

03/20/24 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ZC-23-0921-CANKIDS INVESTMENTS 2012, LLC:

ZONE CHANGE to reclassify 2.6 acres from an R-E (Rural Estates Residential) (RNP-I) Zone to an R-2 (Medium Density Residential) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** net lot area; **2)** eliminate street landscaping; **3)** off-site improvements; and **4)** street configuration.

DESIGN REVIEW for a single family residential subdivision on 16.2 acres in an R-E (Rural Estates Residential) (RNP-I) Zone and an R-2 (Medium Density Residential) Zone.

Generally located on the southwest corner of Wigwam Avenue and Gagnier Boulevard within Enterprise (description on file). JJ/sd/syp (For possible action)

RELATED INFORMATION:

APN:

176-16-301-010; 176-16-301-033 through 176-16-301-034

LAND USE PLAN:

ENTERPRISE - RANCH ESTATE NEIGHBORHOOD (UP TO 2 DU/AC)

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

WAIVER OF DEVELOPMENT STANDARDS:

1. Reduce the net lot area for 5 lots to a minimum of 16,193 square feet where 18,000 square feet is the minimum standard per Table 30.40-1 (a 10% decrease).
2. Eliminate street landscaping and a detached sidewalk along a portion of Cougar Avenue where landscaping and detached sidewalks are required per Figure 30.64-17.
3.
 - a. Waive off-site improvements (streetlights, curb and gutter, and partial paving) along Wigwam Avenue where required per Chapter 30.52.
 - b. Waive off-site improvements (streetlights, curb and gutter, and partial paving) along Gagnier Boulevard where required per Chapter 30.52.
 - c. Waive off-site improvements (streetlights, curb and gutter, and partial paving) along Cougar Avenue where required per Chapter 30.52.
 - d. Waive off-site improvements (streetlights, curb and gutter, and partial paving) along Ford Avenue where required per Chapter 30.52.
4. Reduce the street intersection off-set between Street A and the entrance to a subdivision on the east side of Gagnier Boulevard to 51 feet where 125 feet is required per Chapter 30.52.

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 16.2
- Project Type: Single family residential subdivision
- Number of Lots/Units:
 - R-E (RNP-I): 25
 - R-2: 20
- Density (du/ac):
 - R-E (RNP-I): 1.8
 - R-2: 7.7
- Minimum/Maximum Lot Size (square feet):
 - R-E (RNP-I): 16,193 (net)/30,978 (net)
 - R-2: 3,656/5,089

Site Plan

The proposed community is a residential subdivision with 45 single family homes (25 lots zoned for R-E (RNP-I) and 20 lots zoned for R-2) on approximately 16.2 acres. The density is 1.8 for the R-E (RNP-I) zoned portion of the site and 7.7 for the R-2 zoned portion. The lots for the R-E (RNP-I) zoned portion of the map will be accessed directly from Gagnier Boulevard, Cougar Avenue, or 1 of 2 private cul-de-sacs. The lots for the R-2 zoned portion of the map will be accessed either directly from Cougar Avenue or from 2 private streets. No vehicular access is shown from either Wigwam Avenue or Ford Avenue.

Landscaping

The plans show landscaping with detached sidewalks on Wigwam Avenue, Gagnier Boulevard, and Ford Avenue. Along Cougar Avenue, landscaping with a detached sidewalk is shown adjacent to the proposed R-E (RNP-I) subdivision. Adjacent to the proposed R-2 subdivision, an attached sidewalk with no landscaping is shown on Cougar Avenue, with the whole frontage being used for 6 lots with direct access to the street. Trees and shrubs in compliance with Title 30 landscape standards are shown.

Elevations & Floor Plans

R-E (RNP-I) subdivision:

Three floor plans, each with 3 different elevation choices, are shown. All 3 are single story homes. The smallest floor plan features 3,932 square feet of living space with 6 bedrooms, 5 bathrooms, and an oversize garage with parking for automobiles and an RV. The next plan shows a 4,237 square foot home with 6 bedrooms, 5 bathrooms, an oversize garage with parking for automobiles and an RV, and an additional 2 car garage. All 3 plans include some type of multi-generational living space.

All of the elevations show stucco finishes with stone veneer and pop-outs around windows. The roofs are all pitched with varying heights up to a maximum height of 22 feet.

R-2 subdivision:

Two floor plans, each with 3 different elevation choices, are shown. The smaller floor plan depicts a 2 story, 2,270 square foot home with 4 bedrooms, 3 bathrooms, and a 2 car garage. The larger floor plan depicts a 2 story, 2,640 square foot home with 4 bedrooms, 3 bathrooms, and a 2 car garage, with 1 of the bedrooms and bathrooms being part of an attached multi-generational living space.

All of the elevations show earth tone colors, concrete tile roofs, stucco pop-outs around windows, and varying pitched roofs. The maximum height of the homes will be 26 feet.

Applicant's Justification

The entire area under consideration for development is currently vacant and undeveloped. Surrounding the proposed site there are several developed and undeveloped lots and approved subdivisions with zoning of both R-E and R-2 zones. The applicant believes the proposed subdivision will be complementary to the surrounding area. The applicant states that allowing lots with an approximate 10 percent net lot size reduction is the same as what is allowed on collector and arterial streets. The request for an attached sidewalk without landscaping on Cougar Avenue will cause no adverse effects to the area. The waiver for off-site improvements will allow the area to maintain a rural nature. The waiver for the reduced street intersection off-site is mitigated because the proposed lots are 80 feet wide and additional landscaping is provided adjacent to Gagnier Boulevard.

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North, South, & East	Ranch Estate Neighborhood (up to 2 du/ac) & Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-E (RNP-I)	Single family residential & undeveloped
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac) & Neighborhood Commercial	R-2 & R-E	Single family residential & undeveloped

The subject site is within the Public Facilities Needs Assessment (PFNA) area.

Related Applications

Application Number	Request
VS-23-0922	A request to vacate and abandon easements and right-of-way is a companion item on this agenda.
TM-23-500191	A tentative map for a 25 lot subdivision zoned R-E and a 20 lot subdivision zoned R-2 is a companion item on this agenda.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate the proposed request is consistent with the Master Plan and is in compliance with Title 30.

Analysis

Comprehensive Planning

Zone Change

In addition to the standards for approval, the applicant must demonstrate the zoning district is compatible with the surrounding area.

Although a request for a zone change to an R-2 zone is in conformance with the range of zoning districts allowed by the Master Plan, staff finds that R-2 zoning is too intense for the site. Directly to the north, across Cougar Avenue, are 3 lots over 1 acre in size that contain single family residences. As such, a transition from the more intense R-2 zoning to the south to the R-E zoning to the north should occur on this subject site. Therefore, staff cannot support the requested R-2 zoning for the 2.6 acre portion of the site.

Waivers of Development Standards

The applicant shall have the burden of proof to establish that the proposed request is appropriate for its proposed location by showing the following: 1) the use(s) of the area adjacent to the subject property will not be affected in a substantially adverse manner; 2) the proposal will not materially affect the health and safety of persons residing in, working in, or visiting the immediate vicinity, and will not be materially detrimental to the public welfare; and the proposal will be adequately served by, and will not create an undue burden on, any public improvements, facilities, or services.

Waiver of Development Standards #1

Staff does not support reducing the net lot area for this subdivision. The applicant contends that approving this waiver is the same as what is allowed for lots that are adjacent to arterial or collector streets, but that is not the case. Lots adjacent to arterial or collector streets are required to dedicate more property as right-of-way and easements, leading to less usable area. The applicant is already taking advantage of that code standard with all 3 lots adjacent to Wigwam Avenue being below 18,000 square feet. The applicant has not provided a valid justification for why the minimum standard cannot be met; therefore, staff cannot support this request.

Waiver of Development Standards #2

Code requires detached sidewalks with a landscape buffer to be provided along streets to ensure safety and reduce heat island effects. With the R-E zoned lots fronting on Cougar Avenue, the applicant has shown that the standard can be met when a lot takes their sole access from a 60 foot wide public street. Staff does not agree with the applicant's assertion that an attached sidewalk with only typical residential front yard landscaping will have the same effect as a detached sidewalk with Code required landscaping. Therefore, staff cannot support this request.

Design Review

Development of the subject property is reviewed to determine if 1) it is compatible with adjacent development and is harmonious and compatible with development in the area; 2) the elevations, design characteristics and others architectural and aesthetic features are not unsightly or undesirable in appearance; and 3) site access and circulation do not negatively impact adjacent roadways or neighborhood traffic.

Although the design of the homes in the proposed R-E subdivision is appropriate for the site and are compatible with the surrounding area, the lot layout and lot sizes proposed necessitate waivers of development standards, which staff cannot support. With regard to the design of the proposed R-2 subdivision, staff finds that the intensity of the development is too great in consideration of the existing R-E development to the north of the site. With no unique characteristics with the parcels or the area to suggest that compliance with the standards is not necessary, staff cannot support this request.

Public Works - Development Review

Waiver of Development Standards #3

Historical events have demonstrated how important off-site improvements are for drainage control. Additionally, full width paving allows for better traffic flow and sidewalks on public streets provide safer pathways for pedestrians and for children to walk to school. Therefore, staff cannot support the waiver of development standards for full off-site improvements.

Waiver of Development Standards #4

Staff cannot support the reduction to the intersection off-set from the private cul-de-sac on the west side of Gagnier Boulevard and the private cul-de-sac on the east side of Gagnier Boulevard. The reduction will cause left turn conflict between the vehicles leaving the private cul-de-sacs creating a potential for collisions.

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:

- 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 approval of an application for a zoning inspection.
- Applicant is advised within 4 years from the approval date the waivers of development standards and design review must commence or the application will expire unless extended with approval of an extension of time; 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; changes to the approved project will require a new land use application;

and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Right-of-way dedication to include 25 feet to the back of curb for Gagnier Boulevard, 25 feet to the back of curb for Cougar Avenue, and associated spandrels;
- Execute a Restrictive Covenant Agreement (deed restrictions).
- Applicant is advised that the installation of detached sidewalks will require the dedication to back of curb and the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

Fire Prevention Bureau

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features;
- Applicant to show fire hydrant locations on-site and within 750 feet.
- Applicant is advised to show on-site fire lane, turning radius, and turnarounds; that dead-end streets/cul-de-sacs in excess of 500 feet must have an approved Fire Department turnaround provided; that fire protection may be required for this facility and to contact Fire Prevention for further information at (702) 455-7316; and that fire/emergency access must comply with the Fire Code as amended.

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 #0386-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: BRUIN CAPITAL PARTNERS

CONTACT: WESTWOOD PROFESSIONAL SERVICES, 5725 W. BADURA AVE., SUITE 100, LAS VEGAS, NV 89118