



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: JUNE 21, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: SIENDA EVELYN

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

| CASE NUMBER | RECOMMENDATION | REQUIRED FOR APPROVAL |
|---------------------|---|------------------------------|
| 23-0113-VAR1 | Staff recommends DENIAL, if approved subject to conditions: | |
| 23-0113-ZON1 | Staff recommends DENIAL, if approved subject to conditions: | 23-0113-VAR1 |

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 25

NOTICES MAILED 297

PROTESTS 1

APPROVALS 2

**** CONDITIONS ****

23-0113-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow Vehicular Access from a Primary or Secondary Thoroughfare (West Tropical Parkway) where such is prohibited and have 96 feet lot width adjacent to a primary or secondary thoroughfare where 100 feet is required.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
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. 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.
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.

Public Works

7. Driveways facing Master Plan Streets (Tropical Parkway) must be circular or have enough room on property to allow vehicles to turn around and exit in the forward facing position. Backing onto or off from Tropical Parkway is prohibited.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Rezoning request from R-E (Residence Estates) to R-1 (Single Family Residential) and a Variance request to allow vehicular access from a Primary or Secondary Thoroughfare where such is prohibited and have 96 feet lot width adjacent to a primary or secondary thoroughfare where 100 feet is required at 6010 Moonlight Drive.

ISSUES

- A Rezoning (23-0113-ZON1) is requested from R-E (Residence Estates) to R-1 (Single Family Residential). Staff does not support the request.
- A Variance (23-0113-VAR1) is requested to allow vehicular access from a Primary or Secondary Thoroughfare where such is prohibited for residentially zoned property and have a 96 feet lot width adjacent to a Primary or Secondary Thoroughfare where 100 feet is required. Staff does not support the request. Staff does not support the request.

ANALYSIS

The subject undeveloped 0.46-acre parcel is currently zoned R-E (Residence Estates) with an R (Rural) Land Use Designation. It is subject to the development standards of Title 19. The subject site is situated adjacent to existing single-family, detached dwellings zoned R-E (Residence Estates) to the north, east and west, and zoned R-1 (Single Family Residential) to the south.

The existing R (Rural) land use designation allows a density up to 3.6 dwelling units per acre. The proposed R-1 (Single Family Residential) zoning district conforms with the existing R (Rural) land use designation. The purpose of the R-1 District is to provide for the development of single-family detached dwellings in a suburban setting.

The subject site is located within the 2050 Master Plan Centennial Hills Area, which calls for the mix of traditional and suburban single-family development combined with large lot residential estates. The proposed Rezoning conforms with the existing land use designation and is compatible with the existing residential development in the surrounding area.

Per Title 19.02.290, "Each lot within a subdivision shall have access to a public or private street or private drive that complies with City Standards. Lots with residential zoning and having less than one hundred feet on any side adjacent to a primary or secondary thoroughfare, as designated on the City's Master Plan of Streets and Highways, shall be

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prohibited vehicular access to the primary or secondary thoroughfare. The access prohibition shall be clearly indicated on the recorded final map. Unless no alternative exists due to the size or depth of the land to be divided, no residential lot shall front onto a primary or secondary thoroughfare. All such lots shall be oriented to have either their rear or side yard lines adjacent to the primary or secondary thoroughfare.”

According to the submitted justification letter, date stamped on 03/16/23, if the Rezoning request is approved, the applicant intends to subdivide the property into two lots via a Parcel Map review and build two separate houses on the lots. This will make one lot only accessible via Tropical Parkway (a Master Plan Street) where such is prohibited. Simultaneously, the proposed parcel map shows the lot width of the side adjacent to West Tropical Parkway is approximately 96 feet where 100 feet is required.

No evidence of unique or extraordinary circumstance related to the physical characteristics of the site has been presented to warrant the requested Variance. As such, the hardship is self-imposed and preferential in nature. Therefore, staff recommends denial of this Variance request. If approved, it will be subject to conditions.

The approval of the Variance is a prerequisite for the Rezoning request. The stand-alone Rezoning request intends to subdivide the property into two lots that do not conform to Title 19.02.290. Consequently, staff recommends denial of this Rezoning request.

FINDINGS (23-0113-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.”

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No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to subdivide a lot that creates vehicular access from a Primary or Secondary Thoroughfare where such is prohibited and have a 96-foot lot width adjacent to a primary or secondary thoroughfare where 100 feet is required. 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. Therefore, staff recommends denial of this request. If approved, staff has added recommended conditions.

FINDINGS (23-0113-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-1 (Single Family Residential) zoning district conforms with the existing R (Rural) land use designation.

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

The Single-Family, Detached use allowed by the requested Rezoning will not be compatible due to associated Variance request to allow vehicular access from a Primary or Secondary Thoroughfare where such is prohibited and have a 96-foot lot width adjacent to a Primary or Secondary Thoroughfare where 100 feet is required.

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

The proposed Rezoning would allow lots that fail to comply with Title 19 development standards.

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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The subject site is accessible by Moonlight Drive and West Tropical Parkway, Moonlight Drive is 60-foot Local Street and West Tropical Parkway is an 80-foot Collector Street, both are adequate in size to meet the needs of the R-1 (Single Family Residential) zoning district. However, Driveways facing Master Plan Streets (Tropical Parkway) must be circular or have enough room on property to allow vehicles to turn around and exit in the forward facing position. Backing onto or off from Tropical Parkway is prohibited. Therefore, the approval of the Variance is a prerequisite for the Rezoning request. If approved, a condition of approval has been added for the driveway to be circular, and backing in and out of Tropical Parkway will be prohibited.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i> | |
|---|---|
| 05/14/05 | The City Council approved an Annexation (A-0054-99) for an area consisting of approximately 1.446 acres, generally located on the northeast corner of Tropical Parkway and Moonlight Drive. |
| 02/21/23 | A parcel map application (100303-PMP) was closed due to the need for the subject Rezoning request (23-0113-ZON1). |
| 05/09/23 | <p>The Planning Commission voted (6-1) to recommend APPROVAL of the following Land Use Entitlement project requests on 0.46 acres at 6010 Moonlight Drive (APN 125-27-610-056), Ward 6 (Brune)</p> <p>23-0113-VAR1 - VARIANCE - TO ALLOW VEHICULAR ACCESS FROM A PRIMARY OR SECONDARY THOROUGHFARE WHERE SUCH IS PROHIBITED AND A 96-FOOT LOT WIDTH ADJACENT TO A PRIMARY OR SECONDARY THOROUGHFARE WHERE 100 FEET IS REQUIRED</p> <p>23-0113-ZON1 - REZONING - FROM: R-E (RESIDENCE ESTATES) TO: R-1 (SINGLE FAMILY RESIDENTIAL)</p> |

| <i>Most Recent Change of Ownership</i> | |
|---|--|
| 12/15/22 | A deed was recorded for a change in ownership. |

| <i>Related Building Permits/Business Licenses</i> | |
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| There are no related building Permits/Business licenses. | |

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Pre-Application Meeting

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| 03/02/23 | Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed Rezoning request. |
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Neighborhood Meeting

A neighborhood meeting was not required, nor was one held.

Field Check

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| 04/05/23 | Staff conducted a routine field check and found an undeveloped lot. No issues were noted. |
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Details of Application Request
Site Area

| | |
|-----------|------|
| Net Acres | 0.46 |
|-----------|------|

| Surrounding Property | Existing Land Use Per Title 19.12 | Planned or Special Land Use Designation | Existing Zoning District |
|-----------------------------|--|--|---|
| Subject Property | Undeveloped | R (Rural) | R-E (Residence Estates) |
| North | Single Family, Detached | LN (Low-Intensity Suburban Neighborhood) Clark County | R-E (Residence Estates) Clark County |
| South | Single Family, Detached | ML (Medium Low Density Residential) | R-1 (Single Family Residential) |
| East | Single Family, Detached | DR (Desert Rural) | R-E (Residence Estates) |
| West | Single Family, Detached | LN (Low-Intensity Suburban Neighborhood) Clark County | R-E (Residence Estates) Clark County |

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| <i>Master and Neighborhood Plan Areas</i> | <i>Compliance</i> |
|--|--------------------------|
| Las Vegas 2050 Master Plan Area: Centennial Hills | Y |
| Northwest Open Space 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

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 | 10,019 SF | Y |
| Min. Lot Width | 60 Feet | 96,67 Feet | |
| | | | N* |

*Lots with residential zoning and having less than one hundred feet on any side adjacent to a primary or secondary thoroughfare, as designated on the City's Master Plan of Streets and Highways, shall be prohibited vehicular access to the primary or secondary thoroughfare.

| <i>Street Name</i> | <i>Functional Classification of Street(s)</i> | <i>Governing Document</i> | <i>Actual Street Width (Feet)</i> | <i>Compliance with Street Section</i> |
|---------------------------|--|---|--|--|
| Tropical Parkway | Collector | Master Plan of Streets and Highways Map | 85 | Y |
| Moonlight Drive | Local Street | Title 13 | 50 | Y |