



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: JANUARY 15, 2025  
DEPARTMENT: COMMUNITY DEVELOPMENT  
ITEM DESCRIPTION: APPLICANT: CHAMPION RESOURCE GROUP, LLC - OWNER:  
DFA, LLC

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

| CASE NUMBER  | RECOMMENDATION  | REQUIRED FOR APPROVAL |
|--------------|---|-----------------------|
| 24-0508-VAR1 | Staff recommends DENIAL, if approved subject to conditions: |                       |
| 24-0508-ZON1 | Staff recommends DENIAL.                                    | 24-0508-VAR1          |

**\*\* NOTIFICATION \*\***

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 17

NOTICES MAILED 279 (by City Clerk)

PROTESTS 0

APPROVALS 0

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

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**24-0508-VAR1 CONDITIONS**

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**Planning**

1. A Variance is hereby approved to allow a 60-foot lot width where 100 feet is the minimum required.
2. Approval of Rezoning (24-0508-ZON1) shall be required, if approved.
3. This approval shall be void two 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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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a Rezoning request from R-E (Residence Estates) to C-2 (General Commercial) for a 0.32-acre parcel that does not meet minimum lot width requirements located west of Harvey Munford Street, approximately 725 feet south of Washington Avenue.

**ISSUES**

- A Variance is requested to allow a 60-foot lot width where 100 feet is the minimum required. Staff does not support the request.
- A Rezoning is requested from R-E (Residence Estates) to C-2 (General Commercial). Staff does not support the request.
- No development is proposed at this time.
- The Las Vegas Valley Water District (LVVWD) has commented, "Civil plans will need to be submitted to LVVWD. Existing domestic service/fire protection may not be adequate."

**ANALYSIS**

The subject undeveloped property is located in the R-E (Residence Estates) zoning district, with a MXU (Mixed Use) Land Use Designation, which allows for both residential and commercial zoning districts and is subject to Title 19 development standards. The site is bordered by single-family dwellings zoned R-E (Residence Estates) to the north and south. Properties to the east are zoned R-E (Residence Estates) with undeveloped parcels. Property bordering the west of the subject site is zoned R-3 (Medium Density Residential) and is a part of the Ahern Rentals property.

Per the submitted justification letter, the applicant has requested to Rezone the subject site from R-E (Residence Estates) to C-2 (General Commercial) with the intent to eventually expand the Ahern property located to the west of the site. The C-2 (General Commercial) zoning district allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as mixed-use developments. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. Per Title 19.08.080, the C-2 (General Commercial) zoning district requires a minimum lot width of 100 feet. The applicant is requesting a Variance to allow a lot width of 60 feet for the subject site. At this time, no development is proposed, and any future development will require a Site Development Plan Review.

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The subject property is located within the West Las Vegas area of the City of Las Vegas 2050 Master Plan. This area is comprised of neighborhoods immediately surrounding the Historic Westside district of Downtown Las Vegas. The West Las Vegas Plan further identifies the need to buffer residential areas from commercial areas. Staff has determined that the proposed Rezoning from R-E (Residence Estates) to C-2 (General Commercial) is inappropriate and inconsistent with the adjacent single-family dwellings bordering the subject site, as the Rezoning would allow intense commercial uses commonly located along commercial corridors and other commercial areas to encroach into an existing residential neighborhood and directly adjacent to a single family residence. Staff notes the proposed C-2 (General Commercial) zoning district will result in a case of "Spot Zoning", which is defined as a, "Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and does not further the General Plan." No evidence of a unique or extraordinary circumstance has been presented to warrant the requested Variance to allow a reduced lot width than what is required for the C-2 (General Commercial) zoning district. Therefore, staff recommends denial of both requested land use entitlements.

**FINDINGS (24-0508-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 Rezoning application from R-E (Residence Estates) to C-2 (General Commercial) on the subject site is consistent with the existing MXU (Mixed Use) General Plan 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 proposed Rezoning would allow uses that will not be compatible with the surrounding land uses. The C-2 (General Commercial) zoning district is designed to provide the broadest scope of compatible services for both the general and the traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as mixed-use developments. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses.

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

Growth and development factors in the surrounding community do not indicate the need for General Commercial zoning.

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.**

Site access is provided from Harvey Munford Street, a 40-foot wide Local Street as designated by Title 13, and is not adequate in size to meet the needs of the proposed zoning district.

**FINDINGS (24-0508-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 rezone a property that cannot meet minimum lot width 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.

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## BACKGROUND INFORMATION

| <b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b> |  |
|---|--|
| 12/10/74  | The Board of City Commissioners approved the request for Reclassification of Property (Z-0031-74) generally located on the south side of West Washington Avenue between Sunny Place and Clarkway Drive from R-E (Residence Estates) to R-3 (Medium Density Residential). |
| 11/04/24  | A Code Enforcement case (#CE24-08706) was processed for shipping containers stored on-site at the subject property. The case remains unresolved.   |
| 12/10/24  | The Planning Commission voted (7-0) to recommend APPROVAL on the following Land Use Entitlement project requests on 0.32 acres generally located west of Harvey Munford Street, approximately 725 feet south of Washington Avenue (APN 139-28-303-005), Ward 5 (Crear).  |

| <b><i>Most Recent Change of Ownership</i></b> |  |
|---|--|
| 01/16/03                                      | A deed was recorded for a change in ownership. |

| <b><i>Related Building Permits/Business Licenses</i></b> |  |
|--|--|
| No related building permits/business licenses.           |  |

| <b><i>Pre-Application Meeting</i></b> |  |
|---------------------------------------|--|
| 09/25/24                              | A pre-application meeting was held with the applicant. |

| <b><i>Neighborhood Meeting</i></b>                         |  |
|--|--|
| A neighborhood meeting was not required, nor was one held. |  |

| <b><i>Field Check</i></b> |   |
|---------------------------|---|
| 10/29/24                  | Staff conducted a routine field check and observed an undeveloped lot with shipping containers, which was forwarded on to code enforcement. |

| <b><i>Details of Application Request</i></b> |      |
|--|------|
| <b><i>Site Area</i></b>                      |      |
| Net Acres                                    | 0.32 |

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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                                     | MXU (Mixed Use)                                       | R-E (Residence Estates)                |
| North                              | Residential, Single Family, Detached            | R (Rural Density Residential)                         | R-E (Residence Estates)                |
| South                              | Residential, Single Family, Detached            | MXU (Mixed Use)                                       | R-E (Residence Estates)                |
| East                               | Residential, Single Family, Detached            | TOC-2 (Transit Oriented Corridor - Low)               | R-E (Residence Estates)                |
|                                    | Undeveloped                                     |   |  |
| West                               | Office, Other Than Listed                       | MXU (Mixed Use)                                       | R-3 (Medium Density Residential)       |

| <b><i>Master and Neighborhood Plan Areas</i></b>                           | <b><i>Compliance</i></b> |
|--|--------------------------|
| Las Vegas 2050 Master Plan Area: West Las Vegas                            | N                        |
| <b><i>Special Area and Overlay Districts</i></b>                           | <b><i>Compliance</i></b> |
| A-O (Airport Overlay) District (140 Feet)                                  | Y                        |
| <b><i>Other Plans or Special Requirements</i></b>                          | <b><i>Compliance</i></b> |
| Trails   | N/A                      |
| Las Vegas Redevelopment Plan Area - Area 1                                 | N                        |
| Interlocal Agreement   | N/A                      |
| Project of Significant Impact (Development Impact Notification Assessment) | N/A                      |
| Project of Regional Significance   | N/A                      |

## DEVELOPMENT STANDARDS

***Pursuant to 19.08, the following standards apply:***

| <b><i>Standard</i></b> | <b><i>Required/Allowed</i></b> | <b><i>Provided</i></b> | <b><i>Compliance</i></b> |
|------------------------|--------------------------------|------------------------|--------------------------|
| Min. Lot Size          | N/A                            | 13,939 SF              | Y                        |
| Min. Lot Width         | 100 Feet                       | 60 Feet                | N*                       |

\*A Variance is requested to allow a reduced lot width.

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| <b><i>Existing Zoning</i></b>       | <b><i>Permitted Density</i></b> | <b><i>Units Allowed</i></b> |
|-------------------------------------|---------------------------------|-----------------------------|
| R-E (Residence Estates)             | 1 dwelling unit per lot         | 1 unit                      |
| <b><i>Proposed Zoning</i></b>       | <b><i>Permitted Density</i></b> | <b><i>Units Allowed</i></b> |
| C-2 (General Commercial)            | N/A                             | N/A                         |
| <b><i>Existing General Plan</i></b> | <b><i>Permitted Density</i></b> | <b><i>Units Allowed</i></b> |
| MXU (Mixed Use)                     | N/A                             | N/A                         |

| <b><i>Street Name</i></b> | <b><i>Functional Classification of Street(s)</i></b> | <b><i>Governing Document</i></b> | <b><i>Actual Street Width (Feet)</i></b> | <b><i>Compliance with Street Section</i></b> |
|---------------------------|--|----------------------------------|--|--|
| Harvey Munford Street     | Local Street   | Title 13                         | 40                                       | Y  |