

11/02/22 BCC AGENDA SHEET

SINGLE FAMILY RESIDENTIAL
(TITLE 30)

UPDATE
SERENE AVE/MANHATTAN RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-22-0481-ABBOUD ELIAS & NOUHRA YARA:

ZONE CHANGE to reclassify 2.1 acres from an R-E (Rural Estates Residential) Zone to an R-D (Suburban Estates Residential) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** establish alternative yards; **2)** street intersection off-set; **3)** alternative access gate geometrics; and **4)** off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving).

DESIGN REVIEWS for the following: **1)** building orientation of single family residences; and **2)** a single family residential development.

Generally located on the north side of Serene Avenue and the west side of Manhattan Road within Paradise (description on file). JG/md/syp (For possible action)

RELATED INFORMATION:

APN:

177-24-601-016; 177-24-601-017

WAIVERS OF DEVELOPMENT STANDARDS:

1. Establish alternative yards for 6 proposed single family residences where yards are established per Chapter 30.56.
2. Reduce street intersection off-set to 118 feet where 125 feet is required per Chapter 30.52 (a 5.6% reduction).
3.
 - a. Reduce the distance to the security gate call box to 31 feet where a minimum distance of 50 feet is required per Uniform Standard Drawing 222.1 (a 38% reduction).
 - b. Reduce the width of the security gate controlled driveway to 44 feet where a minimum width of 48 feet is required per Uniform Standard Drawing 222.1 (an 8.4% reduction).
4. Waive full off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving) along Serene Avenue and Manhattan Road where required per Chapter 30.52.

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 2.1
- Number of Lots: 6
- Density (du/ac): 3
- Minimum/Maximum Lot Size (square feet): 13,935 to 15,713 (gross and net)
- Project Type: Single family residential development
- Number of Stories: 1 & 2
- Building Height (feet): 17 to 35
- Square Feet: 3,926 to 5,426

Neighborhood Meeting Summary

This request is for a nonconforming zone change to reclassify 2.1 acres from an R-E zoning district to an R-D zoning district to allow a single family residential development. The applicant conducted a neighborhood meeting on May 2, 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. Seven neighbors attended the meeting with 2 persons expressing concern with the increase in density. The neighbors also expressed concern with finished grade, maintaining the existing 6 foot high block wall, eliminating the third floor of the residences, and single story residences on Lots 4, 5, and 6. The applicant conducted a second meeting and arranged to meet individually with 80 neighbors that live within 1,500 feet of the proposed development. The applicant states the combined feedback from the neighborhood meeting and post neighborhood meeting is summarized as follows: 1) 78 neighbors “in-favor” of development proposal; 2) 2 neighbors have “no objection” to the proposal; and 3) 5 neighbors are “not in-favor” of the proposal.

Site Plans

The plans depict a single family residential development consisting of 6 lots on 2.1 acres with a density of 3 dwelling units per acre. The minimum and maximum lot sizes are 13,935 square feet and 15,713 square feet, respectively. The sole means of ingress/egress to the proposed development is via an east/west 39 foot wide private street (terminating in a cul-de-sac bulb) that connects to Manhattan Road. Access to the development will be controlled by a security gate, which includes corresponding waivers of development standards for reduced distance to the call box and reduced driveway width. No internal sidewalks are provided adjacent to the private street. Furthermore, no off-site improvements are provided adjacent to Serene Avenue and Manhattan Road, necessitating a waiver of development standards. A waiver of development standards is requested to reduce the street intersection off-set from the private street serving the development to Serene Avenue. A request to establish alternative yards for the development is required due to the footprint orientation of the residences and the configuration of the residential lots. A 3 foot retaining wall with a 4 foot high screen wall is proposed along the north property line. Six foot high screen walls are proposed along the west, east, and south property lines. The finished grade for the proposed single family residential development will not exceed 36 inches.

Landscaping

The plans depict large trees planted 30 feet on center along Serene Avenue and Manhattan Road. The trees are located inside of the perimeter wall adjacent to the 2 streets. Landscaping is also located throughout the interior of the project site, including within the planter area with the gate call box.

Elevations

The plans depict 6 different residences consisting of 1 to 2 stories measuring between 17 feet to 35 feet in height. The custom homes feature a contemporary design with exteriors consisting of decorative metal shading/sun breakers, stucco, stone cladding, decorative metal, and glass. Rooftop decks are not proposed for Lots 3 and 4, which are adjacent to an existing 2 story single family residence to the west.

Floor Plans

The plans depict 6 different homes ranging in area from 3,926 square feet to 5,426 square feet. Each residence features multiple bedrooms, bathrooms, family room, dining room, home office, kitchen, and living room. Rooftop decks, terraces, and balconies range between 873 square feet to 1,236 square feet for Lot 1 and Lots 4 through 6. Each residence contains a garage ranging between 823 square feet to 903 square feet.

Applicant's Justification

The applicant states the request to establish alternative yards is justified for the following reasons: 1) the entrance to the garages have been carefully designed/oriented to face sideways and varying the orientation (where possible) will minimize their visual dominance; 2) in Lots 1, 2, 3, 4 and 5, garage doors are facing sideways (which makes them not visible from the front yards); 3) in Lot 6, though the garage doors are facing the front yard, the garage structure was pushed farther to the east in order to minimize its visual impact by screening it by the proposed perimeter boundary wall; and 4) in properly designing custom homes, garage doors should not face the main entrance.

The applicant indicates the request for alternative security gate geometrics is justified for the following reasons: 1) three cars should be able to queue before the call box, and 5 cars in total outside the gate), which makes them well over designed for this project; and 2) two neighboring developments (with 5 units each) have the call box and gate located 20 feet and 38 feet away from the lip of the gutter (allowing for 2 cars queuing only), and have a 44 feet wide driveway (clear width).

The applicant states the request to reduce the street intersection off-set is justified for the following reasons: 1) the minimum street intersection off-set requirement has been set to reduce the number of conflicts and improve traffic flow when opposite roads make a 3 leg T-intersection with a common road. Such configuration does not apply to the project for the simple fact that a roundabout exists at east Serene Avenue/Manhattan Road, and since east Serene Avenue does not stop at Manhattan Road (which eliminates the T-intersection configuration). One of the "roundabouts" characteristics is to eliminate left turns and the T-intersection configurations, and consequently any associated street intersection off-set requirements; and 2)

the proposed main entrance driveway to the development is centered in the middle of the property line at Manhattan Road for proper subdivision.

The applicant indicates the request to waive off-site improvement is justified for the following reasons: 1) currently, no off-site improvements (sidewalks, curbs and gutters, and streetlights) exist in the neighborhood all along east Serene Avenue and Manhattan Road except at the roads' intersections, the 3 roundabouts on east Serene Avenue or for the Community Commercial (CC) and Public Use (PU) land (i.e. the South Hills Community church); 2) the neighborhood is mainly zoned as Rural Estates Residential, and is master planned as Ranch Estate Neighborhood, where no pedestrians are anticipated. The exiting pavement, bike lanes and swales on both roads' sides are to be maintained; and 3) there currently are 4 streetlights and curb/gutter/sidewalk at the southeast corner of the development as part of the existing roundabout at east Serene Avenue and Manhattan Road with 2 additional nearby streetlights (located at the south side of east Serene Avenue and west side of Manhattan Road), making the roundabout fully improved (no trees for sight visibility).

Prior Land Use Requests

Application Number	Request	Action	Date
WS-1178-05	Reduced front yard setback for a proposed single family residence - expired	Approved by PC	September 2005

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Public Use	R-E	Place of worship
South	City of Henderson	RS-2	Undeveloped
East	Ranch Estate Neighborhood (up to 2 du/ac)	R-E	Undeveloped
West	Ranch Estate Neighborhood (up to 2 du/ac)	R-E	Single family residential

Related Applications

Application Number	Request
TM-22-500168	A tentative map for a 6 lot single family residential development 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 the property is located in a residential neighborhood that includes single family detached residences. Some of these residences have been built over 30 years ago. Others have been built recently (in 2022). Most of the residences are 2 stories high. Growth and development factors in the community indicate the need for or appropriateness of the rezoning. Below are key points that make the proposed amendment (rezoning from R-E to R-D) appropriate for the following reasons: 1) the development is located at the eastern edge of the residential neighborhood, creating a smooth transition between land uses (commercial, public, and residential), as well as a visual and acoustical buffer between the residences and the existing office buildings, the existing South Hills Community Church, and I-215; 2) the project is located within walking distance from several existing and well-established public facilities, commercial spaces, and amenities including schools, restaurants, parks, trails, shopping centers, health centers, cultural centers, children's emergency, Green Valley Ranch Hotel, The District at Green Valley Ranch, general commercial, and offices; 3) the development is in-line with the existing density and buildings height in the neighborhood. Whereas the average net lot size of 50% of the neighboring lots (119 lots) is 0.324 acre, the development average net lot size is 0.335 acre. Most of the neighboring residences are 2 story high; 4) the architectural features, proportions, and details of the 6 residences along with the landscape have been carefully designed to beautify the neighborhood. All 6 lots will have large open areas (30.28% lot coverage only); and 5) the development will have a negligible impact on the existing infrastructure and the environment. All utilities that the project requires (water, sewer, phone, gas, etc.) are already running along Manhattan Road in front of the property; as such, there will not be any disturbance to the existing roads and infrastructure to bring in any utility line.

Immediately to the north of the proposed subdivision is an existing place of worship zoned R-E with a planned land use of Public Use. To the west of the project site is an existing single family residence zoned R-E with a planned land use of Ranch Estate Neighborhood. Approximately 330 feet to the west of the project site is an existing R-1 zoned single family residential development with a planned land use of Mid-Intensity Suburban Neighborhood. The R-1 subdivision, consisting of 20 lots on 4.4 acres, was approved by the Board of County Commissioners (BCC) via ZC-1335-02 in December 2002. Furthermore, approximately 1,000 feet to the west of the site is an existing R-D zoned single family residential development with a planned land use of Low Intensity Suburban Neighborhood. The R-D subdivision, consisting of 14 lots 4.7 acres, was approved by the BCC via NZC-0443-05 in August 2005. To the east of the site is, across Manhattan Road, is an undeveloped parcel zoned R-E with a planned land use of

Ranch Estate Neighborhood. To the south of the proposed development, across Serene Avenue, is an undeveloped parcel located within the City of Henderson. Staff finds there has not been a recent change in law, policies, trends, or facts which makes the proposed nonconforming zone boundary amendment 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 indicates the density or intensity of the uses allowed by the amendment is compatible with the existing and planned land uses in the surrounding area for the following reasons: 1) the proposed development has a density of 2.984 units per net acre, and an average lot size of 0.335 acre, which is very compatible with the existing land uses, densities, and lot sizes in the surrounding area; 2) more than 50% of the neighboring lots (119 units) have an average lot size of 0.324 acre, which is slightly less than the proposed development (0.335 acre per lot); 3) two close by developments (having 44 units in total) located about 300 feet and 1,000 feet to the west side of the property, and extending on approximately 12 acres of land (gross area), have an average lot size of 0.2538 acre; 4) the development 300 feet away (20 units in total) has a density of 5.34 units per net acre and an average lot size of 0.1875 acre; and 5) the development 1,000 feet away is made-up of 2 blocks, the denser 1 (14 units in total) has a density of 4.305 units per net acre and an average lot size of 0.2323 net acre.

Immediately to the north of the proposed subdivision is an existing place of worship zoned R-E with a planned land use of Public Use. To the west of the project site is an existing single family residence zoned R-E with a planned land use of Ranch Estate Neighborhood. Approximately 330 feet to the west of the project site is an existing R-1 zoned single family residential development with a density of 4.5 dwelling units per acre with a planned land use of Mid-Intensity Suburban Neighborhood. Furthermore, approximately 1,000 feet to the west of the site is an existing R-D zoned single family residential development with a density of 3 dwelling units per acre with a planned land use of Low Intensity Suburban Neighborhood. To the east of the site is, across Manhattan Road, is an undeveloped parcel zoned R-E with a planned land use of Ranch Estate Neighborhood. To the south of the proposed development, across Serene Avenue, is an undeveloped parcel located within the City of Henderson. Staff finds the proposed density of 3 dwelling units per acre with the nonconforming zone change request is not compatible with the planned land use designation of Ranch Estate Neighborhood (up to 2 du/ac) for the adjacent parcels to the east and west of the project site.

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.*

According to the applicant, 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 for the following reasons: 1) there are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities by the proposed development; 2) as per the proposed design (6 residences), only 1 unit is being added on top of what is allowed in the current zoning. As such, any impact is negligible and will not have a noticeable effect on the roads, accesses, school, parks, fire and police facilities, and

stormwater and drainage facilities; and 3) site access and circulation will not negatively impact the adjacent roadways or neighborhood traffic, who were designed to accommodate what is being proposed.

There has been no indication from service providers that this request will have a substantial adverse effect on public facilities and services. The school district has indicated this development would generate 1 additional elementary school student, 1 middle school student, and 1 high school student. Furthermore, the school district has indicated Vandenburg Elementary School, Miller Middle School, and Coronado High School are currently 72, 16, and 735 students over capacity. The school district has also indicated that Twitchell Elementary School is under capacity by 98 students.

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

The applicant states the proposed development is compatible with the adjacent developments, and is consistent with the General Plan, Title 30, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other plans, policies and standards duly adopted by Clark County. Residences and landscape materials are appropriate for the area and for the neighborhood. Residence's elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; they create an orderly and aesthetically pleasing environment and are harmonious and compatible with the developments in the area.

Staff finds the isolated location of the requested R-D zoning, in relation to the surrounding zoning districts, is not compatible with the existing land uses.

Summary

Zone Change

Staff finds there has not been a change in law and policies that make this request appropriate for the area. The reclassification of this site to an R-D zoning district for the proposed project is not compatible with the surrounding zoning districts and densities. Staff finds the proposed request does not satisfy all of the requirements of a compelling justification to warrant approval of the nonconforming zone boundary amendment to R-D zoning; therefore, staff recommends denial.

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

Staff finds the proposed alternative yards should not have an adverse impact on the proposed development, or the surrounding land uses and properties. The proposal to rotate the homes at various angles will allow the properties to have larger rear yards while the homes can potentially

have a better front yard aesthetic. The homes will continue to meet the required setbacks and building separations required by Code. However, the waiver of development standards request cannot function independently of the nonconforming zone change and design reviews, which staff is not supporting. Therefore, staff recommends denial.

Design Reviews

Architectural enhancements, including varying rooflines, are provided on all sides of the proposed residences. Staff finds that the design of the residences and the overall site comply with Policy 1.3.1 of the Master Plan which encourages the integration of varied housing models, architectural styles, streetscapes, common landscape areas, and other character defining features that contribute to a distinct neighborhood identity. However, since staff is not supporting the nonconforming zone change request and waiver of development standards #1, staff cannot support these requests.

Public Works - Development Review

Waiver of Development Standards #2

Staff cannot support the reduction of the street intersection off-set from Serene Avenue to Private Street since there is a significant amount of traffic from the place of worship and the mini-storage to the north.

Waiver of Development Standards #3

Staff cannot support the reduction in the entry street width and the reduced distance to the call box location. The reductions combined will cause stacking in the right-of-way. There is a significant amount of traffic on Manhattan Road due to the place of worship and mini-storage just north of the site. A redesign of the site will allow for the standards to be met.

Waiver of Development Standards #4

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.

Staff Recommendation

Denial. This item has been forwarded to the Board of County Commissioners' meeting 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.

PLANNING COMMISSION ACTION: October 4, 2022 – APPROVED – Vote: Unanimous
Absent: Stone

Current Planning

- Resolution of Intent to complete in 4 years;
- 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 Master Plan area plan amendment and a 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;
- Traffic study and compliance;
- Execute a Restrictive Covenant Agreement (deed restrictions).
- Applicant is advised that the streetlight located just south of the driveway entrance on Manhattan Road may need to be relocated; and that off-site improvement permits may be required.

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 is advised to submit plans for review and approval prior to installing any gates, speed humps (speed bumps not allowed), and any other Fire Apparatus Access Roadway obstructions.

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 #0333-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Paradise - denial.

APPROVALS: 1 card

PROTESTS: 61 cards

APPLICANT: EJA DESIGN STUDIOS, LLC

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