

**AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: NOVEMBER 16, 2022

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: COUNTY OF CLARK

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
22-0410-GPA1	Staff recommends DENIAL.	
22-0410-ZON1	Staff recommends DENIAL.	22-0410-GPA1
22-0410-VAR1	Staff recommends DENIAL, if approved subject to conditions:	22-0410-GPA1 22-0410-ZON1
22-0410-TMP1	Staff recommends DENIAL, if approved subject to conditions:	22-0410-GPA1 22-0410-ZON1 22-0410-VAR1

**** NOTIFICATION ******NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 26**NOTICES MAILED** 203 (by City Clerk)**PROTESTS** 6**APPROVALS** 1

**** CONDITIONS ****

22-0410-VAR1 CONDITIONS

Planning

1. Approval of a General Plan Amendment (22-0410-GPA1) and Rezoning (22-0410-ZON1) and approval of and conformance to the Conditions of Approval for Tentative Map (22-0410-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 Department of Building and Safety.
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.

22-0410-TMP1 CONDITIONS

Planning

1. The residential subdivision shall be limited to a maximum of 30 lots.
2. A six-foot landscape buffer shall be provided adjacent to Rebecca Road and Bullring Lane.
3. Detail C and all the “private” call outs in the layout of sheet 2 shall be updated to replace “private” with “public”.

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4. 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.
5. Approval of General Plan Amendment (22-0410-GPA1), Rezoning (22-0410-ZON1) and Approval of and Conformance to the conditions of approval for Variance (22-0410-VAR1) shall be required, if approved.
6. Street names must be provided in accordance with the City's Street Naming Regulations.
7. 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.
8. 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.
9. All development is subject to the conditions of City Departments and State Subdivision Statutes.

Public Works

10. Construct a pedestrian access in Common Element "C" and grant a Public Pedestrian Access Easement over Common Element "C". Alternatively, prior to the submittal of construction drawings for this site, submit a pedestrian circulation plan to identify nearby pedestrian attractors and recommend measures to accommodate pedestrians, such as but not limited to pedestrian access, crosswalk, pedestrian activated flashers and temporary sidewalks. Comply with the recommendation of the approved pedestrian circulation plan.
11. Construct half street improvements with appropriate transition paving matching existing adjacent improvements for Tropical Parkway, Rebeca Road, and Bullring Lane concurrent with the development of this site. Improvements on Bullring Lane may be deferred with an approved administrative deferral.
12. 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.
13. 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.
14. 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.
15. 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.

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16. 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.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Tentative Map request for a proposed 36-lot single-family residential subdivision on 7.72 acres at the northeast corner of Tropical Parkway and Rebecca Road.

REVISIONS SUBMITTED

- The applicant submitted a revised Tentative Map, date stamped 10/24/22.
- The number of lots has been reduced to 30 with an overall density of 3.89 dwelling units per acre.

ISSUES

- A General Plan Amendment (22-0410-GPA1) is requested from PR-OS (Parks/Recreation/Open Space) to L (Low Density Residential). Staff does not support the request.
- A Rezoning (22-0410-ZON1) is requested from R-E (Residence Estates) to R-1 (Single Family Residential). Staff does not support the request.
- A Variance (22-0410-VAR1) is requested to allow a 1.25 connectivity ratio where 1.30 is the minimum required. Staff does not support the request.

ANALYSIS

The subject undeveloped 7.72-acre lot is currently zoned R-E (Residence Estates) and subject to Title 19 development standards. It is surrounded by other R-E zoned properties to the north, south and east. The property adjacent to the west is zoned C-V (Civic) and developed with an existing city park (Estelle Neal Park). The applicant proposes to develop the subject site with a 36-lot single-family residential subdivision. Associated entitlements, General Plan Amendment (22-00410-GPA1) from PR-OS (Parks/Recreation/Open Space) to L (Low Density Residential) and Rezoning (22-00410-ZON1) from R-E (Residence Estates) to R-1 (Single Family Residential) are also requested.

General Plan Amendment

The subject site is located within the City of Las Vegas 2050 Master Plan Centennial Hills Area and has a land use designation of PR-OS (Parks/Recreation/Open Space) which calls for parks, recreation facilities, golf courses, open spaces and trails. The applicant requests to amend the land use designation to L (Low Density Residential) which calls for single-family housing, detached homes and manufactured housing. It allows a maximum density of 5.5 dwelling units per acre.

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As part of the Las Vegas 2050 Master Plan, residents ranked parks and recreation as the most affordable and highest quality amenity across all wards. A Key Action of the Master Plan is to increase the amount of park and open space acreage. Approval of the requested General Plan Amendment will remove acreage for a possible future park use at the subject site. Furthermore, the subject site is predominantly surrounded by residential properties with a DR (Desert Rural Density Residential) and RNP (Rural Neighborhood Preservation) land use designation, which calls for large lot, single-family estates and ranches, typically in suburban or peripheral rural areas with a density of no more than 2.50 dwelling units per acre. This is not compatible with the proposed L (Low Density Residential) designation which allows densities up to 5.50 dwelling units per acre. As such, staff recommends denial of the General Plan Amendment request.

Rezoning

The subject site is currently zoned R-E (Residence Estates). The purpose of the R-E District is to provide for low-density residential units located on large lots (no less than 18,000 square-foot size lots) and conveying a rural environment. This District is consistent with the policies of the Desert Rural Density Residential category of the General Plan. The applicant requests to rezone the subject site to R-1 (Single Family Residential). The purpose of the R-1 District is to provide for the development of single-family detached dwellings in a suburban setting, with a minimum lot size of 6,500 square feet. The R-1 District is consistent with the policies of the Low Density Residential category of the General Plan. Staff finds the proposed Rezoning request is not compatible with the existing large-lot residential area, which is predominantly zoned R-E (Residence Estates). As such, staff recommends denial of the Rezoning request.

Tentative Map

The submitted Tentative Map depicts a 36-lot single-family, detached residential subdivision. It is proposed to be developed to R-1 (Single Family Residential) development standards and contingent upon the approval of the associated General Plan Amendment and Rezoning. If associated entitlements, General Plan Amendment (22-0410-GPA1) and Rezoning (22-0410-ZON1) are approved, the proposed density of 4.66 dwelling units per acre will fall within the maximum allowed density of 5.50 dwelling units per acre. The lots will range in size from 6,500 square feet to 10,305 square feet.

A Variance (22-0410-VAR1) is requested to allow a connectivity ratio of 1.25 where 1.30 is required. Per Title 19, the Connectivity Ratio is defined as, "A measure of connectivity computed by taking the ratio of links (street segments) to nodes (intersections and cul-de-sac termini)." Staff finds the Variance request to be a self-imposed hardship, as the subject site is bordered by right-of-way along three property lines which provides opportunity to comply with the required connectivity ratio. Therefore, staff recommends denial. If approved, it will be subject to conditions.

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The submitted east/west cross sections depict a maximum natural grade less than two percent across this site. Per Title 19, development with natural slope less than two percent is allowed a maximum four-foot retaining wall. No retaining walls are shown along the east and west property lines. The submitted north/south cross section depict a maximum natural grade less than two percent across this site. Per Title 19, a development with natural slope less than two percent is allowed a maximum four-foot retaining wall. No retaining walls are shown along the north and south property lines.

The Department of Public Works – Traffic Engineering Division has commented, “This project is expected to add an additional 340 trips per day on Tropical Parkway, Rebecca Road, Bullring Lane and Torrey Pines Drive. Currently, Tropical is at about 45 percent of capacity and Torrey Pines is at about eight percent of capacity. With this project, Tropical is expected to be at about 47 percent of capacity and Torrey Pines to be at about 10 percent of capacity. Counts are not available for Rebecca or Bullring, but they are believed to be under capacity. Based on Peak Hour use, this subdivision will add into the area roughly 36 additional peak hour trips, or about two every three minutes.”

The Clark County School District has commented, “Neal Elementary School and Shadow Ridge High School were over capacity for the 2021-2022 school year. Neal Elementary School was at 106.35 percent and Shadow Ridge High School was at 130.28 percent of program capacity. An estimated fourteen students are expected to be generated from this proposed development.”

The proposed Tentative Map (22-0410-TMP1) is not compatible with the surrounding area and does not meet street connectivity requirements. As such, staff recommends denial. If approved, it will be subject to conditions.

FINDINGS (22-0410-GPA1)

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 of the proposed L (Low Density Residential) designation is not compatible with the surrounding large-lot residential area, which predominantly has a land use designation of DR (Desert Rural Density Residential). The DR designation allows up to 2.50 dwelling units per acre.

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

The L (Low Density Residential) designation would allow the R-SL Residential Small Lot District (4,500 square-foot lot size) and R-1 Single Family Residential District (6,500 square-foot lot size), which are not compatible with the existing R-E Residence Estates District zoned properties in the surrounding area.

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 adequate transportation, recreation, utility and other facilities to accommodate the uses and densities that would be allowed if the General Plan Amendment is approved.

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

The proposed amendment does not conform to the 2050 Master Plan, which designates this site to be used as open space.

FINDINGS (22-0410-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 the associated General Plan Amendment (22-0410-GPA1) is approved, the proposed zoning district will conform. Staff does not support the General Plan Amendment request.

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.**

Approval of the proposed Rezoning, would permit a residential subdivision with a minimum lot size of 6,500 square feet. This is not compatible with the surrounding R-E (Residence Estates) zoned lots, which require a minimum lot size of 18,000 square feet.

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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 community do not indicate the need or appropriateness of the proposed rezoning to R-1 (Single Family Residential) to allow smaller home sites.

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.

If approved, there are adequate street facilities to accommodate the requirements of the proposed zoning district.

FINDINGS (22-0410-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 a residential subdivision that fails to comply with minimum Title 19 development standards. Use of an alternative design would allow conformance to the Title 19 requirements. 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 (22-0410-TMP1)

While the proposed Tentative Map conforms to Nevada Revised Statutes, staff recommends denial due to the associated Variance request of Title 19 requirements and incompatibility of the proposed lot sizes with the existing surrounding area. If approved, it will be subject to conditions.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Code Enforcement, etc.</i>	
05/14/64	The City Planning Commission approved a request for a Petition of Annexation (A-0003-64) of approximately 5,000 acres located north of Lone Mountain Road and west of Decatur Boulevard.
09/18/96	The City Council denied a request for a proposed Rezoning (Z-0080-96) from R-E (Residence Estates) to R-D (Single Family Residence-Restricted) and R-1 (Single Family Residence) on property located on the northeast corner of Tropical Parkway and Serene Drive for 90 proposed single-family dwellings. The Planning Commission recommended denial of the request.
05/11/09	A Code Enforcement case (#CE-77982) was processed for a vacant lot needs to have signs posted & fenced, constant motor bike noise from kids riding on the southeast corner of Rebecca Road and Bullring Road. The case was resolved on 05/27/09.
10/19/21	A Code Enforcement case (#CE21-04616) was processed for a boat and trailer dumped on vacant lot on the southeast corner of Rebecca Road and Bullring Road. The case was resolved on 12/06/21.

10/11/22	<p>The Planning Commission voted (6-0-1) to recommend APPROVAL of the following Land Use Entitlement project requests on 7.72 acres on the northeast corner of Tropical Parkway and Rebecca Road (APN 125-26-204-003), Ward 6 (Fiore).</p> <p>22-0410-GPA1 - GENERAL PLAN AMENDMENT - FROM: PR-OS (PARKS/RECREATION/OPEN SPACE) TO: L (LOW DENSITY RESIDENTIAL)</p> <p>22-0410-ZON1 - REZONING - FROM: R-E (RESIDENCE ESTATES) TO: R-1 (SINGLE FAMILY RESIDENTIAL)</p> <p>22-0410-VAR1 - VARIANCE - TO ALLOW A 1.00 CONNECTIVITY RATIO WHERE 1.30 IS THE MINIMUM REQUIRED</p> <p>22-0410-TMP1 - TENTATIVE MAP - TROPICAL & REBECCA - FOR A PROPOSED 36-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION</p>
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<i>Most Recent Change of Ownership</i>	
07/13/00	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
There are no Building Permits or Business Licenses associated with the subject site.	

<i>Pre-Application Meeting</i>	
07/19/22	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed residential subdivision.

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Neighborhood Meeting	
09/27/22	<p>Meeting Start Time: 5:30 pm Meeting End Time: 6:45 pm</p> <p>Attendance: 1 Representative of the Applicant 1 Planning Staff Member 3 Clark County Representatives (Applicant) 1 Planning Commissioner 22 Members of the Public</p> <p>The meeting began with the applicant representative giving an overview of the entitlement requests. It was explained that Clark County is the applicant/owner and the proposed use of the site is to provide “affordable” housing to the community. Perspective buyers would need to meet certain income qualifications in order to purchase in this subdivision. Clark County would retain ownership of the land and the buyers would only be buying the houses. The floor was then opened for comments and questions.</p>
	<ul style="list-style-type: none"> • Comment made that this development sounds like a trailer park • Question raised whether street lights would be provided (yes, on public streets) • Question raised regarding home prices (approximately 250K to 330K) • Comment made that proposed home prices are not reflective of the area and would bring down surrounding home values • Question raised about who pays taxes (buyers would only pay taxes on the home, not the land) • Comment made that while there will be no official HOA, the county will maintain perimeter landscaping • Comment made that renting the homes is not an option • Question raised about combining incomes to qualify for homes (Yes, possible) • Question raised whether these homes would only be for essential workers (No) • Comment made that proposed lot sizes are not compatible with surrounding half acre lots • Question raised whether other locations are being considered for this program (yes)

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Neighborhood Meeting	
	<ul style="list-style-type: none"> • Question raised why entrance was chosen off Tropical • Question raised whether the homes would be single story (not sure) • Comment made that there are many kids within the neighborhood that would be impacted by the increased traffic • Question raised regarding fire exit requirements (applicant will comply with any Fire requirements) • Question raised whether on-street parking would be provided (yes) • Question raised whether the density could be lowered (possible) • Question raised about what happens if the project is impacted by economy changes • Question raised about what happens if a house is foreclosed • Question raised about who receives any profits from the project • Question raised about the re-sale process and would second homebuyers need to qualify for the program (yes) <p>The meeting ended with the applicant representative explaining the process going forward.</p> <p>Overall, the attendees were supportive of the housing program in theory but were not in support of the proposed subdivision as it is not compatible with the surrounding area.</p>

Field Check	
08/25/22	Staff conducted a routine field check and found an undeveloped lot with desert vegetation. Political signs were observed on the perimeter fencing of the lot.

Details of Application Request	
Site Area	
Net Acres	7.72

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<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	PR-OS (Parks/Recreation/Open Space)	R-E (Residence Estates)
North	Single-Family Dwelling	DR (Desert Rural Density Residential)	R-E (Residence Estates)
	Undeveloped		
South	Single-Family Dwellings	DR (Desert Rural Density Residential)	R-E (Residence Estates)
East	Single-Family Dwelling	DR (Desert Rural Density Residential)	R-E (Residence Estates)
	Undeveloped		
West	Public Park	PR-OS (Parks/Recreation/Open Space)	C-V (Civic)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Master Plan 2050 Area: Rancho	N/A
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
RP-O (Rural Preservation Overlay) District	N
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan	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:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6,500 SF	6,524 SF	Y
Min. Lot Width	60 Feet	60 Feet	Y

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Existing Zoning	Permitted Density	Units Allowed
R-E (Residence Estates)	18,000 SF Lots	18
Proposed Zoning	Permitted Density	Units Allowed
R-1 (Single Family Residential)	6,500 SF Lots	51
Existing General Plan	Permitted Density	Units Allowed
PR-OS (Parks/Recreation/Open Space)	N/A	N/A
Proposed General Plan	Permitted Density	Units Allowed
L (Low Density Residential)	5.5 du/acre	42

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Tropical Parkway	Collector	Master Plan of Streets and Highways Map	80	Y
Rebecca Road	Local Street	Title 13	60	Y
Bullring Lane	Local Street	Title 13	60	Y

19.04.040 Connectivity		
Transportation Network Element	# Links	# Nodes
Internal Street	5	
Intersection – Internal		4
Total	5	4
	Required	Provided
Connectivity Ratio (Links / Nodes):	1.30	1.25

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

<i>Parking Requirement</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>	
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Single Family, Detached	36 Lots	Two spaces per dwelling unit	72				
TOTAL SPACES REQUIRED			72		72		Y