

PLANNED UNIT DEVELOPMENT  
(TITLE 30)

GRAND CANYON DR/MAULE AVE

PUBLIC HEARING  
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
**NZC-20-0518-MAULE GRAND CANYON, LLC:**

**ZONE CHANGE** to reclassify 5.3 acres from C-2 (General Commercial) Zone to RUD (Residential Urban Density) Zone.

**USE PERMIT** for an attached (townhouse) planned unit development.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduce setback for residential units to a street; **2)** reduce private street width; **3)** reduce street intersection off-set; **4)** allow modified private residential driveway design; **5)** reduce back of curb radii for private streets; and **6)** reduce the throat depth for a call box.

**DESIGN REVIEWS** for the following: **1)** an attached single family residential planned unit development; and **2)** increased finished grade.

Generally located on the east side of Grand Canyon Drive and the north side of Maule Avenue within Spring Valley (description on file). JJ/rk/jd (For possible action)

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RELATED INFORMATION:

**APN:**  
176-06-601-007

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce setback for residential units to a street to 3 feet where a minimum of 10 feet is required per Section 30.24.080 (a 70% reduction).
2. Reduce the width of a private street to 30 feet where a minimum of 37 feet with 36 feet of drivable surface is required per Chapter 30.52 (a 19% reduction).
3. Reduce street intersection off-set to 91 feet where a minimum of 125 feet is required per Chapter 30.52 (a 27% reduction).
4.
  - a. Reduce the setback for a private residential driveway to 2 feet where a 12 foot setback from the back of curb return is standard per Uniform Standard Drawing 222 (an 83% decrease).
  - b. Reduce the setback for a private residential driveway to 1 foot where a 6 foot setback from property line is standard per Uniform Standard Drawing 222 (an 83% decrease).
5. Reduce back of curb radii for private streets to 5 feet and 15 feet where a minimum of 20 feet is the standard per Uniform Standard Drawing 201 (a 75% and 25% reduction respectively).
6. Reduce the throat depth for a call box on Grand Canyon Drive to 50 feet where 100 feet is the standard per Uniform Standard Drawing 222.1 (a 50% reduction).

**DESIGN REVIEWS:**

1. An attached (townhouse) planned unit development.
2. Increase finished grade up to 192 inches (16 feet) where a maximum of 18 inches (1.5 feet) is the standard per Section 30.32.040 (a 967% increase).

**LAND USE PLAN:****SPRING VALLEY - COMMERCIAL GENERAL****BACKGROUND:****Project Description****General Summary**

- Site Address: N/A
- Site Acreage: 5.3
- Number of Lots: 68
- Density (du/ac): 12.9
- Minimum/Maximum Lot Size (square feet): 1,335/2,051
- Project Type: Attached (townhouse) planned unit development
- Number of Stories: 3
- Building Height (feet): 35
- Square Feet: 1,951/1,989
- Open Space Required/Provided: 17,070/19,137
- Parking Required/Provided: 177/177

**Neighborhood Meeting Summary**

The applicant conducted a neighborhood meeting on September 14, 2020, as required by the nonconforming amendment process, prior to formal filing of this application. All owners within 1,500 feet of the project site were notified about the meeting. There were 3 attendees present at the virtual (Zoom) meeting for this item. The attendees had questions on the design and layout of the project. Further issues that were discussed were related to reducing density, constructing luxury homes instead of townhomes, adding architectural enhancements for more curb appeal, improving landscaping, and providing barricades during construction to protect pedestrians and bicyclist. In addition, the representative received 4 emails and 1 call in opposition to the request.

**Site Plan**

This request is for a nonconforming zone change to reclassify approximately 5.3 acres to an RUD zone for a proposed attached (townhouse) planned unit development. The plans depict an attached single family residential development consisting of 68 residential lots with a density of 12.9 dwelling units per acre. The development consists of townhouse, residential dwellings under separate ownership that are attached to 1 or more dwellings on opposite sides of the structure.

The proposed development features a total of 17 buildings, each containing 4 units that are adjacent to 30 foot wide private streets. The street network consists of 1 main driveway with a loop street and 2 stub streets toward the southern portion of the site. The townhomes are designed with garages facing the private streets. The development will be served by a single point of ingress/egress to the north from Grand Canyon Drive. A network of common open

spaces is located throughout the development which will include on-site pedestrian paths, recreational pool area, and a dog park. Parking will consist of garage parking for residents and designed surface off-street parking for visitors. Approximately 41 parking spaces are shown for the visitors and 136 parking spaces are provided for the residents. The plans also depict that the finished grade of the site will be increased up to 16 feet on a portion of the parcel's north half where there is a drainage easement/wash.

Per Title 30, many of the development standards for planned unit developments are established by a use permit process based on the plans that are approved for the project by the Board of County Commissioners. The minimum setbacks for each of the townhouse units are the following:

- Front face of garage - 8 feet (from the edge of the private street)
- Front living area/architectural intrusions - 3 feet
- Side street (corner) yard - 6 feet
- Interior side yard - 5 feet
- Rear yard - 10 feet
- Perimeter - 10 feet

#### Landscaping

Street landscaping consists of a 15 foot wide area which includes 5 foot wide detached sidewalk along Grand Canyon Drive and Maule Avenue. Along the north property line there is a 10 foot wide landscape buffer with intense landscaping per Figure 30.64-12. Internal to the site a network of common open space areas are located throughout the development which will include on-site pedestrian paths, recreational pool area, and a dog park. The development requires 17,070 square feet of open space where 19,137 square feet of open space is provided.

#### Elevations

The proposed building type for the project is attached buildings which includes up to 2 different model types each with 1 elevation. All buildings will have unified and consistent architecture. The building materials generally consist of stucco siding and pop-out elements that include vertical and horizontal articulation and additional facade relief on select portions of the horizontal planes. The elevations also depict substantial window and door enhancements consisting of elements such as composite wood trim, balconies, and stucco pop-outs at a scale consistent with single family residential buildings. The roofs are pitched and consist of concrete tile. The attached units are all shown at 3 stories and 35 feet high.

#### Floor Plans

The plans depict 3 bedroom units with 2 different floor plans that range from 1,951 square feet to 1,989 square feet. The first floor of every unit will contain a 2 car garage.

#### Applicant's Justification

The applicant indicates since the proposed development is at a lower density than other attached residential developments and will serve as a transitional land use from the single family R-2 developments to the north and the commercial development to the east, the project is appropriate and compatible with adjacent developments. The proposed project will have less impacts on the

area than the approved land use of Commercial General. It will generate less traffic and have a similar use (dwellings) as most of the area.

According to the applicant, the waiver of standards is appropriate since the development is lower density than typical attached developments. The reduced setbacks to the street are internal to the subdivision street and will not impact the adjacent properties or future residence of the development. Furthermore, the reduced street width is suitable since the streets function as a drive aisle, providing access to garages similar to multiple family developments. There will be no parking allowed on either side of the street, parking is only allowed in the garages and designated parking stalls. The design will meet all fire access requirements and meet turning movement requirements. Since the existing channel on the property is no longer functioning as a channel it is necessary to fill the channel to reclaim the area to use for development, resulting in the increased grade from the bottom of the channel up to 16 feet.

#### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-0386-01	Reclassified this site to C-2 zoning for a retail center consisting of a convenience store, tavern, restaurant, and bank	Approved by BCC	May 2001

#### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Residential Suburban (up to 8 du/ac)	R-2	Existing single family residential
South	Major Development Project (Summerlin South) - Public Facilities & Single Family Residential (up to 10 du/ac)	P-F & R-2	Undeveloped; partially constructed single family residential
East	Commercial General	C-2	RV Storage & mini-warehouse complex; retail building
West	Major Development Project (Summerlin South) - Single Family Residential (up to 10 du/ac)	R-2	Partially constructed single family residential

\*The subject site is located in the Public Facilities Needs Assessment (PFNA) area.

#### **Related Applications**

<b>Application Number</b>	<b>Request</b>
VS-20-0519	A vacation of government patent easements and a public drainage easement is a companion item on this agenda.
TM-20-500178	A tentative map to subdivide the site into 68 single family residential lots on 5.3 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.*

According to the applicant since the adoption of the Spring Valley Land Use Plan in 2014, the area west and south of this property has begun to develop as a single family residential development. In addition, to the southwest of this site across Maule Avenue an elementary school was just recently constructed which provides further evidence of the changing character and conditions of the area.

Although there is existing and approved suburban residential development in the area, those developments were planned for that type of zoning whereas this site is not. The subject property is designated Commercial General in the Spring Valley Land Use Plan. Immediately east of this site is existing C-2 commercial development. That site in combination with the subject parcel totals 10 acres. Title 30 states that the intent of the C-2 zoning district is for sites which are 10 acres or greater. Therefore, staff finds there are no unique or special circumstances that have occurred in the immediate area since the adoption of the Spring Valley Land Use Plan 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 indicates having a townhouse development on the corner of Grand Canyon Drive and Maule Avenue is less intense than the approved C-2 zoning on this site. Similar compact residential uses have developed in the area. Therefore, the land use and intensity proposed with this development are consistent and compatible with the existing nearby land use designations.

The intent of a balanced Land Use Plan is to encourage an orderly development pattern with an appropriate spatial distribution of land uses that complement each other. This request is for an attached residential townhouse development on the corner of Grand Canyon Drive and Maule Avenue. Immediately east of this site is existing C-2 commercial development. Staff finds that commercial development should be located at the intersection of collector or arterial streets. Maule Avenue is a collector street and by approving the proposed residential request will make

the existing commercial development less appropriate since it will now be located midway between Grand Canyon Drive and Fort Apache Road.

- 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.*

The applicant indicates technical studies will be prepared to address any impacts from the proposed residential development; therefore, public infrastructure facilities will not be adversely impacted.

Various Clark County service departments have reviewed this development proposal and found adequate services are available or have specified the type of improvements that are needed for this development. Sufficient public services may not exist in the immediate area and because the site is in the Public Facilities Needs Assessment (PFNA) area, a standard development agreement will be necessary prior to issuance of any building permits to mitigate any short falls in needed public facilities.

Based on information received from the Clark County School District, the middle school and high school located within the corresponding school zone was over capacity for the 2020-2021 school year. Staff is concerned that the cumulative impact from the individual student yield of this project and future projects in the immediate area may further exacerbate the existing capacity situations, especially since this area was not planned to accommodate the number of additional residential units and no new schools are planned in the future.

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

The applicant states that the proposed development satisfies County goals by providing housing alternatives to meet a range of lifestyle choices, ages, and affordability levels.

Although the proposed project may conform to some of the design policies established in the Comprehensive Master Plan, staff finds the request conflicts with Urban Specific Policy 7 which states, land uses that are complementary and are of similar scale and intensity should provide appropriate connectivity and not be segregated. The current proposal would break-up the continuous 10 acres of C-2 zoning at the northeast corner of Grand Canyon Drive and Maule Avenue.

## **Summary**

### Zone Change

As stated above staff finds there are no unique or special circumstances that have occurred in the immediate area since the original zone change approval. Staff is concerned with the potential incompatibility between this development and existing land uses immediately adjacent to the site. Approval of this project will allow more dense zoning to intrude into an existing suburban residential area and will not be cohesive or functionally integrated with the adjacent parcels on the east side of this site which is an existing commercial C-2 development.

The issue of establishing an isolated stand-alone attached residential development in the immediate area through a nonconforming zone change and not part of a Comprehensive Land Use Plan update could have adverse impacts to the immediate area. Therefore, staff finds that the applicant has neither demonstrated nor satisfied the criteria for compelling justification to merit approval of the zone change.

#### Use Permit

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Comprehensive Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

The design of the project is not a typical single family residential development; however, the standards for planned unit developments allow flexibility in design to provide for innovative and unique development options. However, since the overall residential subdivision design cannot function independent of the zone change and design review #1, which staff is not supporting, staff cannot support this portion of the request.

#### Waiver of Development Standards #1 & Design Review #1

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.

There is existing single family residential development on the west and north sides of this site. These homes that abut this site are all 1 or 2 stories in height. Staff is concerned that the proposed 3 story model, would be out of character adjacent to these existing homes. Therefore, based on this concern, and the fact that staff does not support the zone change portion of this request, staff cannot support the overall request.

#### **Public Works - Development Review**

##### Waiver of Development Standards #2

Staff has no objection to the request to reduce the width of the private streets provided that Fire Prevention approves the request. However, since Planning is not supporting the zone change or design of the project, staff cannot support this request.

##### Waiver of Development Standards #3

Staff cannot support the reduction in the street intersection off-set near the entrance on Grand Canyon Drive. The proposed subdivision has a gated entry with a reduced throat depth (waiver #6) that may cause stacking of vehicles in the right-of-way while residents and visitors are trying to access the site.

#### Waiver of Development Standards #4a

Staff cannot support the request to reduce the distance from the residential driveway to the back of curb radius for Lot 1 since drivers entering the site will have limited visibility around the intersection, which may cause accidents.

#### Waiver of Development Standards #4b

Staff has no objection to the request for reduced separation from the driveways to the property lines as this is a typical development pattern with single family attached products. However, since Planning is not supporting the zone change or design of the project, staff cannot support this request.

#### Waiver of Development Standards #5

Staff has no objection to reducing the back of curb radii for the private streets within the proposed subdivision provide that Fire Prevention approves the request. However, since Planning is not supporting the zone change or design of the project, staff cannot support this request.

#### Waiver of Development Standards #6

Staff cannot support the reduction in the throat depth for the entrance on Grand Canyon Drive. Combined with waiver #3, as several vehicles stack at the call box, there will not be enough room to allow others to exit the right-of-way. This may cause safety hazards with vehicles stacking in the Grand Canyon Drive right-of-way.

#### 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. However, since Planning is not supporting the zone change or design of the project, staff cannot support this request.

#### **Staff Recommendation**

Denial. This item will be forwarded to the Board of County Commissioners' meeting for final action on February 17, 2021 at 9:00 a.m., unless otherwise announced.

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.

#### **PRELIMINARY STAFF CONDITIONS:**

##### **Current Planning**

If approved:

- 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;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- 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 Grand Canyon Drive, 35 feet to the back of curb for Maule Avenue, and associated spandrel;
- Clark County Fire Prevention approval street widths, radii, and driveway locations;
- If required by the Regional Transportation Commission (RTC), grant a bus shelter pad easement in accordance with RTC standards on the east side of Grand Canyon Drive, approximately 100 feet north of Maule 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.

### **Building Department - Fire Prevention**

- 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](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0293-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** THM ENTERPRISES, INC.

**CONTACT:** ELISHA SCROGUM, TANEY ENGINEERING, 6030 S. JONES BLVD. SUITE 100, LAS VEGAS, NV 89118