



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: NOVEMBER 15, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: GREYSTONE NEVADA, LLC - OWNER: BABB INVESTMENT CO.

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

| CASE NUMBER | RECOMMENDATION | REQUIRED FOR APPROVAL |
|---------------------|---|--|
| 23-0399-MOD1 | Staff recommends DENIAL. | |
| 23-0399-VAR1 | Staff recommends DENIAL, if approved subject to conditions: | 23-0399-MOD1 |
| 23-0399-VAR2 | Staff recommends DENIAL, if approved subject to conditions: | 23-0399-MOD1 23-0399-VAR1 |
| 23-0399-VAR3 | Staff recommends DENIAL, if approved subject to conditions: | 23-0399-MOD1 23-0399-VAR1 23-0399-VAR2 |
| 23-0399-VAC1 | Staff recommends DENIAL, if approved subject to conditions: | 23-0399-MOD1 23-0399-VAR1 23-0399-VAR2 23-0399-VAR3 |
| 23-0399-SDR1 | Staff recommends DENIAL, if approved subject to conditions: | 23-0399-MOD1 23-0399-VAR1 23-0399-VAR2 23-0399-VAR3 23-0399-VAC1 |
| 23-0399-TMP1 | Staff recommends DENIAL, if approved subject to conditions: | 23-0399-MOD1 23-0399-VAR1 23-0399-VAR2 23-0399-VAR3 23-0399-SUP1 23-0399-VAC1 23-0399-SDR1 |

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 34

NOTICES MAILED 354 (BY CITY CLERK)

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0399-VAR1 CONDITIONS

Planning

1. A Variance (23-0399-VAR1) is hereby approved, to allow 5,678 square feet of open space where 21,780 square feet is required.
2. Approval of a Major Modification (23-0399-MOD1) and approval of and conformance to the Conditions of Approval for a Site Development Plan Review (23-0399-SDR1), Petition to Vacate (23-0399-VAC1) and Tentative Map (23-0399-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.

23-0399-VAR2 CONDITIONS

Planning

1. A Variance (23-0399-VAR2) is hereby approved, to allow a proposed seven-foot tall retaining wall where three feet and six inches is the maximum allowed, and an overall 13-foot tall screen and retaining wall height where nine feet and six inches is the maximum allowed.

2. Approval of a Major Modification (23-0399-MOD1) and approval of and conformance to the Conditions of Approval for a Site Development Plan Review (23-0399-SDR1), Petition to Vacate (23-0399-VAC1) and Tentative Map (23-0399-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.

23-0399-VAR3 CONDITIONS

Planning

1. A Variance (23-0399-VAR3) is hereby approved, to allow private streets to not meet public street standards.
2. Approval of a Major Modification (23-0399-MOD1) and approval of and conformance to the Conditions of Approval for a Site Development Plan Review (23-0399-SDR1), Petition to Vacate (23-0399-VAC1) and Tentative Map (23-0399-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.

23-0399-VAC1 CONDITIONS

1. The limits of this Petition of Vacation shall be the unused U.S. Government Patent Easements located north of Isaac Newton, on the western boundary of Assessor Parcel Number 138-07-401-019.
2. This Order of Relinquishment of Interest shall record immediately prior to and concurrent with a mapping action that subdivides 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 Relinquishment of Interest.
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 Title 19. 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.

23-0399-SDR1 CONDITIONS

Planning

1. Approval of a Major Modification (23-0399-MOD1) and approval of and conformance to the Conditions of Approval for a Petition to Vacate (23-0399-VAC1), Variance (23-0299-VAR1), Variance (23-0399-VAR2), Variance (23-0399-VAR3), and Tentative Map (23-0399-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 development shall be in conformance with the site plan and landscape plan, date stamped 08/24/23, and building elevations, date stamped 09/19/23, except as amended by conditions herein.
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. The standards for this development shall include a Minimum lot size of 3,452 square feet and Building height shall not exceed two stories or 25 feet, whichever is less.
7. The setbacks for this development shall include a 20-foot front yard setback, five-foot side yard setback, 10-foot corner side yard setback, and 15-foot rear setback.
8. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time as Final Map submittal. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device.
9. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

10. In accordance with Section 2.2 of the City's Vision Zero Action Plan, 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. Landscape and maintain all unimproved right-of-way adjacent to this site. 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. An update to the previously approved Master Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or the submittal of any construction drawings, whichever may occur first. Comply with the recommendations of the approved update to the Traffic Impact Analysis prior to occupancy of the site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development.
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.

Fire & Rescue

14. 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.
15. Applicant shall install an approved fire sprinkler system in all buildings in accordance with IFC Section 903 as amended. System(s) shall be installed by a licensed Nevada fire sprinkler Contractor.
16. Minimum fire flow requirements shall be in accordance with CLV Ordinance & IFC Appendix B based on type of construction, required fire protection systems and similar.

23-0399-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 a Major Modification (23-0399-MOD1) and approval of and conformance to the Conditions of Approval for a Petition to Vacate (23-0399-VAC1), Variance (23-0299-VAR1), Variance (23-0399-VAR2), Variance (23-0399-VAR3), and Site Development Plan Review (23-0399-SDR1) shall be required, if approved.
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. 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, grant a minimum 20-foot wide Public Sewer and Drainage Easement to be privately maintained for the public sewer and drainage facilities within Common Element "B".

8. No walls, signs, lights, parking area, buildings or other structures, or permanent landscaping having a mature height of greater than 3-feet shall be placed anywhere in any easement or in the vehicle ingress or egress pathways to easements.
9. A working sanitary sewer connection shall be in place prior to final inspection of any units within this development. Full permanent improvements on all major access streets, including all required landscaped areas between the perimeter wall and adjacent public street, shall be constructed and accepted by the City prior to issuance of any building permits beyond 50% of all units within this development. All off-site improvements adjacent to this site, including all required landscaped areas between the perimeter walls and adjacent public streets, shall be constructed and accepted prior to issuance of building permits beyond 75%. The above thresholds notwithstanding, all required improvements shall be constructed in accordance with Title 19.02.130.
10. 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.
11. 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 non-standard street termini 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

12. 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.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a proposed 66-lot single-family residential detached development on 8.02 acres located at the northwest corner of Isaac Newton Way and Metro Academy Way.

ISSUES

- A Major Modification (23-0399-MOD1) is requested to modify the Lone Mountain Land Use Plan from: OS-R (Open Space and Recreation) to: MLA (Medium-Low Attached Density). Staff recommends denial of the request.
- A Petition to Vacate (23-0399-VAC1) a 30-foot wide utility, roadway, drainage, and access easement is requested. Staff recommends denial of the request.
- A Variance (23-0399-VAR1) is requested to allow 5,678 square feet of open space where 21,780 square feet is required. Staff recommends denial of the request.
- A Variance (23-0399-VAR2) is requested to allow a proposed seven-foot tall retaining wall where three feet and six inches is the maximum allowed, and an overall 13-foot tall screen and retaining wall height where nine feet and six inches is the maximum allowed. Staff does not support the request. Staff recommends denial of the request.
- A Variance (23-0399-VAR3) is requested to allow private streets without a gate to not meet public street standards. Staff recommends denial of the request.
- A Site Development Plan Review (23-0399-SDR1) is requested for a proposed 66-lot single-family residential development. Staff does not support the request.
- A Tentative Map (23-0399-TMP1) is requested for a 66-lot single-family residential subdivision. Staff recommends denial of the request.

ANALYSIS

The undeveloped subject site is zoned PD (Planned Development) with a PCD (Planned Community Development) land use designation. It is subject to Title 19 and the Lone Mountain Master Development Plan and Design Standards. The applicant proposes to develop an 8.02-acre parcel with a 66-lot single family residential development.

Major Modification (23-0399-MOD1)

A Major Modification (23-0399-MOD1) is requested to allow a Major Modification of the Lone Mountain Land Use Plan for the subject site to be modified from OS-R (Open Space and Recreation) to MLA (Medium-Low Attached Density). Per the Lone Mountain Master

Development Plan and Design Standards Table 1, the subject site (Parcel B) was originally planned to be utilized for a school/church use. The intended use never came to fruition. The subject site is surrounded by multi-family residential to the west, a park to the east and north, and offices to the south.

The Medium Low Attached Density provides for the development of 8.1 to 12 dwelling units per gross acre. Product types shall include a variety of units such as plexes, townhouses, and low density multi-family, and detached one and two story residential buildings.

Open Space (23-0399-VAR1)

Per the Lone Mountain Master Development Plan and Design Standards, “A series of parks and open space trail systems shall be linked with the pedestrian pathway system through coordination of individual developer site plans. Neighborhood parks shall be built within residential communities to provide passive and active play areas as required by the City of Las Vegas Zoning Ordinance at 330 square feet per dwelling unit.”

The proposed 66-lot single family residential development requires 21,780 square feet of open space. Per the submitted landscape plan, date stamped 08/24/23, the total common element square-footage is 10,407 square feet. However, only 5,678 square feet of the 10,407 square feet total common element square-footage qualifies as a passive and active play area, as required by the Lone Mountain Master Development Plan and Design Standards. The remaining square-footage consist of five to six-foot wide landscape buffers that are ineligible towards the calculation of open space. This request to allow 5,678 square feet of open space where 21,780 square feet is required is a 74 percent reduction in the required open space. Staff recommends denial of the requested Variance (23-0399-VAR1), as an undeveloped site such as this one is able to be designed to meet the Lone Mountain Master Development Plan and Design Standards for open space.

In addition, the 2050 Master Plan for the Lone Mountain area outlines the current park access per 1,000 residents is currently 5.8, with a goal of 7.0. In order to achieve this goal, the Lone Mountain area needs a total of 381 park acres. Currently, the plan area has 317 acres, and an estimated 266 acres are future planned for parks and open space. The proposed Major Modification removes approximately eight acres from this planned park area. In addition to removing future open space from the Master Plan Area, the applicant is also requesting a Variance to not provide the minimum 330 square feet of open space per residence, or 21,780 square feet of open/park space. Approval of a Variance to allow less than the minimum required amount of open space for a residential development does not support the City of Las Vegas 2050 Master Plan for the Lone Mountain plan area for parks and open space.

Walls (23-0399-VAR2)

The submitted north/south cross section depicts maximum natural grade less than two percent across this site. No retaining walls are shown along the north or south property lines. The submitted east/west cross sections depict maximum natural grade greater than two percent across this site. Per the Tables in Subdivision Code 19.06.050 a development with natural slope greater than two percent, is allowed a maximum six-foot retaining wall. No retaining is shown on the west property line, but a maximum 4.3-foot retaining wall is shown offset from the west property line and a maximum seven-foot retaining wall is shown on the east property line where three feet and six inches is the maximum allowed for retaining walls per the Lone Mountain Master Development Plan and Design Standards.

Per the Lone Mountain Master Development Plan and Design Standards, "The CLV Landscape, Wall, and Buffer Guidelines are the minimum standards that must be followed." The Lone Mountain Master Development Plan and Design Standards includes additional guidelines that go beyond Title 19 requirements. The applicant's justification for this Variance request is given in the submitted justification letter, date stamped 08/17/23, which states that "there is a 26-foot slope difference from west to east of the subject site." Staff recommends denial of the requested Variance (23-0399-VAR2), as stepping could mitigate the request.

Private Streets (23-0399-VAR3)

Per Title 19.04.070, private streets shall meet the minimum construction standards for public streets. Title 19.04.100 requires either a cul-de-sac or hammerhead termination for private streets that terminate other than at an intersection with another private or public street. The submitted tentative map, date stamped 08/24/23, shows a stub street terminus rather than the required cul-de-sac or hammerhead. The Lone Mountain Master Development Plan and Design Standards does not include stub street standards; therefore, the requirements of Title 19 prevail and a Variance is requested to allow a stub street terminus. Per the submitted Tentative Map, date stamped 08/24/23, the private street will not be gated. Per 19.04.030, sidewalks shall be required on both sides of all public and private streets in accordance with City Standards, except that private gated community streets as referred to in LVMC 19.04.230 are only required to have sidewalk on one side of the street. The applicant did not submit a justification as to why they are requesting to deviate from the requirement. Per the submitted Tentative Map, date stamped 08/24/23, all lots will obtain access from Isaac Newton Way.

Had the proposed plans included a gate for the private street to allow for a sidewalk on only one side of the street, or a sidewalk on both sides without a gated entry and either a cul-de-sac or hammerhead, no Variance would be needed, as the streets would conform to Title 19.04 requirements. Staff supports current private street standards and therefore recommends denial of this Variance (23-0399-VAR3).

Petition to Vacate (23-0399-VAC1)

Vacation (23-0399-VAC1) is requested to Vacate the 30-foot wide roadway, utility, drainage and access easement located on the western portion of the subject site. Per the submitted justification letter, date stamped 08/17/23, the easement is no longer needed based on the proposed Tentative Map. Staff recommends denial on the Petition to Vacate, as there are associated Variances (23-0399-VAR1 through 23-0399-VAR3) that do not meet Title 19 and NRS 278.

Site Development Plan Review (23-0399-SDR1)

Site Development Plan Review (23-0399-SDR1) is requested to allow a proposed 66-lot single-family residential development at the subject site. The submitted elevations depict nine model homes that consist of two-story buildings with two car garages that have neutral beige, taupe, brown, and grey tones with stucco material. The proposed home models and density are compatible with existing adjacent residential uses; however, the proposed single-family residential development deviates from Title 19 and Lone Mountain Master Development Plan and Design Standards regarding private streets, wall height, and open space. Therefore, staff cannot support the Site Development Plan Review request (23-0399-SDR1) and is recommending denial of the application.

Tentative Map (23-0399-TMP1)

Tentative Map (23-0399-TMP1) is requested to allow a proposed 66-lot single-family residential subdivision. The proposed density is 8.25 dwelling units per acre, which adheres to the density range allowed of 8.1 dwelling units per acre to 12 dwelling units per acre within the MLA (Medium-Low Attached Density) land use designation of the Lone Mountain Masterplan. The minimum lot size provided is 3,455 square feet and the maximum lot size provided is 8,073 square feet. The proposed single-family residential subdivision deviates from Title 19 and Lone Mountain Master Development Plan and Design Standards regarding private streets, wall height, and open space. Therefore, staff cannot support the Tentative Map request (23-0399-TMP1) and is recommending denial.

The proposed 66-lot single-family residential detached development fails to meet minimum standards for private streets without a gate, wall height limitations and open space. Given the subject site is an undeveloped parcel of land, failure to meet the minimum development standards set forth by both the Lone Mountain Master Development Plan and Design Standards and Title 19 is preferential in nature and a self-imposed hardship that only benefits the developer. Therefore, staff is recommending denial of the Major Modification, Variance one (1), two (2) and three (3), the Petition to Vacate, Site Development Plan Review and Tentative Map.

FINDINGS (23-0399-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 proposing 5,678 square feet of open space on the undeveloped subject site where 21,780 square feet is required. Proposing 16,102 square feet more to the total open space amount 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 (23-0399-VAR2)

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 proposing a seven-foot tall retaining wall where three feet and six inches is the maximum allowed, and an overall 13-foot tall screen and retaining wall height where nine feet and six inches is the maximum allowed. Providing the allowed wall heights through the use of steeping would allow conformance to Title 19 and the Lone Mountain Master Development Plan and Design 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 (23-0399-VAR3)

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 proposing plans that do not include a gate for the private street to allow for a sidewalk on only one side of the street, or a sidewalk on both sides without a gated entry and proposing a stub street terminus where a cul-de-sac or hammerhead is required. Proposing a cul-de-sac or hammerhead and either providing a private gated entry to allow for a sidewalk on one side of the street, or providing sidewalks on both sides of the street 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 (23-0399-SDR1)

In order to approve a Site Development Plan Review application, per Title 19.16.100(E) the Planning Commission and/or City Council must affirm the following:

1. **The proposed development is compatible with adjacent development and development in the area;**

The proposed 66-lot single-family residential development is not compatible with the adjacent residential development, as the proposed development does not meet public street standards, meet wall height requirements, or provide sufficient open space as required by the Lone Mountain Master Development Plan and Design Standards.

2. **The proposed development is consistent with the General Plan, this Title, and other duly-adopted city plans, policies and standards;**

The proposed 66-lot single-family residential development is not compatible with the General Plan, this Title, and other duly-adopted city plans, policies and standards, as the proposed development does not meet public street standards as required for private streets without a gate, meet the maximum wall height limitations, or provide sufficient open space as required by the Lone Mountain Master Development Plan and Design Standards..

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

The Department of Public Works projects the proposed project is expected to add an additional 622 trips per day on Isaac Newton Way, Metro Academy Way, Cheyenne Avenue, and Hualapai Way. Currently, Cheyenne Avenue is at about 40 percent of capacity and Hualapai is at about 16 percent of capacity. Counts are not available for Isaac Newton or Metro Academy, but they are believed to be under capacity. Based on Peak Hour use, this development will add into the area roughly 62 additional peak hour trips, or about one every minute. The site is accessible from Isaac Newton Way, a 60-foot wide Local Street.

4. **Building and landscape materials are appropriate for the area and for the City;**

Building and landscape materials are appropriate for the area, as the materials match existing residential in the area. The materials are suitable per the Southern Nevada Regional Plant List.

5. **Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The proposed building elevations of the single-family homes are similar to other residential developments in the area. Therefore, the proposed design characteristics and features are not undesirable in appearance. However, the proposed 66-lot single-family residential development is generally not compatible with development in the area, as the proposed development does not meet public street standards as required for private streets without a gate, meet maximum wall height limitations, or provide the minimum amount of open space as required by the Lone Mountain Master Development Plan and Design Standards.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

The development will be subject to inspections throughout the building process and therefore, the public's health, safety, and welfare will be protected.

FINDINGS (23-0399-TMP1)

The submitted Tentative Map generally conforms to Nevada Revised Statutes and the minimum requirements set forth by Title 19 for Tentative Maps. However, in addition to inadequate open space, staff does not support the design of the proposed stub street terminus and deviation from maximum wall height requirements. Staff therefore recommends denial, subject to conditions if approved.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i> | |
|---|--|
| 03/15/96 | An Annexation petition (A-0025-95) was approved by the City Council regarding 74.54 acres located on the north side of Cheyenne Avenue, east and west of Hualapai Way. |
| 06/23/97 | The City Council approved a Rezoning request (Z-0033-96) to allow rezoning on property located on the north side of Cheyenne Avenue, east and west of Hualapai Way, from C-V (Civic), N-U (Non-Urban) to RCL (Single-Family Compact-Lot), R-PD9 (Residential Planned Development - 9 Units per Acre) and R-2 (Two-Family Residence), to PD (Planned Development) for the proposed use of an approval of a Master Development Plan. The Planning Commission and staff recommended approval. |
| 12/13/23 | A Major Modification request (22-0534-MOD1) was Withdrawn Without Prejudice to allow an 8.02 acres land designation from OS-R (Open Space and Recreation) to: ML (Medium-Low Density) located at the northwest corner of Isaac Newton Way and Metro Academy Way. |
| | A Vacation request (22-0534-VAC1) was Withdrawn Without Prejudice to allow a portion of public right-of-way (Michelli Crest Way) and U.S. Government Patent Easements located at the northwest corner of Isaac Newton Way and Metro Academy Way. |
| | A Site Development Plan Review request (22-0534-SDR1) was Withdrawn Without Prejudice to allow a 61-lot single family detached subdivision located at the northwest corner of Isaac Newton Way and Metro Academy Way. |
| | A Tentative Map request (22-0534-TMP1) was Withdrawn Without Prejudice to allow a 61-lot single family detached subdivision located at the northwest corner of Isaac Newton Way and Metro Academy Way. |
| 03/06/23 | A Parcel Map (100238-PMP) was finalized for a two-lot parcel map on 25.25 acres at 9900 Isaac Newton Way. |

| Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc. | |
|--|---|
| 10/10/2023 | <p>The Planning Commission (6-0 vote) and Staff recommends DENIAL on the Land Use Entitlement project For possible action on the following Land Use Entitlement project requests on a portion of 8.02 acres located at the northwest corner of Isaac Newton Way and Metro Academy Way (APN 138-07-401-019), PD (Planned Development) Zone, Ward 4 (Allen-Palenske).</p> <p>23-0399-MOD1 - MAJOR MODIFICATION - FROM: OS-R (OPEN SPACE AND RECREATION) TO: MLA (MEDIUM-LOW ATTACHED DENSITY) LONE MOUNTAIN SPECIAL LAND USE DESIGNATION</p> <p>23-0399-VAR1 - VARIANCE - TO ALLOW 5,678 SQUARE FEET OF OPEN SPACE WHERE 21,780 SQUARE FEET IS REQUIRED</p> <p>23-0399-VAR2 - VARIANCE - TO ALLOW A PROPOSED SEVEN-FOOT RETAINING WALL WHERE THREE FEET AND SIX INCHES IS THE MAXIMUM ALLOWED, AND AN OVERALL 13-FOOT TALL SCREEN AND RETAINING WALL HEIGHT WHERE NINE FEET AND SIX INCHES IS THE MAXIMUM ALLOWED</p> <p>23-0399-VAR3 - VARIANCE - TO ALLOW PRIVATE STREETS TO NOT MEET PUBLIC STREET STANDARDS</p> <p>23-0399-VAC1 - VACATION - PETITION TO VACATE A ROADWAY, UTILITY, ACCESS AND DRAINAGE EASEMENT</p> <p>23-0399-SDR1 - SITE DEVELOPMENT PLAN REVIEW - FOR A PROPOSED 66-LOT SINGLE FAMILY, DETACHED RESIDENTIAL DEVELOPMENT</p> <p>23-0399-TMP1 - TENTATIVE MAP - CHALLENGER & ISAAC NEWTON - FOR A PROPOSED 66-LOT SINGLE FAMILY, DETACHED RESIDENTIAL SUBDIVISION</p> |

| Most Recent Change of Ownership | |
|--|--|
| 05/31/01 | A deed was recorded for a change in ownership. |

| Related Building Permits/Business Licenses |
|---|
| There are no building permits or business licenses related to the subject site. |

| Pre-Application Meeting | |
|--------------------------------|---|
| 07/21/23 | Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed residential subdivision. |

| Neighborhood Meeting | |
|-----------------------------|---|
| 09/28/23 | A neighborhood meeting is scheduled to be held on 09/28/23 at 5:30pm. The meeting will be held at the Durango Hills YMCA located at 3521 North Durango Drive. |

| Field Check | |
|--------------------|--|
| 08/30/23 | Staff conducted a routine field check and found an undeveloped area with vegetation. No issues were noted. |

| Details of Application Request | |
|---------------------------------------|------|
| Site Area | |
| Gross Acres | 8.02 |
| Net Acres | 7.87 |

| Surrounding Property | Existing Land Use Per Title 19.12 | Planned or Special Land Use Designation | Existing Zoning District |
|-----------------------------|--|--|---------------------------------|
| Subject Property | Undeveloped | PCD (Planned Community Development) | PD (Planned Development) |
| North | Public or Private School, Secondary | | |
| | Public or Private School, Primary | | |
| South | Office, Other than Listed | | |
| East | Park | | |
| West | Multi-Family Residential, Detached | | |

| | |
|--|-------------------|
| Master and Neighborhood Plan Areas | Compliance |
| Las Vegas 2050 Master Plan Area: Lone Mountain | N* |
| Special Area and Overlay Districts | Compliance |
| PD (Planned Development) District | N* |

| Other Plans or Special Requirements | Compliance |
|--|-------------------|
| 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 |

*A Variance (23-0399-VAR1) is requested to allow a 5,678 square feet of open space where 21,780 square feet is required.

DEVELOPMENT STANDARDS

Pursuant to the Lone Mountain Master Development Plan and Design Standards, the following standards apply:

| Standard | Required/Allowed | Provided | Compliance |
|---|---|---|-------------------|
| Min. Lot Size | N/A | 3,452 SF | Y |
| Min. Lot Width | N/A | 29 Feet | Y |
| Min. Setbacks <ul style="list-style-type: none"> • Front • Side • Corner • Rear | N/A | 20 Feet 5 Feet 10 Feet 15 Feet | Y Y Y Y |
| Min. Distance Between Buildings | N/A | 10 Feet | Y |
| Max. Building Height | N/A | Two stories or 25 feet | Y |
| Wall Height | Retaining walls shall not exceed three feet, six inches (3'-6") in height. Retaining walls combined with freestanding walls, if visible from any street or open space area, shall not exceed nine feet six inches (9'-6") in height | 7-foot retaining and 13-foot total with screen wall | N* |

* A Variance (23-0399-VAR2) is requested to allow a proposed seven-foot tall retaining wall where three feet and six inches is the maximum allowed, and an overall 13-foot tall screen and retaining wall height where nine feet and six inches is the maximum allowed.

23-0399 [MOD1, VAR1 thru VAR3, VAC1, SDR1, and TMP1]

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November 15, 2023 - City Council Meeting

| Open Space – Lone Mountain | | | | | |
|-----------------------------------|----------------|--|-------------|-----------------|-------------------|
| Total Acreage | Density | Required | | Provided | Compliance |
| | | Ratio | Area | Area | |
| 8.02 | 8.38 | 330 SF open space requirement for every lot (66-lots proposed) | 21,780 SF | 5,678 SF | N* |

*A Variance (23-0399-VAR1) is requested to allow a 5,678 square feet of open space where 21,780 square feet is required.

| Street Name | Functional Classification of Street(s) | Governing Document | Actual Street Width (Feet) | Compliance with Street Section |
|--------------------|---|----------------------------------|-----------------------------------|---------------------------------------|
| Isaac Newton Way | Local Street | Title 13 | 60 | Y |
| Hualapai Way | Primary Arterial | Planned Streets and Highways Map | 100 | Y |

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

| Parking Requirement | | | | | | | |
|---|--|----------------------|-----------------|--------------|-----------------|--------------|-------------------|
| Use | Gross Floor Area or Number of Units | Parking Ratio | Required | | Provided | | Compliance |
| | | | Parking | | Parking | | |
| | | | Regular | Handi-capped | Regular | Handi-capped | |
| Single Family, Detached | 66 | 2 spaces/unit | 132 | | | | |
| TOTAL SPACES REQUIRED | | | 132 | | 132 | | Y |
| Regular and Handicap Spaces Required | | | 132 | N/A | 132 | N/A | Y |