

PLANNED UNIT DEVELOPMENT
(TITLE 30)

UPDATE
DECATUR BLVD/SERENE AVE

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
NZC-21-0321-JCLH, LLC:

ZONE CHANGE to reclassify 14.7 acres from an R-E (Rural Estates Residential) Zone to an RUD (Residential Urban Density) Zone.

USE PERMIT for an attached (townhouse) planned unit development.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce setbacks; **2)** reduce parking; **3)** reduce height/setback ratio adjacent to a single family residential use; **4)** allow alternative landscaping adjacent to a less intensive (single family) use; **5)** reduce street intersection off-set; **6)** reduce width of private streets; **7)** modify private street sections; **8)** reduce back of curb radius; **9)** allow modified driveway design standards; and **10)** waive dedication for Meranto Avenue.

DESIGN REVIEWS for the following: **1)** an attached single family residential planned unit development (PUD); and **2)** finished grade.

Generally located on the west side of Decatur Boulevard and the south side of Serene Avenue within Enterprise (description on file). JJ/rk/jd (For possible action)

RELATED INFORMATION:

APN:

176-24-701-004; 176-24-701-035

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Eliminate the setback from any street, drive aisle, sidewalk, or curb within a PUD to zero feet where a minimum of 10 feet is required per Section 30.24.080 (a 100% reduction).
- b. Reduce the perimeter setback for a PUD to 5 feet where a minimum of 10 feet is required per Section 30.24.060 (a 50% reduction).
2. Reduce parking to 540 parking spaces where a minimum of 585 parking spaces are required per Section 30.24.080 (an 8% reduction).
3. Reduce the height/setback ratio requirement adjacent to a single family residential use to 5 feet where a minimum of 60 feet is required (a 92% reduction).
4. Allow alternative landscaping adjacent to a less intensive (single family) use where required per Figure 30.64-11.
5. Reduce street intersection off-set to 78 feet where a minimum of 125 feet is required per Chapter 30.52 (a 38% reduction).
6. Reduce the width of private streets to 30 feet where a minimum width of 37 feet with 36 feet of drivable surface is required per Chapter 30.52 (a 19% reduction).

7. Allow a flush curb/zero curb with inverted crown on private streets where compliance is required per Uniform Standard Drawing 210.S1.
8. Reduce back of curb radius to 3 feet where a minimum radius of 20 feet is required per Uniform Standard Drawing 201 (an 85% reduction).
9. Reduce the driveway distance to the property line to 2.5 feet where a minimum distance of 6 feet is required per Uniform Standard Drawing 222 (a 58% reduction).
10. Waive street dedication for Meranto Avenue.

DESIGN REVIEWS:

1. Attached single family residential planned unit development.
2. Increase finished grade to 78 inches where a maximum of 18 inches is the standard per Section 30.32.040 (a 333% increase).

LAND USE PLAN:

ENTERPRISE - COMMERCIAL NEIGHBORHOOD

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 14.7
- Number of Lots: 225
- Density (du/ac): 15.2
- Minimum/Maximum Lot Size (square feet): 1,159/1,290
- Project Type: Attached (townhouse) planned unit development
- Number of Stories: 2
- Building Height (feet): 26
- Square Feet: 1,308 to 1,405
- Open Space Required/Provided: 56,438/88,423
- Parking Required/Provided: 585/540

Neighborhood Meeting Summary

The applicant conducted a virtual neighborhood meeting on March 4, 2021 as required by the nonconforming amendment process, prior to formal filing of this application. All owners within 1,500 feet of the project site were notified about the meeting. There were 15 attendees present at the meeting for this item. The attendees had questions and concerns on traffic and density.

Site Plans

The plans depict a residential development totaling 225 single family attached townhome lots and 33 common area lots on 14.7 acres. The density of the overall development is shown at 15.2 dwelling units per acre. The project is made up of 3 plex and 4 plex buildings designed around 30 foot wide private streets. The street network consists of 1 main drive with a loop street and 3 internal streets which cross the center of the project site. The townhome development is broken down into 2 categories; front loaded and rear loaded complexes. The front loaded units are located at the perimeter of the site, and conversely the rear loaded units are proposed in the

center of the site. The development will be served by a single point of ingress/egress to the east from Decatur Boulevard. A network of common open spaces is located throughout the development which will include on-site pedestrian paths, gazebo, picnic tables, BBQ's, benches, and a centralized park. Parking will consist of garage parking for residents and designed surface off-street parking for visitors. Approximately 90 parking spaces are shown for the visitors and 400 parking spaces are provided for the residents. Each lot has a minimum total area of 1,159 square feet. The minimum setbacks for each townhouse unit are as follows:

Rear loaded models

- Front – 5 feet to common area
- Rear – 5 feet to private street
- Interior side – zero feet
- Side street (corner) – zero feet
- Perimeter – 5 feet
- Driveway length – 5 feet to garage

The plans indicate that an increase in grade to 78 inches is required due to typical grading constraints. The increased fill will be generally located along the eastern and northern boundary lines.

Landscaping

Street landscaping consists of a 15 foot wide area, which includes a 5 foot wide detached sidewalk along Decatur Boulevard and Serene Avenue. Along the south and west property lines there is a 5.5 foot to 10 foot wide landscape buffer with trees shown 90 feet on center. Internal to the site, a network of common open space areas are located throughout the development, which will include on-site pedestrian paths, gazebo, picnic tables, BBQ's, benches, and a centralized park. The development requires 56,438 square feet of open space where 88,423 square feet of open space is provided.

Elevations

The plans depict 3 plex and 4 plex residential units with 3 elevations. The buildings have a maximum height of 26 feet and feature pitched, concrete tile roofs. All units feature consistent and unified architecture throughout the exterior design of the buildings. The exterior building materials generally consist of stucco with horizontal and vertical articulation depicted on all elevations, including pop-outs. Decorative window variations and trimming are also featured on all elevations. Color variations have been incorporated into the overall design of garage doors facing the private streets. The residential buildings consist of neutral, earth tone colors.

Floor Plans

The plans depict 2 story homes with floor plans ranging between 1,308 square feet and 1,405 square feet. The floor plans feature 3 bedrooms, kitchen, living room, dining room, closets, laundry room, and 2 bathrooms. Each unit features a 435 square foot 2 car garage.

Applicant's Justification

The applicant states the subject property will serve as a transitional land use from the large lot single family development to the west and the existing and proposed commercial development along Decatur Boulevard. According to the applicant, the waivers of standards are appropriate since the development is lower density than typical attached developments. The reduced setbacks to the street are internal to the subdivision street and will not impact the adjacent properties or future residence of the development. Furthermore, the reduced street width is suitable since the streets function as a drive aisle, providing access to garages similar to multiple family developments. The design will meet all fire access requirements and meet turning movement requirements.

Prior Land Use Requests

Application Number	Request	Action	Date
PA-20-700058	Redesignate the land use category from CN (Residential Suburban) and RH (Residential High) for APN 176-24-701-004	Withdrawn	

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Rural Neighborhood Preservation (up to 2 du/ac) & Office Professional	R-E & R-E (RNP-I)	Single family residential
South	Commercial Neighborhood	R-E	Single family residential & undeveloped
West	Public Facilities	R-E (RNP-I)	Undeveloped
East	Business and Design/Research Park	R-E	Single family residential & undeveloped

Related Applications

Application Number	Request
VS-21-0322	A request to vacate and abandon easements is a companion item on this agenda.
TM-21-500102	A tentative map to subdivide the site into 225 single family residential lots on 14.7 acres is a companion item on this agenda.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis

Current Planning

Zone Change

The applicant shall provide Compelling Justification that approval of the nonconforming zoning boundary amendment is appropriate. A Compelling Justification means the satisfaction of the following criteria as listed below:

- 1. A change in law, policies, trends, or facts after the adoption, readoption or amendment of the land use plan that have substantially changed the character or condition of the area, or the circumstances surrounding the property, which makes the proposed nonconforming zone boundary amendment appropriate.*

The applicant indicates development trends within the southwest portion of the Valley have changed over the past few years, with an emphasis toward single family residential development. Most of the property with commercial land use designations north and south of the project site have residential zoning with existing homes. This request appears to be warranted in this area as a transition from commercial to residential zoning.

To the north, south, and farther west of the project site is an existing R-E single family residential development. The residences within this area have been constructed several years ago and although the land use plan designates this site for Commercial Neighborhood, staff finds there is not a recent trend within the surrounding area for attached single family development. Since there has been no demonstrated change in the area which makes this request appropriate and because staff does not support the overall design of the project, staff does not support the zoning request.

- 2. The density and intensity of the uses allowed by the nonconforming zoning is compatible with the existing and planned land uses in the surrounding area.*

According to the applicant, with the developments to the north having planned land uses of Office Professional, development to the west having a land use of Schools, Churches, & Public Facilities, development to the south having a land use of Commercial Neighborhood, and development to the east having a land use of Business and Design/Research Park, the density proposed by the project site serves as a median between the various land uses and conforms with the surrounding area.

Immediately to the north and farther west of the project site is an existing R-E single family residential development that is 2.0 dwelling units per acre. While the proposed density for the PUD is 15.2 dwelling units per acre, staff finds the density is not consistent with the developments to the north and farther west of the project site.

- 3. There will not be a substantial adverse effect on public facilities and services, such as roads, access, schools, parks, fire and police facilities, and stormwater and drainage facilities, as a result of the uses allowed by the nonconforming zoning.*

The applicant indicates no substantial adverse effects are anticipated; furthermore, due to the lack of water and sewer infrastructure and roadway improvements in this area, the site and the surrounding parcels have remained vacant.

There has been no indication from most service providers that this request will have a substantial adverse effect on public facilities and services. However, the school district has indicated that this development would generate 37 additional elementary school students, 21 middle school students, and 29 high school students. Ries Elementary School, Tarkanian Middle School and Desert Oasis High Schools are all currently over capacity and approval of this request will further impact the schools in this area.

4. The proposed nonconforming zoning conforms to other applicable adopted plans, goals, and policies.

According to the applicant, the nonconforming zone boundary amendment protects and promotes the health, safety, morals, and general welfare of the public. While improving the infrastructure to provide greater safety, the proposed development also provides middle income and workforce housing opportunities to an increasing number of cost burdened households. Additionally, the proposed subdivision enhances the connectivity within the neighborhood to other public facilities. The previous intent for Enterprise to change the land use to a higher density conducive to single family attached development signals the County's desire to provide more affordable housing.

Summary

Zone Change

Staff finds there has been no change in law, policies, and trends that make this request appropriate for the area. Single family residential developments, with planned land uses of Rural Neighborhood Preservation, are located immediately to the north and farther west of the project site. The reclassification of this site to RUD zoning could allow the proposed residential development within a zoning district that may be compatible with the adjacent existing residential densities; however, staff finds that the proposed request does not satisfy all of the requirements of a compelling justification to warrant approval of the nonconforming zone boundary amendment to RUD zoning. Staff is not supporting the use permit, waivers of development standards, and design reviews; therefore, staff recommends denial.

Use Permit

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Comprehensive Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

A planned unit development (PUD) is intended to maximize flexibility and innovation in residential development by utilizing area sensitive site planning and design to achieve a desirable mixture of compatible land use patterns that include efficient pedestrian and vehicular traffic systems, streetscapes, and enhance residential amenities. The design of the project is not a typical single family residential development; however, the standards for planned unit

developments allow flexibility in design to provide for innovative and unique development options. Staff is particularly concerned with the proposed density, reduction in parking, the alternative landscaping adjacent to a less intensive use, and the significant reduction to the height/setback ratio requirement. Due to the totality of the waiver requests, and the potential impact these requests may have on the adjacent single family residential development, staff cannot support the use permit request. Staff finds the project site is being overbuilt and is not an appropriate development between the existing single family residential developments to the west, north, and east; therefore, recommends denial.

Waivers of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

Waiver of Development Standards #1

The intent of the perimeter setback is to ensure a minimum distance and buffer is maintained between a planned unit development and adjacent parcels to mitigate any potential impact. The waiver requests to the required setbacks are a self-imposed burden as this site is being overbuilt due to the lack of developable area. The building setback and driveway length adjacent to the private streets, consisting of 5 feet, may result in additional vehicles parking along the internal streets; therefore, staff recommends denial.

Waiver of Development Standards #2

The design of the project incorporates the required number of residential and visitor parking spaces into the residential development. However, due to the Code requirement to provide an additional 1 parking space for every 5 enclosed parking spaces, a waiver request is necessitated to reduce the required parking for the development by 45 parking spaces. Staff is concerned the visitor parking spaces are not centrally located within the site and may lead to vehicles parking along the private streets; therefore, staff recommends denial.

Waivers of Development Standards #3 & #4

The intent of the height/setback ratio requirement is to address how setbacks and building placement affect adjacent, less intensive uses - particularly single family residential uses. Based on the height/setback ratio calculation, as provided for within Code, a setback of 60 feet is required for the townhouse units adjacent to the south property line. However, a setback reduction of 5 feet is being proposed for the buildings along the south property line. The required rear yard setback for single family residences within the RUD zoning districts is 15 feet. Staff is concerned with the impact the drastic reduction to the height/setback ratio may have on the adjacent single family residential uses; therefore, staff cannot support this request.

Design Review #1

Staff is not supporting the zone change, use permit, and waivers of development standards; therefore, staff recommends denial of the design review.

Public Works - Development Review

Waiver of Development Standards #5

Staff has no objection to the reduction in the street intersection offset between Decatur Boulevard and Street "G". This request is common with these townhouse subdivisions. Additional common elements are provided, improving visibility and reducing conflicts for vehicles entering the site. However, since Planning cannot support the application in its entirety, staff cannot support this request.

Waiver of Development Standards #6

Staff has no objection to the request to reduce the width of the private streets provided that Fire Prevention approves the request. However, since Planning cannot support the application in its entirety, staff cannot support this request.

Waiver of Development Standards #7

Staff has no objection to allowing a flush/zero curb with an inverted crown on the private streets within the proposed subdivision. The applicant must show and provide evidence that this request will not be detrimental to the subdivision. However, since Planning cannot support the application in its entirety, staff cannot support this request.

Waiver of Development Standards #8

Staff has no objection to the request to reduce the back of curb radius on the private streets provided that Fire Prevention approves the request. However, since Planning cannot support the application in its entirety, staff cannot support this request.

Waiver of Development Standards #9

Staff has no objection to the reduction in the distance from the driveway to the property line. The applicant provided open space to act as a buffer between each of the unit blocks to minimize hazards for drivers traveling through the site and exiting their garages. However, since Planning cannot support the application in its entirety, staff cannot support this request.

Waiver of Development Standards #10

Staff cannot support the request to not dedicate Meranto Avenue. Both Jones Boulevard and Decatur Boulevard are heavily traveled arterial rights-of-way and providing several east/west streets between to two will help with traffic flows in this area.

Design Review #2

This design review represents the maximum grade difference along the boundary of this application. This information is based on preliminary data to set the worst case scenario. Staff will continue to evaluate the site through the technical studies required for this application. Approval of this application will not prevent staff from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approval. However, since Planning cannot support the application in its entirety, staff cannot support this design review.

Department of Aviation

The property lies just outside the AE-60 (60-65 DNL) noise contour for the McCarran International Airport and is subject to continuing aircraft noise and over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade the McCarran International Airport facilities to meet future air traffic demand.

Staff Recommendation

Denial. This item has been forwarded to the Board of County Commissioners for final action.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PLANNING COMMISSION ACTION: September 7, 2021 – APPROVED – Vote: Aye: Nguyen, Kirk, Stone, Frasier, Castello Nay: Waltho, Kilarski

Current Planning

- Resolution of Intent to complete in 4 years;
- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Expand parking areas to ensure the required number of parking spaces are provided;
- Intense landscaping on the north property line;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a new application for a nonconforming zone boundary amendment may be required in the event the building program and/or conditions of the subject application are proposed to be modified in the future; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

Public Works - Development Review

- No parking on Serene Avenue;
- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 55 feet to the back of curb for Decatur Boulevard, 35 feet to the back of curb for Serene Avenue, and associated spandrel;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for any collector street or larger;

- 90 days to record required right-of-way dedications and any corresponding easements for any collector street or larger;
- All other right-of-way and easement dedications to record with the final map;
- If required by the Regional Transportation Commission (RTC), dedicate and construct right-of-way for bus turnout or combination right turn lane/bus turnout on the west side of Decatur Boulevard, as close as practical to Serene Avenue including a passenger loading/shelter areas in accordance with RTC standards;
- Coordinate with Public Works - Design Division for the Decatur Boulevard improvement project;
- Dedicate any right-of-way and easements necessary for the Decatur Boulevard improvement project.
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control; and that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

Department of Aviation

- Applicant is advised that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0411-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

WAIVER OF DEVELOPMENT STANDARDS #2 WAS DENIED.

TAB/CAC: Enterprise - denial.

APPROVALS:

PROTESTS: 12 cards, **20 letters**

PLANNING COMMISSION ACTION: August 17, 2021 – HELD – To 09/07/21 – per the applicant.

APPLICANT: STRIVE ENGINEERING

CONTACT: STRIVE ENGINEERING, 8912 SPANISH RIDGE AVE, STE 200, LAS VEGAS, NV 89148