

**AGENDA MEMO - COMMUNITY DEVELOPMENT****PLANNING COMMISSION MEETING DATE: NOVEMBER 6, 2024****DEPARTMENT: COMMUNITY DEVELOPMENT****ITEM DESCRIPTION: APPLICANT: RICHMOND AMERICAN HOMES - OWNER: THE ISAACMAN REVOCABLE TRUST****\*\* STAFF RECOMMENDATION(S) \*\***

<b>CASE NUMBER</b>	<b>RECOMMENDATION</b>	<b>REQUIRED FOR APPROVAL</b>
<b>24-0431-GPA1</b>	Staff recommends APPROVAL.	
<b>24-0431-ZON1</b>	Staff recommends APPROVAL.	24-0431-GPA1
<b>24-0431-VAR1</b>	Staff recommends APPROVAL, subject to conditions:	24-0431-GPA1 24-0431-ZON1
<b>24-0431-VAR2</b>	Staff recommends APPROVAL, subject to conditions:	24-0431-GPA1 24-0431-ZON1 24-0431-VAR1
<b>24-0431-VAR3</b>	Staff recommends DENIAL, if approved subject to conditions:	
<b>24-0431-VAR4</b>	Staff recommends DENIAL, if approved subject to conditions:	
<b>24-0431-VAC1</b>	Staff recommends APPROVAL, subject to conditions:	24-0431-GPA1 24-0431-ZON1 24-0431-VAR1 24-0431-VAR2
<b>24-0431-TMP1</b>	Staff recommends APPROVAL, subject to conditions:	24-0431-GPA1 24-0431-ZON1 24-0431-VAR1 24-0431-VAR2 24-0431-VAC1

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

24

**NOTICES MAILED**

491 [GPA1, ZON1, VAR1 thru VAR4, and TMP1] (by City Clerk)  
 26 [VAC1] (by City Clerk)

**PROTESTS**

2 [24-0431 (GPA1, ZON1, VAR1 - VAR4, AND TMP1)]

**APPROVALS**

1 [24-0431 (GPA1, ZON1, VAR1 - VAR4, AND TMP1)]

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**\*\* CONDITIONS \*\***

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**24-0431-VAR1 CONDITIONS**

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**Planning**

1. A Variance is hereby approved to allow private streets without a gate to not be built to public street standards where such is required.
2. A Variance is hereby approved to allow no amenity zone on Florine Avenue where such is required.
3. A Variance is hereby approved to allow a connectivity ratio of 1.13 where a minimum of 1.30 is required.
4. Approval of a General Plan Amendment (24-0431-GPA1) and Rezoning (24-0431-ZON1) and Approval of and conformance to the Conditions of Approval for Variance (24-0431-VAR2), Petition of Vacation (24-0431-VAC1) and Tentative Map (24-0431-TMP1) shall be required, if approved.
5. 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.
6. 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.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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## 24-0431-VAR2 CONDITIONS

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### **Planning**

1. A Variance is hereby approved to allow a six-foot retaining wall where four feet is the maximum allowed and a 12-foot overall wall height where 10 feet is the maximum allowed on less than a two percent slope.
2. Approval of a General Plan Amendment (24-0431-GPA1) and Rezoning (24-0431-ZON1) and Approval of and conformance to the Conditions of Approval for Variance (24-0431-VAR1), Petition of Vacation (24-0431-VAC1) and Tentative Map (24-0431-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.

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## 24-0431-VAR3 CONDITIONS

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### **Planning**

1. A Variance is hereby approved to allow a ten-foot front yard setback where 20 feet is required and to allow a five-foot rear yard setback where 15 feet is required (Lot #4).
2. Approval of a General Plan Amendment (24-0431-GPA1) and Rezoning (24-0431-ZON1) and Approval of and conformance to the Conditions of Approval for Variance (24-0431-VAR1), Variance (24-0431-VAR2), Petition of Vacation (24-0431-VAC1) and Tentative Map (24-0431-TMP1) shall be required, if approved.

**Planning (continued)**

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.

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**24-0431-VAR4 CONDITIONS**

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**Planning**

1. A Variance is hereby approved to allow a ten-foot front yard setback where 20 feet is required and to allow a five-foot rear yard setback where 15 feet is required (Lot #5).
2. Approval of a General Plan Amendment (24-0431-GPA1) and Rezoning (24-0431-ZON1) and Approval of and conformance to the Conditions of Approval for Variance (24-0431-VAR1), Variance (24-0431-VAR2), Petition of Vacation (24-0431-VAC1) and Tentative Map (24-0431-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.

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**24-0431-VAC1 CONDITIONS**

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1. The limits of this Petition of Vacation shall be defined as the unused U. S. Government Patent Easements and Temporary Construction Easements generally north of Alexander Road on both sides of Durango Drive.
2. The Order of Relinquishment of Interest shall record prior to or concurrently with a Final Map for this site. The vacation may record in phases to match Final Map phasing related to 24-0431-TMP1.
3. 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 Relinquishment of Interest for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The drainage study required by 24-0431-TMP1 may be used to satisfy this requirement provided that it addresses the area to be relinquished.
4. 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.
5. All development shall be in conformance with code requirements and design standards of all City Departments.
6. The Order of Relinquishment of Interest 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 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 or easement being vacated must be retained.
7. If the Order of Vacation and Order of Relinquishment of Interest 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 Director of Community Development, then approval will terminate and a new petition must be submitted.

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## 24-0431-TMP1 CONDITIONS

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### 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 General Plan Amendment (24-0431-GPA1), Rezoning (24-0431-ZON1), Variance (24-0431-VAR1), Variance (24-0431-VAR2) and Petition of Vacation (24-0431-VAC1) shall be required, if approved.
3. Street names must be provided in accordance with the City's Street Naming Regulations.
4. 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.
5. All development is subject to the conditions of City Departments and State Subdivision Statutes.

**Public Works**

6. Prior to and concurrent with the recordation of a Final Map for this site, a Petition of Vacation, such as 24-0431-VAC1, shall be recorded to eliminate the patent easements in conflict with this proposed site.
7. Dedicate a dual left turn taper on Alexander Road in conformance with standard drawing #201.1 on a Final Map for this site. Additionally, grant a Shared Use Trail Easement for the required trails on the north side of Alexander Road, west of Durango Drive, and along the NV energy transmission corridor that are outside the limits of the public right-of-way adjacent to this site.
8. 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.
9. Construct all incomplete half-street improvements on Alexander Road and Durango Drive including the transition for the west leg of the Alexander Road/Durango Drive intersection and the required Shared Use Paths adjacent to this site concurrent with development of this site. Also, construct the full width of Florine Avenue. The walking path on the north side of Florine Avenue may be a temporary asphalt path, if allowed by Clark County. Additionally, extend public sewer to the full frontage of all proposed lots. All unused driveways must be removed and replaced with curb and gutter and improvements meeting Public Right-of-Way Accessibility Guidelines (PROWAG). All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
10. 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.
11. Submit a License Agreement for landscaping and private improvements in the public rights-of-way prior to the issuance of permits for these improvements. If requested by the City, the applicant shall remove property encroaching in the public right-of-way at the applicant's expense pursuant to the terms of the City's License Agreement. The installation and maintenance of all private improvements in the public right of way shall be the responsibility of the applicant and any successors in interest to the property and assigns pursuant to the terms of the License Agreement. Coordinate all requirements for the License Agreement with the Land Development Section of the Department of Building and Safety (229-4836).

**Public Works (continued)**

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. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations.

**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.



**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The applicant is proposing to construct a 23-lot single-family residential subdivision on a 9.38 acre site at the northwest and northeast corner of Alexander Road and Durango Drive.

**ISSUES**

- The subject site is located within Interlocal Agreement – Planning Area “B”, which requires a minimum buildable lot size of 10,000 square feet. The proposed lot sizes of 10,111 square feet to 22,834 square feet meet this requirement.
- The applicant has requested a General Plan Amendment from DR (Desert Rural Density Residential) to R (Rural Density Residential). Staff recommends approval of the request.
- The applicant has requested a Rezoning from R-E (Residence Estates) to R-1 (Single Family Residential). Staff recommends approval of the request.
- The applicant has requested a Variance of Title 19.04 to allow private streets without a gate to not be built to public street standards where such is required, to allow no amenity zone on Florine Avenue where such is required, to allow a 1.13 connectivity ratio where 1.30 is required. Staff recommends approval of the request.
- The applicant has requested a Variance of Title 19.06.070 to allow a six-foot retaining wall where four feet is the maximum allowed and a 12-foot overall wall height where 10 feet is the maximum allowed on less than a two percent slope. Staff recommends approval of the request.
- The applicant has requested Variances to allow a ten-foot front yard setback where 20 feet is required and to allow a five-foot rear yard setback where 15 feet is required for Lots #4 and #5. Staff recommends denial of the request as this is a self-imposed hardship.
- The applicant has requested a Petition of Vacation to vacate existing U.S. Government Patent and Temporary Construction Easements located on the subject site. Staff recommends approval of the request.
- A request for an administrative deferral of the required street lights adjacent to Florine Avenue was administratively approved. Street the Public Works Department which was administratively approved to not require streetlights adjacent to Florine Avenue.

## **ANALYSIS**

On November 15, 2023 the City Council approved a request for Petitions of Annexation (22-0513-ANX1 and 22-0516-ANX1) for the subject site. The proposed subject site consist of seven parcels zoned R-E (Residence Estates) with a DR (Desert Rural Density Residential) General Plan land use designation. The site access is proposed from a 47-foot wide vehicular entrance located on Florine Avenue, on the west side of Durango Drive. Also, from the north side of Alexander Road, west of Durango Drive and on the east side of Durango Drive, north of Alexander Road.

The applicant has proposed a General Plan Amendment from DR (Desert Rural Density Residential) to R (Rural Density Residential), which has an allowable density of 3.60 dwelling units per gross acre. The proposed 23-lot residential development will have a proposed density of 2.45 dwelling units per gross acre. The R (Rural Density Residential) General Plan land use designation allows the U (Undeveloped), R-E (Residence Estates), R-D (Single Family Residential-Restricted) and R-1 (Single Family Residential) zoning districts.

In addition, the applicant has proposed to Rezone the subject parcels from R-E (Residence Estates) to R-1 (Single Family Residential). Existing single-family detached dwellings are located to the north and east of the subject site, which are located in Clark County that are zoned RS20 (Residential Single-Family 20) and RS10 (Residential Single-Family 10) respectively. Existing single-family detached dwellings are located to west and south that are located in the City of Las Vegas that are zoned R-D (Single Family Residential-Restricted) and R-1 (Single Family Residential) respectively.

The subject site is located within Interlocal Agreement – Planning Area “B”, which indicates that, during the term of this agreement, the areas identified as Planning Area “B” must remain residential and maintain minimum buildable lot size of 10,000 square feet and the City must not amend its land use plan, or rezone such properties to commercial zoning or lots less than 10,000 square feet. Although the proposed R-1 (Single Family Residential) zoning district allows a minimum lot size of 6,500 square feet, the submitted tentative map indicates the development will have lot sizes ranging from 10,111 square feet to 22,834 square feet. Staff has determined that the proposed R-1 (Single Family Residential) zoning district and R (Rural Density Residential) General Plan land use designation is consistent with the surrounding area. Therefore, staff recommends approval of the requested General Plan Amendment and Rezoning.

Pursuant to Title 19.04.070, "Private streets shall have the same dimensions as the comparable public streets unless separated by gates." The applicant has requested to a Variance to allow private streets without a gate to not be built to public street standards where such is required. Specifically, to allow 44-foot wide private streets without a gate with one five-foot sidewalk at back of curb on one side of the street.

Also, pursuant to Title 19.04.210, a proposed 47-foot wide residential street must include an amenity zone including a three-foot landscaping buffer and five-foot sidewalk. The applicant has requested a Variance to allow no amenity zone on Florine Avenue where such is required. Specifically, the applicant has requested to allow a 47-foot public streets section without the required three-foot landscaping on either side of Florine Avenue. This would leave 37-foot back of curb to back of curb with five-foot sidewalk at back of curb on each side. Due to the unique shape of the subject site staff has determined a unique circumstance has been presented to support the requested Variance.

Additionally, during the neighborhood meeting existing residents in the area expressed their preference to keep Florine Avenue as rural as possible and to not include streetlights. The residents in the area acknowledged the necessity of street lights adjacent to Durango Drive and Alexander Road, but if possible would prefer no streetlights adjacent to Florine Avenue. As a result, the applicant submitted a deferral request to the Public Works Department which was administratively approved to not require streetlights adjacent to Florine Avenue.

Pursuant to Title 19.04.040, connectivity is a measurement of the diversity of vehicular or pedestrian options a transportation network provides within and around its transportation network. It is measured using a Connectivity Ratio, which is determined by dividing the proposed street links (road sections between intersections) in the development's street layout divided by the number of street nodes (intersections and terminations). The higher the ratio, the more options there are for travelers in a given neighborhood and the lower the ratio, less options are available. The applicant has requested a Variance from Title 19.04.040 development standards to allow a connectivity ratio of 1.13 with 4.5 links and 4 nodes, where 1.30 is required for the overall development. Staff notes that due to the unique shape of the lot and location of the existing drainage channel that diagonally bisects the site that a unique circumstance has been presented to support requested variance regarding the required connectivity ratio. Therefore, staff recommends approval of the requested Variance.

The Department of Public Works has noted the submitted east/west cross sections appear to depict a maximum natural grade less than two percent across this site. Per the tables in Subdivision Code 19.06.070 a development with natural slope less than two percent, is allowed a maximum four-foot retaining wall. A maximum of six-foot retaining wall is shown along the wash. All other retaining walls appear to be a maximum of four feet. The submitted north/south cross sections appear to depict a maximum natural grade less than two percent across this site. Per the tables in Subdivision Code 19.06.070 a development with natural slope less than two percent, is allowed a maximum four-foot retaining wall. A maximum four-foot retaining is shown along the north and south property lines.

The applicant has requested a Variance to allow deviations to Title 19 wall height development standards to allow an approximately 12-foot tall overall perimeter wall height where 10 feet is the maximum allowed. The proposed wall would include a six-foot maximum retaining wall where four feet is the maximum allowed and a six-foot screen wall on less than a two percent slope. The submitted Justification Letter indicates, "The requested retaining wall height increase is for lots 18-22 of the proposed project. The grading for these lots is based off of the private street that ties into Alexander Road. With portions of the access road and drainage channel designed independently from the Alexander Road elevations, the need for retaining up to six feet is required. The 10-foot wide pedestrian trail required along the existing drainage channel does not allow for grading to help reduce the amount of retaining needed. It should be noted that the areas where the additional retaining wall height is requested is along the channel and back part of the access road which are both away from the pedestrian and vehicular traffic." Staff notes that due to the unique shape of the lot and location of the existing drainage channel that diagonally bisects the site that a unique circumstance has been presented to support the increase in wall height. Therefore, staff recommends approval of the requested Variance.

Additionally, the applicant has requested Variances to allow a ten-foot front yard setback where 20 feet is required and to allow a five-foot rear yard setback where 15 feet is required for Lots #4 and #5. However, no evidence of a unique or extraordinary circumstance has been presented, as such the applicant has created a self-imposed hardship by proposing a building footprint that does not fit within the defined setback areas for the proposed R-1 zoning district. Therefore, staff recommends denial of the two requested Variances to allow reduced front yard and rear yard building setbacks.

Lastly, a Petition of Vacation has been requested to Vacate U.S. Government Patent Easements and Temporary Construction Easements on the subject site. The City of Las Vegas has no objection to the portion of the vacation application request to relinquish the City's interests in U.S. Government Patent Reservations and Temporary Construction Easements generally located on the north side of Alexander Road both east and west of Durango Drive. This Vacation request should be sent to all the utilities however, as no right of way is proposed to be vacated, and thus no franchise rights are involved, it is not necessary to wait for responses from any of the public utilities or other parties interested in preserving a right in this patent easement. Since only City interests are involved; any utility company's interests will need to be addressed with each respective utility company and will not be affected by the City relinquishing its interest. Therefore, staff recommends approval of the Petition of Vacation.

The Clark County School District projects that approximately nine additional primary and secondary school students will be generated by the proposed development on this site. Of the three levels of schools serving the area (Garehime Elementary, Leavitt Middle School and Centennial High School) only Garehime Elementary and Centennial High School are over capacity for the 2023-2024 school year at approximately 19 and 14 percent over capacity respectively.

In summary, due to the unique shape of the lot and location of the existing drainage channel that diagonally bisects the subject site, a unique circumstance has been presented to support the proposed project. Therefore, staff recommends approval of the requested General Plan Amendment, Rezoning, Variance for a six-foot tall wall retaining, private streets without a gate and not built to public street standards, no amenity zone adjacent to Florine Avenue, a connectivity ratio of 1.13, Petition of Vacation of easements and Tentative Map. Staff is not able to support the setback Variances on lots four and five as those are self-imposed hardships and is recommending denial of both.

### **FINDINGS (24-0431-GPA1)**

Section 19.16.030(I) of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

- 1. The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,**

The proposed R (Rural Density Residential) General Plan designation which has an allowable density of 3.60 dwelling units per gross acre, is consistent and harmonious with the existing single-family residential land uses that surround the subject site.

- 2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,**

The R (Rural Density Residential) General Plan land use designation allows the U (Undeveloped), R-E (Residence Estates), R-D (Single Family Residential-Restricted) and R-1 (Single Family Residential) zoning districts. The applicant has proposed a Rezoning (24-0431-ZON1) from R-E (Residence Estates) to R-1 (Single Family Residential) on the subject site. Typically, the 6,500 square-foot minimum lot size allowed in the R-1 (Single Family Residential) zoning district is not consistent with the development standards outlined in the Interlocal Agreement for Planning Area “B”, which requires a minimum lot size of 10,000 square feet. However, the applicant has designed the proposed residential subdivision to have lots that exceed 10,000 square feet in size.

- 3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and**

There are adequate transportation and recreation facilities within close proximity to the subject site.

- 4. The proposed amendment conforms to other applicable adopted plans and policies.**

All applicable plans and policies are met with the proposed amendment.

### **FINDINGS (24-0431-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 proposed R-1 (Single Family Residential) zoning district conforms to the proposed R (Rural Density Residential) General Plan designation which allows four zoning districts: U (Undeveloped), R-E (Residence Estates), R-D (Single Family Residential-Restricted) and R-1 (Single Family Residential).

- 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 residential uses allowed in the proposed R-1 (Single Family Residential) zoning district is compatible with the existing surrounding single-family homes located on larger lots and zoning districts located within the area. The minimum 6,500 square-foot lot size associated with the proposed R-1 (Single Family Residential) zoning district is not compatible with the development standards outlined in the Interlocal Agreement for Planning Area "B" that requires a minimum 10,000 square-foot lot size. However, the applicant has designed the proposed residential subdivision to have lots that exceed 10,000 square feet in size.

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

The subject site is an infill parcel. There are growth and development factors in the community that indicate the proposed R-1 (Single Family Residential) is appropriate for the subject site.

- 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.**

Alexander Road and Durango Drive are 100-foot Primary Arterial Streets as designated by the Master Plan of Streets and Highways; and Florine Avenue is a 47-foot Local Street that are adequate in size to meet the requirements of the proposed zoning district.

## **FINDINGS (24-0431-VAR1 AND 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.”

Evidence of a unique or extraordinary circumstance has been presented, the parcels located at the northwest corner of Alexander Road and Durango Drive are divided by a diagonal existing drainage channel that includes a shared-use trail, which creates a unique and unusual shape for the proposed development. Staff has concluded that the applicant has not created a self-imposed hardship. In view of the hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is not preferential in nature, and it is thereby within the realm of NRS Chapter 278 for granting of Variances.

#### **FINDINGS (23-0431-VAR3 and VAR4)**

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 reduced front and rear yard setbacks. Alternative, building design for the residential dwelling would allow conformance to the Title 19 setback 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 (24-0431-VAC1)**

The City of Las Vegas has no objection to the portion of the vacation application request to relinquish the City's interests in U.S. Government Patent Reservations and Temporary Construction Easements generally located on the north side of Alexander Road both east and west of Durango Drive. This Vacation request should be sent to all the utilities however, as no right of way is proposed to be vacated, and thus no franchise rights are involved, it is not necessary to wait for responses from any of the public utilities or other parties interested in preserving a right in this patent easement. Since only City interests are involved; any utility company's interests will need to be addressed with each respective utility company and will not be affected by the City relinquishing its interest.

**FINDINGS (24-0431-TMP1)**

The proposed Tentative Map conforms to Nevada Revised Statute, however the applicant has requested a Variance of Title 19.04 Complete Street development standards and Title 19.06.070 wall height development standards. Staff supports the requested General Plan Amendment (24-0431-GPA1), Rezoning (24-0431-ZON1) and Variances (24-0431-VAR1 and VAR2) and Petition of Vacation (24-0431-VAC1) and recommends approval of the associated Tentative Map (24-0431-TMP1) with conditions.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
11/15/23	The City Council approved the request for a Petition to Annex (22-0513-ANX1) 1.76 acres at the northeast corner of Alexander Road and Durango Drive.
	The City Council approved the request for a Petition to Annex (22-0516-ANX1) 7.62 acres at the northwest corner of Alexander Road and Durango Drive
07/09/24	The Planning Commission accepted a request to withdraw without prejudice General Plan Amendment (24-0265-GPA1) from RNP (Rural Neighborhood Preservation) to L (Low Density Residential) on 9.38 acres generally located at the northeast and northwest corner of Durango Drive and Alexander Road.
	The Planning Commission accepted a request to withdraw without prejudice Rezoning (24-0265-ZON1) from R-E (Residence Estates) to R-SL (Single Family Small Lot Residential) on 9.38 acres generally located at the northeast and northwest corner of Durango Drive and Alexander Road.
	The Planning Commission accepted a request to withdraw without prejudice Variance (24-0265-VAR1) to allow an alternative cul-de-sac design with a minimum 30-foot radius where 40 feet is the minimum required; to allow private streets without a gate to not be built to public street standards where such is required; and to allow a connectivity ratio of 1.00 where a minimum of 1.30 is required on 9.38 acres generally located at the northeast and northwest corner of Durango Drive and Alexander Road.
	The Planning Commission accepted a request to withdraw without prejudice Petition of Vacation (24-0265-VAC1) to vacate patent easements generally located at the northwest corner of Durango Drive and Alexander Road.
	The Planning Commission accepted a request to withdraw without prejudice Tentative Map (24-0265-TMP1) Durango Alexander - for a proposed 39-lot single-family residential subdivision on 9.38 acres generally located at the northeast and northwest corner of Durango Drive and Alexander Road.

<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
10/08/24	<p>The Planning Commission (6-0-1 vote) to recommend APPROVAL on the following Land Use Entitlement project requests on 9.38 acres at the northwest and northeast corner of Alexander Road and Durango Drive (APNs 138-05-801-040, 041, 042, 043, 047, 048 and 138-04-404-025), Ward 4 (Allen-Palenske).</p> <p>24-0431-GPA1 - GENERAL PLAN AMENDMENT - FROM: DR (DESERT RURAL DENSITY RESIDENTIAL) TO: R (RURAL DENSITY RESIDENTIAL)</p> <p>24-0431-ZON1 - REZONING - FROM: R-E (RESIDENCE ESTATES) TO: R-1 (SINGLE FAMILY RESIDENTIAL)</p> <p>24-0431-VAR1 - VARIANCE - TO ALLOW PRIVATE STREETS WITHOUT A GATE TO NOT BE BUILT TO PUBLIC STREET STANDARDS WHERE SUCH IS REQUIRED, TO ALLOW NO AMENITY ZONE ON FLORINE AVENUE WHERE SUCH IS REQUIRED, TO ALLOW A 1.13 CONNECTIVITY RATIO WHERE 1.30 IS REQUIRED</p> <p>24-0431-VAR2 - VARIANCE - TO ALLOW A SIX-FOOT RETAINING WALL WHERE FOUR FEET IS THE MAXIMUM ALLOWED AND A 12-FOOT OVERALL WALL HEIGHT WHERE 10 FEET IS THE MAXIMUM ALLOWED ON LESS THAN A TWO PERCENT SLOPE</p> <p>24-0431-VAR3 - VARIANCE - TO ALLOW A TEN-FOOT FRONT YARD SETBACK WHERE 20 FEET IS REQUIRED AND TO ALLOW A FIVE-FOOT REAR YARD SETBACK WHERE 15 FEET IS REQUIRED (LOT #4)</p> <p>24-0431-VAR4 - VARIANCE - TO ALLOW A TEN-FOOT FRONT YARD SETBACK WHERE 20 FEET IS REQUIRED AND TO ALLOW A FIVE-FOOT REAR YARD SETBACK WHERE 15 FEET IS REQUIRED (LOT #5)</p> <p>24-0431-VAC1 - VACATION - TO VACATE U.S. GOVERNMENT PATENT AND TEMPORARY CONSTRUCTION EASEMENTS GENERALLY LOCATED AT THE NORTHWEST AND NORTHEAST CORNER OF ALEXANDER ROAD AND DURANGO DRIVE</p> <p>24-0431-TMP1 - TENTATIVE MAP - ALEXANDER &amp; DURANGO - FOR A 23-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION</p>

<b>Most Recent Change of Ownership</b>	
09/15/14	A deed was recorded for a change in ownership (APN 138-04-404-025).
07/31/20	A deed was recorded for a change in ownership (APNs 138-05-801-040, 041, 042, 043, 047 and 048).

<b>Related Building Permits/Business Licenses</b>
There are no Building Permits or Business Licenses associated with the subject site.

<b>Pre-Application Meeting</b>	
08/13/24	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a General Plan Amendment, Rezoning, Variances, Petition of Vacation and Tentative Map for a proposed single-family residential subdivision.

<b>Neighborhood Meeting</b>	
09/17/24	<p>A neighborhood meeting was held at the Durango Hills YMCA at 3521 North Durango Drive, at 5:30pm to discuss the proposed General Plan Amendment, Rezoning, Variances, Petition of Vacation and Tentative Map for Assessor's Parcels 138-05-801-040, 041, 042, 043, 047, 048 and 138-04-404-025.</p> <p>The meeting was attended by one Department of Planning staff member, one Council Ward 4 liaison and three representatives for the applicant. There were 13 members of the public in attendance; as such the following concerns were raised regarding the proposed development.</p> <ul style="list-style-type: none"> <li>• If the lot's meet R-D size requirements why R-1? <i>This will allow more flexibility in the setbacks for the irregular shaped lots.</i></li> <li>• What are the lot sizes? <i>10,000 square feet up to 19,000+ square feet.</i></li> <li>• Are these all single-story homes? <i>There are 8, 2-story homes and 15, single-story homes (23 Total).</i></li> <li>• What kind of trees will be planted in the landscape buffers? <i>Acacia Trees.</i></li> <li>• Why no trees in the drainage easement? <i>Trees are not allowed in the drainage easement or the NV Energy Easement.</i></li> <li>• Will there be an HOA? <i>There will be one HOA, operate as one community, but not gated.</i></li> <li>• Why won't the neighborhood(s) be gated. <i>The expense associated with operating three separate gates is not feasible for 23 homes.</i></li> </ul>

<b>Neighborhood Meeting (continued)</b>	
09/17/24	<ul style="list-style-type: none"> <li>• What is the price point of the homes? <i>The two-story model is priced in the 900's with the single-story models being priced at one million and up. The starting prices do not includes interior upgrades or lot premiums.</i></li> <li>• What is the square-footage of the homes? <i>3,500 square feet to a little over 4,100 square feet.</i></li> <li>• Is this proposed development for sure going to be built, or will the land be "flipped?" <i>Richmond American has an agreement with the property owner to purchase the land. The purchase is dependent upon the land use entitlements, and subsequent studies/civil plans. If these applications are approved, Richmond American will proceed with the drainage, traffic studies and civil plan review. Upon completion of those, the land sale will close.</i></li> <li>• What is the anticipated construction timeline and completion date? <i>If no delays, the applicant would break ground in early spring, with an anticipated completion date towards the end of 2026 for the entire community.</i></li> <li>• Does the builder know the lot fit? Which lots have the 2-story model? <i>The five lots adjacent to the drainage channel are two story and the three lots on the smaller parcel to the east are two story due to the shape of the lots. These lots are not able to accommodate the single-story model due to the overall larger footprint of the single-story compared to the two-story model. Applicant agreed to send (email) the lot fit plan to the neighbors who left an email address on the sign-in sheet.</i></li> <li>• Would it be possible to reduce the lot count to four from five on the smaller parcel to the east and offer all single-story models instead of three two-story, and two single story models to match the neighboring properties in the surrounding area? <i>The representative indicated that would be discussed with the developer.</i></li> <li>• What is the orientation of the homes? <i>Most are orientated towards the street with the exception of the two, two-story models on the smaller parcel to the east. Those would be side loaded so the side of the homes were adjacent to the existing backyards for more privacy.</i></li> <li>• What would happen if the entire development was developed with single-story homes only? <i>The development would lose lots.</i></li> <li>• Why the Variance for wall height? <i>The home sites adjacent to the drainage channel (lot 18 through 22) need a taller retaining wall, which resulted in a taller overall wall.</i></li> </ul>

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<b>Neighborhood Meeting (continued)</b>	
09/17/24	<ul style="list-style-type: none"> <li>Do you have a grading plan yet? <i>No, those studies are typically completed after the land use entitlement process. The goal is to facilitate the natural flow of the storm water and not artificially elevate the pads of the proposed homes so they are taller than the existing surrounding neighborhoods. The representative indicated the applicant would be willing to share grading plan once completed.</i></li> <li>The neighbors indicated they did not want streetlights on Florine. City staff indicated that an administrative deferral could be explored in order to not install street lights on Florine.</li> <li>The neighbors are worried about their property values and do not want three-story townhomes like what was built recently in the area.</li> </ul> <p>In general the neighbors were supportive of the proposed development, but would prefer all single-story, especially for the smaller parcel to the east adjacent to existing single-story homes.</p>

<b>Field Check</b>	
08/22/24	Staff conducted a routine field check and found undeveloped lots with political signs. A drainage channel intersects a portion of the subject site.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Gross Acres	9.38

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<b><i>Surrounding Property</i></b>	<b><i>Existing Land Use Per Title 19.12</i></b>	<b><i>Planned or Special Land Use Designation</i></b>	<b><i>Existing Zoning District</i></b>
Subject Property	Undeveloped	DR (Desert Rural Density Residential)	R-E (Residence Estates)
North	Residential, Single Family, Detached	REN (Ranch Estate Neighborhood) - Clark County	RS20 (Residential Single-Family 20) - Clark County
		L-ISON (Low-Intensity Suburban Neighborhood) - Clark County	
South	Residential, Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
East	Residential, Single Family, Detached	L-ISON (Low-Intensity Suburban Neighborhood) - Clark County	RS10 (Residential Single-Family 10) - Clark County
West	Residential, Single Family, Detached	R (Rural Density Residential)	R-D (Single Family Residential-Restricted)
		RNP (Rural Neighborhood Preservation)	

<b><i>Master and Neighborhood Plan Areas</i></b>	<b><i>Compliance</i></b>
Las Vegas 2050 Master Plan Area: Lone Mountain	Y
Northwest Open Space Plan	Y
<b><i>Special Area and Overlay Districts</i></b>	<b><i>Compliance</i></b>
No Applicable Special Area or Overlay Districts	N/A
<b><i>Other Plans or Special Requirements</i></b>	<b><i>Compliance</i></b>
Trails (Shared Use Trail along the west side of Durango, the north side of Alexander and along the drainage channel.)	Y
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement - Area B	Y
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

## DEVELOPMENT STANDARDS

***Pursuant to Title 19.06.070, the following standards apply:***

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Lot Size	6,500 SF	10,111 SF	Y
Min. Lot Width	60 Feet	60 Feet	Y
Min. Setbacks			
• Front	20 Feet	20 Feet	Y*
• Side	5 Feet	5 Feet	Y
• Corner	15 Feet	15 Feet	Y
• Rear	15 Feet	15 Feet	Y*
Max. Lot Coverage	50 %	< 50 %	Y
Max. Building Height	2 Stories or 35 Feet	2 Stories or 35 Feet	Y

\*With the exception of Lots #4 and #5 (see below).

***Pursuant to Title 19.06.070, the following standards apply for Lots #4 and #5:***

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Setbacks			
• Front	20 Feet	10 Feet	N*
• Side	5 Feet	27 Feet	Y
• Corner	15 Feet	N/A	Y
• Rear	15 Feet	5 Feet	N*

\*The applicant is requesting a Variance for each lot to allow a reduced front and rear yard setback. The proposed lot indicates a side loaded garage with the front and rear yards of the homes being in the side yards. The lot fit proposed indicates the front and rear yards will function as side yards if approved.

<b>Existing Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
R-E (Residence Estates)	1 du/lot	1 du/lot
<b>Proposed Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
R-1 (Single Family Residential)	1 du/lot	1 du/lot
<b>Existing General Plan</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
DR (Desert Rural Density Residential)	< 2.5 du/acre	23
<b>Proposed General Plan</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
R (Rural Density Residential)	< 3.6 du/acre	33



***Pursuant to Title 19.06.070, the following standards apply:***

<b><i>Landscaping and Open Space Standards</i></b>				
<b><i>Standards</i></b>	<b><i>Required</i></b>		<b><i>Provided</i></b>	<b><i>Compliance</i></b>
	<b><i>Ratio</i></b>	<b><i>Trees</i></b>		
NWC- Buffer Trees:				
• South	1 Tree / 20 Linear Feet	12 Trees	12 Trees	Y
• East	1 Tree / 20 Linear Feet	29 Trees	29 Trees	Y
NEC- Buffer Trees:				
• West	1 Tree / 20 Linear Feet	8 Trees	8 Trees	Y
• South	1 Tree / 20 Linear Feet	13 Trees	13 Trees	Y
<b>TOTAL PERIMETER TREES</b>		<b>62 Trees</b>	<b>62 Trees</b>	<b>Y</b>

<b>LANDSCAPE BUFFER WIDTHS</b>				
NWC- Buffer Widths:				
• South	6 Feet	6 Feet	Y	
• East	6 Feet	6 Feet	Y	
NEC- Buffer Trees:				
• West	6 Feet	10 Feet	Y	
• South	6 Feet	10 Feet	Y	

***Pursuant to Title 19.06.070, the following standards apply:***

<b><i>Wall Development Standards</i></b>			
<b><i>Standards</i></b>	<b><i>Required</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
<b>LANDSCAPE BUFFER WIDTHS</b>			
Perimeter and Retaining Walls with slope $\leq 2\%$	Max. Wall Height - 10 Feet	12 Feet	N*
	Max. Perimeter Wall Height – 6 Feet	6 Feet	Y
	Max. Retaining Height – 4 Feet	6 Feet	N*

\* The applicant has requested a Variance to allow deviations to Title 19 wall height development standards to allow a 12-foot tall overall perimeter wall height where 10 feet is the maximum allowed is the maximum allowed and six-foot maximum retaining wall where four feet is the maximum allowed on less than a two percent slope.

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<b>Street Name</b>	<b>Functional Classification of Street(s)</b>	<b>Governing Document</b>	<b>Actual Street Width (Feet)</b>	<b>Compliance with Street Section</b>
Durango Drive	Primary Arterial	Master Plan of Streets and Highways Map	100	Y
Alexander Road	Primary Arterial	Master Plan of Streets and Highways Map	100	Y
Florine Avenue	Local Street	Title 13	47	N*

\*The applicant has requested a Variance (24-0431-VAR1) to allow no amenity zone including the required three-foot amenity zone on Florine Avenue. This will allow 47-foot public streets section without three-foot landscaping on either side for Florine Avenue. This would leave 37-foot back of curb to back of curb with five-foot sidewalk at back of curb on each side.

<b>19.04.040 Connectivity</b>			
<b>Transportation Network Element</b>		<b># Links</b>	<b># Nodes</b>
Internal Street		4.0	-
Intersection - Internal		-	-
Cul-de-sac or Hammerhead Terminus		-	4.0
Intersection - External Street or Stub Terminus		-	-
Intersection - Stub Terminus with Temporary Turnaround Easements		-	-
Non-Vehicular Path - Unrestricted		0.5	-
Total		4.5	4.0
		<b>Required</b>	<b>Provided</b>
<b>Connectivity Ratio (Links / Nodes):</b>		<b>1.30</b>	<b>1.13*</b>

\*The applicant has requested a Variance (24-0431-VAR1) to allow a 1.13 connectivity ratio where 1.30 is required.

**Pursuant to Title 19.12, the following parking standards apply:**

<b>Parking Requirement</b>							
<b>Use</b>	<b>Gross Floor Area or Number of Units</b>	<b>Required</b>		<b>Provided</b>		<b>Compliance</b>	
		<b>Parking Ratio</b>	<b>Parking</b>		<b>Parking</b>		
			Regular	Handi-capped	Regular	Handi-capped	
Residential, Single Family, Detached	23 Lots	2 spaces per dwelling unit	46				
<b>TOTAL SPACES REQUIRED</b>			46		46		Y

JB