

11/17/21 BCC AGENDA SHEET

SINGLE FAMILY RESIDENTIAL DEVELOPMENT      PYLE AVE/RANCHO DESTINO RD  
(TITLE 30)

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**NZC-21-0458-TADANO WAKIMOTO TRUST & TADANO GARY TRS:**

**ZONE CHANGE** to reclassify 7.3 acres from an R-E (Rural Estates Residential) Zone to an R-1 (Single Family Residential) Zone.

**WAIVER OF DEVELOPMENT STANDARDS** for full off-site improvements (streetlights) along a public street.

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

Generally located on the north side of Pyle Avenue and the east side of Rancho Destino Road within Enterprise (description on file). MN/rk/jd (For possible action)

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**RELATED INFORMATION:**

**APN:**

177-28-204-001; 177-28-204-011 through 177-28-204-013

**WAIVER OF DEVELOPMENT STANDARDS:**

Waive full off-site improvements (streetlights) along Rancho Destino Road where required per Section 30.52.050.

**DESIGN REVIEWS:**

1. Single family residential development.
2. Increase finished grade to 72 inches (6 feet) where a maximum of 18 inches is the standard per Section 30.32.030 (a 300% increase).

**LAND USE PLAN:**

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

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 10050 & 10070 Rancho Destino Road
- Site Acreage: 7.3
- Number of Lots: 22
- Density (du/ac): 3.1
- Minimum/Maximum Lot Size (square feet): 8,000/13,164
- Project Type: Single family residential development

- Number of Stories: 1
- Building Height (feet): Up to 23
- Square Feet: 2,390/2,770

### **Neighborhood Meeting Summary**

The applicant conducted a neighborhood meeting on June 3, 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 16 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 7, 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 Rancho Destino Road on the west, Pyle Avenue on the south, and Gilespie Street on the east and consists of 22 lots on 7.3 acres for a density of 3.1 dwelling units per acre. The lots range in size from a minimum of 8,000 square feet to a maximum of 13,164 square feet. The development will have access off Pyle Avenue to the south. 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 with the exception of Rancho Destino Road where no streetlights are proposed.

#### **Landscaping**

The plans depict a 15 foot wide landscape area with detached sidewalk along Gilespie Street and Pyle Avenue. A 6 foot wide landscape area with attached sidewalk is depicted along Rancho Destino Road.

#### **Elevations**

The plans depict 4 conceptual 1 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 2,390 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 the surrounding areas to the north and south have developed out at over 2 units per acre. The property immediately to the west has been zoned and is under construction for 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.

### Prior Land Use Requests

Application Number	Request	Action	Date
NZC-18-0840	Reclassified this site to R-1 zoning for a proposed 31 lot single family residential development	Withdrawn by PC	January 2019

### Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North, East, & South	Rural Neighborhood Preservation (up to 2 du/ac)	R-E & R-E (RNP-I)	Single family residential
West	Residential Suburban (up to 8 du/ac)	R-2	Partially constructed single family subdivision

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

### Related Applications

Application Number	Request
VS-21-0459	A vacation and abandonment of patent easements and rights-of-way is a companion item on this agenda.
TM-21-500136	A tentative map consisting of 22 single family residential lots on 7.3 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 that there has been changes since the last amendment to the Enterprise Land Use Plan with the approval of an adjacent R-2 zoned subdivision to the west across Rancho Destino Road.

Although there is existing suburban residential development in the area, that development is on the west side of Rancho Destino Road which makes this development fully within the Rural Neighborhood Preservation (RNP) area. As a result, Rancho Destino Road should act as a border between the more intense uses and the RNP to the east of that street. Therefore, staff finds that there has not been a change in law, policies, trends, or facts that have substantially changed the character or condition of the area east of Rancho Destino 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, since the mid 1990's, several projects in the immediate area were approved and developed as R-E planned unit developments (PUD) with densities up to 2.5 dwelling units per acre. Prior to the adoption of the Rural Neighborhood Preservation (RNP) category, developments that exceeded 2 dwelling units per acre but no more than 2.5 dwelling units per acre were considered appropriate in an RNP. The developments directly to the north, east, and south were approved and constructed as PUD's with densities that range from 2.4 to 2.5 dwelling units per acre with minimum net lot sizes of 10,000 square feet. 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. 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, across Rancho Destino Road, 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 anticipated west of Haven Street. Therefore, staff finds the proposed project is not compatible with the density of the existing and planned land uses in the surrounding area or street network.

*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 and high school located within the corresponding school zone was 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 this area is no longer technically an RNP, and 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 2 distinct land uses: estate homes and Rural Neighborhood Preservation. 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.

## **Public Works - Development Review**

### Waiver of Development Standards

Staff has no objection to not install streetlights along Rancho Destino Road since it is a 60 foot wide right-of-way and streetlights are only installed on 1 side of the street. The subdivision that was approved west of Rancho Destino Road was conditioned to provide the infrastructure for the streetlights. However, since Planning is recommending denial of the application in its entirety, staff cannot support this waiver.

## 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 approvals. However, since Planning is recommending denial of the application in its entirety, staff cannot support this design review.

## **Staff Recommendation**

Denial. This item has been forwarded to the Board of County Commissioners 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:** November 2, 2021 – APPROVED – Vote:  
Unanimous Absent: Nguyen

## **Current Planning**

- Resolution of Intent to complete in 4 years;
- All single story homes;
- Design review as a public hearing on any significant changes to plans;
- 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;
- Add a mix of 24 inch box Shoestring Acacia trees and 24 inch box Italian Cypress trees every 15 feet on center along the north property lines of lots 9 and 10 per the revised landscape plan submitted on November 2, 2021;
- Add 24 inch box Shoestring Acacia trees every 15 feet on center along the east property lines of lots 10,11, and 12, and along the northern property line adjacent to the eastern stub "Street C" per the revised landscape plan submitted on November 2, 2021;
- Provide landscaping at the eastern end of the stub "Street C" in conformance with CCWRD and Las Vegas Valley Water District standards;
- Provide an 8 foot redundant screen wall (on top of any possibly necessary retaining wall) along the eastern side of lots 10, 11 and 12;
- Provide an 8 foot redundant screen wall (on top of any possibly necessary retaining wall) along the northern side of stub "Street C" if any area of the existing northern exposed wall is less than 8 feet. If the grade on stub Street C" is such that the existing northern exposed wall is equal to or more than 8 feet from grade, then instead of an 8 foot redundant wall, a 3 foot redundant retaining wall shall be installed to protect the northern exposed wall from water seepage;
- 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 on Pyle Avenue and Gilespie Street;
- Full off-site improvements, except no streetlights, on Rancho Destino Road;
- Coordinate with Public Works - Design Division for the Pyle Avenue improvement project;
- Dedicate any right-of-way and easements necessary for the Pyle Avenue improvement project.
- 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 approval; and that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

#### **Building Department - Fire Prevention**

- Applicant is advised that fire/emergency access must comply with the Fire Code.

#### **Southern Nevada Health District (SNHD) - Septic**

- Applicant is advised that there are active septic permits on APNs 177-28-204-001 and 177-28-204-011; to connect to municipal sewer and remove the septic systems in accordance with Section 17 of the *SNHD Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management*; and to submit documentation to SNHD showing that the systems have been properly removed.

#### **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](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0344-2021 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:** 20 cards, 8 letters, 1 petition with 28 signatures

**PLANNING COMMISSION ACTION:** October 19, 2021 – HELD – To 11/02/21 – per the applicant.

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

**CONTACT:** KIMLEY HORN, 6671 LAS VEGAS BLVD S, STE 320, LAS VEGAS, NV 89119