

SINGLE FAMILY RESIDENTIAL
(TITLE 30)

UPDATE
RICHMAR AVE/VALLEY VIEW BLVD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-22-0254-VAN 86 HOLDINGS TRUST:

HOLDOVER ZONE CHANGE to reclassify 19.4 acres from an R-E (Rural Estates Residential) Zone to an R-2 (Medium Density Residential) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase wall height; and 2) reduce street intersection off-set.

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

Generally located on the northwest corner of Richmar Avenue and Valley View Boulevard within Enterprise (description on file). JJ/al/jo (For possible action)

RELATED INFORMATION:

APN:

177-19-703-006 through 177-19-703-012; 177-19-704-001 through 177-19-704-003; 177-19-704-005

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase wall height to 11 feet (6 foot screen wall with a 5 foot retaining wall) where a maximum wall height of 9 feet (6 foot screen wall with a 3 foot retaining wall) is permitted per Section 30.64.050 (a 22.2% increase).
2. Reduce the street intersection off-set to a minimum of 101 feet where a minimum of 125 feet is required per Section 30.52.052 (a 19.2% reduction).

DESIGN REVIEWS:

1. A detached single family residential development.
2. Increase finished grade to 62 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 72.2% increase).

LAND USE PLAN:

ENTERPRISE - LOW-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 5 DU/AC)
ENTERPRISE - MID-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 8 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: N/A

- Site Acreage: 19.4
- Number of Lots: 155
- Density (du/ac): 8.0
- Minimum/Maximum Lot Size (square feet): 3,325/5,070
- Project Type: Single family residential
- Number of Stories: 2
- Building Height (feet): 26
- Square Feet: 2,052 to 2,300
- Open Space Required/Provided (square feet): 0/44,090

Neighborhood Meeting Summary

This request is for a nonconforming zone change to reclassify approximately 19.4 acres from an R-E zone to an R-2 zone for a single family residential development. The applicant conducted a neighborhood meeting at the Enterprise Library on February 28, 2022, as required by the nonconforming zone boundary amendment process. The required meeting notices were mailed to the neighboring property owners within 1,500 feet of the project site and 11 neighbors attended the meeting. Concerns raised at the meeting included project density, lot sizes, crime, and buffering from the adjacent community across Valley View Boulevard.

Site Plan

The western half of the site is designated as Mid-Intensity Suburban Neighborhood (up to 8 du/ac) and the eastern half is designated Low-Intensity Suburban Neighborhood (up to 5 du/ac). The request to reclassify the western half of the site to an R-2 zone is in conformance with the Master Plan; however, it is the request to reclassify the eastern half of the site to an R-2 zone that makes this a nonconforming zone change.

The plan depicts a single family residential development consisting of 155 lots on approximately 19.4 acres with a density of 8 dwelling units per acre. The site has frontage along Richmar Avenue to the south, Meranto Avenue along the north, Hinson Street along the west, and Valley View Boulevard along the east. Valley View Boulevard is an arterial street, the other streets are local streets. The plan shows that 12 lots will take access from Hinson Street and 23 lots from Meranto Avenue. The remainder of the lots will take access from 48 foot wide public streets within the proposed development. Each of the interior streets will have a 5 foot wide sidewalk on both sides of the street. The plan depicts 3 entrances to the development, 2 from Meranto Avenue and the third from Hinson Street. The plan depicts 3 common element lots with a total area of 44,090 square feet, which includes 2 common elements along the perimeter streets, and a private neighborhood park in the central portion of the site. The plans show that the greatest increase in finished grade is within the central portion of the site and the increase in retaining wall height is for areas along Valley View Boulevard along the eastern boundary of the site. The reduction in street intersection off-set is for 2 locations on the site. The first is to reduce the entrance into the subdivision from Meranto Avenue from Valley View Boulevard to 105 feet. The other is to reduce the entrance into the subdivision from Hinson Street from Richmar Avenue to 101 feet.

Landscaping

The plans are depicting a total of 44,090 square feet of open space where no open space is required. The open space is divided into 3 common elements. The first common element is a 6 foot wide landscape area with an area of 1,045 square feet on the northwestern portion of the site adjacent to Meranto Avenue consisting of trees, shrubs, and groundcover. The second common element is located along Meranto Avenue on the northeastern portion of the site, along Valley View Boulevard along the eastern boundary, Richmar Avenue along the southern boundary, and along Hinson Street at the southwestern portion of the site. This common element has an area of 17,504 square feet and is 15 feet wide along Valley View Boulevard and 6 feet wide adjacent to the other streets. Along Valley View Boulevard the landscape area will consist of a detached 5 foot wide sidewalk with trees, shrubs, and groundcover. Along the other perimeter streets there will be an attached sidewalk and landscaping will consist of trees, shrubs, and groundcover. The third common element has an area of 29,528 square feet for a private neighborhood park with amenities to be determined.

Elevations

The plans depict 3 home models that are all 2 stories with a maximum building height of approximately 26 feet. All of the homes have pitched roofs with concrete tile roofing materials. The exterior of the homes will consist of combinations of a stucco finish painted in earth tone colors, stone veneer, various window treatments, and architectural enhancements.

Floor Plans

The proposed homes will be between 2,052 square feet to 2,300 square feet in area. Each home will have 3 to 4 bedrooms and a 2 car garage.

Applicant's Justification

The applicant indicates that the proposed development is consistent and compatible with existing developments in the area. The increase in finished grade and retaining wall heights are necessary due to the natural topography of the site to balance out the site and provide property drainage; the increase in finished grade is not to improve views. The reductions in the street intersection off-sets are to entrances for the development and will require full stop traffic movements; therefore, there will be minimal effect to the traffic movements and would not impact public safety.

Surrounding Land Use

	Planned land Use Category	Zoning District	Existing Land Use
North	Mid-Intensity Suburban Neighborhood (up to 8 du/ac) & Low-Intensity Suburban Neighborhood (up to 5 du/ac)	R-E & C-P	Undeveloped
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac) & Low-Intensity Suburban Neighborhood (up to 5 du/ac)	R-E	Undeveloped & single family residential
East	Ranch Estate Neighborhood (up to 2 du/ac)	R-E (RNP-I)	Single family residential

Surrounding Land Use

	Planned land Use Category	Zoning District	Existing Land Use
West	Business Employment	R-E	Undeveloped

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

Related Applications

Application Number	Request
VS-22-0255	A request to vacate and abandon easements is a companion item on this agenda.
TM-22-500087	Tentative map for a single family residential subdivision with 155 residential and common lots on 19.4 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 states that the Enterprise Planning Area (Enterprise) has seen a large demand for housing. The applicant also states that the Bureau of Land Management and the Clark County Department of Aviation have sold some major parcels in Enterprise which have been reclassified to R-2 zoning districts, and developed with single family residential developments that have given Enterprise a more urban feel. Therefore, the applicant indicates this is a trend and change in facts to warrant approval of this request and staff does not agree with this. This site is designated for single family residential development by the Master Plan. The western half of the site is designated Mid-Intensity Suburban Neighborhood which would allow residential developments up to 8 dwelling units per acre; therefore, the request to reclassify this site to R-2 zoning for the western half of the site is in conformance with the Master Plan. The eastern half of the site is designated Low-Intensity Suburban Neighborhood which would allow residential development with densities up to 5 dwelling units per acre, and it is this portion of the request which makes this a nonconforming zone change. Therefore, residential development at this location is not a change in trend, policy, or facts; the issue is the proposed increase in allowed density per the Master Plan for a portion of the site. The parcels abutting this site are mostly

undeveloped or developed with single family homes in subdivisions with densities of 2 dwelling units per acre or less where some also have equestrian uses. The areas where nonconforming zone changes have been approved are south of Silverado Ranch Boulevard, approximately 1,430 feet to the south; and 2,250 feet to the northeast on the east side of Dean Martin Drive. Therefore, staff finds that there has been no change in trends, policy, or facts to make this request appropriate.

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 that the R-E (RNP-I) area adjacent to this site is located to the east across Valley View Boulevard, a 100 foot wide right-of-way. The applicant believes that Valley View Boulevard creates an acceptable buffer area for the RNP area from the proposed development, and staff does not agree with this. This request is to increase the density of a portion of this site above what is designated in the Master Plan. The land use designations for this site were established in the Master Plan to transition the densities and intensities of future developments to the west from the existing RNP area to the east. Therefore, staff finds the proposed density of the project is not compatible with the existing and planned land uses.

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.*

There has been no indication from public services and facility providers that this development would have an adverse effect on public facilities and services in this area. The Clark County School District has indicated that this development would increase student yield by 60 students for the schools that serve this area (26 elementary students, 14 middle school students, and 20 high school students). The School District also indicates that one of the schools that would serve this area (Desert Oasis High School) is over capacity with current enrollment.

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

The proposed development does comply with Goal 1.1 of the Master Plan to provide opportunities for diverse housing options to meet the needs of residents of all ages, income levels and abilities. The project complies with Policy 1.3.2 of the Master Plan which encourages a mix of housing options, product types, and unit sizes. However, the project does not comply in part with Policy 1.5.2 Compatible Development within the Master Plan to protect the established character and lifestyles associated with RNP areas by transitioning densities with larger lots adjacent to RNP properties. Therefore, the project does not comply with other applicable goals and policies.

Summary

Zone Change

Staff finds that there have been no changes in law, policies, trends, or facts 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 proposed development is not compatible in density or intensity with existing or planned land uses in the surrounding area. There has been no indication that the project will have an adverse effect on public facilities and services from service providers; however, the project will add to overcrowding at Desert Oasis High School. The project does comply with other applicable adopted plans and goals; therefore, staff finds the applicant has not satisfied all criteria to provide a Compelling Justification to warrant approval of this nonconforming zone change.

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 applicant indicates that the increase in wall height is needed to balance the site and allow for proper drainage. The topography of the site can be a special and/or unique circumstance to allow a waiver to increase wall height; however, since staff does not support the zone change staff cannot support this request.

Design Review #1

The eastern side of this site is abutting an RNP area, which is to the east across Valley View Boulevard. The plans depict 17 lots along Valley View Boulevard with 15 of these lots having an area of 3,325 square feet. In the past when projects have abutted RNP areas, the lots closest to the RNP areas have been required to provide 10,000 square foot minimum lots as a transition area. The eastern portion of this site is designated as Low-Intensity Suburban Neighborhood (up to 5 du/ac). This would allow a request to reclassify the eastern half of the site to an R-1 zone, which would require a minimum 5,200 square foot lot. With Valley View Boulevard, an arterial street, located between this site and the RNP area to the east, staff believes that the lots along Valley View Boulevard should be a minimum of 5,200 square feet to provide a transition area to the RNP. Since no transition area is provided with the proposed development, and since staff does not support the zone change, staff cannot support the design review.

Department of Aviation

The property lies just outside the AE-60 (60-65 DNL) noise contour for the Harry Reid 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 Harry Reid International Airport facilities to meet future air traffic demand.

Public Works - Development Review

Waiver of Development Standards #2

Staff cannot support the reductions in the street intersection off-set since they are a self-imposed hardship that can be eliminated with a site redesign. Meranto Avenue and Hinson Street will

serve as local collector streets for this and future developments in the area. With increased traffic it is important to provide as much distance as possible between intersections.

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.

Staff Recommendation

Denial. 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 Master Plan, Title 30, and/or the Nevada Revised Statutes.

STAFF CONDITIONS:

Current Planning

If approved:

- Resolution of Intent to complete in 4 years;
- No short-term rentals;
- Provide notice to County 90 days prior to intent to change business model or sell project;
- Administrative review to be submitted to the Department of Comprehensive Planning that details lease terms, average number of units leased, and specific contact for neighbor complaints 1 year after the first unit is rented or within 2 years, whichever comes first;
- 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;
- Provide a pedestrian access to Richmar Avenue at the southeastern portion of the site;
- 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 or application for review; 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 30 feet for Meranto Avenue, 30 feet for Hinson Street, 30 feet for Richmar Avenue, 45 feet to the back of curb for Valley View Boulevard and associated spandrels.
- 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.

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 #0411-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - denial.

APPROVALS:

PROTESTS: 7 cards, 36 letters

PLANNING COMMISSION ACTION: June 21, 2022 – HELD – To 07/19/22 – per the applicant.

PLANNING COMMISSION ACTION: July 19, 2022 – DENIED – Vote: Aye: Stone, Kirk, Kilarski, Nguyen, Frasier, Lee Nay: Castello

COUNTY COMMISSION ACTION: August 17, 2022 – HELD – To 09/07/22 – per the applicant.

COUNTY COMMISSION ACTION: September 7, 2022 – HELD – To 09/21/22 – per the applicant.

APPLICANT: AMH DEVELOPMENT, LLC

CONTACT: THE WLB GROUP, 3663 E. SUNSET ROAD, SUITE 204, LAS VEGAS, NV 89120