

PLANNED UNIT DEVELOPMENT
(TITLE 30)

UPDATE
SERENE AVE/FORT APACHE RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-21-0303-CRUZ FAMILY TRUST & CRUZ LEONDINO G & NARCISA T TRS:

ZONE CHANGE to reclassify 7.6 acres from an R-E (Rural Estates Residential) Zone and an H-2 (General Highway Frontage) Zone to an RUD (Residential Urban Density) Zone.

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

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduced setback; **2)** reduce street intersection off-set; **3)** reduce width of private streets; **4)** reduce back of curb radius; **5)** modify private street sections; and **6)** allow modified driveway design standards.

DESIGN REVIEWS for the following: **1)** an attached single family residential planned unit development; **2)** signage; and **3)** finished grade.

Generally located on the west side of Fort Apache Road and the south side of Serene Avenue (alignment) within Enterprise (description on file). JJ/md/jd (For possible action)

RELATED INFORMATION:

APN:

176-19-701-004; 176-19-701-007; 176-19-701-008

WAIVERS OF DEVELOPMENT STANDARDS:

1. 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).
2. Reduce street intersection off-set to 73 feet where a minimum of 125 feet is required per Chapter 30.52 (a 41.6% reduction).
3. Reduce the width of private streets to 26 feet where a minimum width of 37 feet with 36 feet of drivable surface is required per Chapter 30.52 (a 29.8% reduction).
4. 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).
5. Allow flush curb/zero curb and an inverted crown on private streets where an "R" curb or "Roll" curb is required per Uniform Standard Drawing 210.S1.
6. Reduce the driveway distance to the property line to 2 feet where a minimum distance of 6 feet is required per Uniform Standard Drawing 222 (a 66.7% reduction).

DESIGN REVIEWS:

1. Attached single family residential planned unit development.
2. Signage.
3. Increase finished grade to 103 inches where a maximum of 18 inches is the standard per Section 30.32.040 (a 472.3% increase).

LAND USE PLAN:

ENTERPRISE - COMMERCIAL GENERAL

ENTERPRISE - RESIDENTIAL HIGH (FROM 8 DU/AC TO 18 DU/AC)

BACKGROUND:**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 7.6
- Number of Lots: 93
- Density (du/ac): 12.4
- Minimum/Maximum Lot Size (square feet): 1,159 (gross and net)/1,290 (gross and net)
- Project Type: Attached (townhouse) planned unit development
- Number of Stories: 2
- Building Height (feet): 26
- Square Feet: 1,319 to 1,417
- Open Space Required/Provided: 15,597/52,636
- Parking Required/Provided: 243/248

Neighborhood Meeting Summary

This request is for a nonconforming zone change to reclassify approximately 7.6 acres from R-E and H-2 to an RUD zoning district for an attached (townhouse) planned unit development. The proposed request consists of 3 parcels; 2 of which conform to the land use plan (APNs 176-19-701-007 and 179-19-701-008) while the third parcel (APN 176-19-701-004) does not conform. The applicant conducted a neighborhood meeting on April 7, 2021, as required by the nonconforming zone boundary amendment process. Sixteen members of the public attended the meeting and expressed concerns about traffic, drainage, and the grade of the development being higher than the adjacent single family residences.

Site Plans

The plans depict an attached single family residential development situated on a 7.6 acre project site consisting of 93 residential lots with a density of 12.4 dwelling units per acre. The development consists of townhouse, residential dwellings under separate ownership that are attached to 1 or more dwellings on opposite sides of the structure. The proposed development features a total of 26 buildings, each containing 3 to 4 units that are adjacent to 30 foot wide private streets. A waiver of development standards is required to reduce the width of the private streets within the interior of the development. The proposed development requires 15,597 square feet of open space where 52,636 square feet of open space is provided. Open space areas, with a minimum width of 10 feet, are dispersed throughout the interior of the site measuring between 1,732 square feet to 23,092 square feet in area. The open space areas are interconnected with a series of 4 foot wide pedestrian sidewalks, providing connectivity between the townhouses. Parking will consist of garage parking for residents and surface parking for visitors. The development requires 243 parking spaces where 248 spaces are provided. The driveways associated with each unit are a minimum of 5 feet in length. Driveways for each unit are set back 2.5 feet from the side property line, necessitating a waiver of development standards

request. Each lot has a minimum total area of 1,159 square feet. The minimum setbacks for each townhouse unit are as follows:

*All models are rear loaded

- Lot area – 1,159 to 1,290 square feet
- Rear – zero feet to common area
- Front – 5 feet to private street
- Interior side – zero feet
- Side street (corner) – zero feet
- Perimeter – 10 feet
- Driveway length – 5 feet to garage

There are no front loaded models associated with the proposed development. The front entry to the rear loaded models open on to common area equitably distributed throughout the interior of the development. A minimum building setback of 10 feet is provided around the perimeter of the site. A waiver of development standards is requested to maintain a zero foot setback for all residential units from the adjacent private streets, drive aisles, curbs, and sidewalks. More often, the setback is typically 5 feet to match the driveway length for all units; however, the setback is set at zero feet to conservatively account for the setbacks for residential structures when adjacent to the internal pedestrian sidewalks. The proposed development will not feature entry and exit gates to the community. The primary entrance to the development is granted from Serene Avenue via private street “A”, while a secondary entrance to the development is provided from Chieftain Street via private street “F”. The provided street intersection off-set at the Serene Avenue and private street “A” is 83 feet, while the intersection off-set at Chieftain Street and private street “E” is 73, necessitating a waiver of development standards request. Four foot wide sidewalks are located on both sides of each entrance to the residential development. The north/south and east/west private streets do not feature sidewalks as all units are rear loaded; however, a network of east/west and north/south 4 foot wide pedestrian sidewalks are located immediately adjacent to all units within the development, and as mentioned above, connect to the open space. Five foot wide detached sidewalks are provided along Serene Avenue and Fort Apache Road, while 5 foot wide attached sidewalks are provided adjacent to Meranto Avenue and Chieftain Street. A pedestrian access gate is provided at the southeast corner of the site, between lots 26 and 27, connecting to Fort Apache Road. The general locations where the increase in finished grade will occur are along the lots fronting private street “D” (north/south), private street “G”(east/west), abutting Meranto Avenue to the south, and Fort Apache Road to the east.

Landscaping

The plans depict a 15 foot wide landscape area, with a 5 foot wide detached sidewalk located adjacent to Serene Avenue and Fort Apache Road. Twenty-four inch box trees planted 30 feet on center, including shrubs and groundcover, are located within the aforementioned landscape areas. A 6 foot wide landscape area, with a 5 foot wide attached sidewalk located adjacent to Meranto Avenue and Chieftain Street is also depicted on the plans. Twenty-four inch box trees planted 30 feet on center, including shrubs and groundcover, are located within the aforementioned landscape areas. A landscape area measuring a minimum of 6 feet in width with 24 inch box trees planted 20 feet on center are proposed along the northwest and west property

lines. Twenty-four inch box trees are equitably distributed throughout the interior of the project site, adjacent to sidewalks and private streets.

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 1,319 square feet and 1,417 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.

Signage

The plans depict two, 5 foot high project identification signs measuring 65 square feet in area located at the entrances to the development along Serene Avenue and Chieftain Street. The signs are set back a minimum of 2 feet from the respective property lines, per Code requirements. The signs are constructed of stone veneer, with backlit stainless steel letters.

Applicant's Justification

The applicant states the minimum setback is zero feet to conservatively account for the setback of residential units from adjacent sidewalks. More often, the setback is 5 feet to match the proposed driveway length on all units. The 5 foot driveway length is suitable for the low speed limit and reduced width of private streets.

The proposed roadway is the minimum width that the utility agencies are willing to accept maintenance authority over. In addition, the private roadways have sufficient width and depth to convey the impacting stormwater flow while maintaining flood protection of the residential structures.

The on-site private streets serve as the primary storm runoff conveyance system for the proposed development. As such, the inverted crown allows for an increase in the roadway drainage capacity while providing adequate utility cover. The flush curb/zero curb is limited to the rear-loaded complexes proposed in the center of the site.

The proposed driveway setback from the side property line is 2.5 feet. Due to the compact design of the attached housing product, as it includes side entry paths and open space elements, it is not feasible to design the driveways to incorporate a 6 foot minimum setback from the side property line due to a decrease in open space provided within the site, which will diminish the community's visual appeal and amenities.

The intersection off-set lengths are considered acceptable as the proposed development is non-gated and both streets “A” and “E” meet the minimum 37 foot wide right-of-way width requirement. The off-set street intersection request is consistent with similar residential developments and no queuing issues are anticipated.

Along the stubs at the ends of the proposed private roadways, a minimum 10 foot radius back of curb is proposed and is acceptable since the fire lane does not pass through these road stub-outs. Three foot radii back of curbs are proposed at the stubbed corners of the project site adjacent to all parking bays to provide homeowners with heightened safety measures by creating a larger setback distance from the drive aisle. The smaller back of curb radii encourages lower vehicular speed within the development, which promotes pedestrian safety.

The proposed development requires an increase in finished grade to direct stormwater runoff around habitable structures, provide adequate flood protection, and provide sufficient fall across the development for the proposed sewer connection into Serene Avenue.

The proposed development is compatible with adjacent uses in terms of scale, site design, and operating characteristics. The subdivision will provide workforce housing, which fulfills the County’s goal of providing in-fill development near existing infrastructure. The development also fully improves the last remaining undeveloped stretch of Eldorado Lane in the area. No significant adverse impacts to the existing natural environment or adjacent residential developments are anticipated.

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Commercial General	C-2	Undeveloped
South	Residential High (8 du/ac to 18 du/ac)	RUD	Undeveloped
East	Residential Medium (3 du/ac to 14 du/ac)	RUD	Single family residential
West	Commercial General & Residential Suburban (up to 8 du/ac)	R-E & R-2	Single family residential

* This site and the surrounding area are located in the Public Facilities Needs Assessment (PFNA) area.

Related Applications

Application Number	Request
VS-21-0304	A request to vacate and abandon patent easements is a companion item on this agenda.
TM-21-500096	A tentative map consisting of 93 attached single family residential lots on 7.6 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 the proposed residential RUD zoning conforms with the residential development in the area whereas the current planned land use of APN 176-19-701-004 is not compliant with the residential nature of the surrounding neighborhood. The proposed planned unit development single family attached subdivision offers the opportunity to provide greater diversification of housing types while also fulfilling the greater need for attainable housing.

To the north of the project site is an undeveloped parcel zoned C-2 with a planned land use of Commercial General. To the east of the project site, across Fort Apache Road, is an existing single family residential development zoned RUD with a planned land use of Residential Medium. The residences in this subdivision were constructed in 2008. To the south of the proposed development, across Meranto Avenue, is a previously approved planned unit development (ZC-19-0534) zoned R-3 with a planned land use of Residential High. To the west of the site is an undeveloped parcel zoned R-E with a planned land use of Residential Suburban. Also to the west of the proposed development is an existing single family residential development zoned R-2 with a planned land use of Commercial General. The trend in this area is for additional residential development and less commercial development. The proposed zone change to RUD for single family residential development is consistent and compatible with existing and approved development in this area and is appropriate for this location.

- 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 states the existing adjacent land uses comply with the project's proposed RUD density of up to 16 dwelling units per gross acre. The existing R-2 zoning of the subdivision adjacent to the proposed project provides a density of 8 dwelling units per acre, while the planned residential suburban land use of the BLM parcel just south of the residential development also promotes medium density residential development with a maximum density of 8 dwelling units per acre. In addition, the proposed RUD rezoning is harmonious with the current RUD zoning of the adjacent residential subdivision to the east of the site; therefore, the density

proposed by the site serves as a median between the adjacent residential land uses and conforms with the surrounding area.

Immediately to the north of the project site is an undeveloped 2.6 acre parcel zoned C-2 with a planned land use of Commercial General. To the east of the proposed development is an existing single family residential subdivision zoned RUD at 12.1 dwelling units per acre. To the south of the project site is a previously approved planned unit development consisting of townhouses zoned R-3 at 10.6 dwelling units per acre. To the west of the site is a 2.5 acre undeveloped parcel zoned R-E with a planned land use of Residential Suburban. Also to the west of the site is an existing single family residential development zoned R-2 at 8 dwelling units per acre. Therefore, staff finds the density and intensity of the proposed project, a single family residential development with a density of 12.4 dwelling units per acre, is compatible with 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 states no substantial adverse effects are anticipated for any of the criterion's mentioned facilities. Due to the in-fill nature of the subject site, the proposed development will improve both vehicular and pedestrian connectivity with the surrounding area by completing half-street improvements along the perimeter roadways. Regarding drainage conveyance, continuing construction of the existing storm drain in Fort Apache Road to the planned intersection of Meranto Avenue and Chieftain Street will improve current conditions. When compared with larger surrounding subdivisions, the parcel area and lot count for the subject site has negligible impact on the surrounding public facilities.

There has been no indication from service providers that this request will have an adverse or substantial effect on public facilities and services. The school district has indicated that this development would generate 15 additional elementary school, 9 middle school, and 12 high school students. The school district indicates Thompson Elementary School is under capacity by 441 students. Faiss Middle School and Sierra Vista High School are over capacity by 171 and 136 students, respectively.

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

According to the applicant, the nonconforming zone boundary amendment complies with the goals and policies of the Comprehensive Master Plan as the development proposal 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 lower and middle income workforce housing opportunities to an increasing number of cost burdened households. In addition, per the previous intent of the Land Use Plan, revising the land use of the overall Enterprise area to accommodate higher density housing is conducive to single family attached development, thus also fulfilling Clark County's desire to provide more affordable housing.

This project complies with Goal 7 of the Comprehensive Master Plan to provide housing alternatives to meet a range of lifestyle choices, ages, and affordability levels. There are existing residential developments in this area that are developed with densities ranging from 8 dwelling units per acre to 12.1 dwelling units per acre. The proposed project is a single family residential development with a density of 12.4 dwelling units per acre, which is a transition between these existing developments. Staff finds the project complies with Urban Specific Policy 4 of the Comprehensive Master Plan, which promotes the preservation of existing residential neighborhoods by encouraging vacant lots within this area to develop at similar densities as the existing area.

Summary

Zone Change

Staff finds that there is a trend changing the character and condition of the area, which makes this request appropriate. The density and intensity of the proposed project are consistent and compatible with existing and planned developments in this area. There has been no indication that the proposed project will have an adverse effect on public services or facilities in this area. The proposed project complies with other goals and policies within the Comprehensive Master Plan. Staff finds the applicant has provided a Compelling Justification to warrant approval of the nonconforming zone boundary request.

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. The design is unique and innovative in that it allows for individual home ownership rather than a rental option of an apartment unit or the ownership of airspace like the typical condominium development. To mitigate the impact of the proposed structures, the buildings are designed with variations in height, roof pitch, and other architectural enhancements. Staff finds the proposed development provides an appropriate land use transition to the existing residential development and commercial land uses within the immediate area; therefore, 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 requested setback reduction to zero feet is significant; however, the request is necessary to take into account the setbacks of the residential buildings to the internal sidewalks within the development. The typical residential building setback from a private street is 5 feet, to accommodate the proposed driveway length. Staff finds the request should have minimal to no impact on the overall development of the site; therefore, recommends approval.

Design Reviews #1 & #2

Urban Specific Policy 7 of the Comprehensive Master Plan states land uses that are complementary and are of similar scale and intensity should provide appropriate connectivity and not be segregated. The proposed development complies with the aforementioned policy as multiple points of connection are proposed from the interior of the development to the adjacent streets, including Serene Avenue and Chieftain Street. Furthermore, gated pedestrian access is provided at the southeast corner of the site, adjacent to Fort Apache Road. Staff finds a variety of design elements are utilized on all sides of the residential buildings, including articulating building facades. The design of the proposed elevations incorporate varying rooflines, exterior building materials such as stucco and stone veneer, decorative window trimming, and decorative wrought iron railings. The site will be developed at 12.4 dwelling units per acre, which staff believes is an appropriate density. The design of the residential buildings are consistent and compatible with the existing and approved residential developments within the surrounding area; however, staff is concerned with the 10 foot setback between lot 49 and the single family residences immediately to the west. The adjacent R-2 single family residential development to the west of the project site requires a 15 foot rear yard setback, which increases the distance between the proposed townhouse and the existing residence to 25 feet. While the 3 to 1 height setback ratio does not apply to adjacent single family residential developments; staff recommends eliminating lot 49 and replacing the townhouse with an open space area vastly improving the buffer area between the 2 residential developments. Furthermore, the elimination of lot 49 would create additional usable open space at the northwest corner of the development. The proposed project identification sign is consistent and compatible with the architecture and building materials utilized for the townhouse units; therefore, staff can support the design review requests.

Public Works - Development Review

Waiver of Development Standards #2

Staff has no objection to the reduction in the street intersection off-set between Chieftain Street and Street "F". This request is common with townhouse subdivisions. Additional common elements are provided, improving visibility and reducing conflicts while trying to enter the site.

Waiver of Development Standards #3

Staff has no objection to the request to reduce the width of the private streets provided that Fire Prevention approves the request.

Waiver of Development Standards #4

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.

Waiver of Development Standards #5

Staff has no objection to allowing an 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.

Waiver of Development Standards #6

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.

Design Review #3

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.

Staff Recommendation

Approval. 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: August 3, 2021 – APPROVED – Vote: Unanimous **Current Planning**

- Resolution of Intent to complete in 4 years;
- Provide intense landscaping along west side of Lot 49;
- Terrace retaining walls with landscaping in between for walls over 9 feet adjacent to public right-of-ways;
- Pathway lighting to be installed along interior walkways;
- 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 45 feet to the back of curb for Fort Apache Road, 35 feet to the back of curb for Serene Avenue, 30 feet for Meranto Avenue, 30 feet for Chieftan Street, 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 final map;
- Applicant shall apply for a Bureau of Land Management (BLM) grant for Chieftan Street.
- 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.

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 #0128-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require a new POC analysis.

TAB/CAC: Enterprise - approval (terrace retaining walls with landscaping in between for walls over 9 feet adjacent to public right-of-ways; pathway lighting to be installed along interior walkways).

APPROVALS:

PROTESTS: 13 cards, 12 letters

APPLICANT: D.R. HORTON

CONTACT: STRIVE ENGINEERING, 8912 SPANISH RIDGE AVENUE, SUITE 200, LAS VEGAS, NV 89148