

11/21/23 PC AGENDA SHEET

SINGLE FAMILY RESIDENTIAL DEVELOPMENT      SUNSET RD/QUARTERHORSE LN  
(TITLE 30)

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ZC-23-0672-SUNSET INTERCHANGE, LLC:**

**ZONE CHANGE** to reclassify 9.6 acres from an R-E (Rural Estates Residential) Zone, a C-1 (Local Business) Zone, and a C-2 (General Commercial) Zone to an RUD (Residential Urban Density) Zone.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduce setback; and **2)** reduce open space.

**DESIGN REVIEWS** for the following: **1)** single family residential development; and **2)** finished grade on a 9.6 acre portion of a 13.0 acre site in the CMA Design Overlay District.

Generally located on the southwest corner of Sunset Road and Quarterhorse Lane within Spring Valley (description on file). JJ/md/syp (For possible action)

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RELATED INFORMATION:

**APN:**

176-05-101-003 ptn; 176-05-101-004 ptn; 176-05-101-014; and 176-05-101-015

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce the rear yard setback to 6 feet where a minimum setback of 15 feet is required per Table 30.40-2 (a 60% reduction).
2. Reduce the required open space to 6,808 square feet where a minimum of 17,400 square feet is required per Table 30.40-2 (a 60.1% reduction).

**DESIGN REVIEWS:**

1. Single family residential development.
2. Increase finished grade to 60 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 66.7% increase).

**PROPOSED LAND USE PLAN:**

SPRING VALLEY – COMPACT NEIGHBORHOOD (UP TO 18 DU/AC)

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 9.6 (project site)/13 (overall)
- Number of Lots: 87

- Density (du/ac): 9.1
- Minimum/Maximum Lot Size (square feet): 2,678/4,744 (gross & net)
- Project Type: Single family residential development
- Number of Stories: 2
- Building Height (feet): 27.5
- Square Feet: 1,590 to 2,469
- Open Space Required/Provided: 17,400/6,808

### History and Request

A single family residential development with R-2 zoning consisting of 36 lots on 4.8 acres with a density of 7.6 dwelling units per acre was approved via NZC-21-0727 by the Board of County Commissioners (BCC) in March 2022 for the north portion, APNs 176-05-101-003 and 176-05-101-004 of the project site. A second single family residential development with RUD zoning consisting of 44 lots on 4.7 acres with a density of 9.4 dwelling units per acre, located on the south portion, APNs 176-05-101-014 and 176-05-101-015 of the site, was also approved via NZC-21-0721 by the BCC in March 2022. The applicant is now requesting to consolidate the 2 previously approved subdivisions into a single project. Furthermore, the applicant is requesting a zone boundary amendment to reclassify 9.6 acres from R-E, C-1, and C-2 to an RUD zoning district for a single family residential development consisting of 87 lots. Application PA-23-700032 is the corresponding plan amendment for the subject property requesting to change the planned land categories from Corridor Mixed-Use (CM) and Mid-Intensity Suburban Neighborhood (MN) to Compact Neighborhood (CN). The remaining portion of the site to the north of the proposed development, zoned C-2 and consisting of 3.4 acres, is not a part of this application.

### Site Plans

The plans depict a single family residential development consisting of 87 lots on 9.6 acres with a density of 9.1 dwelling units per gross acre. The minimum and maximum lot sizes are 2,678 and 4,744 square feet, respectively. Access to the site is granted via a 55 foot wide east/west private street (Street A) that connects to Dapple Gray Road, a public street. The interior street network of the development consists of the following: 1) two, 43 foot wide east/west private streets (Street C and D); 2) one, 43 foot wide north/south private street (Street E); and 3) three, private stub streets (Streets F through H) measuring between 38 feet to 43 feet in width. Five foot wide sidewalks are located within the interior of the subdivision adjacent to the following lots: 1) Lot 1 (south side); 2) Lots 79 through 87 and common element "D"(north, south, east and west sides); 3) Lot 19 (north side); 4) Lots 50 through 52, 57 through 59, and 64 through 67 (north, south, and east sides); and 5) Lot 39 (south side). Five foot wide detached sidewalks are provided along Dapple Gray Road and Quarterhorse Lane. All single family residential lots are oriented towards the interior streets within the subdivision. No lots within the subdivision have direct driveway access from either Quarterhorse Lane or Dapple Gray Road. A waiver of development standards is required to reduce the rear yard setback to 6 feet for all lots within the subdivision, due to the selected house plans. The increase in finished grade occurs near Lot 37, adjacent to Quarterhorse Lane, and the highest grade difference occurs at lot 46, at the south boundary of the site.

### Landscaping

The plans depict street landscape areas measuring 15 feet in width, including 5 foot wide detached sidewalks, along Dapple Gray Road and Quarterhorse Lane. The street landscape areas consist of trees, shrubs, and groundcover. The proposed development requires 17,400 square feet of open space where 6,808 square feet of open space is provided, necessitating a waiver of development standards. The open space area (common element D) is located at the northwest corner of the site, between private street "B" and Lots 72 and 87. The open space area measures a minimum of 45 feet in width.

### Elevations

The plans depict 2 story model homes with a height ranging from 22 feet to 27.5 feet. The proposed models consist of a pitched, concrete tile roof featuring stucco siding, stone veneer, and varying rooflines. Architectural enhancements are featured on all elevations including window fenestration, faux shutters, and stucco pop-outs.

### Floor Plans

The plans depict 2 story homes with multiple floor plans ranging from 1,590 square feet to 2,469 square feet. The models feature multiple bedrooms, bathrooms, dining room, kitchen, and a gathering room. All models feature 2 car garages.

### Applicant's Justification

The applicant states the property to the north is currently planned for general commercial, the property to the west is existing general commercial and existing medium density residential, the property to the east is approved for apartments and compact residential with both developments under construction, and property to the south is medium density residential. The applicant indicates the request for RUD is an appropriate transition based on the surrounding uses. According to the applicant, the site will be elevated to the point to work with civil engineering constraints; the site will not be artificially increased to enhance views. The highest area of fill is located near lot 37 (adjacent to Quarterhorse Lane), and the highest grade difference occurs at lot 46, at the south boundary of the site where it is lower than the adjacent neighborhood. Although there is an area of large fill, there are no exposed perimeter retaining walls that exceed 3 feet in height. The waiver to reduce the rear yard setbacks is being requested due to the house plans utilizing an enclosed side yard in lieu of a traditional enclosed rear yard. Where the homes each have 5 foot interior side setbacks, a private access easement will be granted from one lot to the adjacent lot providing a 10 foot wide minimum private outdoor area for each home. The applicant states this reduction in the rear yard setback is compatible with the newly adopted code which encourages varied densities and an integrated mix of housing types along the spectrum being desired for new compact neighborhoods. This same waiver was granted for the KB Home community on the east side Quarterhorse Lane. This project is intended to be a continuation of that product line. The applicant indicates the reduction to the open space requirement is justified for the following reasons: 1) the proposed project is centrally located with access to 2 community parks (Faiss and Red Ridge) less than one mile from the site; 2) a water park less than one mile from the site; and 3) each residence will include a minimum of 300 square feet of private outdoor living area in the side and/or rear yards.

### Prior Land Use Requests

Application Number	Request	Action	Date
VS-23-0536	Vacated and abandoned easements and rights-of-way	Approved by PC	October 2023
TM-21-500201	Single family residential subdivision on the southern portion of the site	Approved by BCC	March 2022
TM-21-500204	Single family residential subdivision on the norther portion of the site	Approved by BCC	March 2022
NZC-21-0721	Reclassified the southern portion of the site from R-E to RUD zoning with waivers to reduce street intersection off-set and allow modified driveway design standard	Approved by BCC	March 2022
NZC-21-0727	Reclassified the northern portion from C-1 and C-2 to R-2 zoning for a single family residential development	Approved by BCC	March 2022
VS-21-0644	Vacated and abandoned easements of interest to Clark County	Approved by PC	December 2021
VS-18-0536	Vacated and abandoned easements of interest to Clark County	Approved by PC	September 2018
ZC-04-0092	Reclassified a portion of the site from R-E to C-2 zoning	Approved by BCC	February 2004
ZC-02-1549	Reclassified a portion of the site from R-E to C-1 & C-2 zoning	Approved by BCC	December 2002

### Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Corridor Mixed Use & Public Use	C-1 & C-2	Undeveloped & Southern Hills Hospital
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single family residential
East	Mid-Intensity Suburban Neighborhood (up to 8 du/ac) & Urban Neighborhood (greater than 18 du/ac)	R-3 & R-4	Multiple family residential & undeveloped
West	Corridor Mixed Use & Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	C-2 & R-2	Single family residential & office complex

The subject site is within the Public Facilities Needs Assessment (PFNA) area.

### Related Applications

Application Number	Request
PA-23-700032	A plan amendment to redesignate the land use category from Corridor Mixed-Use (CM) and Mid-Intensity Suburban Neighborhood (MN) to Compact Neighborhood (CN) is a companion item on this agenda.

## Related Applications

Application Number	Request
TM-23-500135	Tentative map for an 87 lot single family residential subdivision 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

#### Comprehensive Planning

##### Zone Change

The proposed development complies with Goal 1.1 of the Master Plan that encourages opportunities for diverse housing options to meet the needs of residents of all ages, income levels and abilities. The single family residential developments to the west and south were approved for 7.6 and 7.5 dwelling units per acre, respectively. The previously approved multiple family developments to the east of the project site, across Quarterhorse Lane, were approved for 19.9 and 22.2 units per acre, respectively. Staff finds the project complies with Policy 1.3.2 that encourages a mix of housing options, both product types and unit sizes, within larger neighborhoods and multiple family developments. The density and intensity of the proposed project are consistent and compatible with existing and planned developments in this area; therefore, staff recommends approval.

##### 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 request to reduce the required rear yard setback is a self-imposed burden and could be eliminated by increasing the area of the lots or selecting a different model home. Staff finds the applicant has not provided sufficient justification for this request; therefore, recommends denial.

##### Waiver of Development Standards #2

The open space provided within the proposed development is 10,592 square feet less than what is required per Code. The average lot size within the proposed development is 3,162 square feet; therefore, the required open space can be provided by eliminating 4 lots. Furthermore, the open space area is not centrally located within the development. The request to reduce the open space within the development is a self-imposed burden. Staff finds the applicant has not provided sufficient justification for this request; therefore, recommends denial.

### Design Review #1

Architectural enhancements, including varying rooflines, are provided on all sides of the proposed residences. Staff finds that the design of the residences and the overall site comply with Policy 1.3.1 of the Master Plan which encourages the integration of varied housing models, architectural styles, streetscapes, common landscape areas, and other character-defining features that contribute to a distinct neighborhood identity. However, staff is concerned with the reduction to the required open space within the development, in addition to the configuration of the open space. The open space provided within the proposed development is 10,592 square feet less than what is required per Code. Furthermore, the open space area is located at the northwest portion of the development, away from the majority of the single family residences. The proposed configuration of the open space is not practical and is partially isolated from the remainder of the development. Staff finds the open space should have a unified design, either through a series of connected green space areas within the subdivision or a centrally located area within the development that is both visible and easily accessible for all residents; therefore, staff cannot support this request.

### **Public Works - Development Review**

#### Design Review #2

This design review represents the maximum grade difference within 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.

### **Department of Aviation**

APN 176-05-101-004 is subject to certain deed restrictions which (1) prohibit uses incompatible with airport operations including those presented in this land use application from being developed, and (2) prohibit these parcels from being used to enhance incompatible uses on adjacent parcels. Applicant must contact the Clark County Department of Real Property Management to apply for a Deed Restriction Modification to amend existing deed restrictions which prohibit said use. Permits will not be issued and maps will not be recorded until all required fees associated with the amended deed restrictions, which would permit currently prohibited uses included in this application, have been paid and the new CC&Rs are recorded. If applicant fails to pay the required deed modification fees and record the new CC&Rs, then permits for uses prohibited by existing recorded deed restrictions must not be issued and mapping of uses prohibited by existing recorded deed restrictions must not be recorded.

### **Staff Recommendation**

Approval of the zone change and design review #2; denial of the waivers of development standards and design review #1. This item will be forwarded to the Board of County Commissioners' meeting for final action on December 20, 2023 at 9:00 a.m., unless otherwise announced.

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

## **PRELIMINARY STAFF CONDITIONS:**

### **Comprehensive Planning**

If approved:

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- 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;
- Expunge NZC-21-0721 and NZC-21-0727;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the County has adopted a rewrite to Title 30 effective January 1, 2024, 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 substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; 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; and that the waivers of development standards and design reviews must commence within 4 years of approval date or they will expire.

### **Public Works - Development Review**

- 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.
- Applicant is advised 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**

- Compliance with most recent recorded airport-related deed restrictions for APN 176-05-101-004.

### **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 #0357-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Spring Valley - denial.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** KB HOME

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