

UPDATE

SINGLE FAMILY RESIDENTIAL DEVELOPMENT PHYLLIS ST/ORANGE TREE AVE
(TITLE 30)

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-23-0340-HALLEWELL, MICHAEL H. & NANCY L.:

HOLDOVER WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increase wall height; **2)** reduce setback; **3)** allow alternative yards; and **4)** allow an attached sidewalk and alternative landscaping.

DESIGN REVIEWS for the following: **1)** single family residential development; and **2)** finished grade on 4.6 acres in an R-1 (Single Family Residential) Zone.

Generally located on the west side of Phyllis Street, 125 feet north of Orange Tree Avenue within Sunrise Manor. TS/jud/syp (For possible action)

RELATED INFORMATION:

APN:

161-03-501-008; 161-03-501-015; 161-03-501-017

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase the wall height to 16 feet (10 foot retaining wall and 6 foot screening wall) where 9 feet (3 foot retaining wall and 6 foot screening wall) is the standard per Section 30.64-050 (a 78% increase).
2. Reduce the interior side setback for a principal structure (Lot 7) to 3 feet where 5 feet is required per Table 30.40-2 (a 40% reduction).
3. Allow alternative yards for Lots 1 and 15.
4.
 - a. Allow an alternative street landscaping with attached sidewalk along Orchard Valley Drive where detached sidewalk and landscaping are required per Figure 30.64-17.
 - b. Allow 6 feet of landscaping along Phyllis Street where 15 feet of landscaping is required behind an existing attached sidewalk per Section 30.64.030 (a 60% reduction).

DESIGN REVIEWS:

1. Single family residential development.
2. Increase finished grade to 9 feet where 3 feet is the standard per Section 30.32.040-9 (a 200% increase).

LAND USE PLAN:

SUNRISE MANOR - MID-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 8 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: 1325 Phyllis Street & 1278 Orchard Valley Drive
- Site Acreage: 4.6
- Number of Lots/Units: 21
- Density (du/ac): 4.4
- Minimum/Maximum Lot Size (square feet): 23,296/5,203
- Project Type: Single family residential development
- Number of Stories: 2
- Building Height (feet): 25
- Square Feet: 2,617 & 3,261

Site Plans

The plans depict a single family residential development consisting of 21 lots on 4.6 acres at a density of 4.4 dwelling units per acre. The lot sizes range from a maximum lot size of 23,296 square feet to a minimum lot size of 5,203 square feet, respectively. The sole means of access to Lots 1 through 16 is granted via a 48 foot wide public street (Vespian Court), connecting to Orchard Valley Drive, terminating in a cul-de-sac. Lots 17 through 21 have access via Phyllis Street. Three existing single family residences are located on Lots 7, 8, and 16 and will remain within the proposed development. An attached 5 foot wide sidewalk is proposed on both sides of Vespian Court. Lots 17 through 21 front on Phyllis Street and are located adjacent to an existing 5 foot wide attached sidewalk.

Alternative yards are proposed for Lots 1 and 15 due to the parallel orientation of the principal buildings, instead of perpendicular orientation. The proposed length of the homes are parallel to Vespian Court and the front will face east; where traditionally there would be a side property line. The reorientation of the homes will establish alternative yards since the traditional front yard as established in Chapter 30.56 will now be considered a side yard.

Landscaping

The plans depict a 6 foot landscape buffer of trees planted 20 feet on center along Orchard Valley Drive. This request includes a waiver for a 5 foot wide attached sidewalk to be constructed along a portion of Orchard Valley Drive, adjacent to the western property line of Lots 1 and 15 (Lot 16 has an existing 5 foot wide attached sidewalk) and alternative landscaping to include a 6 foot wide landscape strip behind the proposed attached sidewalk. In addition, this application includes a waiver to provide 6 feet of 24 inch box large trees (Figure 30.64-8) instead of 15 feet required landscaping behind an existing attached sidewalk along Phyllis Street.

Additionally, this request includes a waiver to increase the wall height (retaining and screening) to 16 feet (10 foot retaining/6 foot screening). The maximum retaining height would be located along Orchard Valley Drive, with additional retaining walls above 3 feet located along the north and south property lines.

Elevations & Floor Plans

There are 2 architectural floor plans and elevations. The proposed 2 story detached single family homes are 2,617 square feet and 3,261 square feet, 25 foot high. A 2 car garage will be provided for each house, in addition to a full length driveway that can park a minimum of 2 vehicles. Materials and architectural elements such as concrete roof tiles, stucco, as well as windows and door pop-ups are proposed for the 2 home models.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states the request to increase wall height from 9 feet to 16 feet along a local street (Orchard Valley Drive) ensures that the site maintains adequate drainage while matching the existing grade of Phyllis Street. In reference to the alternative landscaping along Phyllis Street, the applicant states there are no landscape buffers adjacent to the project site since most of the homes along Phyllis Street front the roadway. Moreover, the applicant believes the proposed alternative landscaping along both, Orchard Valley Drive and Phyllis Street, will enhance the streetscape while better matching the existing improvement areas.

Alternative yards for Lots 1 and 15 are required due to the irregular shape of the lots and the presence of an existing fault line, the proposed homes must be situated in a non-standard orientation, parallel to the street rather than perpendicular. In this configuration, this deviation is minor in nature, the applicant believes that this would not have an adverse effect on the adjacent property owners. Additionally, requests to have alternative yards on irregular shaped lots have been approved in the past.

Regarding the request to waive Table 30.40-2 to allow for a 3 foot interior side setback on Lot 7 where a 5 foot minimum is required, the applicant states the existing home was constructed in 1956, prior to the adoption of Title 30 development standards. Since only 48.5 feet of the structure encroaches past the required setback and because the structure has existed in its current state for nearly 7 decades, it is not believed that this waiver would have an adverse effect on the adjacent property owners.

Furthermore, the applicant states the request for an excess fill of 9 feet where a 3 foot maximum is due to the change in elevation across the site, excess fill is needed for Lots 1 through 6, 9 through 12, 15, and Lots 18 through 21. The increased fill ensures that the site maintains adequate drainage while matching the existing grade of Phyllis Street and expects the impact on the adjacent properties to be negligible.

Prior Land Use Requests

| Application Number | Request | Action | Date |
|---------------------------|--|-----------------|--------------|
| TM-19-500242 | 22 lot single family residential development | Approved by BCC | January 2020 |
| UC-19-0894 | Allowed an accessory structure (garage) prior to construction of a single family residence | Approved by BCC | January 2020 |

Prior Land Use Requests

| Application Number | Request | Action | Date |
|---------------------------|---|-----------------|---------------|
| ZC-18-0958 | Reclassified the southern portion of the project site from R-E to R-1 zoning for a future residential development | Approved by BCC | February 2019 |
| AG-18-900511 | Approved the settlement agreement Hallewell vs. Clark County | Approved by BCC | August 2018 |
| UC-0195-17 | Commercial boarding stable and reduced pasture, turn-out, and training area | Denied by BCC | April 2017 |
| ZC-0798-16 | Reclassified a portion of the project site from R-1 to R-E zoning | Denied by BCC | April 2017 |

Surrounding Land Use

| | Planned Land Use Category | Zoning District | Existing Land Use |
|----------------------|---|------------------------|---------------------------|
| North, South, & East | Mid-intensity Suburban Neighborhood (up to 8 du/ac) | R-1 | Single family residential |
| West | Mid-intensity Suburban Neighborhood (up to 8 du/ac) | R-2 | Single family residential |

STANDARDS FOR APPROVAL:

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

Analysis**Comprehensive Planning**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.

Waivers of Development Standards #1 & #4

Staff recognizes the topographic differential between the west and east property lines. However, there are no walls of this height in the surrounding areas. The wall would tower over the local street as well as the developed single family residences to the west of the subject site and would stand out significantly in the context of the surrounding area. The properties immediately to the west and directly across from Orchard Valley Drive do not have any walls in the front yards. Staff finds that this wall height will create an undesirable precedent in the area. Finally, staff finds that there are design alternatives, such as terracing, that could be implemented to reduce the visual, and physical concerns that the wall could create. The north and south boundary lines will also have retaining walls above 3 feet, but the overall heights will not be as massive as the proposed westerly wall. Therefore, staff cannot support the wall height increase to 16 feet.

Furthermore, staff cannot support the proposed alternative landscaping for the required street landscaping along Phyllis Street and Orchard Valley Drive. With the proposed wall height of 16 feet along the Orchard Valley Drive, a 6 foot wide landscape will not help mitigate the mass of the perimeter wall. In addition, Title 30 requires a 15 foot wide landscape strip when an attached sidewalk is permitted. The trees required per Code require that street landscaping provide shade to the sidewalk during multiple times of the day and that they will contribute to the visual relief of the proposed wall along Orchard Valley Drive. Also, the required street landscape along Phyllis Street will enhance the streetscape and provide shade to the sidewalk during multiple times of the day.

Waivers of Development Standards #2 & #3

Staff finds that the proposed alternative yards for Lots 1 and 15, along with the interior side setback reduction for Lot 7 will not negatively impact the other lots within the subdivision nor will they impact the adjacent developed properties. Normally staff would have recommended approval of these 2 waivers. However, since staff is not recommending approval of waivers of development standards #1 and #4 and the design reviews, staff cannot support these requests.

Design Review #1

The design of the proposed subdivision includes an attached 5 foot wide sidewalk on both sides of the public street along Vespian Court. Staff does not find that the alternative lot configurations will negatively impact the existing residential developments to the north and south. Nor will the alternative lot configuration impact the future model homes to be built within this subdivision. However, staff cannot support the proposed alternative street landscaping in conjunction with the request to allow a 16 foot high wall along Orchard Valley Drive as requested. Furthermore, staff cannot support the alternative landscaping proposed along Phyllis Street since the lack of landscape buffer will create a void in the natural shade provided by the trees. 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. However, since Planning is recommending denial of the application, staff cannot support this design review.

Staff Recommendation

Denial.

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:

- 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 this application must commence within 2 years of approval date or it 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;
- 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.

Fire Prevention Bureau

- No comment.

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 #0264-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Sunrise Manor - denial.

APPROVALS: 1 card

PROTESTS: 3 cards

COUNTY COMMISSION ACTION: August 2, 2023 – HELD – To 08/16/23 – per the applicant.

COUNTY COMMISSION ACTION: August 16, 2023 – HELD – To 09/06/23 – per the applicant.

COUNTY COMMISSION ACTION: September 6, 2023 – HELD – To 10/04/23 – per the applicant.

COUNTY COMMISSION ACTION: October 4, 2023 – HELD – To 10/18/23 – per the applicant.

COUNTY COMMISSION ACTION: October 18, 2023 – HELD – To 11/08/23 – per the applicant.

APPLICANT: VIKING DEVELOPMENT

CONTACT: ELISHA SCROGUM, TANEY ENGINEERING, 6030 S. JONES BLVD., SUITE 100, LAS VEGAS, NV 89118