

**AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: JULY 21, 2021

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: SWDE348, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
20-0344-GPA1	Staff recommends DENIAL.	
20-0344-ZON1	Staff recommends DENIAL.	20-0344-GPA1

**** NOTIFICATION ******NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

4

NOTICES MAILED

475 (By City Clerk)

PROTESTS

2

APPROVALS

1

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a General Plan Amendment from PCD (Planned Community Development) to ML (Medium Low Density Residential); and a request to Rezone from R-E (Residence Estates) to R-SL (Residential Small Lot) on 44.52 acres located adjacent to the west side of the Rainbow Boulevard alignment, approximately 6,900 feet north of Horse Drive.

ISSUES

- Rainbow Boulevard terminates at Horse Drive.
- The subject site abuts the Tule Springs Fossil Beds National Monument along the west, south, and east property lines.
- There is no access to public utilities to service the subject site.
- A right-of-way grant would be required from the National Park Service in order to construct right-of-way through the national monument.

ANALYSIS

The subject 44.52 acres is an undeveloped parcel of land located within the Centennial Hills Sector of the General Plan. The subject site abuts a Clark County flood channel to the north, and the Tule Springs Fossil Beds National Monument along the west, south, and east property lines.

The Tule Springs Fossil Beds National Monument was established as the 405th unit of the National Park Service on December 19, 2014. The monument was established to "conserve, protect, interpret and enhance for the benefit of present and future generations the unique and nationally important paleontological, scientific, educational and recreational resources and values of the land." The paleontological period represented at Tule Springs ranges from 200,000 to 3,000 years ago, and is rich with significant paleontological resources from the ice age, including the Columbian Mammoth, extinct horses, camels and bison, and the dire wolf. The monument spans 22,650 acres along the northeastern edge of US Highway 95 north of the master plan area of Aliante to Creech Air Force Base.

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Currently the subject site is not accessed by any roadway, nor is it serviced by public utilities. In order for a roadway to be constructed, and utilities extended, right-of-way would have to be granted by the National Park Service to construct such infrastructure within a national monument. The lack of roads and utilities prohibits the property owner from developing the property at this time.

General Plan Amendment

The lack of access to the subject site indicates the prematurity of this General Plan Amendment and Rezoning request as it typifies “Leap Frog” development. Development on this site would require the extension of public facilities through a national monument since the nearest residential development is approximately three-quarters of a mile away.

The current General Plan designation of PCD (Planned Community Development) allows a mix of residential uses that maintain an average overall density ranging from two to eight dwelling units per gross acre, depending upon compatibility with adjacent uses (e.g. a density of two units per acre will be required when adjacent to DR designated property). The nearest development to the subject site consist of R-PD2 (Residential Planned Development – 2 Units per Acre) to the west, R-PD3 (Residential Planned Development – 3 Units per Acre) to the south, and large, two-acre home sites zoned R-E [(Rural Estates Residential District) Clark County]. The current General Plan designation of PCD (Planned Community Development) is compatible with the existing residential development in the area as it would dictate a maximum density of no more than 3 units per acre to be compatible with development in the area.

The proposed ML (Medium Low Density Residential) General Plan designation allows up to 8.49 dwelling units per gross acre, and would allow a range of residential housing including, single family detached homes, including compact lots and zero lot lines; mobile home parks and two-family dwellings. This General Plan designation would support multiple zoning districts including R-SL (Single Family Small Lot Residential), R-CL (Single Family Compact-Lot), and R-MH (Mobile/Manufactured Home), which would not be compatible with the existing development in the area.

It is the purpose and intent of the City Council that Title 19:

- maintains through orderly growth and development the character and stability of present and future land use and development in the City;
- manages the orderly and efficient provisions of adequate levels of public facilities and services necessary to support planned development;
- ensure that required on-site and off-site dedications and public improvements are properly installed or guaranteed; and
- prevent the impacts of both overcrowding of land and undue concentrations of population as well as the negative effects of leapfrogging sprawl and underutilization of land and property.

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In addition, The Las Vegas 2020 Master Plan contains numerous goals, objectives, and policies pertaining directly and indirectly to conservation. One of which is to, “create an inventory of any archeological resources within boundaries of proposed development and make efforts to preserve any significant resources that are discovered.”

Staff finds the requested General Plan Amendment to be premature and incompatible with the existing development in the area; therefore, staff is recommending denial of the amendment request.

Rezoning

The subject site is currently zoned R-E (Residence Estates) which allows low-density residential units on large lots in order to convey a rural environment. This zoning district requires a minimum lot size of 18,000 square feet. The applicant is proposing to rezone the subject site to R-SL (Single Family Small Lot Residential) which requires a minimum lot size of 4,500 square feet.

The closest parcel not part of the national monument is approximately 1,300 linear feet from the subject site and is zoned R-E (Residence Estates). Rezoning the subject site to R-SL (Single Family Small Lot Residential) would allow a residential density that is incompatible with the surrounding land uses, which are rural in nature.

The approval of this General Plan Amendment and Rezoning application would allow approximately 377 residential units on a 44.52-acre site with no roadways and/or utilities, nor a viable mechanism of extending such facilities to the subject site. This request is not in alignment with the goals, objectives, or policies of the Las Vegas 2020 Master Plan, or the purpose and intent of Title 19; therefore, staff is recommending denial of the Rezoning request in addition to the requested General Plan Amendment.

FINDINGS (GPA-72732)

Section 19.16.030(I) of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

- 1. The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,**

The density and intensity proposed is not compatible with the existing R-E (Residence Estates), R-PD2 (Residential Planned Development – 2 Units per Acre), R-PD3 (Residential Planned Development – 3 Units per Acre), and R-E [(Rural Estates Residential District) Clark County] residentially zoned developments found in this portion of the Northwest Sector, nor is it compatible with the adjacent Tule Springs Fossil Beds National Monument.

2. **The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,**

The ML (Medium Low Density Residential) General Plan designation supports such zoning districts as R-SL (Single Family Small Lot Residential), R-CL (Single Family Compact-Lot), and R-MH (Mobile/Manufactured Home). These zoning districts are too intense and incompatible with the existing R-E (Residence Estates), R-PD2 (Residential Planned Development – 2 Units per Acre), R-PD3 (Residential Planned Development – 3 Units per Acre), and R-E [(Rural Estates Residential District) Clark County] zoning districts that currently govern land use in this portion of the Northwest Sector, nor is it compatible with the adjacent Tule Springs Fossil Beds National Monument.

3. **There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and**

There are no transportation or utility facilities to accommodate the proposed residential densities permitted by the proposed ML (Medium Low Density Residential) General Plan designation. In order to construct roadways to provide access, right-of-way would need to be granted by the National Park Service in order to build a roadway and provide utilities to the subject site within the national monument.

4. **The proposed amendment conforms to other applicable adopted plans and policies.**

The Las Vegas 2020 Master Plan contains numerous goals, objectives, and policies pertaining directly and indirectly to conservation; one of which is to, “create an inventory of any archeological resources within boundaries of proposed development and make efforts to preserve any significant resources that are discovered.” The approval of a General Plan Amendment and Rezoning application that would require federal right-of-way grants through a national monument in order to construct the necessary infrastructure to service any future development does not conform to the Master Plan goals, objectives, and policies.

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In addition, on September 28, 2010, the Southern Nevada Regional Planning Coalition (SNRPC) amended the Conservation, Open Space, and Natural Resource Element of the Southern Nevada Regional Policy Plan that identified four regional priorities. One of those priorities included “the coordination of regional efforts to manage and preserve national resources.” The approval of these requests do not support applicable adopted plans and policies as it require future federal right-of-way grants to disturb a national resource for roadways and utilities.

FINDINGS (ZON-72733)

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 requested R-SL (Residential Small Lot) would conform to the proposed ML (Medium Low Density Residential).

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.

A residential subdivision is not compatible with the surrounding Tule Springs Fossil Beds National Monument, as it would be necessary for the National Park Service to issue right-of-way grants through the national monument in order to provide both roadways and utilities to the subject site.

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

Growth and development factors in the community do not indicate the need for “leap frog” development that would require the extension of public facilities through undeveloped lands and grants from the National Park Service to install such facilities through a national monument.

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.

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There are no street or highway facilities that provide access to the subject site. In order to construct roadways to provide access a right-of-way grant would need to be granted by the National Park Service in order to build a roadway within the national monument.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
04/10/18	The Planning Commission approved a request to abey a request for a General Plan Amendment (GPA-72732) from PCD (Planned Community Development) to ML (Medium Low Density Residential) and a request for a Rezoning (ZON-72733) from R-E (Residence Estates) to R-SL (Residential Small Lot) on 44.52 acres at the southwest corner of the Moccasin Road and Rainbow Boulevard alignments to the July 10, 2018 Planning Commission meeting.
07/10/18	The Planning Commission approved a request to abey a request for a General Plan Amendment (GPA-72732) from PCD (Planned Community Development) to ML (Medium Low Density Residential) and a request for a Rezoning (ZON-72733) from R-E (Residence Estates) to R-SL (Residential Small Lot) on 44.52 acres at the southwest corner of the Moccasin Road and Rainbow Boulevard alignments to the October 9, 2018 Planning Commission meeting.
10/09/18	The Planning Commission approved a request to table a request for a General Plan Amendment (GPA-72732) from PCD (Planned Community Development) to ML (Medium Low Density Residential) and a request for a Rezoning (ZON-72733) from R-E (Residence Estates) to R-SL (Residential Small Lot) on 44.52 acres at the southwest corner of the Moccasin Road and Rainbow Boulevard alignments.
04/13/21	<p>The Planning Commission unanimously voted to recommend DENIAL on the following the Land Use Entitlement project requests on 44.52 acres on the west side of the Rainbow Boulevard alignment, approximately 6,900 feet north of Horse Drive (APN 125-03-501-001), Ward 6 (Fiore).</p> <ul style="list-style-type: none"> • 20-0344-GPA1 - FROM: PCD (PLANNED COMMUNITY DEVELOPMENT) TO: ML (MEDIUM LOW DENSITY RESIDENTIAL) • 20-0344-ZON1 - FROM: R-E (RESIDENCE ESTATES) TO: R-SL (SINGLE FAMILY RESIDENTIAL SMALL LOT).
05/19/21	The City Council voted to hold this request in abeyance to the 06/02/21 City Council meeting.
06/02/21	The City Council voted to hold this request in abeyance to the 06/16/21 City Council meeting.
06/16/21	The City Council voted to hold this request in abeyance to the 07/21/21 City Council meeting.

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Most Recent Change of Ownership	
01/2011	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses
There are no related building permits or business licenses associated with the subject site.

Pre-Application Meeting	
11/30/20	A submittal checklist for a General Plan Amendment and Rezoning application was provided to the applicant.

Neighborhood Meeting	
03/22/21	<p>Date: Monday, March 22, 2021 Start Time: 5:30 p.m. End Time: 6:10 p.m.</p> <p><u>Attendees:</u> One representative for the applicant; One representative from the Planning Department; and Two neighbors, one in person, one online via WebEx. The neighbor who attended in person indicated he was the president of his Homeowners Association (HOA) and that the neighborhood he represented was not in support of the proposal.</p> <p><u>Meeting Results:</u> The applicant's representative gave a presentation of the proposed general Plan Amendment and Rezoning and outlined the densities allowed by the proposal. A map of a residential subdivision depicting 284-lots was presented as a possible layout for a future residential subdivision, but was noted to not be part of the application at this time.</p> <p>The neighbors in attendance inquired about how access to the site would be gained, for both vehicles and utilities. Which the applicant's representative indicated an access easement would have to be granted by the federal government in order for development to occur.</p> <p>The neighbors are in support of the federal government doing a land swap and preserving the subject site as undeveloped and possibly making it part of the Tule Springs Fossil Beds National Monument.</p> <p>The neighbors did not want to have that many homes built in the area, and especially that close to a national monument. The neighbors wanted the area preserved and low densities maintained.</p>

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<i>Neighborhood Meeting</i>	
03/22/21	<p>The neighbors inquired about the home sizes and whether or not a three-story would be constructed. The applicant's representative indicated the proposed zoning would only allow a maximum of two-stories, which staff from the Planning Department confirmed.</p> <p>At the conclusion of the meeting the neighbors indicated they are not in support of the proposal and felt it was too dense for the area.</p>

<i>Field Check</i>	
03/05/21	Staff observed the approximate area of the undeveloped subject site during a routine field check and noted there is no access (roadway) to the subject site.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	44.52

<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	PCD (Planned Community Development)	R-E (Residence Estates)
North	Clark County Flood Channel	Clark County Flood Channel	Clark County Flood Channel
South	Tule Springs Fossil Beds National Monument	PR-OS (Parks/Recreation/Open Space)	R-E (Residence Estates)
East	Tule Springs Fossil Beds National Monument	PR-OS (Parks/Recreation/Open Space)	C-V (Civic)
West	Tule Springs Fossil Beds National Monument	PR-OS (Parks/Recreation/Open Space)	R-E (Residence Estates)

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Master and Neighborhood Plan Areas	Compliance
No Applicable Master Plan Area	N/A
Special Area and Overlay Districts	Compliance
No Applicable Special Area or Overlay Districts	N/A

Other Plans or Special Requirements	Compliance
Trails – Multi-Use Non-Equestrian Trail	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

Existing General Plan	Permitted Density	Units Allowed
PCD (Planned Community Development)	2 – 8 du/gross acre	89.04 – 356.16
Proposed General Plan	Permitted Density	Units Allowed
ML (Medium Low Density Residential)	5.6 – 8 du/gross acre	249.31 – 356.16
Existing Zoning	Permitted Density	Units Allowed
R-E (Residence Estates)	18,000 SF Minimum Lot Size	107.74
Proposed Zoning	Permitted Density	Units Allowed
R-SL (Single Family Small Lot Residential)	4,500 SF Minimum Lot Size	430.95

Las Vegas Valley Water District (LVVWD) Comments:
This property is currently not served by LVVWD. Civil and plumbing plans will need to be submitted to LVVWD for domestic meter sizing and fire flow availability. The proposed single-family development must be individually metered for all lots and public water dedicated in public or private streets. Two sources of water are required for this development. To comply with District Service Rules the development will be required submit a hydraulic analysis for approval and address the point of connection sources. In addition, there are no water facilities adjacent to this parcel, a meeting with LVVWD will be required to discuss infrastructure in order to serve.

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Proposed 284 Single-Family Lots:					
Student Yield		Elementary School	Middle School	High School	
Single-Family Units (284)		284 x 0.166	284 x 0.093	284 x 0.131	
Total Additional Students		47	26	37	
Schools Serving the Area:					
Name	Address	Grade	Capacity	Enrollment	Site Date
O’Roarke Elementary School	8455 O’Hare Road	Kindergarten – 5 th Grade	727 Students	749 Students	03/21/21
Cadwallader Junior High School	7775 Elkhorn Road	6 th – 8 th Grade	1,564 Students	1,414 Students	03/21/21
Arbor View High School	7500 Whispering Sands Drive	9 th - 12 th Grade	2,524 Students	3,229 Students	03/21/21

O'Roarke Elementary School and Arbor View High School are over capacity for the 2020-2021 school year. O'Roarke Elementary School is at 103.03% and Arbor View High School is at 127.93% of program capacity.