

SINGLE FAMILY DEVELOPMENT  
(TITLE 30)

**UPDATE**  
LINDELL RD/SERENE AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**NZC-21-0540-ROOHANI KHUSROW FAMILY TRUST:**

**HOLDOVER ZONE CHANGE** to reclassify 4.9 acres from an R-E (Rural Estates Residential) Zone to an R-1 (Single Family Residential) Zone.

**WAIVER OF DEVELOPMENT STANDARDS** to increase wall height.

**DESIGN REVIEWS** for the following: **1)** proposed single family residential development; and **2)** finished grade.

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

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RELATED INFORMATION:

**APN:**

176-24-201-015

**WAIVER OF DEVELOPMENT STANDARDS:**

Increase portions of block wall height to 11 feet (up to 5 foot retaining with 6 foot screen wall) where a maximum of 9 feet (3 foot retaining with 6 foot screen wall) is permitted per Section 30.64.050 (a 23% increase).

**DESIGN REVIEWS:**

1. Single family residential development.
2. Increase finished grade to 60 inches (5 feet) where a maximum of 18 inches is the standard per Section 30.32.040 (a 300% increase).

**LAND USE PLAN:**

ENTERPRISE - RURAL NEIGHBORHOOD PRESERVATION (UP TO 2 DU/AC)

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 4.9
- Number of Lots: 15
- Density (du/ac): 3.1
- Minimum/Maximum Lot Size (square feet): 6,796/12,168
- Project Type: Single family residential development

- Number of Stories: 1
- Building Height (feet): Up to 23
- Square Feet: 2,200/2,770

### **Neighborhood Meeting Summary**

The applicant conducted a neighborhood meeting on May 17, 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 25 attendees present at the virtual (Zoom) meeting for this item. The attendees had concerns about the design, density, and traffic of the project. A follow-up meeting was held on July 6, 2021. The neighbors were presented with a revised site plan addressing some of their concerns.

### Site Plans

The plans depict a proposed single family residential development bounded by Lindell Road on the east, Serene Avenue on the south, and Oleta Avenue on the north and consists of 15 lots on 4.9 acres for a density of 3.1 dwelling units per acre. The lots range in size from a minimum of 6,796 square feet to a maximum of 12,168 square feet. The development will have 1 point of access from Serene Avenue to the east. The lots within the subdivision will be served by 43 foot wide internal private streets, which include an attached sidewalk on 1 side of the street. The development will have full off-site improvements along all public streets. The over height retaining wall and increased finished grade occurs at the perimeter of the site along Lindell Road.

### Landscaping

A 15 foot wide landscape area which includes a detached sidewalk is shown along Lindell Road and Serene Avenue. A 6 foot wide landscape area behind an attached sidewalk is shown along Oleta Avenue. Internal to the development a street landscape buffer is shown on 1 side of the entry street.

### Elevations

The plans depict 4, one story models up to 23 feet high. All the products have similar building materials consisting of stucco exteriors, decorative stone veneer accents, tile roofing, and 4 sided architecture around windows and doors.

### Floor Plans

The models range in size from 2,200 square feet to 2,770 square feet with options that include multiple bedrooms, 2 to 3 car garages, and options for bonus rooms.

### Applicant's Justification

The applicant indicates areas farther to the north and south along Lindell Road have developed at over 2 units per acre. The property immediately to the west was zoned and constructed as an R-2 development. Therefore, this site has designed with lots larger than those allowed in R-1 and with similar sized lots and home sizes as the adjacent communities, making the requested zone change appropriate and compatible. Additionally, the applicant further indicates this development will provide all 1 story homes.

### Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North, South, & East	Rural Neighborhood Preservation (up to 2 du/ac)	R-E (RNP-I)	Mix of developed & undeveloped single family residences
West	Residential Suburban (up to 8 du/ac)	R-2	Developed single family residences

The subject site and surrounding parcels are located in the Public Facilities Needs Assessment (PFNA) area.

### Related Applications

Application Number	Request
TM-21-500155	A tentative map for 15 residential lots on 5 acres is a companion item on this agenda.
VS-21-0541	A vacation and abandonment of easements 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 there have been changes since the last amendment to the Enterprise Land Use Plan with the approval and construction of an adjacent R-2 zoned subdivision to the west and the developments farther to the north and south along Lindell Road which have been approved and constructed for R-D zoned subdivisions.

Although there are existing suburban residential developments in the area, those developments are 330 feet west of Lindell Road which makes this development fully within the Rural Neighborhood Preservation (RNP) area. As a result, the developments 330 feet west of Lindell Road should act as a buffer between the more intense suburban uses and the RNP to the east of that alignment. Therefore, staff finds that there has not been a change in law, policies, trends, or facts that have substantially changed the character or condition on the west side of Lindell Road.

- 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.*

The applicant indicates that the proposed development will serve as a buffer from the more intense uses while providing transitional lot sizes between the R-2 zoned lots to the west and R-E zoned lots to the east.

Developments to the north, east, and south are zoned R-E and R-E (RNP-I). However, staff finds approval of this project will allow more dense zoning with substantially smaller lot sizes to intrude into an existing RNP area. The intent of a balanced land use plan is to encourage an orderly development pattern with an appropriate spatial distribution of land uses that complement each other. This request for suburban medium density residential development in a neighborhood that is contiguous to a development that is zoned R-E (RNP-I) (to the north) is out of character with development in the immediate area. It has always been an adopted and accepted policy that any transitional land use and transitional density occurs on the perimeter, outside of an RNP and not within unless adopted through a major land use update. Several parcels to the west, were designed and planned as the transitional land use with the Residential Low (up to 3.5 dwelling units per acre) designation and intended to buffer the denser and more intense land uses to the RNP to the east. Therefore, staff finds the proposed project is not compatible with the density of the existing and planned land uses in the surrounding area.

- 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 technical studies will be prepared to address any impacts from the proposed residential development; therefore, public infrastructure facilities will not be adversely impacted.

Various Clark County service departments have reviewed this development proposal and found adequate services available or have specified the type of improvements that are needed for this development. Sufficient public services may not exist in the immediate area and because the site is in the Public Facilities Needs Assessment (PFNA) area, a standard development agreement will be necessary prior to issuance of any building permits to mitigate any short falls in needed public facilities.

Based on information received from the Clark County School District, the elementary school, middle school, and high school located within the corresponding school zone were over-capacity for the 2020-2021 school year. Staff is concerned that the cumulative impact from the individual student yield of this project and future projects in the immediate area may further exacerbate the existing capacity situations, especially since this area was not planned to accommodate the number of additional residential units and no new schools are planned in the future.

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

The applicant states the development of low-density homes, such as this proposal is appropriate and compatible with the area and the goals of Clark County.

Staff finds that the proposed single family residential development is in an existing Rural Neighborhood Preservation area, and therefore, is not compliant with Land Use Goal 6 to provide for large lot residential with estate homes. Therefore, the request does not conform to the policies in the Comprehensive Master Plan for development in this area and is also in conflict with Urban Specific Policy 8 which discourages nonconforming zone changes.

## **Summary**

### Zone Change & Design Review #1

Staff is concerned with the potential incompatibility between this development and existing land uses immediately adjacent to the site. Approval of this project will allow more dense zoning to intrude into an existing Rural Neighborhood Preservation area; therefore, based on the criteria listed above, staff finds the applicant has not satisfied the requirements for a compelling justification to warrant approval of this application and cannot support these requests.

### Waiver 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.

A waiver of development standards is needed for the proposed walls along the north and portions of the east property lines. The primary reasoning for the over height walls is the land slopes from west to east, but they are draining the proposed lots from north to south, resulting in the need for an over height retaining wall at the rear of some of the lots. However, since the overall residential subdivision design cannot function independent of the zone change and design review #1, which staff is not supporting, staff cannot support this portion of the 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**

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 will be forwarded to the Board of County Commissioners' meeting for final action on **January 19, 2022** 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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

### **PRELIMINARY STAFF CONDITIONS:**

#### **Current Planning**

If approved:

- Resolution of Intent to complete in 4 years;
- Maximum of 15 lots;
- Maximum 1 story homes;
- 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;
- 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**

- 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 35 feet to the back of curb for Lindell Road, 35 feet to the back of curb for Serene Avenue, 30 feet for Oleta Avenue, and associated spandrels;
- 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 subdivision map.
- 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.

**Building Department - Fire Prevention**

- 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 #0150-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC: Enterprise - denial.**

**APPROVALS: 1 card**

**PROTESTS: 23 cards, 3 letters**

**PLANNING COMMISSION ACTION:** November 16, 2021 – HELD – To 12/07/21 – per the applicant.

**PLANNING COMMISSION ACTION:** December 7, 2021 – HELD – To 01/04/22 – per the applicant.

**APPLICANT:** RICHMOND AMERICAN HOMES OF NEVADA INC.

**CONTACT:** KIMLEY HORN, 6671 LAS VEGAS BOULEVARD SOUTH, SUITE 320, LAS VEGAS, NV 89119