

**AGENDA MEMO - PLANNING**CITY COUNCIL MEETING DATE: **DECEMBER 21, 2022**

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: AMBLESIDE PROPERTIES, LLLP

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
22-0391-ZON1	Staff recommends APPROVAL.	
22-0391-VAR1	Staff recommends DENIAL, if approved subject to conditions:	22-0391-TMP1 22-0391-ZON1
22-0391-VAC1	Staff recommends DENIAL, if approved subject to conditions:	22-0391-ZON1 22-0391-VAR1
22-0391-TMP1	Staff recommends DENIAL, if approved subject to conditions:	22-0391-VAR1 22-0391-VAC1

**** NOTIFICATION ******NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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NOTICES MAILED202 (By City Clerk) - 22-0391 [ZON1, VAR1 and TMP1]
38 - 22-0391-VAC1**PROTESTS**3 - 22-0391 [ZON1, VAC1 and TMP1]
1 - 22-0391 [VAR1]**APPROVALS**

1

**** CONDITIONS ****

22-0391-VAR1 CONDITIONS

Planning

1. Approval of Rezoning (22-0391-ZON1) and approval and conformance to the Conditions of Approval for Vacation (22-0391-VAC1) and Tentative Map (22-0391-TMP1) shall be required, if approved.
2. This approval shall be void four years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

22-0391-VAC1 CONDITIONS

1. The limits of this Petition of Vacation shall be defined as the east half of the Appian Way public right-of-way north of Alpine Place.
2. The Order of Vacation shall record concurrently with a Final Map for this site.

3. Provide a plan showing how the right-of-way proposed to be vacated will be incorporated into the abutting properties so that an un-maintained “no-man’s land” area is not produced by this action. The required plan shall identify exactly who is responsible to reclaim each portion of right-of-way and exactly how the right-of-way will be reclaimed, and shall provide a schedule of when such reclamation will occur. Such plan shall be approved by the City Engineer prior to the recordation of the Order of Vacation or the submittal of any construction drawings adjacent to or overlying the area requested for vacation, whichever may occur first.
4. Prior to the Order of Vacation, the applicant shall meet with the Sanitary Sewer Section of the Department of Public Works to determine if any Sewer Easements must be granted or reserved. Comply with the recommendations of the Sanitary Sewer Section.
5. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Vacation for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The drainage study required by 22-0391-TMP1 may be used to satisfy this requirement provided that it addresses the area to be vacated.
6. The Order of Vacation shall reserve easements for the facilities of all City of Las Vegas Franchise Holders unless written verifiable letters of consent without reservation are received prior to recordation.
7. 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.
8. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that 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 or easement being vacated must be retained.

9. If the Order of Vacation is not recorded within four (4) years 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.

22-0391-TMP1 CONDITIONS

Planning

1. Prior to the submittal of a Final Map for this site, the applicant shall either record an Order of Vacation, such as 22-0391-VAC1, or receive approval of Variance of Title 19.04.110 to allow the development to occur without dedicating the west half of Appian Way.
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 within four (4) years of the approval of the Tentative Map, this action is void.
3. Approval of Rezoning (22-0391-ZON1), approval and conformance to the Conditions of Approval for Variance (22-0391-VAR1) and Vacation (22-0391-VAC1) shall be required, if approved.
4. Street names must be provided in accordance with the City's Street Naming Regulations.
5. 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.
6. Eight, 24-inch box shade trees shall be provided within the landscape buffer adjacent to Alpine Place.

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7. 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.
8. All development is subject to the conditions of City Departments and State Subdivision Statutes.

Public Works

9. A private Sewer Easement must be granted in favor of the owner of Assessor's Parcel Number 138-36-802-001, unless an alternate sewer design requires this easement to be public, for the existing sewer line and manhole in Common Element A. The final location and design of the sewer path for Assessor's Parcel Number 138-36-802-001 must be approved by the Sanitary Sewer Section of the Department of Public Works. Comply with the recommendations of the Sanitary Sewer Section.
10. The sidewalk adjacent to this site shall meet Public Right-of-Way Accessibility Guidelines (PROWAG) in accordance with code requirements of Title 13.56.040 to the satisfaction of the City Engineer concurrent with development of this site. Grant any Pedestrian Access Easement needed to complete this requirement.
11. Contact the City Engineer's Office at 702-229-6272 to coordinate the development of this project with the "Meadows-Charleston Storm drain Essex to Lindell" project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.

12. Prior to the submittal of construction drawings for this site, submit a pedestrian circulation plan to identify nearby pedestrian attractors and recommend measures to accommodate pedestrians, such as but not limited to pedestrian access, crosswalk, pedestrian activated flashers and temporary sidewalks. Comply with the recommendation of the approved pedestrian circulation plan.
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 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.
14. 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.
15. 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. A deviation from standards for substandard street corner Knuckles is hereby approved, and for no-crown roadways (subject to drainage study approval). No other deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting to construct a single-family attached development within a 32-lot subdivision on 13.87 acres located on the north side of Alpine Place, approximately 250 feet west of Decatur Boulevard.

ISSUES

- The applicant is requesting a Rezoning from C-1 (Limited Commercial) to R-TH (Single-Family Attached). Staff supports this request.
- The applicant is requesting a Tentative Map for a 32-lot single-family attached residential subdivision. Staff does not support this request.
- The applicant is requesting a Vacation of a 30-foot portion of Appian Way. The applicant has not obtained written consent from all adjacent property owners in support of the requested Vacation, which staff requires in order to recommend approval. Staff does not support this request.
- The applicant is requesting a Variance for private streets without gates that do not meet Title 19.04 Complete Street development standards. Staff does not support this request.

ANALYSIS

The property is currently zoned C-1 (Limited Commercial) with a TOD-1 (Transit Oriented Development-1) General Plan land use designation. The C-1 (Limited Commercial) zone is meant for light commercial and office uses. The TOD-1 land use designation is intended to allow higher intensity mixed use and walkable development to support better transit options. The property was previously occupied by a commercial condo development that has since been demolished.

Rezoning

The applicant is requesting a rezoning from C-1 (Limited Commercial) to R-TH (Single-Family Attached) in order to develop a 32-lot single-family attached residential development. The C-1 District is summarized in Title 19:

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The C-1 District is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors.

Title 19 summarizes the R-TH District as follows:

The purpose of the R-TH district is to accommodate single family attached residences with designs and densities that transition between multi-family and single family uses. The R-TH district is consistent with the policies of the Medium Density Residential category of the General Plan.

This application to rezone to a single-family attached district on the property at Appian Way and Alpine Place is appropriate. The proposed R-TH zoning district is compatible with surrounding lands. Property to the north and west sides of the subject site is zoned R-3 (Medium Density Residential) and contains a 324-unit Multi-Family Residential development. Properties to the south and east are zoned C-1 (Limited Commercial) and C-2 (General Commercial) with various medical office, retail, and service uses.

According to the City of Las Vegas 2050 Master Plan, the TOD-1 (Transit Oriented Development-1) is intended for higher intensity, mixed use, and transit oriented development suitable for future light rail corridors. All zoning districts are permitted within this land use designation until further action by Planning Commission or City Council. Eventually zoning districts will be crafted to support the TOD land use categories.

The proposed R-TH zoning district complements the TOD-1 land use because it supports a medium density residential development. Medium and high density developments help support walkability and transit by providing a critical mass of potential transit users within a reasonable distance of future transit stops. Staff support the request to rezone the subject property from C-1 (Limited Commercial) to R-TH (Single-Family Attached).

Variance

The applicants have applied for a Tentative Map with a non-standard curb type not addressed in Title 19. In addition, the applicant is proposing non-standard private streets that do not meet public street requirements per Title 19.04, without gates as required. Both of these result in the need for a Variance. There are no unique features of the subject site that would create a hardship. Therefore staff finds the Variance request to be preferential in nature, and to be the result of a self-imposed hardship. Therefore, staff recommend denial of the requested Variance.

Vacation

There is a half-street (right-of-way was dedicated from only one property owner) to the east of the subject property. The portion of the right-of-way on the subject property was never dedicated to the City. In order to avoid having to dedicate their portion of the right-of-way, the applicant is requesting a Vacation of 30 feet of Appian Way immediately to the east of the subject property.

The 30-foot portion of Appian Way is not currently used as an actual right-of-way so much as an access driveway for a church and social services office via Alpine Place. If the Vacation is approved, the land would revert to the private property of the church and social services office. The applicant has not obtained written consent from these property owners in support of the requested Vacation. Staff will not support the requested Vacation without the consent of all parties affected.

Tentative Map

The applicant proposes a 32-lot Tentative Map in order to subdivide the property to sell individual dwelling units. The map consists of 32 lots ranging from 1,600 to 3,277 square feet with 7,820 square feet dedicated for open space. The map features 47-foot wide private streets with five-foot sidewalks. The proposed street network connectivity ratio of 1.50 exceeds the minimum requirement of 1.30. The proposal meets the perimeter landscaping requirements for Title 19.06.090, which requires six feet along the property line fronting the right-of-way.

The applicant proposed private streets without a gate, which requires a Variance. In addition, the plan features guest spaces that back onto the right-of-way, which conflicts with parking provisions in Title 19. Due to the requested Variance associated with the map, staff recommend denial of the requested Tentative Map.

FINDINGS (22-0391-ZON1)

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

1. The proposal conforms to the General Plan.

The R-TH zoning district is permitted in the TOD-1 (Transit Oriented Development-High) land use category and is supported by the goals of said land use category, therefore the proposal conforms to the General Plan.

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

The proposed R-TH zoning district allows single family attached and single family detached uses. The surrounding uses include multi-family residential and low intensity commercial. The proposed R-TH zoning district supports uses that are compatible with existing surrounding uses.

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

There is a demonstrated need for more housing in the city, therefore the need for housing indicates the appropriateness of the rezoning.

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

The property is served by Alpine Place, a 60-foot Local Street as defined by Title 13. Alpine Place connects to South Decatur Boulevard, a 100-foot Primary Arterial as classified by the Master Plan of Streets and Highways. The properties have adequate capacity to serve the uses allowed by the proposed zoning district.

FINDINGS (22-0391-VAR1)

In accordance with the provisions of Title 19.16.140(B), the 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.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by requesting a street and curb type that does not meet street standards. Applying the correct street width and gating the streets 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 (22-0391-VAC1)

The Department of Public Works has presented the following information concerning this request to vacate certain public street ROW:

- A. Does this vacation request result in uniform or non-uniform right-of-way widths?
Uniform – eliminates Appian.
- B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability?
No.
- C. Does it appear that the vacation request involves only excess right-of-way?
No.
- D. Does this vacation request coincide with development plans of the adjacent parcels?
Yes.

E. Does this vacation request eliminate public street access to any abutting parcel?

No.

F. Does this vacation request result in a conflict with any existing City requirements?

Yes, need signed affidavits of support from affected property owners.

G. Does the Department of Public Works have an objection to this vacation request?

Yes. Due to the applicant not presenting signed affidavits of support from the adjacent affected property owners, staff recommends denial of the Petition to Vacate.

FINDINGS (22-0391-TMP1)

The proposed Tentative Map conforms to Nevada Revised Statutes and Title 19 requirements for tentative maps. However, the design of this subdivision does not meet Title 19 requirements regarding street width and gating of a private road that does not meet public street standards, requiring a Variance that staff does not support. Therefore, staff also recommends denial of the requested Tentative Map, subject to conditions if approved.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
04/30/20	A Code Enforcement case (CE20-02488) was processed for graffiti and trash at the property at Alpine Place and Appian Way. The case was resolved on 03/31/22.
06/02/21	The City Council Approved a General Plan Amendment (21-0029-GPA1) To adopt the City Of Las Vegas 2050 Master Plan and amend the City Of Las Vegas general plan from: various categories to: TOD-1 (Transit Oriented Development-1), TOD-2 (Transit Oriented Development-2), Toc-1 (Transit Oriented Corridor-1), TOC-2 (Transit Oriented Corridor-2), Or NMxu (Neighborhood Center Mixed Use) within the City Of Las Vegas (Multiple APNS). The Planning Commission and staff recommended approval.
03/28/22	A Code Enforcement case (CE22-01503) was processed for homeless encampments and break-ins to neighboring property at the property at Alpine Place and Appian Way. The case was resolved on 05/16/22.

Related Relevant City Actions by Planning, Fire, Bldg., etc.	
09/13/22	The Planning Commission voted (7-0) to hold in ABEYANCE 22-0391 [ZON1, VAR1, VAC1 and TMP1] to the October 11, 2022 Planning Commission meeting.
10/11/22	<p>The Planning Commission voted (7-0) to recommend APPROVAL of the following Land Use Entitlement project requests on 13.87 acres located on the north side of Alpine Place approximately 250 feet west of Decatur Boulevard (APN 138-36-811-000), Ward 1 (Knudsen).</p> <p>22-0391-ZON1 - REZONING - FROM: C-1 (LIMITED COMMERCIAL) TO R-TH (SINGLE-FAMILY ATTACHED)</p> <p>22-0391-VAR1 - VARIANCE - TO ALLOW A PRIVATE STREET WITHOUT A GATE THAT DOES NOT MEET COMPLETE STREET STANDARDS</p> <p>22-0391-VAC1 - VACATION - PETITION TO VACATE 30 FEET OF PUBLIC RIGHT-OF-WAY KNOWN AS APPIAN WAY</p> <p>22-0391-TMP1 - TENTATIVE MAP - ALPINE & APPIAN SINGLE-FAMILY RESIDENTIAL - FOR A 32 LOT SINGLE-FAMILY ATTACHED RESIDENTIAL SUBDIVISION</p>

Most Recent Change of Ownership	
02/17/22	A deed was recorded for a change in ownership.

Pre-Application Meeting	
07/13/22	Staff met with the applicants to discuss the Title 19 and submittal requirements for a Tentative Map, Vacation, Variance and Rezoning.

Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Details of Application Request	
Site Area	
Net Acres	13.87

<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	TOD-1 (Transit Oriented Development - High)	C-1 (Limited Commercial)
North	Multi-Family Residential	TOD-1 (Transit Oriented Development - High)	R-3 (Medium Density Residential)
South	Car Wash, Full Service or Auto Detailing	TOD-1 (Transit Oriented Development - High)	C-1 (Limited Commercial)
	Financial Institution, Specified		C-2 (General Commercial)
East	Health Club	TOD-1 (Transit Oriented Development - High)	C-1 (Limited Commercial)
West	Multi-Family Residential	TOD-1 (Transit Oriented Development - High)	R-3 (Medium Density Residential)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Master Plan 2050 Area: Charleston	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District (175 Feet)	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS***Pursuant to 19.06.090 R-TH (Single Family Attached), the following standards apply:***

Standard	Required/Allowed	Provided	Compliance
Min. Lot Width	20 Feet	20-25 Feet	Y
Min. Setbacks			
• Front	10 Feet	10 Feet	Y
• Side	NA	NA	Y
• Corner	10 Feet	10 Feet	Y
• Rear	5 Feet	5 Feet	Y
Min. Distance Between Buildings	NA	NA	NA
Max. Lot Coverage	95 %	95 %	Y
Max. Building Height	3 Stories or 45 Feet	45 Feet	Y

Existing Zoning	Permitted Density	Units Allowed
C-1	NA	NA
Proposed Zoning	Permitted Density	Units Allowed
R-TH	1 unit per lot	32

Pursuant to 19.06.090 R-TH (Single Family Attached), the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• South	1 Tree / 30 Linear Feet	8 Trees	8 Trees	Y*
TOTAL PERIMETER TREES		8 Trees	8 Trees	Y*
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	0 Feet		0 Feet	Y
• South (ROW)	6 Feet		6 Feet	Y
• East	0 Feet		0 Feet	Y
• West	0 Feet		0 Feet	Y
Wall Height	6 to 8 Feet Adjacent to Residential		Not Indicated	Y

* A condition of approval has been added for future submitted plans to meet this standard.

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Alpine Place	Local Street	Title 13	60	Y
Decatur Boulevard	Primary Arterial	Master Plan of Streets and Highways Map	128	Y

19.04.040 Connectivity		
Transportation Network Element	# Links	# Nodes
Internal Street	3	-
Intersection – Internal	-	2
Cul-de-sac Terminus	-	-
Intersection – External Street or Stub Terminus	-	-
Intersection – Stub Terminus with Temporary Turnaround Easements	-	-
Non-Vehicular Path - Unrestricted	-	-
Total	3	2
	Required	Provided
Connectivity Ratio (Links / Nodes):	1.30	1.50

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 Attached	32 Dwelling Units	2 unimpeded per unit plus 1 guest space per 6 units	69				
TOTAL SPACES REQUIRED			69		70		Y
Regular and Handicap Spaces Required			68	1	69	1	Y