

09/20/23 BCC AGENDA SHEET

SINGLE FAMILY RESIDENTIAL
(TITLE 30)

UPDATE
POLARIS AVE/FRIAS AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ZC-23-0334-FRIAS, PHYLLIS M. CHARITABLE TRUST ETAL & MOWBRAY, JOHN H. TRS:

HOLDOVER ZONE CHANGE to reclassify 4.6 acres in an R-E (Rural Estates Residential) Zone to an R-1 (Single Family Residential) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increase screen wall height; **2)** off-site improvements; and **3)** street configuration.

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

Generally located on the west side of Polaris Avenue and the north side of Frias Avenue within Enterprise (description on file). JJ/rr/syp (For possible action)

RELATED INFORMATION:

APN:

177-29-301-019; 177-29-301-020

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase wall height to 6 feet 8 inches where a maximum of 6 feet is permitted per Section 30.64.050 (a 11% increase).
2. Waive full off-site improvements (curb, gutter, and streetlights) along Polaris Avenue where required per Chapter 30.52.
3. Reduce street intersection off-sets to a minimum of 108 feet where a minimum of 125 feet is required per Section 30.32.052 (a 14% reduction).

DESIGN REVIEWS:

1. Single family residential subdivision.
2. Increase finished grade to 65 inches (5.4 feet) where a maximum of 36 inches is the standard per Section 30.32.040 (an 81% increase).

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 4.6
- Number of Lots/Units: 21
- Density (du/ac): 4.6
- Minimum/Maximum Lot Size (square feet): 5,528/7,266
- Project Type: Single family residential
- Number of Stories: 1, 2, and 3
- Building Height (feet): 17 (1 story)/28 (2 story)/35 (3 story)
- Square Feet: 2,779 (minimum)/6,157 (maximum)
- Parking Required/Provided: 42/42

Site Plans

The plans depict a proposed 21 lot single family residential subdivision with 2 common lots on approximately 4.6 acres. Overall density is 4.6 dwellings per acre. Two private streets within the proposed subdivision are 42 feet in width, with a 4 foot wide sidewalk on 1 side of the street. The project adjoins streets and development to the east and northeast that conform to rural standards. To the northwest and west is Phase 1 of Highlands Ranch East which is presently under development and is being built to urban standards. Access to the subdivision is shown from Polaris Avenue. The intersection of the proposed private street with Polaris Avenue is located 105 feet south of the intersection of Keller Springs Court and Polaris Street.

Landscaping

The plans depict landscaping in areas within the subdivision and common elements. Landscaping includes 8 foot tall 24 inch box trees planted 40 feet on center, 5 gallon shrubs planted 4 feet on center, with decorative rock and groundcover. Landscaping, including a detached sidewalk is shown along Polaris Avenue and Frias Avenue. Additionally, a 10 foot wide common area (power easement) within decorative rock landscaping is shown along Frias Avenue, between the sidewalk and private lots.

Elevations

The applicant is proposing 8 different floor plans, with 4 separate elevations per plan. This includes 1 single story model, 5, two story models, and 2, three story models. All homes will use stucco finish, concrete tile roofs, masonry veneer, and other architectural enhancements such as pitched rooflines. Each model will include a 2 or 3 car garage.

Floor Plans

The plans depict the style of each home and range from 3 to 4 bedrooms with 2 to 3 car garages, an owner's suite, gathering room, kitchen and pantry, and utility rooms. Floor plans range from 2,779 square feet to 6,157 square feet.

Applicant's Justification

The applicant states that the proposed conforming zone change from R-E to R-1 will be complementary to the future R-2 zoned subdivision on the west side of the proposed community and the existing subdivision zoned R-E to the north and R-D to the east of Polaris Avenue. The requested design review for increased finished grade will allow for the site topography to be leveled as the property falls from west to east. The waiver for an increase in wall height will allow for additional privacy for future residents. The waivers for off-site improvements are requested since the site adjoins a street, Polaris Avenue, that currently conforms to rural standards. The waiver of street off-sets will allow the off-set between Black Iris Avenue and existing Keller Springs Court to be reduced to approximately 108 feet.

Prior Land Use Requests

Application Number	Request	Action	Date
LUP-20-700128	Change land use category from RL to RS within the Enterprise Land Use Plan	Cancelled by BCC	July 2020

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-2 & R-E	Single family residential
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RUD	Undeveloped
East	Low-Intensity Suburban Neighborhood (up to 5 du/ac)	R-D	Single family residential
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single family residential

This site is in the Public Facilities Needs Assessment (PFNA) area.

Related Applications

Application Number	Request
VS-23-0335	A vacation and abandonment of patent easements is a companion item on this agenda.
TM-23-500074	A tentative map for 21 single family lots and 2 common lots 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

Comprehensive Planning

Zone Change

The proposed zone change is in conformance to the Master Plan. The proposed development is also compatible with existing, approved, and planned land uses in the surrounding area. This includes an existing single family residential subdivision, Phase 1 of Highlands Ranch East, that is under development adjacent to the north and west sides of this site. This area is zoned R-2 and is designated Mid-Intensity Suburban Neighborhood (up to 8 du/ac) on the Master Plan. To the northeast and east are established single family residential areas zoned R-D and R-E and designed Low-Intensity Suburban Neighborhood (up to 5 du/ac). To the south of the site across Frias Avenue is an undeveloped area zoned RUD and designated Mid-Intensity Suburban Neighborhood (up to 8 du/ac). This request is consistent with Policies EN-1.1 for the Enterprise area which encourages compatible in-fill development. Therefore, staff can support the zone change request.

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 requested increase in height for the rear and perimeter screen walls is a standard request made for all the applicant's subdivisions. It is intended to provide additional privacy for the future residents. Given the modest increase of 8 inches, which is typically a single course in a CMU wall, staff can support this request.

Design Review #1

The architectural design of the residences appears to be consistent with the existing single family homes in the area and is similar in density of those developments within the immediate area. However, there are some concerns with the possibility of there being 3 story homes up to 35 feet on 5 future lots immediately adjacent to existing single family homes in the R-E zone to the north. Structures of this height can impact the privacy of adjoining residential areas, especially when existing development is of a less intense nature. Staff can support the design review with the additional condition that homes constructed on lots adjoining the developed R-E zone to the north be limited to 1 story and 2 story homes only.

Public Works - Development Review

Waiver of Development Standards #2

Historical events have demonstrated how important off-site improvements are for drainage control. Additionally, full width paving allows for better traffic flow. Therefore, staff cannot support the waiver of development standards for full off-site improvements.

Waiver of Development Standards #3

Staff has no objection to the reduction in street intersection off-set for the distance from Black Iris Avenue to Keller Springs Court. The amount of traffic from Keller Springs Court is minimal.

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

Approval of the zone change, waivers of development standards #1 and #3, and design reviews; denial of waiver of development standards #2.

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:

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- 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;
- Homes located on lots that adjoin the R-E zone to the north shall be limited to 1 story and 2 story homes only;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that **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; and that the waivers of development standards and design reviews must commence within 4 years of approval date or they will expire.

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;

- Right-of-way dedication to include 25 feet to the back of curb for Polaris Avenue, 25 feet to the back of curb for Frias Avenue, and associated spandrel;
- Applicant to pay a contribution for local roadway, drainage, or trail related improvements in District F in lieu of constructing full off-site improvements, as determined by Public Works.
- 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 approvals; and 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.

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 #0226-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - approval of the zone change, waivers of development standards #1 and #3, and design review #1; denial of waiver of development standards #2 and design review #2 (extend Signie Street to Frias Avenue for a second ingress/egress).

APPROVALS:

PROTESTS: 6 cards

COUNTY COMMISSION ACTION: August 16, 2023 – HELD – To 09/20/23 – per the applicant.

APPLICANT: PN II, INC.

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