

**UPDATE**

SINGLE FAMILY RESIDENTIAL DEVELOPMENT WIGWAM AVE/MONTESSOURI ST  
(TITLE 30)

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**NZC-20-0498-LH VENTURES, LLC:**

**ZONE CHANGE** to reclassify 2.5 acres from R-E (Rural Estates Residential) (RNP-I) Zone to R-2 (Medium Density Residential) Zone.

**WAIVER OF DEVELOPMENT STANDARDS** to increase wall height.

**DESIGN REVIEWS** for the following: **1)** single family residential development; and **2)** increased finished grade for a single family residential development on 2.8 acres in an R-2 (Medium Density Residential) Zone.

Generally located on the north side of Wigwam Avenue, 290 feet east of Montessori Street within Enterprise (description on file). JJ/al/jd (For possible action)

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**RELATED INFORMATION:**

**APN:**

176-15-601-008; 176-15-612-097; 176-15-612-118 through 176-15-612-119; 176-15-695-005

**WAIVER OF DEVELOPMENT STANDARDS:**

1. a. Increase wall height to 7 feet where a maximum of 6 feet is permitted per Section 30.64.202 (a 16.6% increase)
- b. Increase the height of a combination screen wall/retaining wall to 10 feet (7 foot screen wall with a 3 foot retaining wall) where a maximum height of 9 feet (6 foot screen wall with a 3 foot retaining wall) is permitted per Section 30.64.050 (a 11.1% increase).

**DESIGN REVIEWS:**

1. Single family residential development.
2. Increase the finished grade to 36 inches (3 feet) where a maximum of 18 inches (1.5 feet) is the standard per Section 30.32.040 (a 140% increase).

**LAND USE PLAN:**

ENTERPRISE - RESIDENTIAL LOW (UP TO 3.5 DU/AC)

ENTERPRISE - RESIDENTIAL SUBURBAN (UP TO 8 DU/AC)

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A

- Site Acreage: 2.8 development/2.5 zone change
- Number of Lots: 19 lots with 1 common element lot
- Density (du/ac): 6.8
- Minimum/Maximum Lot Size (square feet): 4,141/5,404
- Project Type: Single family residential development
- Number of Stories: 2 & 3
- Building Height (feet): Up to 35
- Square Feet: 1,642 to 4,217
- Open Space Required/Provided: 0/4,739

### **Neighborhood Meeting Summary**

This request is for a nonconforming zone change to reclassify approximately 2.5 acres from an R-E (RNP-I) zone to an R-2 zone for a single family residential development. The applicant conducted a neighborhood meeting online on September 14, 2020 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 5 people attended the meeting. No issues or concerns for the proposed project were raised at the meeting.

### Site Plans

The plans depict a single family residential subdivision consisting of 19 lots with a density of 6.8 dwelling units per acre. The proposed development is an expansion of the approved single family residential development to the east and north of the site. The site has frontage along Wigwam Avenue but the plans depict no direct access for any of the proposed lots to this street. Access to the project is from a private street within the approved single family residential development to the north. Access to the lots are via a 43 foot wide private street which includes a 4 foot wide sidewalk on 1 side of the street.

### Landscaping

The plans depict a 15 foot wide landscape area with trees, shrubs and groundcover and a meandering sidewalk along Wigwam Avenue. This landscape area is the 1 common element lot proposed for the subdivision. Along the side streets of the corner lots within the development the plans show a minimum 5 foot wide landscape area consisting of shrubs and groundcover.

### Elevations

Plans were submitted for 4 different home models with 4 separate elevations for each model. Of these 4 home models 3 of the proposed homes will be 2 stories and the fourth is a 3 story home model. The 3 story home model will be 35 feet in height and the 2 story home models will be up to 28 feet in height. All of the home models have pitched roofs with concrete tile for roofing material. The exterior of the homes will have a stucco finish. Architectural enhancements include stone veneer, window fenestrations, and various recesses and pop-outs to break-up the vertical and horizontal surfaces of the structures.

### Floor Plans

The 4 home models range from 1,642 square feet to 4,217 square feet in area. Each home model will have a 2 car garage and the home will have options for 3 to 5 bedrooms.

### Applicant's Justification

The applicant indicates that the proposed development is consistent and compatible with approved and planned developments on the abutting parcels. The increase to the finished grade for portions of the site is necessary due to design constraints caused by the natural topography of the site in order to provide utility services and proper drainage. The increase in the wall height will allow for more security and privacy for the future home owners and is a standard waiver approved for single family residential developments.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-1026-05	Reclassified an RNP-I overlay district for portions of the Enterprise Planning Area which included this site	Approved by BCC	October 2005

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North & West	Residential Suburban (up to 8 du/ac)	R-2	Undeveloped
South	Residential Neighborhood Preservation (up to 2 du/ac)	R-E (RNP-I)	Private school
East	Residential Low (up to 3.5 du/ac)	R-E	Undeveloped

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

### **Related Applications**

<b>Application Number</b>	<b>Request</b>
VS-20-0499	A vacation of easements is a companion item on this agenda.
TM-20-500175	A tentative map for a 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.

There has been a trend within portions of the Enterprise Planning Area for more residential developments, and this site is adjacent to an approved single family residential development. This project will be an expansion of this approved residential development to the north and west. Developing this site in conjunction with the approved project to the north and west will create a cohesive neighborhood that is a logical expansion of the approved residential development. The approval of this request would also produce a more desirable land use pattern for development in this area than allowed by the current land use plan designation for the site. Therefore, staff finds there has been a change in trends and facts for this site which makes 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.

This project is an expansion of an approved single family residential development to the north and west, which is zoned R-2. The proposed project consisting of 19 lots at 6.8 dwelling units per acre is similar in density and intensity to the approved single family residential development. The design of the proposed project is compatible with the approved residential development. Staff finds the density and intensity of the proposed development compatible with approved and planned land uses in the surrounding areas.

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 service providers that the approval of this request will have a substantial adverse effect on public services and facilities in this area. However, the proposed increase in density for the site would create an increase in the number of students for schools in this area. The proposed development would also increase demand for parks within the Enterprise Planning Area.

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

The proposed development complies with Goal 7 of the Comprehensive Master Plan to provide housing alternatives to meet a range of lifestyle choices, ages and affordability levels. The project complies with Urban Specific Policy 4 of the Comprehensive Master Plan to preserve existing residential neighborhoods by encouraging vacant lots within these areas to develop at similar densities as the existing area, which in this case is the approved single family residential development to the north and west. Staff finds the proposed development complies with other applicable goals and policies.

## **Summary**

### Zone Change

There is a trend within portions of the Enterprise area for more residential development. The density and intensity of the proposed project is compatible with approved and planned land uses in the surrounding area. There is no indication of this project having a substantial adverse effect on public facilities and services in the area. In addition, the project will comply with other goals and policies. Based on the criteria listed above, staff finds the applicant has satisfied the requirements for a compelling justification to warrant approval of the zone change.

### 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.

The waiver is requesting to increase the height of screen walls for the development to a height of approximately 7 feet. This is intended to improve the security and privacy of the lots for the future home owners. Similar waivers have been approved for other developments in the County. The proposed increase in the wall height is minimal and will not have an adverse impact on the abutting properties. Therefore, staff has no objection to this request.

### Design Review #1

The proposed use of the property is consistent and compatible with existing and planned land uses on the abutting properties. The architectural design of the residences is consistent with existing single family homes in the area; therefore, staff supports the design review.

## **Public Works - Development Review**

### Design Review #2

This design review represents the maximum grade difference along 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. 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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

**PLANNING COMMISSION ACTION:** December 15, 2020 – APPROVED – Vote: Unanimous Absent: Morley

**Current Planning**

- Resolution of Intent to complete in 4 years;
- 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.
- Applicant is advised that 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;
- Right-of-way dedication to include 35 feet to the back of curb for Wigwam Avenue.
- 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.

**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 #0307-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS: 1 card**

**APPLICANT:** LH VENTURES, LLC

**CONTACT:** WESTWOOD PROFESSIONAL SERVICES, 5740 S. ARVILLE STREET, SUITE 216, LAS VEGAS, NV 89118