



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: JULY 19, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: UMER MALIK - OWNER: UNITED STATES OF AMERICA

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
22-0483-GPA1	Staff recommends DENIAL.	
22-0483-ZON1	Staff recommends DENIAL.	22-0483-GPA1
22-0483-VAR1	Staff recommends DENIAL, if approved subject to conditions:	22-0483-GPA1 22-0483-ZON1 22-0483-TMP1
22-0483-TMP1	Staff recommends DENIAL, if approved subject to conditions:	22-0483-GPA1 22-0483-ZON1 22-0483-VAR1

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 17

NOTICES MAILED 392 (by City Clerk)

PROTESTS 16

APPROVALS 1

**** CONDITIONS ****

22-0483-VAR1 CONDITIONS

Planning

1. Approval of General Plan Amendment (22-0483-GPA1) and Rezoning (22-0483-ZON1) and approval of and conformance to the Conditions of Approval for Tentative Map (22-0483-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.

22-0483-TMP1 CONDITIONS

Planning

1. All development shall be in conformance with the site plan and landscape plan date stamped 06/13/23.
2. Lot #23 through #34 shall be single-story single family residential homes only.
3. 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.

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4. Approval of General Plan Amendment (22-0483-GPA1) and Rezoning (22-0483-ZON1) and approval of and conformance to the Conditions of Approval for Variance (22-0483-VAR1) shall be required, if approved.
5. A Waiver from Title 19.06 is hereby approved, to allow a zero-foot wide landscape buffer adjacent to right-of-way (Clark County 215 Beltway) where six feet is required.
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. Dedicate the remainder of the Launch Pad Avenue cul-de-sac on the Final Map for this site. Additionally, if required by Clark County, dedicate the Clark County 215 Beltway over the area encumbered by a Bureau of Land Management (BLM) Grant in favor of Clark County (if such is within the boundaries of the parcel as dispensed by BLM).

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11. Construct public streets to meet public standards including streetlights except where otherwise allowed by Variance (22-0483-VAR1) or an approved administrative deferral.
12. Coordinate the Public Sewer Connection at a size, depth, and location acceptable to the Public Works Sanitary Sewer Engineering Division of the Department of Public Works. Grant a minimum 20-foot wide Public Sewer Easement to be privately maintained for the public sewer within Common Element "B"; 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 easement or in the vehicle ingress or egress pathways to 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.
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. A deviation from standards for a substandard cul-de-sac 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

The applicant is proposing to develop a remnant 5.83 acre portion of a 16.89 acre lot adjacent to the east side of the Clark County 215 Beltway at Centennial Parkway with a 34-lot single-family residential subdivision. The average lot size is 5,291 square feet, and the overall site density is approximately 5.83 units per acre.

REVISIONS

- The applicant is proposing a 34-lot single-family, detached residential subdivision where they had requested 40 single-family, detached lots in prior submissions.

ISSUES

- The subject site is located within Area B of the Interlocal Agreement between the City and the County. The Interlocal Agreement stipulates a minimum of 10,000 square-foot lots for Area B. The applicant is proposing lot sizes ranging from 3,760 to 8,330 square feet. Staff does not support noncompliance with the Interlocal Agreement.
- The applicant is requesting a General Plan Amendment from L (Low Density Residential) to ML (Medium Low Density Residential). ML (Medium Low Density Residential) allows densities less than 8.50 dwellings per acre.
- The applicant is requesting a Rezoning from U (Undeveloped) [L (Low Density Residential) General Plan Designation] to R-CL (Single Family Compact-Lot).
- The applicant is proposing a Tentative Map for a 34-lot single-family, detached residential subdivision. Staff does not support this proposal.
- The applicant is requesting a Waiver to allow a zero-foot wide landscape buffer adjacent to right-of-way (Clark County 215 Beltway) where six feet is required. Staff does not support this request.
- The applicant is requesting a Variance to allow a connectivity ratio of 1.00 where 1.30 is required and to allow nonstandard cul-de-sacs where standard cul-de-sacs or hammerheads are required. Staff does not support this request.

ANALYSIS

The subject property is a remnant of undeveloped land located immediately east of the Clark County 215 Beltway, immediately south of West Centennial Boulevard. The site is zoned U (Undeveloped) with an L (Low Density Residential) General Plan land use designation. Other than Clark County 215 Beltway, a major highway, the surrounding area consists of low density single-family residential and Centennial High School.

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Interlocal Agreement

The subject site is located within Area B of the Interlocal Agreement. This Interlocal Agreement was entered upon on December 21, 2016 and is an agreement between the City and the County to create a framework for future growth in the northwest portion of the Las Vegas Valley by establishing mutually acceptable growth strategies.

During the term of this agreement, the areas identified as Planning Area B must remain residential and maintain a minimum buildable lot size of 10,000 square feet and the City must not amend its land use plan, rezone such properties or approve special or conditional use permits to allow industrial or commercial uses or residential lots with a buildable area of less than 10,000 square feet within the areas identified as Planning Area B.

General Plan Amendment

The applicant is requesting a General Plan Amendment from L (Low Density Residential) to ML (Medium Low Density Residential). Low Density Residential allows less than 5.50 dwelling units per acre. The requested Medium Low Density Residential allows less than 8.50 dwelling units per acre. The adjacent residential neighborhoods to the east and south are designated L (Low Density Residential) or RNP (Rural Neighborhood Preservation), which allows a density of two dwelling units per acre. To the north and west of this site, the Clark County 215 Beltway, a major highway, limits the proposed development to access via Launch Pad Drive, passing through the neighborhoods designated for L (Low Density Residential) or RNP (Rural Neighborhood Preservation). Due to incompatibility with those adjacent General Plan Designations' allowed land uses and permitted densities, staff is recommending denial of requested General Plan Amendment from L (Low Density Residential) to ML (Medium Low Density Residential).

Rezoning

The property is currently zoned U (Undeveloped), which is a placeholder provided with the requirement to apply for a zoning district permitted within the applicable General Plan land use designation. The applicant is proposing the R-CL (Single Family Compact-Lot) zoning district. Title 19 describes the R-CL zone as follows:

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“The purpose of the R-CL (Single Family Compact-Lot) District has been to provide for single family units and other customary residential uses on a smaller lot size. The density associated with the R-CL District is consistent with the policies of the Medium-Low Density Residential category of the General Plan.”

The R-CL District provides for smaller lots than the adjacent R-1 (Single Family Residential) District. The R-CL District allows minimum 3,000 square-foot lots with a minimum lot width of 35 feet, and 14-foot front yard setbacks. The adjacent R-1 District allows a minimum lot size of 6,500 feet with a minimum lot width of 60 feet, and 20-foot front yard setbacks. Staff is not able to support the requested Rezoning as the proposed minimum lot sizes do not meet the minimum lot size required for Area B of the Interlocal Agreement and is recommending denial of the request.

Variance

The applicant is requesting a Variance to allow a connectivity ratio of 1.00 where 1.30 required, and to allow reduced radius cul-de-sacs where a standard radius or hammerhead is required. The site is bounded by the Clark County 215 Beltway highway to the west, and on all other sides by existing single-family residential development. The subject site is an irregular shape with only one access point available, making it difficult to develop the site with the required connectivity ratio. Nonetheless, staff does not support the request as an alternative design could provide lot sizes that conform to the Interlocal Agreement, and standard cul-de-sac or hammerhead termini.

Tentative Map

The applicant proposes a Tentative Map for a 34-lot single-family residential subdivision consisting of lot sizes ranging from 3,760 to 8,330 square feet and 7,598 square feet dedicated for open space. The proposed internal street is a 48-foot residential street with a five-foot sidewalk and five-foot amenity zone, which is appropriate where adjacent to residential lots with lot widths around or narrower than 40 feet per Title 19.04.220 Complete Streets Standards. This street section is designed to carry residential traffic between minor collectors and is designed to accommodate on-street parking.

The applicant is requesting a waiver for the perimeter landscaping requirements set forth by Title 19.06.080 for the R-CL (Single Family Compact Lot) zoning district, to allow a zero-foot wide landscape buffer where six feet adjacent to right-of-way (Clark County 215 Beltway) is required. Staff finds the request to be minor in nature and would not negatively impact the neighborhood. The requested Variance for connectivity ratio is similarly a minor deviation from the City development standards. The requested density, approximately 5.83 units per acre, is permitted if the proposed General Plan Amendment and Rezoning are approved. Even so, the proposed Tentative Map does not meet the minimum lot size requirements set forth by the Interlocal Agreement for Area B and staff is not able to support the requested Tentative Map or the associated Waiver.

FINDINGS (22-0483-GPA1)

Section 19.16.030(l) 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 proposed density would not allow for the plan to meet the minimum lot size under Area B of the Interlocal Agreement, and is not compatible with the existing adjacent residential developments.

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

The proposed R-CL zoning district allows 3,000 square-foot lot sizes which is not in conformance with the Interlocal Agreement for Area B which requires a minimum lot size of 10,000 square feet, and is not compatible with the existing adjacent residential developments.

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

The site is accessed via Launch Pad Avenue and Alpine Ridge Way, both local streets that connect to West Centennial Parkway, a 100-foot Primary Arterial. The site is served by Centennial High School. The nearest park, Knickerbocker Park, is located 1.5 miles away from the proposed development. There are adequate transportation, recreation, utility, and other facilities to accommodate the proposed development.

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

The 2016 Interlocal Agreement between Clark County and the City of Las Vegas calls for minimum lot sizes of 10,000 square feet in Area B. The lot sizes proposed for this development range from 3,760 to 8,330 square feet. The General Plan Amendment from L (Low) to ML (Medium Low Density Residential) allows lot sizes and densities that do not conform to the terms in the Interlocal Agreement.

FINDINGS (22-0483-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:

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1. The proposal conforms to the General Plan.

The proposed R-CL (Single Family Compact-Lot) zoning district is supported by the proposed ML (Medium Low 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 proposed R-CL (Single Family Compact-Lot) allows a lot size that is incompatible with the Interlocal Agreement for Area B and is not compatible.

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

There is a demonstrated need for more housing in the city, however, the development proposal is not in conformance with the Interlocal Agreement for Area B and the Rezoning request is thereby inconsistent with existing area plans.

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 property is served directly by Launch Pad Avenue, Alpine Ridge Way, and West Centennial Parkway. Launch Pad Avenue is the only access point to the proposed development Launch Pad Avenue connects to Alpine Ridge Way, both local streets. Alpine Ridge way connects to West Centennial Parkway, a 100-foot Primary Arterial as classified by the Master Plan of Streets and Highways. The Street facilities providing access to the property are adequate in size to meet the requirements of the proposed zoning district.

FINDINGS (22-0483-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."

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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.”

Due to the irregular shape of the lot, and the inability to add more than one access point on the property, staff determine that the strict application of Title 19 regulations regarding connectivity ratio would result in exceptional practical difficulties. However, due to the nonconformance with the City standard for cul-de-sac or hammerhead termini, staff recommends denial of the requested Variance. The Tentative Map (22-0483-TMP1) is dependent on these Variances, and the design of the Tentative Map is in violation of the Interlocal Agreement for Area B.

FINDINGS (22-0483-TMP1)

The proposed Tentative Map conforms to Nevada Revised Statutes and Title 19 requirements for Tentative Maps. However, the design of this subdivision does not meet Title 19 requirements regarding standard cul-de-sacs and required connectivity ratio. Due to the irregular shape of the lot and the possibility of only one vehicular access point, the request for reduced connectivity ratio qualifies as an exceptional practical difficulty, and therefore would be eligible for a Variance. However, staff recommends denial of the requested Tentative Map, because it does not meet the City standard cul-de-sacs, and it does not meet the minimum lot size mandated by the Interlocal Agreement for Area B.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
05/18/16	The City Council approved a Petition to Annex (ANX-62364) 19.62 acres on the south side of Centennial Parkway, approximately 650 feet west of North Alpine Ridge Way (APNs 126-25-101-010; 126-24-499-008 and 009). Effective May 27, 2016. The properties were classified as R-U (Rural Open Land District) within the County and classified as U (Undeveloped) within the City.

Related Relevant City Actions by Planning, Fire, Bldg., etc.	
06/13/23	<p>The Planning Commission voted (5-0-1) to recommend APPROVAL of of the following Land Use Entitlement project requests on a 5.83 acre portion of 16.89 acres on the south side of Centennial Parkway, approximately 675 feet west of Alpine Ridge Way (APN 126-25-101-010), Ward 4 (Allen-Palenske)</p> <p>22-0483-GPA1 - GENERAL PLAN AMENDMENT - FROM: L (LOW DENSITY RESIDENTIAL) TO: ML (MEDIUM LOW DENSITY RESIDENTIAL)</p> <p>22-0483-ZON1 - REZONING - FROM: U (UNDEVELOPED) [L (LOW DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION] TO: R-CL (SINGLE FAMILY COMPACT-LOT)</p> <p>22-0483-VAR1 - VARIANCE - TO ALLOW A CONNECTIVITY RATIO OF 1.00 WHERE 1.30 IS REQUIRED AND NONSTANDARD CUL-DE-SACS WHERE A STANDARD CUL-DE-SAC OR HAMMERHEAD TERMINUS IS REQUIRED</p> <p>22-0483-TMP1 - TENTATIVE MAP - CENTENNIAL & SHAUMBER SINGLE-FAMILY RESIDENTIAL - FOR A 40-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION</p>

Most Recent Change of Ownership	
05/13/22	The applicant was the winning bidder of the subject site during a United States Department of the Interior, Bureau of Land Management public lands auction.

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

Pre-Application Meeting	
08/18/22	Staff held a meeting with the applicants to discuss the application requirements for a Tentative Map, Rezoning, and General Plan Amendment for a 40-lot subdivision.

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Neighborhood Meeting	
09/21/22	<p>Meeting Start Time: 6:00 p.m. Meeting End Time: 7:00 p.m.</p> <p>Attendance:</p> <ul style="list-style-type: none"> • 1 representative for the applicant; • 1 representative from the Ward 4 Council Office • Ward 4 Planning Commissioner, Donna Toussaint • 1 representative from the Department of Planning • 38 Neighbors (Members of the Public). <p>A minority of neighbors expressed blanket opposition to the project, but the majority did not express objection to a single-family development, but did have some concerns:</p> <ul style="list-style-type: none"> • Grading of the project should match the existing surrounding homes. • They would prefer less density. They think the proposed development needs to match exactly the surrounding existing development. • They expressed concern that lower-income people would move into the area. • There were concerns about water availability in the city as a whole. • They want to see single-story homes, not two or three story homes for the new project. <p>There were some concerns voiced about greater pollution, street lights, urban heat island effect, and increased traffic.</p>

Field Check	
08/31/22	Staff conducted a routine site visit and found the site to be undeveloped with no nuisances.

Details of Application Request	
Site Area	
Gross Acres	16.89
Net Acres	5.83

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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	L (Low Density Residential)	U (Undeveloped)
North	Clark County 215 Beltway	ROW (Right-of-Way)	ROW (Right-of-Way)
	Centennial Parkway		
South	Single Family Detached	L (Low Density Residential)	R-1 (Single Family Residential)
East	Single Family Detached	RNP (Rural Neighborhood Preservation)	R-1 (Single Family Residential)
			R-D (Single Family Residential-Restricted)
			R-E (Residence Estates)
West	Clark County 215 Beltway	ROW (Right-of-Way)	ROW (Right-of-Way)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
City of Las Vegas 2050 Master Plan – La Madre Foothills	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 – Excepted Area B	Y
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 for the proposed R-CL (Single Family Compact-Lot) Zone:

<i>Standard</i>	<i>Required</i>	<i>Proposed</i>
Min. Lot Size	3,000 SF	3,760-8,330 SF
Min. Lot Width	35 Feet	39 Feet
Min. Setbacks <ul style="list-style-type: none"> • Front • Front • Side • Corner • Rear 	14 Feet to House 18 Feet to Front Entry garage 10 Feet Combined 10 Feet 10 Feet	14 Feet to House 18 Feet to Front Entry garage 10 Feet Combined 10 Feet 10 Feet
Max. Building Height	2 Stories / 35 Feet	2 Stories / 35 Feet

<i>Existing Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
U (Undeveloped)	20,000 SF Lots	12
<i>Proposed Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
R-CL (Single Family Compact-Lot)	3,000 SF Lots	84
<i>Existing General Plan</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
L (Low Density Residential)	5.49 du/ac	32
<i>Proposed General Plan</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
ML (Medium Low Density Residential)	8.49 du/ac	49

<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>
North Alpine Ridge Way	Local Street	Title 13	77	Y
Launch Pad Avenue	Local Street	Title 13	51	Y

19.04.040 Connectivity		
Transportation Network Element	# Links	# Nodes
Internal Street	5	-
Intersection – Internal	-	2
Cul-de-sac Terminus	-	1
Intersection – External Street or Stub Terminus	-	2
Total	5	5
	Required	Provided
Connectivity Ratio (Links / Nodes):	1.30	1.00*

*A Variance is requested for a reduced Connectivity Ratio.

Pursuant to Title 19.06 and 19.12, the following parking standards apply:

Use	Gross Floor Area or Number of Units	Required		
		Parking Ratio	Parking	
			Regular	ADA
Single Family, Detached	34 Lots	2 Unimpeded Spaces per Dwelling Unit	68	N/A
TOTAL SPACES REQUIRED				

Waivers		
Requirement	Request	Staff Recommendation
Perimeter Landscape	To allow a zero-foot buffer where six feet is required along the property line fronting the right-of-way.	Denial