessary to allow the proposed subdivision design.
- Prior to approval of a tentative map for the proposed subdivision, a Variance is required to allow a minimum lot width of 60 feet for all proposed lots where 65 feet is required in the R-1 (Single Family Residential) District. Additionally, a variance is needed to allow a front yard setback of 10 feet where 20 feet is required on Lots 1, 10 and 11 and to allow a corner side yard setback of 10 feet where 15 feet is required on Lots 1, 24, 25 and 31. Staff does not support the variance requests.
- The proposed product for this development will be subject to a lot fit analysis to determine conformance with the approved setbacks and with standard lot coverage standards.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
06/07/06	The City Council approved a General Plan Amendment (GPA-12234) to change the land use designation from ML (Medium Low Density Residential) to L (Low Density Residential) on 12.9 acres adjacent to the north side of Dorrell Lane, approximately 450 feet west of Decatur Boulevard. The Planning Commission and staff recommended approval.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
06/07/06	The City Council approved a Rezoning (ZON-12235) from R-E (Residence Estates) and R-E under Resolution of Intent to R-PD3 (Residential Planned Development – 3 Units per Acre) to R-1 (Single Family Residential) on 12.9 acres adjacent to the north side of Dorrell Lane, approximately 450 feet west of Decatur Boulevard. The Planning Commission and staff recommended approval.
	The City Council approved a Special Use Permit (SUP-12705) for Private Streets in conjunction with a proposed 64-lot single family residential development adjacent to the north side of Dorrell Lane, approximately 450 feet west of Decatur Boulevard. The Planning Commission and staff recommended approval.
07/27/06	The Planning Commission approved a Tentative Map (TMP-14244) for a 64-lot single family residential subdivision on 12.90 acres adjacent to the north side of Dorrell Lane, approximately 450 feet west of Decatur Boulevard. Staff recommended approval. The map expired 07/27/08.
09/28/06	Code Enforcement processed a case (46694) involving a complaint about weeds, trash, garbage, debris and dangerous structures on undeveloped property at 4920 West Dorrell Lane. The case was resolved 10/18/06.
06/04/08	The City Council approved Extensions of Time (EOT-27874 and EOT-27873) for the previously approved Rezoning (ZON-12235) and Special Use Permit (SUP-12705) on 12.9 acres adjacent to the north side of Dorrell Lane, approximately 450 feet west of Decatur Boulevard. Staff recommended approval of all requests. The approval for SUP-12705 expired 06/07/10. Parcels on the subject site were hard zoned R-1 (Single Family Residential) on 07/01/09 through Ordinance 6046.
06/26/08	The Planning Commission approved a Tentative Map (TMP-28062) for a 64-lot single family residential subdivision on 12.90 acres adjacent to the north side of Dorrell Lane, approximately 450 feet west of Decatur Boulevard. Staff recommended approval. The map expired 06/26/12.

<i>Most Recent Change of Ownership</i>	
07/21/10	A deed was recorded for a change in ownership on APN 125-24-503-011.
09/02/10	A deed was recorded for a change in ownership on APN 125-24-503-017.
03/01/11	A deed was recorded for a change in ownership on APN 125-24-503-008, 009.
05/24/12	A deed was recorded for a change in ownership on APN 125-24-503-004.

<i>Related Building Permits/Business Licenses</i>
There are no related building permits or business licenses associated with the subject property.

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<i>Pre-Application Meeting</i>	
01/21/13	A pre-application meeting was held with the applicant to discuss submittal requirements for a Tentative Map. It was determined that variances could be combined for a reduction in lot width and for setbacks on individual parcels. The applicant was able to obtain City Traffic Engineer approval for an intersection offset of 159 feet from Dorrell Lane, as it was a secondary, gated access. The variances must be approved before the tentative map can be approved.

<i>Neighborhood Meeting</i>	
02/27/13	A neighborhood meeting is not required for the requested applications; however, the applicant intends to conduct a voluntary neighborhood meeting prior to the meeting of the Planning Commission at 6:00 p.m. in the Aliante Library, 2400 West Deer Springs Way in North Las Vegas.

<i>Field Check</i>	
01/31/13	The site is undeveloped and gently slopes up from east to west. Portions contain weeds and mounds of dirt and debris.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	7.40
Net Acres	6.80

<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-1 (Single Family Residential)
North	Single Family, Detached	ML (Medium Low Density Residential)	R-PD3 (Residential Planned Development – 3 Units per Acre)
	Undeveloped	L (Low Density Residential)	R-1 (Single Family Residential)
South	Single Family, Detached	ML (Medium Low Density Residential)	R-1 (Single Family Residential)
East	Single Family, Detached	ML (Medium Low Density Residential)	R-E (Residence Estates)
West	Undeveloped	L (Low Density Residential)	R-1 (Single Family Residential)

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<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>
Rural Preservation Overlay District (330' buffer on a portion)	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

Pursuant to Title 19.06 and ZON-12235, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6,500 SF	6,549 SF	Y
Min. Lot Width	65 Feet	60 feet	N (8% deviation)
Min. Setbacks:			
• Front (front-loading garages)	20 Feet	20 feet	Y
• Front (side-loading garages)	20 Feet	10 feet	N (50% deviation)
• Side	5 Feet	5 feet	Y
• Corner	15 Feet	10 feet	N
• Rear	15 Feet	15 feet	Y
Max. Lot Coverage	50 %	50 %	Y
Max. Building Height	1 story/35 Feet	1 story	Y
Max. Net Density	5.49 du/ac	4.56 du/ac	Y

Pursuant to Title 19.06, the following standards apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Buffer Trees:				
• North	N/A	N/A	6 trees	N/A
• South	N/A	N/A	16 trees	N/A
• East	N/A	N/A	0 trees	N/A
• West	N/A	N/A	0 trees	N/A
TOTAL PERIMETER TREES		N/A	22 Trees	Y

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Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	N/A		6 feet	N/A
• South	N/A		10 feet	N/A
• East	N/A		0 feet	N/A
• West	N/A		0 feet	N/A
Max. Wall Height	6 to 8 Feet Adjacent to Residential 10 Feet with retaining		6 feet adjacent to north, south perimeter 8.5 feet adjacent to portions of north and east perimeter	Y

Pursuant to Title 19.04, the following streetscape standards apply to the subject site:

<i>Streetscape Standards</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
Min. Right-of-Way Width	47 feet	47 feet	Y
Sidewalk	Min. 5 feet; both sides of street	5 feet; both sides of street	Y
Amenity Zone	Min. 5 feet from edge of private lots; both sides of street	5 feet from edge of private lots; both sides of street	Y
Trees	1 – 24-inch box shade tree per lot within amenity zone	1 – 24-inch box shade tree per lot within amenity zone	Y

<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>
Donald Road	N/A	N/A	50	N/A
Dorrell Lane	N/A	N/A	60	N/A

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19.04.040 Connectivity		
Transportation Network Element	# Links	# Nodes
Internal Street	4	
Intersection – Internal		2
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	4	3
	Required	Provided
Connectivity Ratio (Links / Nodes):	1.30	1.33

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	31	2 spaces/unit	62				
TOTAL SPACES REQUIRED			62		62		Y
Regular and Handicap Spaces Required			62	0	62	0	Y

ANALYSIS

A portion of the site is located within 330 feet of a Rural Preservation Neighborhood as defined by Title 19.18 and identified by the Land Use and Rural Neighborhoods Preservation Element of the Las Vegas 2020 Master Plan. As the subject site is already zoned R-1 (Single Family Residential) and the General Plan Land Use designation is L (Low Density Residential), no action needs to be taken regarding the maintenance of the area's rural character. The net density of the proposed subdivision is 4.56 dwelling units per acre, well below the maximum for the L designation.

The proposed subdivision features lots ranging in size from 6,549 square feet to 11,309 square feet. Lot coverage cannot be determined by this map; however, not all of the proposed floor plans will adequately fit on the lots with every option available. A lot-fit analysis will be needed if approved. The streets are public and conform to the Narrow Lot Residential Street section referenced in Title 19.04, including the five-foot amenity zones on private lots with one tree to be planted per lot. Paradise Encore Street is a through street, so access can be taken from either

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Dorrell Lane on the south or from Donald Road on the north. The required connectivity ratio is met by the proposal, due to the internal street turning northward from a knuckle. The westernmost street segment must either be given the suffix “Court” and the adjacent street the suffix “Avenue,” or alternatively, the two segments together may contain the suffix “Way.” As a condition of approval, all street names must adhere to the City’s Street Naming Standards.

Walls proposed on the perimeter are a maximum of six feet screening, with 2.5 feet of retaining in the worst-case scenario along portions of the north and east perimeter. These walls are in conformance with Title 19.06 requirements and no variance is required. Landscaping is not required along perimeter streets that are less than 80 feet wide; however, trees and shrubs will be provided along both Dorrell Lane and Donald Road, providing balance to the tree-lined interior streets.

All of the requested setback variances are on corner lots, which in several cases also require the narrower lots. The typical lot width is 60 feet, although most of the corner lots are wider. There is nothing regarding the land itself that prevents subdividing into 65-foot wide lots or more in conformance with Title 19.06. Staff has previously supported a less restrictive front yard setback in the instances where the dwelling has met the required 20 feet but a side-loaded garage encroaches into that setback. However, in this case, the requested lots are narrower in addition to the closer garage, which creates a less desirable compact development that was not intended for this area of the city. Staff therefore recommends denial of the requests, with conditions.

FINDINGS (VAR-48169)

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.”

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No evidence of a unique or extraordinary circumstance has been presented. The applicant has created a self-imposed hardship by providing narrower lots that require less restrictive setbacks to accommodate the proposed product design. Designing fewer lots, with 65-foot widths and dwelling footprints that would allow for at least 20 feet of space in the front and 15 feet on the corner sides would conform to 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-48166)

The proposed map is in conformance with Title 19 and NRS requirements for tentative maps, except Title 19.16.050, which states that, "No application for a tentative map is eligible for approval unless it is determined that the proposed subdivision will be in conformance with all applicable zoning regulations, including all applicable provisions of this Title; the zoning classification of the site; and all zoning, master plan or site plan approvals for the site, including all applicable conditions that are in effect." In this case, the proposed subdivision does not meet the minimum lot width, front and corner side setback requirements of Title 19.06, and staff does not support the related variance to allow less restrictive standards for the proposed lots.

NOTICES MAILED 363

APPROVALS 0

PROTESTS 0