



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: NOVEMBER 6, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: CONTOUR BUILDERS, LLC - OWNER:
DECATUR LAKEMEAD, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0423-ZON1	Staff recommends DENIAL.	
24-0423-VAR1	Staff recommends DENIAL, if approved subject to conditions:	24-0423-ZON1
24-0423-TMP1	Staff recommends DENIAL, if approved subject to conditions:	24-0423-ZON1 24-0423-VAR1

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

NOTICES MAILED 413 (by City Clerk)

PROTESTS 0

APPROVALS 3

**** CONDITIONS ****

24-0423-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow a private street on private lots where a common lot is required.
2. Approval of a Rezoning (24-0423-ZON1) and Approval of and conformance to the Conditions of Approval for Tentative Map (24-0423-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.

24-0423-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 Rezoning (24-0423-ZON1) and Variance (24-0423-VAR1) shall be required, if approved.

Conditions Page Two
November 6, 2024 - City Council Meeting

Planning (continued)

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. Prior to or at the time of submittal for any building permit, the applicant shall provide written verification by the Federal Aviation Administration (FAA), the Clark County Department of Aviation, or both, of the following:
 - a. Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA.
 - b. Applicant is advised that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments. Applicant is advised that the FAA's airspace determinations include expiration dates and that separate airspace determinations will be needed for construction cranes or other temporary equipment.
 - c. No building permits should be issued until the applicant provides evidence that a "Determination of No Hazard to Air Navigation" has been issued by the FAA.

Conditions Page Three
November 6, 2024 - City Council Meeting

Planning (continued)

- d. No structure greater than 35 feet in height shall be permitted to be erected or altered that would constitute a hazard to air navigation, or would result in an increase to minimum flight altitudes during any phase of flight, or would otherwise be determined to pose a significant adverse impact on airport or aircraft operations
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.
8. Construct half-street improvements including appropriate transitions on Fairhaven Street adjacent to this site concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete). All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
9. In accordance with code requirements of Title 13.56 and Section 2.2 of the City's Vision Zero Action Plan, remove all substandard offsite improvements and unused driveway cuts on Decatur Boulevard, if any, and replace with new improvements meeting Public Right-of-Way Accessibility Guidelines (PROWAG) to the satisfaction of the City Engineer concurrent with development of this site. Grant Pedestrian Access Easement(s) if necessary to comply with this requirement. All existing paving damaged or removed by this development shall be restored at its original location, width and depth concurrent with development of this site.
10. Extend public sewer in Decatur Boulevard for the full frontage of this site at a size, depth and location acceptable to the Sanitary Sewer Planning section of the Department of Public Works.
11. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

Conditions Page Four
November 6, 2024 - City Council Meeting

Public Works (continued)

12. Construct temporary sidewalk north and south on Fairhaven Street to connect this site with existing sidewalk improvements concurrent with the development of this site.
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 Page One
November 6, 2024 - City Council Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

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

ISSUES

- A Rezoning (24-0423-ZON1) is requested from C-1 (Limited Commercial) to R-TH (Single Family Attached), Staff does not support the request.
- A Variance (24-0423-VAR1) is requested to allow a private street on private lots where a common lot is required. Staff does not support the request.
- The Southern Nevada Health District (SNHD) has commented the subject site currently has an active septic system. Coordination with the SNHD will be required prior to the issuance of building permits.
- A Condition of Approval has been added requiring compliance with the Clark County Department of Aviation.

ANALYSIS

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

Rezoning

A Rezoning is requested from C-1 (Limited Commercial) to R-TH (Single Family Attached). The purpose of the R-TH district is to accommodate single-family attached residences with designs and densities that transition between multi-family and single family uses. The R-TH District is allowed with the current land use designation of TOD-2 (Transit Oriented Development - Low). The TOD-2 designation was created with the implementation of the City of Las Vegas 2050 Master Plan and conforms with all residential zoning districts. It calls for moderate intensity, mixed-use transit oriented development with a maximum density of 30 dwelling units per acre. The proposed Rezoning to R-TH does not align with the Master Plan's vision for the subject site. Therefore, staff recommends denial of the request.

**Staff Report Page Two
November 6, 2024 - City Council Meeting****Variance**

Pursuant to Title 19.04.070.C, "Private streets shall meet the minimum construction standards for public streets. All private streets shall be located on a separate common lot or lots that are maintained by an HOA or other approved private maintenance organization." The applicant requests a Variance to allow a private street on private lots where a common lot is required. The proposed residential lots extend to the centerline of the private street. This is requested in order to ensure each lot adheres to the minimum R-TH (Single Family Attached) lot size and setback requirements. Approval of this Variance request may create liability issues as the private street, sidewalk, curb and gutter will be on private residential lots. Staff finds the Variance request to be a self-imposed hardship and outside the realm of NRS Chapter 278 for granting of Variances.

Tentative Map

The submitted Tentative Map depicts a 39-lot Single-Family Attached Residential Subdivision. Development is subject to the proposed R-TH (Single Family Attached) zoning district standards. The subdivision has a density of 18.1 dwelling units per acre which is acceptable per the associated TOD-2 (Transit Oriented Development - Low) land use designation. The lots sizes range from 1,957 square feet to 2,888 square feet, which exceeds the minimum 1,600 square-foot lot size. As previously noted, this is being achieved through an associated Variance request to allow the residential parcels to extend into the private street centerline. Staff does not support the request.

The submitted east/west and north/south cross sections depict a maximum natural grade of less than two percent across the subject site. Pursuant to Title 19.06.090, a development with natural slope less than two percent is allowed a maximum four-foot tall retaining wall. A maximum of three-foot tall retaining walls are shown along the east and west property lines. A maximum of two-foot tall retaining walls are shown along the north and south property lines.

The Department of Public Works - Traffic Engineering Division has commented, "This project will add approximately 281 trips per day on Decatur Boulevard, Fairhaven Street, and Lake Mead Boulevard. Currently, Decatur Boulevard is at about 55 percent of capacity and Lake Mead Boulevard is at about 32 percent of capacity. With this project, Decatur Boulevard is expected to remain unchanged and Lake Mead Boulevard to be at about 33 percent of capacity. Counts are not available for Fairhaven Street, but it is believed to be under capacity. Based on Peak Hour use, this development will add into the area roughly 22 vehicles in the peak hour, or about one every four minutes."

Staff Report Page Three
November 6, 2024 - City Council Meeting

The Clark County School District has commented, “Approximately 16 elementary and secondary students will be added to the area with the proposed development. It is noted that Western High School was over capacity for the 2023-2024 school year. It was at 104.11 percent of program capacity.”

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

The proposed residential subdivision fails to comply with Title 19 Development Standards and the overall vision of the City of Las Vegas 2050 Master Plan. It is overbuilt as evident by the Variance request for a street to accommodate increased lot sizes. Mixed use transit oriented development is envisioned for the subject site. Therefore, staff recommends denial of all entitlement requests.

FINDINGS (24-0423-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-TH (Single Family Attached) zoning district conforms with the TOD-2 (Transit Oriented Development - Low) land use designation.

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 purpose of the R-TH district is to accommodate single-family attached residences with designs and densities that transition between multi-family and single family uses. The proposed Rezoning is not compatible with the commercially zoned properties adjacent to the north.

Staff Report Page Four
November 6, 2024 - City Council Meeting

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

There are no development factors in the community that would warrant the proposed R-TH (Single Family Attached) zoning district on 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.

The subject site is accessible from Decatur Boulevard, a 100-foot Primary Arterial, and Fairhaven Street, a 60-foot Local Street as designated by Title 13, which are adequate in size to accommodate the needs of the proposed zoning district.

FINDINGS (24-0423-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 to develop the subject site without adhering to Title 19 development standards. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

Staff Report Page Five
November 6, 2024 - City Council Meeting

FINDINGS (24-0423-TMP1)

While the proposed Tentative Map conforms to Nevada Revised Statutes, it fails to comply with Title 19 private street requirements. The proposed residential lot property lines extend to the private street centerline in order to meet the minimum lot size and setback requirements. The actual usable space for the residential lots is smaller than the listed lot sizes. Therefore, staff recommends denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
02/18/04	The City Council approved Site Development Plan Review (SDR-3496) for a senior housing complex and a waiver of the perimeter landscaping requirements on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 840 feet south of Lake Mead Boulevard.
	The City Council approved Special Use Permit (SUP-3491) to allow a senior housing complex in the C-2 (general commercial) district adjacent to the west side of Decatur Boulevard, approximately 840 feet south of Lake Mead Boulevard.
10/21/09	The City Council approved Site Development Plan Review (SDR-32638) for a proposed three-story, 44-foot tall, 151-unit senior citizen apartment complex with 5,460 square feet of commercial space on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard.
10/21/09	The City Council approved Special Use Permit (SUP-32639) for a proposed senior citizen apartment complex with a waiver to allow apartments on the ground floor where none are permitted adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard.
	The City Council approved Variance (VAR-32640) to allow 119 parking spaces where 146 are required on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard.
	The City Council approved Variance (VAR-32640) to allow a 10-foot setback where residential adjacency standards require 132 feet and to allow a lot coverage of 82% where 50% is the maximum permitted on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard.

Staff Report Page Six
November 6, 2024 - City Council Meeting

Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.	
12/21/23	Code Enforcement Case #CE23-08596 was opened regarding a homeless encampment and debris. The case was resolved as of 01/11/24.
02/26/24	Code Enforcement Case #CE24-00933 was opened regarding graffiti. The case was resolved as of 04/08/24.
05/29/24	Code Enforcement Case #CE24-03919 was opened regarding graffiti. The case was resolved as of 08/21/24.
10/08/24	<p>The Planning Commission (7-0 vote) to recommend APPROVAL on the following Land Use Entitlement project requests on 2.16 acres located on the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard (APN 138-24-703-006), Ward 5 (Crear). Staff recommends DENIAL on the entire Land Use Entitlement project.</p> <p>24-0423-ZON1 - REZONING - FROM: C-1 (LIMITED COMMERCIAL) TO: R-TH (SINGLE FAMILY ATTACHED)</p> <p>24-0423-VAR1 - VARIANCE - TO ALLOW A PRIVATE STREET ON PRIVATE LOTS WHERE A COMMON LOT IS REQUIRED</p> <p>24-0423-TMP1 - TENTATIVE MAP - CONTOUR VESPER - FOR A PROPOSED 39-LOT SINGLE-FAMILY ATTACHED RESIDENTIAL SUBDIVISION</p>

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

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

Pre-Application Meeting	
07/22/24	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines

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

Staff Report Page Seven
November 6, 2024 - City Council Meeting

Field Check	
08/29/24	Staff conducted a routine field check and found an undeveloped site surrounded by chain link fencing. Trash and debris was observed.

Details of Application Request	
Site Area	
Net Acres	2.16

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

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Twin Lakes	Y
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District (70 Feet)	Y
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

Staff Report Page Eight
November 6, 2024 - City Council Meeting

DEVELOPMENT STANDARDS

Pursuant to Title 19.06, the following standards apply:

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

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

Existing Zoning	Permitted Density	Units Allowed
C-1 (Limited Commercial)	N/A	N/A
Proposed Zoning	Permitted Density	Units Allowed
R-TH (Single Family Attached)	1 du/lot	64
Existing General Plan	Permitted Density	Units Allowed
TOD2 (Transit Oriented Development - Low)	30 du/ac	64

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

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

Staff Report Page Nine
November 6, 2024 - City Council Meeting

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

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Residential, Single Family, Attached	39	Two per dwelling unit	78				
		One guest space for every 6 dwelling units	7				
TOTAL SPACES REQUIRED			85		85		Y