



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: JANUARY 17, 2024

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: BEAZER HOMES – OWNER: RAINBOW CREEK, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0466-ZON1	Staff recommends APPROVAL.	
23-0466-VAR1	Staff recommends APPROVAL, subject to conditions:	23-0466-ZON1 23-0466-VAR2 23-0466-TMP1
23-0466-VAR2	Staff recommends APPROVAL, subject to conditions:	23-0466-ZON1 23-0466-VAR1 23-0466-TMP1
23-0466-VAR3	Staff recommends APPROVAL, subject to conditions:	23-0466-ZON1 23-0466-VAR1 23-0466-VAR2 23-0466-TMP1
23-0466-VAR4	Staff recommends APPROVAL, subject to conditions:	23-0466-ZON1 23-0466-VAR1 23-0466-VAR2 23-0466-TMP1
23-0466-VAR5	Staff recommends APPROVAL, subject to conditions:	23-0466-ZON1 23-0466-VAR1 23-0466-VAR2 23-0466-TMP1
23-0466-VAR6	Staff recommends APPROVAL, subject to conditions:	23-0466-ZON1 23-0466-VAR1 23-0466-VAR2 23-0466-TMP1
23-0466-VAR7	Staff recommends APPROVAL, subject to conditions:	23-0466-ZON1 23-0466-VAR1 23-0466-VAR2 23-0466-TMP1
23-0466-VAR8	Staff recommends APPROVAL, subject to conditions:	23-0466-ZON1 23-0466-VAR1 23-0466-VAR2 23-0466-TMP1
23-0466-TMP1	Staff recommends APPROVAL, subject to conditions:	23-0466-ZON1 23-0466-VAR1 23-0466-VAR2

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**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 22

NOTICES MAILED 132 (by City Clerk)

PROTESTS 50 – 23-0466-ZON1, 23-0466-VAR1, 23-0466-VAR2, 23-0466-VAR3, 23-0466-VAR4, 23-0466-VAR5, 23-0466-VAR6, 23-0466-VAR7, 23-0466-VAR8, 23-0466-TMP1

APPROVALS 0

**** CONDITIONS ****

23-0466-VAR1 CONDITIONS

Planning

1. A Variance (23-0466-VAR1) is hereby approved to allow 59 parking spaces where 63 spaces are required.
2. Approval of and conformance to the Conditions of Approval for Tentative Map (23-0466-TMP1) and Variance (23-0466-VAR2) shall be required, if approved.
3. This approval shall be void four years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Division.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

23-0466-VAR2 CONDITIONS

Planning

1. A Variance (23-0466-VAR2) is hereby approved to allow a stub street terminus where a cul-de-sac or hammerhead is required, a connectivity ratio of 1.00 where 1.30 is required, and to allow a private street without a gate to not meet public street standards.
2. Approval of and conformance to the Conditions of Approval for Tentative Map (23-0466-TMP1) and Variance (23-0466-VAR1) shall be required, if approved.

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3. This approval shall be void four years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Division.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

23-0466-VAR3 CONDITIONS

Planning

1. A Variance (23-0466-VAR3) is hereby approved to allow a 10-foot front yard setback where 18 feet is required to the front garage entry (Lot 1).
2. Approval of and conformance to the Conditions of Approval for Tentative Map (23-0466-TMP1) and Variances (23-0466-VAR1 and VAR2) shall be required, if approved.
3. This approval shall be void four years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Division.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

23-0466-VAR4 CONDITIONS

Planning

1. A Variance (23-0466-VAR4) is hereby approved to allow a 10-foot front yard setback where 18 feet is required to the front garage entry (Lot 2).
2. Approval of and conformance to the Conditions of Approval for Tentative Map (23-0466-TMP1) and Variances (23-0466-VAR1 and VAR2) shall be required, if approved.
3. This approval shall be void four years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Division.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

23-0466-VAR5 CONDITIONS

Planning

1. A Variance (23-0466-VAR5) is hereby approved to allow a 10-foot front yard setback where 18 feet is required to the front garage entry (Lot 3).
2. Approval of and conformance to the Conditions of Approval for Tentative Map (23-0466-TMP1) and Variances (23-0466-VAR1 and VAR2) shall be required, if approved.
3. This approval shall be void four years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.

4. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Division.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

23-0466-VAR6 CONDITIONS

Planning

1. A Variance (23-0466-VAR6) is hereby approved to allow a 10-foot front yard setback where 18 feet is required to the front garage entry (Lot 4).
2. Approval of and conformance to the Conditions of Approval for Tentative Map (23-0466-TMP1) and Variances (23-0466-VAR1 and VAR2) shall be required, if approved.
3. This approval shall be void four years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Division.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

23-0466-VAR7 CONDITIONS

Planning

1. A Variance (23-0466-VAR7) is hereby approved to allow a 10-foot front yard setback where 18 feet is required to the front garage entry (Lot 5).
2. Approval of and conformance to the Conditions of Approval for Tentative Map (23-0466-TMP1) and Variances (23-0466-VAR1 and VAR2) shall be required, if approved.
3. This approval shall be void four years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Division.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

23-0466-VAR8 CONDITIONS

Planning

1. A Variance (23-0466-VAR7) is hereby approved to allow a 10-foot front yard setback where 18 feet is required to the front garage entry (Lot 6).
2. Approval of and conformance to the Conditions of Approval for Tentative Map (23-0466-TMP1) and Variances (23-0466-VAR1 and VAR2) 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.

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4. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Division.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

23-0466-TMP1 CONDITIONS

Planning

1. Street lights within the private street are not required.
2. 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.
3. Approval of Rezoning (23-0466-ZON1) and Variances (23-0466-VAR1 and VAR2) shall be required, if approved.
4. Site Development Plan Review (21-0753-SDR1) is hereby expunged.
5. Roof top decks shall be prohibited.
6. Southern building elevations throughout the community shall be prohibited from including a balcony.
7. A shade structure shall be provided within Common Element A, which complies with the Single Family Attached (R-TH) zoning district development standards.
8. Street names must be provided in accordance with the City's Street Naming Regulations.

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9. Overnight resident parking on private streets is prohibited. This condition shall be recorded against the property by way of recoding a Notice of Condition Affecting Property against each of the parcels specifically burdened by such condition(s) prior to the application for building permits to include the conditions affecting the parcel; or by recordation of the Covenants, Codes and Restrictions ("CC&R") that include the conditions affecting the respective parcels. Furthermore, the entity making application for a building permit on a parcel specifically burdened by the above condition(s) shall attach the Tentative Map conditions of approval to such building permit application, as well as the entity selling the single-family residence on the parcel that is burdened by the above condition(s) shall provide a disclosure of the above condition(s) to any prospective purchaser of a home on such parcel.
10. 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.

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11. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, which shall be permanently maintained in a satisfactory manner. The landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device. The technical landscape plan shall include the following changes from the conceptual landscape plan:
 - All trees and planting materials shall be drought-tolerant and consistent with the Southern Nevada Water Authority & Southern Nevada Regional Planning Coalition Regional Plant List.
 - Four 5-gallon shrubs are required for every required tree.
 - The trees shall be a minimum 36-inch box trees.
 - The tree species to be used within the landscape buffer along the southern property line shall be African Sumac.
12. All development is subject to the conditions of City Departments and State Subdivision Statutes.

Public Works

13. Grant a minimum 20-foot wide Public Sewer Easement to be privately maintained for the public sewer within Common Element "A". No walls, signs, lights, parking area, buildings or other structures, or permanent landscaping having a mature height of greater than 3-feet shall be placed anywhere in any public sewer easement or in the vehicle ingress or egress pathways to such easements.
14. 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.
15. In accordance with Section 2.2 of the City's Vision Zero Action Plan, the sidewalk adjacent to this site shall meet Public Right-of-Way Accessibility Guidelines (PROWAG) in accordance with code requirements of Title 13.56.040 to the satisfaction of the City Engineer concurrent with development of this site. Grant any Pedestrian Access Easement needed to complete this requirement.

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16. Landscape and maintain all unimproved right-of-way adjacent to this site, including the full unimproved width of Rainbow Boulevard north of the cul-de-sac. 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.
17. Submit a License Agreement for landscaping and private improvements in the Rainbow Boulevard public right-of-way prior to the issuance of permits for these improvements. If requested by the City, the applicant shall remove property within 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 Community Development (702-229-4836)
18. 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.
19. 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.
20. 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.

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21. Meet with the Traffic Engineering Section of the Department of Public Works to coordinate removal of those sections of tack on curb in Rainbow Boulevard that would interfere with turning movements for this site and construct a permanent median north of Azure Drive in Rainbow Boulevard along with appropriate lane designation modifications. Construction drawings shall comply with the recommendations of the Traffic Engineering Section.
22. The applicant shall post no parking signs along Rainbow Boulevard north of Azure Drive meeting the approval of the City Traffic Engineer.
23. The applicant shall perform a warrant analysis, acceptable to the City Traffic Engineer, for a 4-way stop at Azure Drive and Rainbow Boulevard prior to the issuance of permits for this site. Comply with the recommendations of the approved warrant study.

Fire & Rescue

24. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Tentative Map request for a proposed 29-lot single-family residential, attached subdivision generally located on the east side of Rainbow Boulevard, approximately 500 feet north of Azure Drive.

ISSUES

- A Rezoning (23-0466-ZON1) is requested from: R-2 (R-3 Medium Density Residential) to R-TH (Single Family Attached). Staff supports this request.
- A Variance (23-0466-VAR1) is requested to allow a 59 parking spaces where 63 spaces are required. Staff supports this request.
- A Variance (23-0466-VAR2) is requested to allow a stub street terminus where a cul-de-sac or hammerhead is required, a connectivity ratio of 1.00 where 1.30 is required, and to allow a private street without a gate to not meet public street standards. Staff supports this request.
- Variances (23-0466-VAR3 through VAR8) are requested to allow a 10-foot front yard setback where 18 feet is required to the front garage entry for lots 1 through 6. Staff supports these requests.

ANALYSIS

Rezoning

The subject site is undeveloped and currently zoned R-3 (Medium Density Residential) with an M (Medium Density Residential) General Plan Designation. The applicant has requested a Rezoning from R-3 (Medium Density Residential) to R-TH (Single Family Attached). The parcel is located on the east side of Rainbow Boulevard, approximately 500 feet north of Azure Avenue. The applicant proposes to develop the subject site with a 29-lot single-family residential, attached development that incorporates modern building elevations. These proposed elevations, while not part of this review, were agreed upon between the applicant and neighboring residents during a voluntary neighborhood meeting.

The proposed R-TH (Single Family Attached) zoning district is intended to accommodate single family attached residences with designs and densities that transition between multi-family and single family uses. The R-TH district is consistent with the policies of the Medium Density Residential category of the General Plan.

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The surrounding area is characterized by R-PD2 (Residential Planned Development – 2 Units per Acre) zone properties containing single family, detached dwellings to the east south, and west of the subject property. The subject site is also bounded by the Clark County 215 Freeway to the north. As the subject site is currently zoned R-3 (Medium Density Residential), staff find that the proposed rezoning to R-TH (Single Family Attached) zoning district is still appropriate for the area as this category generally accommodates single family, attached residences which is consistent with the residential character of this area of Rancho. Therefore, staff recommends approval of this Rezoning request.

Tentative Map

The submitted tentative map depicts 29 lots, exclusively including Single-Family, Attached products. If the associated Rezoning (23-0466-ZON1) is approved, the proposed density of 10.3 dwelling units per acre falls within the density allowed of up to 25.5 dwelling units per acre. The lots will have an average lot size of 1,692 square feet.

The submitted north/south and east/west cross section depicts a maximum natural grade of greater than 2 percent across the site. Per Title 19.06.050, a development with a natural slope less than 2 percent is allowed a perimeter wall ranging from six to eight feet with a four-foot maximum retaining wall. The submitted cross sections depict a six-foot tall screen wall with a three-foot maximum retaining wall and therefore meets this requirement.

As the applicant is proposing Residential, Single Family, Attached products, Title 19.12.070 specifies that two spaces shall be required per dwelling unit, plus one guest space for every 6 dwelling units spread throughout the development.

The applicant has requested a Variance (23-0466-VAR1) of this requirement to allow 59 parking spaces where 63 parking spaces are required. Most parking counted towards this development is provided via two-car garages provided for all 29 lots. In addition, one van accessible handicap parking stall is provided in Common Element Lot A (CE A). “Street A”, as designated on the submitted tentative map is designed as a private street without a gate, thus requiring the private street to be developed to public street standards. The applicant shows 31 parallel parking spaces on the south side of “Street A”. However, pursuant to Title 19.06.040.G.2, parking on the public right-of-way may not be counted towards satisfying the requirement for on-site parking. Staff, however, supports this Variance request due to the irregular and narrow shape of the subject property.

Per Title 19.04, private streets that terminate other than at an intersection with another private or public street, the termination shall be provided by one of the following, as applicable:

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- A. A cul-de-sac with a minimum radius of 40 feet as measured from the flowline of the curb for street lengths up to 600 feet; or
- B. In the case of a private street up to 250 feet in length that is located behind a gate, a hammerhead meeting the Standard 212.1.S1 design.

Additionally, Per Title 19.04.040.B.vii, the minimum required Connectivity Ratio is 1.30 (links/nodes) for all development in R-D, R-1, R-SL, R-MH, R-CL, R-TH, R-2, R-3 and R-4 zoning districts.

The applicant requests a second Variance (23-0466-VAR2) to allow the utilization of sub street termini, to allow a connectivity ratio of 1.00 where 1.30 is required, and to allow a private street without a gate to not be developed to public street standards. The proposed residential development is surrounded on the north by the Clark County 215 Freeway and on all other sides by existing residential development, therefore preventing any future connections adjacent to the subject site. Additionally, the Department of Public Works has no objection to requested Variance (23-0466-VAR2) as the proposed configuration of streets meets the needs of fire and large delivery/service vehicles. Therefore, staff also supports this Variance request.

Additional Variances (23-0466-VAR3 through VAR8) are requested for deviations from the R-TH (Single Family Attached) building placement standards set forth in Title 19.06.090. Minimum standards for front yard setbacks are 10 feet and 18 feet to the front garage entry. The applicant has stated in the justification letter that this request will allow a uniform six-plex building within the project site to account for the offset street. As the lot is uniquely narrow and irregular in shape, staff supports these six Variance requests.

Development in the surrounding area, including the subject site, is guided by the Rainbow Boulevard North Corridor Plan. Located in the Tropical – Rainbow Character Area, the greater distance from high-traffic intersections makes this an area that mostly serves local residents. This character area is categorized as being low-risk for de-characterization as a primarily residential neighborhood. Future Single-Family Attached Dwellings in this neighborhood should be delivered as either duplexes or townhouses that are oriented towards Rainbow Boulevard. The applicant has proposed a series of five-plex and six-plexes that are located adjacent to the Clark County 215 Freeway and away from surrounding single family, detached residential development. As the justification letter indicates that the proposed townhome units will be two stories at 36 feet high, staff finds that these units will still retain the bulk and scale of surrounding neighborhood developments.

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The subject site is located in the Rancho neighborhood area as defined by the 2050 City of Las Vegas Master Plan. The suburbs and neighborhoods along the Rancho Drive corridor transition from older inner-ring suburbs to new subdivisions and “ranchos” moving northwest toward Centennial Hills. The area currently lacks cohesion, largely because of the lack of major city and community services. The housing element of the 2050 City of Las Vegas Master Plan identifies lacking diversity in housing types, including the need for single and multi-family residential development that is medium-to higher-density and suburban-oriented development that supports existing well-established, yet older shopping centers at key nodes. The proposed development, if approved, would further diversify and improve housing stock to include a range of building types.

The subject site is one of the remaining undeveloped parcels in this area. The site is constrained by its narrow shape and development surrounding all sides of the subject site. Staff finds that the proposed residential development will further goals and objectives outlined in the Rainbow Boulevard North Corridor Plan and 2050 City of Las Vegas Master Plan. Therefore, staff finds that this proposed single family, attached development is harmonious and compatible with the surrounding residential development and therefore recommends approval of all entitlements, subject to conditions.

FINDINGS (23-0466-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.

If approved, the proposed Rezoning to R-TH (Single Family Attached) would be in conformance with the existing M (Medium Density Residential General Plan 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.

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The proposed Rezoning to R-TH (Single Family Attached) would allow development of single-family, attached units such as duplexes, townhouses which is compatible with the existing R-PD2 (Residential Planned Development – 2 Units per Acre) zoning district on adjacent parcels. It is located at the periphery of existing residential development and adjacent to the Clark County 215 Freeway.

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

Growth and development factors in the City indicate the need to offer a variety of housing types to serve the needs of the community.

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 accessed by Rainbow Boulevard, a 100-foot Primary Arterial, which is adequate in size to accommodate the needs of the proposed zoning district.

FINDINGS (23-0466-VAR1 through VAR8)

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."

Staff finds that sufficient evidence of a unique circumstance has been presented, in that the applicant has proposed a single family, attached residential subdivision that is compatible with development in the surrounding area. The applicant has requested Variances (23-0466-VAR1 through VAR8) as a result of the uniquely narrow shape of the subject property and no remaining options to enhance connectivity with the existing, surrounding residential development and Clark County 215 Freeway. As such, it is concluded that the applicant's hardships are not preferential in nature, and it is thereby within the realm of NRS Chapter 278 for the granting of Variances.

FINDINGS (23-0466-TMP1)

Though the proposed Tentative Map does not comply with all Title 19 development standards, however, it is compatible with the existing residential development in the surrounding area and also conforms to Nevada Revised Statutes. Therefore, staff recommends approval, subject to conditions.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
02/05/03	The City Council approved a Petition to Annex (A-0038-02) undeveloped property located in various parts of the city under the provisions of NRS 268.597 No. 1(b) containing approximately 495 acres. The Planning Commission recommended approval.
03/23/06	A Code Enforcement Case (CE-39520) was reported for a vacant parcel with debris and dust that is blown onto neighboring properties. The Case was resolved on 05/19/06.
06/02/21	The City Council denied General Plan Amendment (20-0357-GPA1) from RNP (Rural Neighborhood Preservation) to SC (Service Commercial) located at 6298 North Rainbow Boulevard. The Planning Commission recommended approval. Department of Planning Staff recommended denial.
	The City Council denied Rezoning (20-0357-ZON1) request from U (Undeveloped) to C-1 (Limited Commercial) located at 6298 North Rainbow Boulevard. The Planning Commission recommended approval. Department of Planning Staff recommended denial.
	The City Council denied Variance (20-0357-VAR1) to allow zero parking spaces on the exterior of the security fence where five are required located at 6298 North Rainbow Boulevard. The Planning Commission recommended approval. Department of Planning Staff recommended denial.

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
6/02/21	The City Council denied Variance (20-0357-VAR2) request to allow a six-foot solid screen wall where outdoor storage screening development standards requires an eight-foot solid screening wall and to allow outdoor storage within the required setback area where such is not allowed located at 6298 North Rainbow Boulevard. The Planning Commission recommended approval. Department of Planning Staff recommended denial.
	The City Council denied Special Use Permit (20-0357-SUP1) request for a recreational vehicle and boat storage use with waivers to allow storage within the required setback or buffer area and to allow the storage area be visible from public streets and adjoining properties without being screened by an eight-foot tall screening device located at 6298 North Rainbow Boulevard. The Planning Commission recommended approval. Department of Planning Staff recommended denial.
	The City Council denied Site Development Plan Review (20-0357-SDR1) request for a proposed recreational vehicle and boat storage parking lot with waivers of the perimeter landscape buffer requirements located at 6298 North Rainbow Boulevard. The Planning Commission recommended approval. Department of Planning Staff recommended denial.
01/22/22	The Planning Commission approved a General Plan Amendment (21-0753-GPA1) from: RNP (Rural Neighborhood Preservation) to M (Medium Density Residential) on 2.83 acres at 6394 North Rainbow Boulevard.
	The Planning Commission approved a Rezoning (21-0753-ZON1) from U (Undeveloped) to R-3 (Medium Density Residential) at 6394 North Rainbow Boulevard

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January 17, 2024 - City Council Meeting

1/22/22	The Planning Commission approved a Site Development Plan Review (21-0753-SDR1) for a proposed 24-unit Condominium development with a Waiver of the perimeter landscape buffer requirements on 2.83 acres at 6394 Rainbow Boulevard.
02/16/22	The City Council approved a General Plan Amendment (21-0753-GPA1) from: RNP (Rural Neighborhood Preservation) to M (Medium Density Residential) on 2.83 acres at 6394 Rainbow Boulevard.
02/16/22	The City Council approved a Rezoning (21-0753-ZON1) from U (Undeveloped) to R-3 (Medium Density Residential) at 6394 North Rainbow Boulevard.

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
2/16/22	The City Council approved a Site Development Plan Review (21-0753-SDR1) for a proposed 24-unit Condominium development with a Waiver of the perimeter landscape buffer requirements on 2.83 acres at 6394 Rainbow Boulevard.

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
12/12/23	The Planning Commission voted (6-0) for the following Land Use Entitlement project requests on 2.83 acres on the east side of Rainbow Boulevard, approximately 500 feet north of Azure Avenue (APN 125-26-101-004), Ward 6 (Brune).
	23-0466-ZON1 - REZONING - FROM: R-3 (MEDIUM FAMILY RESIDENTIAL) TO: R-TH (SINGLE FAMILY ATTACHED)
	23-0466-VAR1 - VARIANCE - TO ALLOW 59 PARKING SPACES WHERE 63 SPACES ARE REQUIRED
	23-0466-VAR2 - VARIANCE - TO ALLOW A STUB STREET TERMINUS WHERE A CUL-DE-SAC OR HAMMERHEAD IS REQUIRED, A CONNECTIVITY RATIO OF 1.00 WHERE 1.30 IS REQUIRED, AND TO ALLOW A PRIVATE STREET WITHOUT A GATE TO NOT MEET PUBLIC STREET STANDARDS
	23-0466-VAR3 - VARIANCE - TO ALLOW A 10-FOOT FRONT YARD SETBACK WHERE 18 FEET IS REQUIRED TO THE FRONT GARAGE ENTRY (LOT 1)
	23-0466-VAR4 - VARIANCE - TO ALLOW A 10-FOOT FRONT YARD SETBACK WHERE 18 FEET IS REQUIRED TO THE FRONT GARAGE ENTRY (LOT 2)
	23-0466-VAR5 - VARIANCE - TO ALLOW A 10-FOOT FRONT YARD SETBACK WHERE 18 FEET IS REQUIRED TO THE FRONT GARAGE ENTRY (LOT 3)
	23-0466-VAR6 - VARIANCE - TO ALLOW A 10-FOOT FRONT YARD SETBACK WHERE 18 FEET IS REQUIRED TO THE FRONT GARAGE ENTRY (LOT 4)
	23-0466-VAR7 - VARIANCE - TO ALLOW A 10-FOOT FRONT YARD SETBACK WHERE 18 FEET IS REQUIRED TO THE FRONT GARAGE ENTRY (LOT 5)
	23-0466-VAR8 - VARIANCE - TO ALLOW A 10-FOOT FRONT YARD SETBACK WHERE 18 FEET IS REQUIRED TO THE FRONT GARAGE ENTRY (LOT 6)
	23-0466-TMP1 - TENTATIVE MAP - RAINBOW CROSSING - FOR A 29-LOT SINGLE FAMILY ATTACHED RESIDENTIAL SUBDIVISION

<i>Most Recent Change of Ownership</i>	
08/31/23	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>
There are no related Building Permits or Business Licenses

<i>Pre-Application Meeting</i>	
08/31/23	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Rezoning, Tentative Map and Variances.

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

<i>Field Check</i>	
10/04/23	Staff conducted a routine field check of the subject property and observed an undeveloped property. Nothing of concern was noted.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	2.89

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Undeveloped	M (Medium Density Residential)	R-3 (Medium Density Residential)
North	Clark County 215	Clark County 215	Clark County 215
South	Residential, Single Family, Detached	DR (Desert Rural Density Residential)	R-PD2 (Residential Planned Development – 2 Units per Acre)
East	Residential ,Single Family, Detached	R-PD2 (Residential Planned Development – 2 Units per Acre)	R-PD2 (Residential Planned Development – 2 Units per Acre)
West	Residential, Single Family, Detached	R (Rural Density Residential)	R-PD2 (Residential Planned Development – 2 Units per Acre)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Rancho	Y
Rainbow Boulevard North Corridor Plan	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
No Applicable Special Area or Overlay Districts	N/A
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
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

DEVELOPMENT STANDARDS

Existing Zoning	Permitted Density	Units Allowed
R-3 (Medium Density Residential)	13-50 du/ac	72 Units
Proposed Zoning	Permitted Density	Units Allowed
R-TH (Single Family Attached)	1 du/lot	29 units
Existing General Plan	Permitted Density	Units Allowed
M (Medium Density Residential)	Up to 25.5 du/ac	72 Units

*Maximum dwelling units per acre (DUA) is determined by the underlying General Plan Designation and may not exceed the density permitted under said designation.

Pursuant to Title 19.06.090, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	N/A	N/A	0 Trees	N/A
• South	N/A	N/A	28 Trees	N/A
• East	N/A	N/A	0 Trees	N/A
• West	1 Tree / 30 Linear Feet	3Trees	3 Trees	Y
TOTAL PERIMETER TREES		3 Trees	3 Trees	Y
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	N/A		10 Feet	N/A
• South	N/A		4 Feet	N/A
• East	N/A		5 Feet	N/A
• West	6 Feet		6 Feet	Y
Wall Height	6 to 8 Feet Adjacent to Residential		6 Feet	Y

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Rainbow Boulevard	Primary Arterial	Master Plan of Streets and Highways	100 Feet	Y

19.04.040 Connectivity		
Transportation Network Element	# Links	# Nodes
Internal Street	1	
Intersection – Internal		
Cul-de-sac or Hammerhead Terminus		
Intersection – External Street or Stub Terminus		1
Intersection – Stub Terminus with Temporary Turnaround Easements		
Non-Vehicular Path - Unrestricted		
Total	1	1
	Required	Provided
Connectivity Ratio (Links / Nodes):	1.30	1.00

*A Variance (23-0466-VAR2) has been requested to allow a stub street terminus where a cul-de-sac or hammerhead is required, a connectivity ratio of 1.00 where 1.30 is required, and to allow a private street without a gate to not meet public street standards.

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	29 Units	2 per dwelling unit, plus one for every 6 dwelling units.	63				
TOTAL SPACES REQUIRED			63		59		N*
Regular and Handicap Spaces Required			63	0	58	1	N*
Percent Deviation			7%				N*

*A Variance (23-0466-VAR1) is requested to allow 59 parking spaces where 63 are required.