

**NOTE: THE FOLLOWING DOCUMENTATION  
WAS SUBMITTED FOR THE RECORD BEFORE  
OR AT THE PLANNING COMMISSION HEARING  
ON THIS ITEM WHICH IS NOW APPEARING  
BEFORE THE CITY COUNCIL**

RECEIVED  
MAY 30 2024  
Dept of Planning  
City of Las Vegas

Barbara & Murray Pipchok  
5366 Pico Viejo St.  
Las Vegas, NV 89166  
(630) 430-1081

May 24, 2024

City of Las Vegas, Planning & Zoning Department of Community Development 495 S. Main Street Las Vegas, Nevada 89101	Francis Allen-Palenske, Council-Woman Ward 4 495 S. Main Street Las Vegas, NV 89101
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To Planning & Zoning Commission and Council-Woman Francis Allen-Palenske:

**Re: 24-0167 In Abeyance to June 18, 2024 Meeting**

**OPPOSITION/PROTEST**

**Applicant Umer Malik – Owner – United States of America Land Use Entitlement Request on a 5.0-acre portion of 58.07 acres located at Shaumber and Ann Roads.**

This land is a very small 5-acre plot (including road) situated between two housing developments on the east and west ends, with Ann Road on the north boundary, Hammer Road on the South, and Shaumber Road diagonally piecing the property into two triangular halves. It is an odd, small shape which is why the applicant needs numerous variances in order to try to squeeze four buildings and necessary parking into it. Below is a screenshot of the actual plot taken from the City of Las Vegas Geoview website (parcel outlined in red):





This parcel is situated in the La Madre Foothills, a very beautiful area which still contains quite a bit of undeveloped BLM property. 215, which only in the past few years was completed on the NW side, sweeps very close the mountains and, therefore, has opened up some parcels west of 215 to development. The actual foothills, I would argue, are perfect for residential, not commercial development. If it were not for Shaumber Road *irregularly* dissecting some parcels I would predict residential development would go right up to the 215 as it does on the east side of 215 and most of the area west of 215 from Lake Mead north to Centennial Parkway. (Which is almost entirely residential except for Cheyenne/Cliff Shadows.)

#### Land Purpose

This land is presently zoned as civic which Mr. Malik was well aware of when he bid on and purchased this parcel from the BLM on November 2, 2023. (See Exhibit 1<sup>1</sup>, information from the November 1, 2023 bid on parcel N-100501 and Exhibit 2, BLM Press Release that Umer Malik and the Zsksmak Township Family Trust were successful bidders of parcel N-100501 for \$2,115,000.)

Per Las Vegas Unified Development Code 19.10.020 C-V Civic District:

The purpose of the C-V District is to provide for the continuation of existing public and quasi-public uses and for the development of new schools, libraries, public parks, public flood control facilities, police and fire department facilities, electrical transmission facilities, facilities of the Las Vegas Valley Water District and other public utility facilities. In addition, the C-V District may provide for limited public or quasi-public uses.

There are also Development Standards associated with 19.10.020 namely:

4. In addition to the standards established above, property in the C-V District adjacent to undeveloped lots that are zoned for, *or lots that are developed as, detached single-family residential uses* (emphasis added) shall be subject to the following standards:

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<sup>1</sup> All Exhibits are contained on an Enclosed Flash Drive.

- a. The Residential Adjacency Standards of LVMC 19.08.040(H), subject to the applicability requirements;
- b. The landscape planting standards of LVMC 19.08.040(F) and buffer standards of LVMC 19.08.070 Table 4; and
- c. The screening standards of LVMC 19.08.040(E)(4).

...

F.

#### **F. Applicability of Standards**

...

- 2. The standards set forth in Subsections Paragraphs (4) and (5) of Subsection (E) of this Section are *minimum requirements*. (emphasis added) Any request to deviate from these standards shall require the approval of a major review of a site development plan review pursuant to the provisions of LVMC 19.16.100.

My point is, Mr. Malik knew there were limitations on what he could use the property for and its development standards. He also knew that the property had a limitation to its size, shape and easements/encumbrances on the property. He is now asking for a zoning change from civic to limited commercial, but I would argue that we know the intent is that the land is to be civic and limited use. The planning commission has an obligation to honor that and see that the *minimum requirements* are respected and the land is put to a good use. Their duties become higher here because the land was intended for civic not commercial purposes. Since the land is undeveloped, there is absolutely no reason for Mr. Malik not to honor obligations to limit its purpose and design.

We only have to look at the Conditions and Staff Report to find that at least the Staff have similar concerns and conclusions regarding the use of this property. (See Exhibit 3, Conditions and Staff Report).

Their pertinent comments include<sup>2</sup>:

- o The proposed C-1 (Limited Commercial) zoning district would be located in the middle of an area defined by single-family residential neighborhoods, which is discouraged by Title 19. (page 19 of 52 page pdf)

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<sup>2</sup> Comments have been highlighted in Exhibit 3 for easy reference.



- Property which is proposed to be rezoned must meet the minimum site requirements as defined in Title 19.08.070 ... does not meet the minimum 100-foot lot width requirement ... (page 19 of 52).
- The requested Rezoning would create a situation commonly known as *"spot zoning."* Spot zoning is defined by Title 19.18 as, "rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the General Plan." ... Rezoning the subject site would be contrary to the intent of the General Plan as the proposed building type is out of character with the surrounding area." (page 19 of 52)
- (Regarding Variance 24-0167-VAR1). As the subject site is undeveloped, no justification has been provided relating to the physical characteristics of the land to warrant this Variance request. As such, the hardship is self-imposed. (page 29 of 52)
- (Regarding Variance 24-0167-VAR2) Additionally, Title 19.08.070 stipulates that buildings shall be set back at least 20 feet. Building 1 has a 10 foot yard setback. Again, as the subject site is undeveloped, staff finds this hardship to be self-imposed. (page 30 of 52)
- The submitted landscape plan requires a Waiver of the perimeter landscape buffer requirements ... the City of Las Vegas 2050 Master Plan has prioritized increasing tree canopy coverage across all areas of the city as one of the methods to reduce the urban heat island effect and corresponding extreme heat conditions. The applicant's request for relief from these minimum standards is an example of the applicant attempting to overdevelop the subject site, which detracts from the intent of the Master Plan. (page 30 of 52)
- (Regarding Side B) While parking lot landscaping is sufficiently provided throughout the site, the applicant's request for relief from these requirements is a demonstration of the applicant's attempt to overdevelop the subject property (page 31 of 52)
- As proposed, both developments [Side A and Side B] are representative of auto-oriented site design, which will not be conducive to a safe and inviting pedestrian environment. (page 31 of 52)
- Rezoning to C-1 (Limited Commercial) would not be compatible, as it would create a spot zone in a predominately residential area. (p. 32 of 52)
- Growth and development factors in the community do not indicate the need for or appropriateness of the rezoning. (p. 32 of 52)

We can also look at the Findings of the Staff at pages 33 and 34 of Exhibit 3 where the Staff site provisions of Title 19.16.140(B) to consider the merits of Mr. Malik's requests. Variances should not be granted in order to: 1. Permit a use in a zoning district in which the use is not allowed; 2. Vary any minimum spacing requirements between uses; 3. Relieve a hardship which is solely personal, self-created or financial in nature." On many occasions they state the site is not physically suitable for the type and intensity of the land use proposed at pages 35, 36, 37, 38, 39, 40

I would like to focus on the "spot zoning" issue brought up by the Staff in their report. ***Zoning laws strategically direct commercial growth to suitable areas, preventing the chaotic mix of***

***incompatible businesses and residences.*** The classic definition of spot zoning is “the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of the other owners.”<sup>3</sup> Ironically, that is ***exactly*** what we see happening with 24-0167. It is a request to rezone, variance and special use a small parcel which is incompatible with the neighboring residences and which will negatively impact the neighbors who would be 10 or 20 feet away from a tavern or drive-thru.

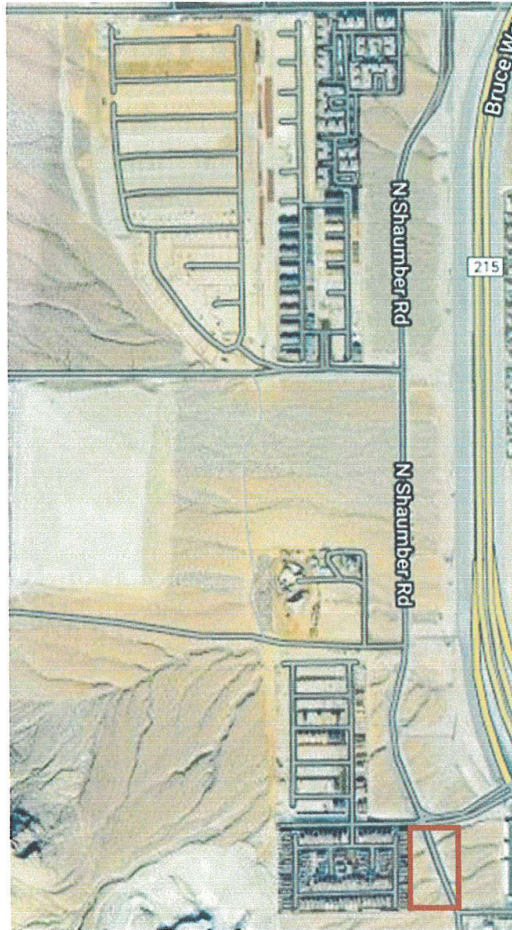
Note that if you go one exit north on 215 you hit a vibrant commercial area with its full ensemble of all the types of facilities Mr. Malik wants to jam into this 5-acres (including road) piece of land. A full supermarket; car washes; eateries; drive-thrus; banks; office space; etc. A little further and you are in the Centennial Hills commercial area.

Zoning laws have the power to transform desolate areas into bustling commercial hubs if they are used correctly. They can ensure the city grows strategically and sensibly. However, in this case they should not be used to make a tiny 5-acre (including road) jam packed spot, 10 feet away from houses, of 4 completely unneeded retail buildings only to enrich Mr. Malik. This is not the right location. Mr. Malik is obviously a savvy investor who is lobbying to make changes to zoning laws to benefit himself but are detrimental to those in the surrounding area.

If the Planning Commission felt this area needed commercial enterprises, there is plenty of land available ***not*** adjacent to the already built residential property, north of this site, particularly, west of 215 and east of Shaumber. The following is a screenshot from the City of Las Vegas’s Geoview of the area directly north of this parcel going up to Centennial Parkway.

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<sup>3</sup> Anderson’s American Law of Zoning 4<sup>th</sup> Edition § 5.12 (1995)



#### **Mr. Malik's "Hinky" Supporting Paperwork**

First, Mr. Malik has filed an Application wherein he lists the US as the owner and himself as the applicant. (See Exhibit 4, Supporting Documentation). As far as we know, Mr. Malik bought this property from the Bureau of Land Management in November for \$2,115,000 per their News Release (Exhibit 2). I don't know why the US government would be building a tavern, commercial building, drive thru, and another commercial building with a car wash. This begs the question, if Mr. Malik doesn't own the property, does he have any legal standing to ask for a zoning change or variances?



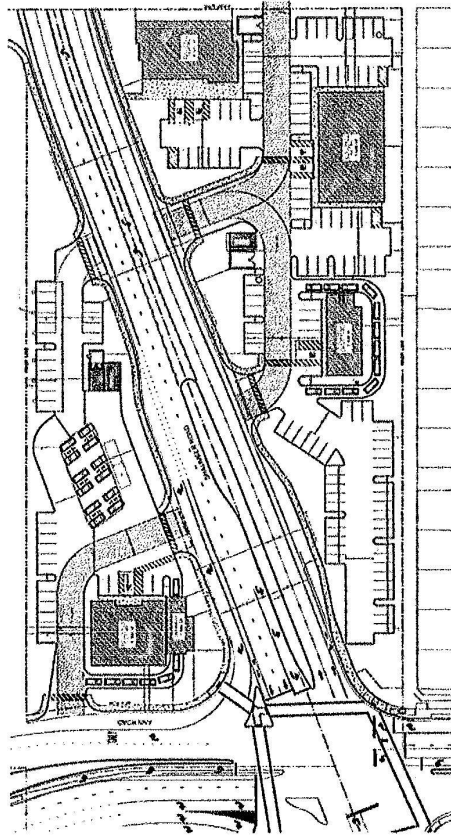
Second, the various maps and diagrams Mr. Malik has submitted with his Application are deceptive as to the parcel size. As shown in the initial screenshot on page 1 of this document, the subject of this application and the parcel Mr. Malik purchased is only 5-acres bordered by Ann Road on the north, Montalado subdivision on the West, Hammer Road (and an imaginary extension of Hammer Road) on the south and a new townhome subdivision on the east) and bisected by Shaumber Road that takes up at least 1 of those acres. Yet the Zoning Map (Exhibit 5), Location and Aerial Map (Exhibit 6), and Special Maps for SUP3, SUP4, SUP5 and SUP 6 (Exhibits 7-10) which they submit with their Application ALL circle this large 50+ acre parcel leading one to believe that they just want 4 little buildings on this big-old area. Very deceiving. They didn't purchase the larger parcel and the entire parcel was not sold by the BLM. (Compare Exhibits 5-10 to Exhibits 1.1 and 1.2 maps of N-100501 parcel sale). At a minimum they are inaccurate. At a maximum, they are intentionally deceptive. For a moment I thought, uh-oh, they are up to something. Are they trying to get the whole tract zoned C-1? However, the Meeting Agenda was clear that the rezoning was limited to 5.0 acres.

Third, certain of the maps Mr. Malik has submitted with his Application are deceptive as to locations of buildings. Exhibits 6, 7, 10 all show a proposed tavern with alcohol and gaming. If you compare those exhibits to page 2 of Exhibit 2 (Supporting Documents containing detailed site plans for the 5-acres including road improvements), you can see the tavern is right up against Shaumber Road and the south border of the property not in the middle of the property. So, Exhibits 6, 7 and 10 do not accurately depict the location of that building.

Finally, the Maps shown at Exhibit 6 doesn't show the roads which I believe should be shown when designation the location of buildings.

**Affect on Surrounding Area**

Changing the zoning from civic to commercial, when the surrounding area is residential, the Planning Commission needs to consider what the effect will be to existing residents. Please look at the right side of page 2 of Exhibit 4, Mr. Malik's Supporting Documents:



The lines going down the right side are the lot lines for homes in the Montalado subdivision. Mr. Malik has asked for a variance so the back lots for the parking, commercial building and drive thru are only 10 feet from his property line. That is right in our back yard. Our patio is 15 ft from the lot line and the house is 25 ft from our lot line. Think of the noise pollution, air pollution, light pollution from these businesses. He has proposed a tavern with alcohol and gaming right next to housing. There are 16

families that border his property and about 150 in the Montalado subdivision. He has no right to a variance and special uses that allows him to be so physically close to residences and have alcohol and gaming. *It is incompatible.* Pursuant to 19.10.020 there are *minimum requirements* to consider when developing land designated as civic. We have a right for him to respect those minimums. Each of us paid a hefty lot fee on top of the cost of our house when we purchased our homes from KB Homes based on the lot location and fact we overlooked civic land. The amount we paid for our homes, including those lot fees, are what we reported to the assessor's office and are what our assessed valuations and property taxes are based on. If rezoning takes effect, we will all suffer and will file for diminution in our property values. In addition, I note a minimum 6-foot fence barrier is required between commercial and residential. For those of us on Pico Viejo Street, *our properties have view fences, not solid block fences.* These fences do not provide any barrier or protection on our side of the property line and we can easily have burglary and vandalism in our back yards from this commercial development.

Zoning laws significantly influence property values. If his zoning and variances were to be allowed his property becomes very valuable as an income generating property, however, our residences loose value because of "location, location, location" – right next to a "spot zoned" commercial area. *Zoning reclassifications cannot be used to benefit one owner to the detriment of the other owners!*

We have an expectation as to what this civic property can and should be used for. Mr. Malik purchased the property as civic land – if he and not the US government owns it. The Planning Committee has its duty to strategically direct Las Vegas' commercial growth to the appropriate areas. We concur with the Staff recommendation to deny Mr. Malik's requests.

Regards,  
  
  
Barbara & Murray Pipchok



**N-100501****Clark County, NV****BLM Nevada SNPLMA 2023 Land Sale, November 1-2, 2023**

## Property Schedule

Due Diligence Began  
7/7/2023Bidding Started  
11/1/2023Bidding Ended  
11/2/2023 10:35 AMRegistration Status:  
**Please log in as a buyer to view registration status.**Your Bid Status:  
**You have not bid on this lot**

Parcel:  
**N-100501**  
Acres:  
**5.00**  
Time Remaining:  
**Auction has ended**  
Start Time:  
**11/1/2023 8:35 AM PDT / 10:35 AM CDT**  
End Time:  
**11/2/2023 8:35 AM PDT / 10:35 AM CDT**

Your Bid:  
-  
Highest Bid:  
**\$2,115,000**  
Starting Bid:  
**\$1,875,000**  
Bid Increment:  
**\$10,000**  
Total Cost at Highest Bid:  
**\$2,146,725**  
*(Bid Price + 1.5% Buyer Premium)*

Legal Description:  
*T. 19 S., R. 59 E., MDM., Nevada  
Sec. 36, E1/2SE1/4NW1/4NW1/4.*

**Reference Clark County Assessor Parcel Number(s):  
A portion of 126-36-201-006**

**Parcel Details**

Parcel	N-100501
County, State	Clark, NV
Legal Description	T. 19 S., R. 59 E., MDM., Nevada Sec. 36, E1/2SE1/4NW1/4NW1/4.
	Reference Clark County Assessor Parcel Number(s): A portion of 126-36-201-006
Acres	5.00

### Property Photos



### Points of Contact

**Brad (Stephen) Gallimore**  
Bureau of Land Management

Email  
[sgallimore@blm.gov](mailto:sgallimore@blm.gov)

Phone  
(702) 515-5069

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### EnergyNet Government Resources

Email  
[government@energynet.com](mailto:government@energynet.com)

Office  
(877) 351-4488

### Successful Bidder and Buyer Premium Notification

After all auctions have closed, the successful bidder will be notified via email with closing instructions, including total amount due.

**The successful bidder must submit a deposit of not less than 20 percent of the successful bid amount on the day of the sale, made payable in U.S. dollars to the Department of the Interior, Bureau of Land Management.**

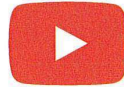
A 1.5% Buyer Premium, calculated as 1.5% of the total bid, will be added to the cost of this transaction.

**Seller Acquisition Documents**

Documents related to the transaction may be located at the BLM GLO Records link <https://glorerecords.blm.gov/default.aspx#searchTabIndex=2>.

**Property Video**

N-100501

**Starting Bid**

Parcel shall be appraised pursuant to the Southern Nevada Public Land Management Act of 1998 (SNPLMA), as amended, and the Fair Market Value (FMV) shall be the designated starting bid.

The designated starting bid will be displayed thirty (30) days before the auction close date.

**Location and Acreage Notation**

Location: NW corner of N. Shaumber Rd. and W. Hammer Ln.

The nominal acreage of this parcel is based on an aliquot division of a normal 640-acre section of land, which may vary from the actual acreage. Buyers are cautioned that they should perform their own due diligence concerning actual parcel sizes. Each parcel is subject to All Valid Existing Rights.

**Please contact the BLM at 702-515-5000 to make an appointment to view the Appraisal or for any questions on net acres for parcels.**



**PDF Maps**[PDF Document Download](#)[N-100501 Map 1](#)[PDF Document Download](#)[N-100501 Map 2](#)[PDF Document Download](#)[2023 Fall Land Sale All Maps \(pdf\)](#)**Reservations/Encumbrances**

This parcel is subject to the following Reservations and Encumbrances:

- A right-of-way is reserved for ditches and canals constructed by authority of the United State under the Act of August 30, 1890 (43 U.S.C. 945)
- Each parcel is subject to all valid and existing rights
- Subject to easements for roads, public utilities and flood control purposes, both existing and proposed, in accordance with the local governing entity's Transportation Plan
- Casefile N-80995; NV Power Company d/b/a NV Energy - Underground Distribution Line
- Casefile N-99773; MCI Metro Access Transmission Services - Fiber Optic Cable, Conduit
- Casefile NEV-43546; NV Power Company d/b/a NV Energy - Overhead Transmission Line
- Casefile N-100249; Cox Communications - Underground CATV, Telephone and Broadband, Coax and Fiber Cables
- Casefile N-98784; City of Las Vegas - Roadway, Sewer and Drainage
- Casefile N-90154; City of Las Vegas - Roadway, Sewer and Drainage
- Casefile N-60903; Clark County - Road, Sanitary, Sewer, & Drainage
- Casefile N-90405; Las Vegas Valley Water District - 8' PVC Potable water underground pipeline and related appurtenances
- Casefile N-93814; Central Telephone Company D/B/A Century Link - Underground Telecommunications system
- Casefile N-100596; Central Telephone Company D/B/A Century Link - Fiber optic line off of Oran K. Freeway.
- Casefile N-90717; Southwest Gas Corp - Underground Natural Gas Pipeline for the Clark County Northwest Transportation Facility

**Nevada Broker**

Nevada Broker of record is **Northcap Companies**

Nevada License # B.0057269.LLC

NORTHCAP 

[www.northcap.com](http://www.northcap.com)

**Bid History (Top 10)**

Bidder	Placed	Amount
Bidder #299	11/2/2023 10:34:55 AM	\$2,115,000
Bidder #822	11/2/2023 10:31:11 AM	\$2,105,000
Bidder #299	11/2/2023 9:43:13 AM	\$2,095,000
Bidder #977	11/1/2023 11:50:51 PM	\$2,085,000
Bidder #299	11/2/2023 9:41:56 AM	\$2,065,000
Bidder #977	11/1/2023 11:50:51 PM	\$2,055,000
Bidder #822	11/2/2023 9:20:58 AM	\$2,045,000
Bidder #977	11/1/2023 11:50:51 PM	\$2,035,000
Bidder #822	11/2/2023 8:50:54 AM	\$2,025,000
Bidder #977	11/1/2023 11:50:51 PM	\$2,015,000

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[View 14 earlier bids...](#)

# Competitive Land Sale

Fall 2023

T.19 S R.59 E  
Map Updated May 16, 2023

## Legend

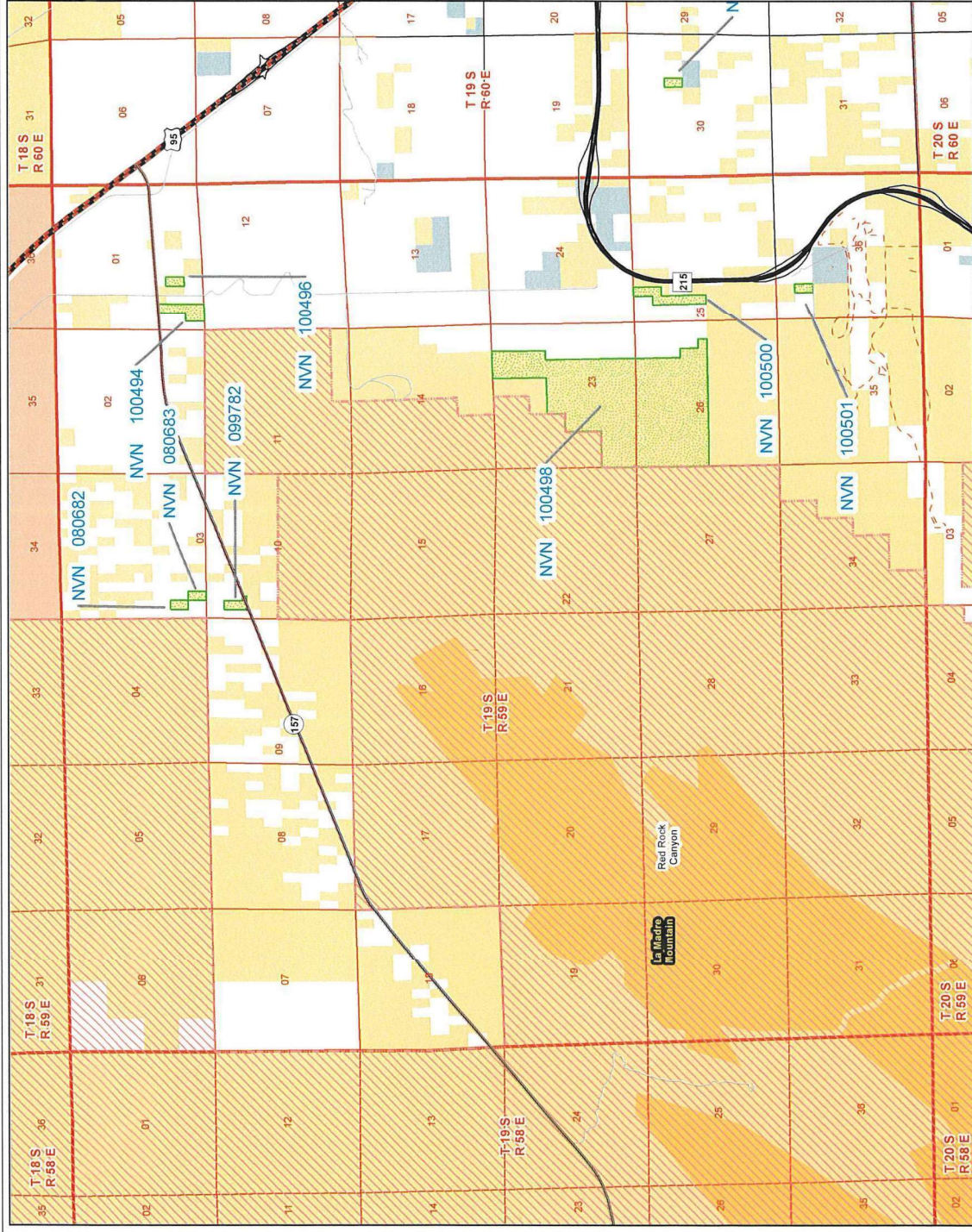
- Land Sale (Summer 2023)
- SND National Conservation Area
- BLM Wilderness
- SND Land Status
- Bureau of Indian Affairs
- Bureau of Land Management
- Local Government
- Private



0 0.25 0.5 1 Miles

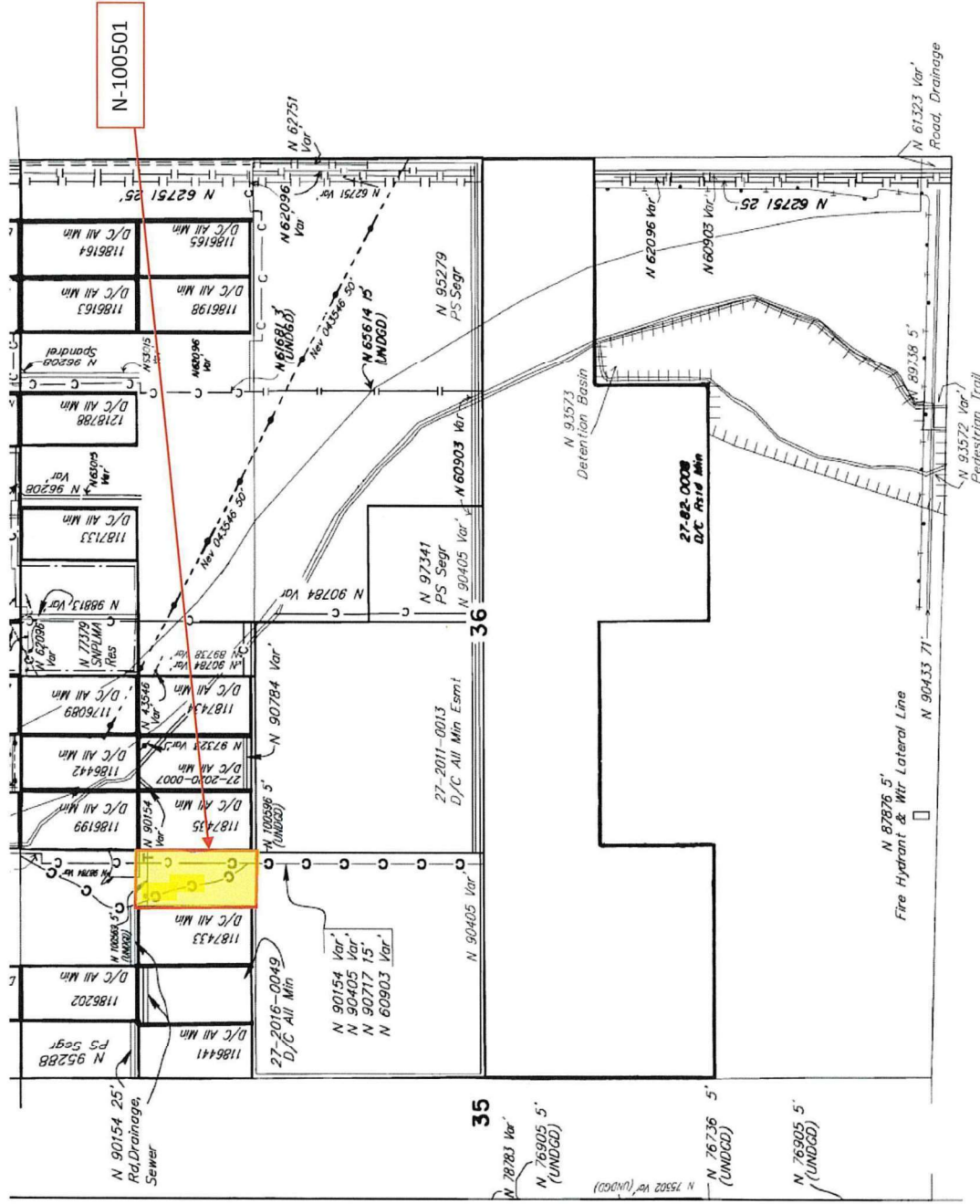


No Warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.





N-100501







U.S. DEPARTMENT OF THE INTERIOR  
**BUREAU OF LAND MANAGEMENT**



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# Land sale generates more than \$93 million for projects

## Funds will support projects such as fuels treatments and capital improvements

### Organization

Bureau of Land Management

### BLM Office:

Southern Nevada District Office

### Media Contact:

Media Contact

702-515-5057

Nov 2, 2023

**LAS VEGAS** -- The Bureau of Land Management conducted a competitive online sale yesterday, offering 16 parcels of public land in the Las Vegas Valley for sale, totaling 670.155 acres. Nine parcels totaling 589.53 acres sold generating \$93,141,000. The sale of this public land within a congressionally-designated disposal boundary will generate funding to enhance recreation opportunities, promote species and habitat conservation and reduce the threat of wildfire in locations across the state.

and reduce the threat of wildfire in locations across the state.

The **Southern Nevada Public Land Management Act of 1998** allows the BLM to sell public land within a specific boundary within the Las Vegas Valley. In accordance with the law, 85 percent of the funds generated from the sale will fund projects such as development of parks, trails, and natural areas; capital improvements on federal lands; acquisition of environmentally sensitive land; hazardous fuels reduction; and landscape restoration projects. Additionally, 5 percent of the revenue will go to the State of Nevada General Education Fund and 10 percent will go to the Southern Nevada Water Authority.

The sale offered parcels located throughout the Las Vegas Valley that ranged from two to 505 acres in size. Local governments nominated the parcels for sale, often after interested parties expressed interest in purchasing them. BLM removed a 225-acre parcel from the sale, due to an appraisal issue. This parcel will be included in a future sale.

Successful bidders from this sale included:

Location	Size	Fair Market Value	Purchase Price	Successful Bidder	Parcel Number
SW corner of Kyle Canyon Rd and Rimrock St	17.25 Acres	\$8,277,000	\$8,277,000	Lawrence Canarelli	N-100494
Kyle Canyon Road/N Sky Pointe Dr head N on Lucky Star Rd., W Iron Mountain Rd, the property is located NW of Iron Mountain Rd and Dorenne St N of W	5 acres	\$825,000	\$825,000	Sauvage Gas Company	N-80683

Centennial Pkwy and W of Puli Rd	505 acres	\$55,000,000	\$55,000,000	Lawrence Canarelli	N- 100498
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SW corner of W Centennial Pkwy and N Shaumber Rd	22.5 acres	\$10,690,000	\$14,010,000	Umer Malik and the Zsksmaz Township Family Trust dated 12-1-09	N- 100500
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NW corner of N. Shaumber Rd and W Hammer Ln	5 acres	\$1,875,000	\$2,115,000	Umer Malik and the Zsksmaz Township Family Trust dated 12-1-09	N- 100501
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SW corner of W Regena Avenue & N Juliano Road	2.03 acres	\$539,000	\$859,000	Levi Parker	N- 97342
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N of W Tropical Pkwy and east of N Grand Canyon Dr	5 acres	\$1,100,000	\$1,750,000	Toll North LV LLC	N- 100502
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Plaster

E of S				Development	
Buffalo Dr and	7.5			Corporation	
N of W Le Baron	acres	\$1,425,000	\$1,545,000	(DBA	N-
Ave				Signature	100507
				Homes)	

W of N Ft.				Ken	
Apache and N	20			Templeton	
of Florine Ave	acres	\$4,600,000	\$8,760,000	Realty &	N-
				Investment,	95267
				Inc.	

Successful bidders must pay 20 percent of the bid by 4 p.m. today. The remainder is due within 180 days on or before April 30, 2024. In accordance with the joint selection process, unsold parcels must be re-nominated for consideration at future land sales by the local government.

More information about the sale can be found at [https://www.EnergyNet.com/govt\\_listing.pl](https://www.EnergyNet.com/govt_listing.pl).

—BLM—

*The BLM manages more than 245 million acres of public land located primarily in 12 western states, including Alaska, on behalf of the American people. The BLM also administers 700 million acres of sub-surface mineral estate throughout the nation. Our mission is to sustain the health, diversity, and productivity of America's public lands for the use and enjoyment of present and future generations.*



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