



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: FEBRUARY 21, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: VITA BONA, LLC - OWNER: CHIA TRINIDAD
TRUST AND ARNOLD MANAOG

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0530-ZON1	Staff recommends APPROVAL.	
23-0530-VAR1	Staff recommends DENIAL, if approved subject to conditions:	23-0530-ZON1 23-0530-TMP1
23-0530-TMP1	Staff recommends DENIAL, if approved subject to conditions:	23-0530-ZON1 23-0530-VAR1

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 7

NOTICES MAILED 239 (by City Clerk)

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0530-VAR1 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Tentative Map (23-0530-TMP1) shall be required, if approved.
2. 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.
3. 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.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

23-0530-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 Rezoning (23-0530-ZON1) and Variance (23-0530-VAR1) shall be required, if approved.
3. Street names must be provided in accordance with the City's Street Naming Regulations.

Conditions Page Two
February 21, 2024 - City Council Meeting

4. 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.
5. 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.
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. 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.
9. 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.

Conditions Page Three
February 21, 2024 - City Council Meeting

10. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
11. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits or the submittal of a map for this site, whichever may occur first. Provide and improve all drainage ways as recommended.
12. 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 19.04.130.
13. 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. A deviation from standards for stub streets is hereby approved. No other 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.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Tentative Map request for a proposed 24-lot single-family residential, attached subdivision generally located on the south side of Owens Boulevard, approximately 830 feet east of Marion Drive.

ISSUES

- A Rezoning (23-0530-ZON1) is requested from: R-2 (Medium-Low Density Residential) to: R-TH (Single Family Attached). Staff does not support this request.
- A Variance (23-0530-VAR1) is requested to allow non-standard street termini where a cul-de-sac or hammerhead is required, to allow a 1.00 connectivity ratio where 1.30 is the minimum required, and to allow a private street without a gate to not meet public street standards. Staff does not support this request.

ANALYSIS

The subject site is undeveloped and currently zoned R-2 (Medium-Low Density Residential) with an M (Medium Density Residential) general plan designation. The applicant has requested a Rezoning from R-2 (Medium-Low Density Residential) to R-TH (Single Family Attached). The applicant proposes to develop the subject site with a 24-lot single-family residential development.

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 (Single Family Attached) zoning district is consistent with the policies of the Medium Density Residential category of the General Plan. Compatible zoning districts include: R-TH (Single Family Attached), R-2 (Medium Low Density Residential), and R-3 (Medium Density Residential).

The surrounding area is characterized by R-E (Residence Estates) zoned properties containing single-family, detached dwellings to the south, R-3 (Medium Density Residential) zoned properties to the east and west, and surrounded by low density, single family residential development on large lots to the south and multi-family development to the east, north, and west zoned R-3 (Medium Density Residential) and RM18 (Residential Multi-Family 18) – Clark County zoning designation.

Staff Report Page Two
February 21, 2024 - City Council Meeting

The City of Las Vegas 2050 Master Plan outlines a Housing element which seeks to diversify and improve housing stock to include a range of building types and “missing middle” housing, including townhome styles of residential development. If approved, development at these properties may further diversify East Las Vegas’ housing portfolio which is mainly comprised of multi-family development along this segment of Owens Avenue. Additionally, as the site is currently zoned R-2 (Medium-Low Density Residential) staff finds the proposed rezoning may serve as a better transition between the lower density residential zoned properties to the south and multi-family development to the north. Therefore, staff is recommending approval of the requested Rezoning (23-0530-ZON1).

Tentative Map and Variance

The submitted tentative map depicts 24 lots, exclusively including Single-Family, Attached products and indicates the development will have lot sizes ranging from 1,600 square feet to 1,642 square feet. If the associated Rezoning (23-0530-ZON1) is approved, the proposed density of 14 dwelling units per acre falls within the density allowed of up to 25.5 dwelling units per acre. The submitted landscape plan indicates a sufficient landscape buffer with along Owens Avenue as a 25-foot landscape buffer is shown with a sufficient number of trees and shrubs within the buffer area.

The submitted north/south and east/west cross sections depict a maximum natural grade of less than two percent across this site. Per the Tables in Subdivision Code 19.06.060. a development with a natural slope of less than two percent, is allowed a maximum four-foot retaining wall. No retaining walls are shown as part of this proposal. However, the applicant has proposed perimeter walls as indicated on the submitted landscape plan, which depicts a six-foot tall CMU screen wall. The CMU block wall incorporates a variety of colors and finishes including Cream, Beronia, Rough and Dashed Stucco which provides 20 percent contrasting material.

As part of these requests, the applicant has also requested a Variance (23-0530-VAR1) to allow three deviations of Title 19.04 Complete Street Standards:

1. To allow non-standard street termination where a cul-de-sac or hammerhead terminus is required.
2. To allow a connectivity ratio of 1.00 where 1.30 is required.
3. To allow a private street without a gate to not meet public street standards.

Staff Report Page Three
February 21, 2024 - City Council Meeting

Per Title 19.04.100, private streets that terminate other than at an intersection with another private or public street shall provide street terminations either by 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. In the case of a private street up to 250 feet located behind a gate, a hammerhead terminus is required meeting the Standard 212.1.S1 design.

As proposed, the development will have three non-standard street termini located at the northwest, southwest, and southeast perimeter of the subject sites that do not comply with Title 19.04.100 development standards. The applicant has proposed to install non-standard stubs, as depicted on the submitted tentative map.

Pursuant to Title 19.04.040, connectivity is a measurement of the diversity of vehicular or pedestrian options a transportation network provides within and around its transportation network. It is measured using a Connectivity Ratio, which is determined by dividing the proposed street links (road sections between intersections) in the development's street layout divided by the number of street nodes (intersections and terminations). The higher the ratio, the more options there are for travelers in a given neighborhood and the lower the ratio, less options are available to travelers. The applicant has requested a Variance (23-0530-VAR1) from Title 19.04.040 development standards to allow a 1.00 connectivity ratio where 1.30 is required for the overall development. Staff finds that no extraordinary circumstance relating to the physical characteristics of the land have presented to warrant the requested Variance (23-0530-VAR1) associated with the submitted Tentative Map (23-0530-TMP1). As such, this is a self-imposed hardship which staff cannot support. Therefore, staff recommends denial of the requested Tentative Map (23-0530-TMP1) and Variance (23-0530-VAR1). If approved, both Tentative Map (23-0530-TMP1) and Variance (23-0530-VAR1) will be subject to conditions.

FINDINGS (23-0530-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 is supported by the existing M (Medium Density Residential) Land Use Designation and will conform if approved.

2. **The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.**

The residential uses allowed in the proposed R-TH (Single Family Attached) zoning district are compatible with the surrounding Residential, Single Family, Detached, and Residential, Multi-Family land uses and surrounding R-2 (Medium-Low Density Residential), R-3 (Medium Density Residential), R-E (Residence Estates), and RM-18 (Residential Multi-Family 18) – Clark County zoning designations.

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

The East Las Vegas neighborhood planning area as identified in the City of Las Vegas 2050 Master Plan indicates population growth from 75,146 residents to 84,936 residents where 326 new single-family units are projected. Additionally, the housing element of the City of Las Vegas 2050 Master Plan highlights the need for a diversified housing stock, which can be achieved through the proposed Rezoning (23-0530-ZON1). Therefore, growth and development factors in the community indicate the need for or appropriateness of the rezoning.

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 sites are directly accessed by Owens Avenue, a 100-foot Primary Arterial as defined by the Master Plan of Streets and Highways and is adequate in size to meet the requirements of the proposed zoning district.

FINDINGS (23-0530-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 non-standard residential street termini, proposing a deficient connectivity ratio, and failing to meet public street 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.

FINDINGS (23-0530-TMP1)

The proposed Tentative Map, while meeting the density and minimum lot requirements set forth in Title 19.06, staff is not able to support the associated Variance request for modified street terminations, reduced connectivity, and private street requirements; therefore staff is recommending denial of the Tentative Map.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
01/04/84	The City Council approved a Plot Plan Review (Z-0028-75) from: R-2 (Two Family Residence) to: R-3 (Limited Multiple Residence) for a proposed 36-unit apartment complex generally located on the south side of Owens Avenue between Marion Avenue and Nellis Boulevard at 4839, 4859, and 4879 East Owens Avenue.

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
01/11/85	The City Council approved an Extension of Time (Z-0103-83) of a previously approved Plot Plan Review (Z-0028-75) from: R-2 (Two Family Residence) to: R-3 (Limited Multiple Residence) for a proposed 36-unit apartment complex generally located on the south side of Owens Avenue between Marion Avenue and Nellis Boulevard at 4839, 4859, and 4879 East Owens Avenue.
01/09/24	<p>The Planning Commission voted (7-0) to recommend APPROVAL for possible action on the following Land Use Entitlement project requests on 1.66 acres on the south side of Owens Avenue, approximately 830 feet east of Marion Drive (APNs 140-29-510-009 and 010), Ward 3 (Diaz)</p> <p>23-0530-ZON1 - REZONING - FROM: R-2 (MEDIUM-LOW DENSITY RESIDENTIAL) TO: R-TH (SINGLE FAMILY ATTACHED)</p> <p>23-0530-VAR1 - VARIANCE - TO ALLOW NON-STANDARD RESIDENTIAL STREET TERMINI WHERE A CUL-DE-SAC OR HAMMERHEAD IS REQUIRED, TO ALLOW A 1.00 CONNECTIVITY RATIO WHERE 1.30 IS THE MINIMUM REQUIRED, AND TO ALLOW A PRIVATE STREET WITHOUT A GATE TO NOT MEET PUBLIC STREET STANDARDS</p> <p>23-0530-TMP1 - TENTATIVE MAP - AVIANA AT OWENS - FOR A PROPOSED 24-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION</p>

<i>Most Recent Change of Ownership</i>	
07/21/23	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 to date.	

<i>Pre-Application Meeting</i>	
10/03/23	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Rezoning, Tentative Map, and Variance.

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

Staff Report Page Seven
February 21, 2024 - City Council Meeting

Field Check	
11/30/23	Staff conducted a routine field check of the subject sites. Nothing of concern was noted.

Details of Application Request	
Site Area	
Net Acres	1.66

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Undeveloped	M (Medium Density Residential)	R-2 (Medium Low Density Residential)
North	Residential, Multifamily	CN (Compact Neighborhood – Clark County)	RM-18 (Residential Multi-Family) – Clark County
South	Residential, Single Family, Detached	R (Rural Density Residential)	R-E (Residence Estates)
East	Residential, Multifamily	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Residential, Multifamily	M (Medium Density Residential)	R-3 (Medium Density Residential)

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: East Las Vegas	Y
Special Area and Overlay Districts	Compliance
RP-O (Rural Preservation Overlay) District	N/A
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

DEVELOPMENT STANDARDS

Pursuant to Title 19.06, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	1,600 SF	1,600 SF	Y
Min. Lot Width	20 Feet	23 Feet	Y
Min. Setbacks			Y
• Front (Front Entry Garage)	18 Feet	18 Feet	Y
• Side	N/A Feet	0 Feet	N/A
• Rear	5 Feet	10 Feet	Y
Max. Lot Coverage	95%	84%	Y

Existing Zoning	Permitted Density	Units Allowed
R-2 (Medium Low Density Residential)	6-12 du/ac	18
Proposed Zoning	Permitted Density	Units Allowed
R-TH (Single Family Attached)	<25.5 du/ac	41
Existing General Plan	Permitted Density	Units Allowed
M (Medium Density Residential)	< 25.5 du/ac	41

Pursuant to Title 19.06, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	8 Trees	8 Trees	Y
• South	N/A	N/A	0 Trees	N/A
• East	N/A	N/A	1 Trees	N/A
• West	N/A	N/A	0 Trees	N/A
TOTAL PERIMETER TREES		8 Trees	9 Trees	Y
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	6 Feet		21 Feet	Y
• South	N/A		0 Feet	N/A
• East	N/A		5 Feet	N/A
• West	N/A		5 Feet	N/A
Wall Height	6 to 8 Feet Adjacent to Residential		6 Feet	Y

Staff Report Page Nine
February 21, 2024 - City Council Meeting

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

19.04.040 Connectivity		
Transportation Network Element	# Links	# Nodes
Internal Street	3	0
Intersection – Internal	0	0
Cul-de-sac or Hammerhead Terminus	0	
Intersection – External Street or Stub Terminus	0	3
Intersection – Stub Terminus with Temporary Turnaround Easements	0	0
Non-Vehicular Path - Unrestricted	0	0
Total	3	3
	Required	Provided
Connectivity Ratio (Links / Nodes):	1.30	1.00

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	24 Units	2 per Dwelling Unit + 1 for every 6 Dwelling Units	48		48		
		4	31				
TOTAL SPACES REQUIRED			52		79		Y
Regular and Handicap Spaces Required			51	1	78	1	Y