



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: MARCH 11, 2025
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: CONTOUR BUILDERS, LLC - OWNER:
DECATUR LAKEMEAD, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
25-0031-VAR1	Staff recommends DENIAL, if approved subject to conditions:	
25-0031-TMP1	Staff recommends DENIAL, if approved subject to conditions:	25-0031-VAR1

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

NOTICES MAILED 413

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

25-0031-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow a stub street termination where a cul-de-sac or hammerhead is required.
2. Approval of and conformance to the Conditions of Approval for Tentative Map (25-0031-TMP1) shall be required, if approved.
3. 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.
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 Building and Safety Division.
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.

25-0031-TMP1 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 within four (4) years of the approval of the Tentative Map, this action is void.
2. Approval of Variance (25-0031-VAR1) shall be required, if approved.
3. Street names must be provided in accordance with the City's Street Naming Regulations.

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5. Prior to or at the time of submittal for any building permit, the applicant shall provide written verification by the Federal Aviation Administration (FAA), the Clark County Department of Aviation, or both, of the following:
 - a. Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA.
 - b. Applicant is advised that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments. Applicant is advised that the FAA's airspace determinations include expiration dates and that separate airspace determinations will be needed for construction cranes or other temporary equipment.
 - c. No building permits should be issued until the applicant provides evidence that a "Determination of No Hazard to Air Navigation" has been issued by the FAA.
 - d. No structure greater than 35 feet in height shall be permitted to be erected or altered that would constitute a hazard to air navigation, or would result in an increase to minimum flight altitudes during any phase of flight, or would otherwise be determined to pose a significant adverse impact on airport or aircraft operations
5. All development is subject to the conditions of City Departments and State Subdivision Statutes.

Public Works

6. 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. Additionally, all Homeowner's Association common elements and any private improvements in the public right-of-way authorized by an Encroachment License Agreement shall be the maintenance responsibility of the Homeowner's Association. If the Homeowner's Association fails to perform any private maintenance obligation, then the individual property owners within the subdivision shall be jointly and severally liable for any and all City expenses that may be incurred to perform any private maintenance obligations.

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7. Construct half-street improvements including appropriate transitions on Fairhaven Street adjacent to this site concurrent with development of this site. 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. Also, construct temporary sidewalk north and south on Fairhaven Street to connect this site with existing sidewalk improvements concurrent with the development of this site.
8. In accordance with code requirements of Title 13.56 and Section 2.2 of the City's Vision Zero Action Plan, remove all substandard offsite improvements and unused driveway cuts on Decatur Boulevard, if any, and replace with new improvements meeting Public Right-of-Way Accessibility Guidelines (PROWAG) to the satisfaction of the City Engineer concurrent with development of this site. Grant Pedestrian Access Easement(s) if necessary to comply with this requirement. All existing paving damaged or removed by this development shall be restored at its original location, width and depth concurrent with development of this site.
9. Extend public sewer in Decatur Boulevard for the full frontage of this site at a size, depth and location acceptable to the Sanitary Sewer Planning section of the Department of Public Works.
10. There is an active septic permit on site. Connect to municipal sewer and remove the septic system in accordance with Section 17 of the Southern Nevada Health District (SNHD) Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management. Documentation must be submitted to SNHD showing that the system has been properly removed.
11. 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.
12. Pedestrian access to Fairhaven Street shall be provided through the pedestrian gates shown on the approved Tentative Map.
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.

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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 private street standards for street terminus and ungated private streets is hereby approved. 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.

Fire & Rescue

16. 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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a revised Tentative Map request for a previously approved Townhouse development that fails to comply with Title 19 development standards on a 2.18-acre parcel located on the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard.

ISSUES

- A Variance is requested to allow a stub street termination where a cul-de-sac or hammerhead is required. Staff does not support the request.
- A Variance (24-0423-VAR1) was previously approved to allow a private street on private lots where a common lot is required. This entitlement remains active for the subject site.
- The Southern Nevada Health District (SNHD) has commented the subject site currently has an active septic system. Coordination with the SNHD will be required prior to the issuance of building permits.
- A Condition of Approval has been added requiring compliance with the Clark County Department of Aviation.

ANALYSIS

On November 6, 2024, the City Council approved the following entitlements for the subject site:

- Rezoning (24-0423-ZON1) from C-1 (Limited Commercial) to R-TH (Single Family Attached)
- Variance (24-0423-VAR1) to allow a private street on private lots where a common lot is required
- Tentative Map (24-0423-TMP1) for a proposed 39-lot single-family attached residential subdivision

While the project was approved as submitted, there was a discussion about closing off access to Fairhaven Street due to traffic concerns. In order to appease the neighboring residents, the applicant has now submitted a new Tentative Map request with no access to Fairhaven Street.

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The subject undeveloped 2.18-acre site is zoned R-TH (Single Family Attached) and subject to Title 19 development standards. Surrounding properties are zoned C-1 (Limited Commercial) and R-3 (Medium Density Residential). They are developed with multi-family residential and mini-storage developments. The surrounding area also includes parcels under Clark County jurisdiction, which are primarily undeveloped. The applicant proposes to develop the subject site with a 39-lot Single-Family Attached Residential Subdivision.

Variance

The proposed changes to the previously approved Tentative Map trigger the need for an additional Variance. A Variance is requested to allow a stub street termination where a cul-de-sac or hammerhead is required.

Pursuant to Title 19.04, public streets which terminate other than at an intersection with another public street, and private streets that terminate other than at an intersection with another private or public street, the termination shall be provided by one of the following, as applicable:

- A. A cul-de-sac with a minimum radius of 40 feet as measured from the flowline of the curb for street lengths up to 600 feet; or
- B. In the case of a private street up to 250 feet in length that is located behind a gate, a hammerhead meeting the Standard 212.1.S1 design.

Staff finds the Variance request to be a self-imposed hardship and outside the realm of NRS Chapter 278 for granting of Variances. Therefore, staff recommends denial of the Variance request.

Tentative Map

The submitted Tentative Map depicts a 39-lot Single-Family Attached Residential Subdivision. Development is subject to the R-TH (Single Family Attached) zoning district standards. The subdivision has a density of 18.1 dwelling units per acre, which is acceptable per the associated TOD-2 (Transit Oriented Development - Low) land use designation. The lots sizes range from 1,957 square feet to 2,852 square feet, which exceeds the minimum 1,600 square-foot lot size. The minimum lot size requirement is being achieved through the previously approved Variance request to allow the residential parcels to extend into the private street centerline.

The submitted site cross sections depict maximum natural grades greater than two percent across this site. Per Title 19.06.090, development with natural slope greater than two percent is allowed a maximum six-foot tall retaining wall. Per the submitted detail sheet, no single wall height appears to have an exposure higher than three feet.

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The Department of Public Works - Traffic Engineering Division has commented, "This project will add approximately 281 trips per day on Decatur Boulevard, Lake Mead Boulevard, and Vegas Drive. Currently, Decatur Boulevard is at about 59 percent of capacity, Lake Mead Boulevard is at about 46 percent of capacity, and Vegas Drive is at about 34 percent of capacity. With this project, Decatur Boulevard is expected to be at about 60 percent of capacity, Lake Mead Boulevard is expected to be at about 47 percent of capacity and Vegas Drive is expected to remain unchanged. Based on Peak Hour use, this development will add about 22 vehicles in the peak hour, or about one every three minutes."

The Clark County School District has commented, "Approximately 15 elementary and secondary students will be added to the area with the proposed development. It is noted that Western High School is over capacity for the 2024-2025 school year. It is at 108.34 percent of program capacity."

Federal Aviation Regulations (14 CFR, Part 77) and City of Las Vegas Code (Section 19.10.080) require that the Federal Aviation Administration (FAA) be notified before the construction or alteration of any building or structure that will exceed a slope of 100:1 for a distance of 20,000 feet from the nearest point of any airport runway or for any structure greater than 200 feet in height. Such notification allows the FAA to determine what impact, if any, the proposed development will have upon aircraft operations, and allow the FAA to determine whether the development should be obstruction marked or lighted. The proposed development would exceed the 100:1 notification requirement or is greater than 200 feet in height. A Condition of Approval has been added to address the issue.

The proposed residential subdivision fails to comply with Title 19 Complete Street Standards and the overall vision of the City of Las Vegas 2050 Master Plan. It is overbuilt as evident by the previously approved Variance request for a street to accommodate increased lot sizes. Mixed use transit oriented development is envisioned for the subject site. Therefore, staff recommends denial of all entitlement requests. If denied, the applicant can still move forward with the development as previously approved at the November 6, 2024 City Council.

FINDINGS (25-0031-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."

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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 develop the subject site without adhering to Title 19 development standards. 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 (25-0031-TMP1)

While the proposed Tentative Map conforms to Nevada Revised Statutes, it fails to comply with Title 19 Complete Street Standards. The proposed residential lot property lines extend to the private street centerline in order to meet the minimum lot size and setback requirements. The actual usable space for the residential lots is smaller than the listed lot sizes. Furthermore, the proposed stub street termination would not allow large vehicles, such as emergency response vehicles, trash collection trucks and moving trucks, to turn around in a forward motion or maneuver in a safe manner without backing down the street. Therefore, staff recommends denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
02/18/04	The City Council approved Site Development Plan Review (SDR-3496) for a senior housing complex and a waiver of the perimeter landscaping requirements on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 840 feet south of Lake Mead Boulevard.
	The City Council approved Special Use Permit (SUP-3491) to allow a senior housing complex in the C-2 (general commercial) district adjacent to the west side of Decatur Boulevard, approximately 840 feet south of Lake Mead Boulevard.

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<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
10/21/09	The City Council approved Site Development Plan Review (SDR-32638) for a proposed three-story, 44-foot tall, 151-unit senior citizen apartment complex with 5,460 square feet of commercial space on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard.
10/21/09	The City Council approved Special Use Permit (SUP-32639) for a proposed senior citizen apartment complex with a waiver to allow apartments on the ground floor where none are permitted adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard.
	The City Council approved Variance (VAR-32640) to allow 119 parking spaces where 146 are required on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard.
	The City Council approved Variance (VAR-32640) to allow a 10-foot setback where residential adjacency standards require 132 feet and to allow a lot coverage of 82% where 50% is the maximum permitted on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard.
12/21/23	Code Enforcement Case #CE23-08596 was opened regarding a homeless encampment and debris. The case was resolved as of 01/11/24.
02/26/24	Code Enforcement Case #CE24-00933 was opened regarding graffiti. The case was resolved as of 04/08/24.
05/29/24	Code Enforcement Case #CE24-03919 was opened regarding graffiti. The case was resolved as of 08/21/24.
11/06/24	<p>The City Council approved the following entitlements for the subject site:</p> <ul style="list-style-type: none"> • 24-0423-ZON1 - Rezoning from C-1 (Limited Commercial) to R-TH (Single Family Attached) • 24-0423-VAR1 - Variance - to allow a private street on private lots where a common lot is required • 24-0423-TMP1 - Tentative Map - for a proposed 39-lot single-family attached residential subdivision <p>The Planning Commission recommended approval. Staff recommended denial.</p>

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Most Recent Change of Ownership	
09/26/23	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
There are no related building permits/business licenses of note.	

Pre-Application Meeting	
01/14/25	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines.

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

Field Check	
01/30/25	Staff conducted a routine field check and found an undeveloped site surrounded by chain link fencing. Trash and debris was observed.

Details of Application Request	
Site Area	
Net Acres	2.16

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Undeveloped	TOD2 (Transit Oriented Development - Low)	R-TH (Single Family Attached)
North	Mini-Storage Facility	TOD2 (Transit Oriented Development - Low)	C-1 (Limited Commercial)
	Undeveloped - Clark County	RS20 (Residential Single-Family 20) - Clark County	CG (Commercial General) - Clark County
South	Residential, Multi-Family	SC (Service Commercial)	R-3 (Medium Density Residential)
	Residential, Single Family, Detached - Clark County	RS20 (Residential Single-Family 20) - Clark County	RS20 (Residential Single-Family 20) - 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>
East	Residential, Multi-Family	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Undeveloped	Ranch Estate Neighborhood - Clark County	RS20 (Residential Single-Family 20) - Clark County

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Twin Lakes	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District (70 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 Title 19.06, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	1,600 SF	1,957 SF	Y*
Min. Lot Width	20 Feet	24 Feet	Y
Min. Setbacks			
• Front	18 Feet	29 Feet	Y
• Side	N/A	N/A	N/A
• Corner	10 Feet	10 Feet	Y
• Rear	5 Feet	5 Feet	Y

*A Variance was previously approved to allow the lot property lines to extend to the private street centerline in order to meet the minimum lot size and setback requirements. The actual usable space for the residential lots is smaller than the listed lot sizes.

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Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Decatur Boulevard	Primary Arterial	Master Plan of Streets and Highways Map	100	Y
Fairhaven Street	Local Street	Title 13	60	Y*

*Half-street improvements required as a Condition of Approval if approved.

19.04.040 Connectivity		
Transportation Network Element	# Links	# Nodes
Internal Street	1	
Intersection - Internal		
Cul-de-sac or Hammerhead Terminus		1
Intersection - External Street or Stub Terminus		
Intersection - Stub Terminus with Temporary Turnaround Easements		
Non-Vehicular Path - Unrestricted	1(0.5)	
Total		
	Required	Provided
Connectivity Ratio (Links / Nodes):	1.30	1.50

Pursuant to Title 19.08 and 19.12, the following parking standards apply:

applicable to this lot and to 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	
Residential, Single Family, Attached	39	Two per dwelling unit	78				
		One guest space for every 6 dwelling units	7				
TOTAL SPACES REQUIRED			85		85		Y