

SINGLE FAMILY
RESIDENTIAL DEVELOPMENT
(TITLE 30)

UPDATE
LOG CABIN WAY/BONITA VISTA ST

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
NZC-22-0703-HANSEN, MARK O. & LINDA:

ZONE CHANGE to reclassify 2.0 acres from an R-A (Residential Agricultural) (RNP-II) Zone to an R-E (Rural Estates Residential) (RNP-II) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** eliminate street landscaping; **2)** waive water connection; **3)** waive sanitary sewer service connection; and **4)** off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving) in conjunction with a residential minor subdivision.

Generally located on the east side of Bonita Vista Street and the south side of Log Cabin Way within Lone Mountain (description on file). MK/md/syp (For possible action)

RELATED INFORMATION:

APN:
125-05-704-001

WAIVERS OF DEVELOPMENT STANDARDS:

1. Eliminate street landscaping including detached sidewalks along Log Cabin Way and Bonita Vista Street where landscaping and detached sidewalks are required per Section 30.64.030 and Figure 30.64-17.
2. Waive the requirement for public water service connection where required per Sections 30.52.040 and 30.52.100.
3. Waive the requirement for public sanitary sewer service connection where required per Sections 30.52.040 and 30.52.110.
4. Waive full off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving) along Log Cabin Way and Bonita Vista Street where required per Chapter 30.52.

LAND USE PLAN:
LONE MOUNTAIN - EDGE NEIGHBORHOOD (UP TO 1 DU/AC)

BACKGROUND:
Project Description

General Summary

- Site Address: 9870 N. Bonita Vista Street
- Site Acreage: 2
- Number of Lots: 2

- Density (du/ac): 1.1
- Minimum/Maximum Lot Size (square feet): 42,689 (gross and net)
- Project Type: Single family residential development

Neighborhood Meeting Summary

This request is for a nonconforming zone boundary amendment to reclassify 1.96 acres from an R-A (RNP-II) to an R-E (RNP-II) zoning district to allow a 2 lot single family residential development. The applicant conducted a neighborhood meeting 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. Twelve neighbors attended the meeting and did not express any concerns with the proposed zone boundary amendment.

Site Plans

The plans depict a single family residential development consisting of 2 lots on 1.96 acres with a density of 1.1 dwelling units per gross acre. Each lot measures 0.98 acres in area, exceeding the minimum gross lot area of 20,000 square feet required by the R-E zoning district. Lot 1 features an existing 1 story single family residence with the following setbacks: 1) 25 feet from the north property line adjacent to Log Cabin Way; 2) 59 feet from the west property line along Bonita Vista Street; 3) 50 feet from the future south property line; and 4) 205 feet from the east property line. An existing 1 story accessory agricultural building (shade structure and pen for horses) is located within the eastern portion of Lot 1 with the following setbacks: 1) 43 feet from the north property line adjacent to Log Cabin Way; 2) 12.5 feet from the east property line; and 3) 50 feet from the future south property line. Access to Lot 1 is granted via an existing circular driveway along Bonita Vista Street. Lot 2, located immediately south of Lot 1, will be developed with a future single family residence with access from Bonita Vista Street.

Landscaping

The interior of the subject property features a variety of trees intermittently dispersed throughout the site. A waiver of development standards is requested to not construct the required detached sidewalks and install the required street landscaping along Log Cabin Way and Bonita Vista Street.

Applicant's Justification

The applicant states the existing single family residence is served by a private well and septic system and requests not to connect to public water and sewer.

Prior Land Use Requests

Application Number	Request	Action	Date
VS-0989-01	Vacated portions of right-of-way being Log Cabin Way and Bonita Vista Street - recorded	Approved by PC	September 2001
ZC-0296-01	Reclassified multiple properties, including the subject property from R-A to R-A (RNP-II) zoning	Approved by BCC	September 2001

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	City of Las Vegas	R-PD2	Single family residential
South & West	Edge Neighborhood (up to 1 du/ac)	R-A (RNP-II)	Single family residential & undeveloped
East	Edge Neighborhood (up to 1 du/ac)	R-A	Single family residential

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 requested 2 lot subdivision would not change the character of the existing surrounding development and complies with the “spirit of the law” which is rural neighborhood preservation.

Immediately to the north of the proposed subdivision is an existing single family residential development located within the City of Las Vegas. To the west of the project site, across Bonita Vista Way, is an existing single family residence zoned R-A (RNP-II) with a planned land use of Edge Neighborhood. To the east of the subject property is an existing single family residence zoned R-A with a planned land use of Edge Neighborhood. To the south of the project site is an undeveloped parcel zoned R-A (RNP-II) with a planned land use of Edge Neighborhood. 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 immediate surrounding area includes lots that are 0.5 acres or less in area including the single family residential developments to the north and northeast, across Log Cabin Way. Therefore, the proposed lots consisting of 0.98 acres each would not change the character of the neighborhood since higher density developments already exist.

Immediately to the north of the proposed subdivision is an existing 43 lot single family residential development with a density of 1.5 dwelling units per acre located within the City of Las Vegas. To the west of the project site, across Bonita Vista Way, is an existing single family residence located on 2 acres and zoned R-A (RNP-II) with a planned land use of Edge Neighborhood. To the east of the subject property is an existing single family residence located on 3.7 acres and zoned R-A with a planned land use of Edge Neighborhood. To the south of the project site is an undeveloped 2 acre parcel zoned R-A (RNP-II) with a planned land use of Edge Neighborhood. Staff finds the proposed density of 1.1 dwelling units per acre is consistent with the existing single family residential development to the north, across Log Cabin Way, located within the City of Las Vegas. The proposed density is also consistent and compatible with the planned land use designation of Edge Neighborhood, which permits up to 1 dwelling unit per acre.

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 states the proposed subdivision will not have a substantial adverse effect on public facilities or services such as roads, access, schools, parks, fire and police facilities, and stormwater and drainage facilities as a result of the requested zone boundary amendment.

There has been no indication from service providers that this request will have a substantial adverse effect on public facilities and services.

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

According to the applicant, the proposed zone boundary amendment conforms to the other applicable adopted plans, goals, and policies of this area such as Goal LM-1 (Lone Mountain Goals and Policies) which states the following: "Maintain opportunities for suburban lifestyle in Lone Mountain."

Staff finds the isolated location of the requested R-E zoning, in relation to the surrounding area, is not compatible with the surrounding R-A and R-A (RNP-II) zoning districts.

Summary

Zone Change

Changes were made to Title 30 for the requirements for gross acreage. Any right-of-way that has been dedicated to the County can no longer be counted toward the area of the site for the purpose of subdividing. Therefore, the subject property is no longer large enough in area to allow the subdivision of the parcel into 2 lots and meet the density of the R-A zoning district. The parcel must be reclassified to an R-E zoning district to allow the parcel to be subdivided into 2 parcels. The proposed subdivision complies with the minimum lot size requirements of the R-E zoning district, the existing single family residence complies with the required setbacks, and the future single family residence should also comply with the required setbacks for the R-E zoning district. However, the requested R-E zoning, in relation to the surrounding area, is not

compatible with the surrounding R-A and R-A (RNP-II) zoning districts. Therefore, staff cannot support this 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

Staff typically does not support requests to eliminate street landscaping requirements. The request to eliminate street landscaping along Log Cabin Way and Bonita Vista Street will allow the site to develop to rural street standards matching the existing developments within the immediate area. However, since staff is not supporting the nonconforming zone change and waivers of development standards #2 and #3, staff cannot support this request.

Waivers of Development Standards #2 & #3

According to Title 30, water service shall be provided to all developments when the development is within the required distance to water and sewer. Due to the location of this site, water and sewer service are required at the time of the development, which includes the parcel map process. Connecting developments into existing public water and sewer service helps to ensure that the development will continuously have a safe and reliable water and sewer supply. The project site is within the connection distance to municipal utility lines; therefore, staff does not support these requests.

Public Works - Development Review

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. Also, full off-site improvements already exist on the north side of Log Cabin Way. 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: February 21, 2023 – APPROVED – Vote: Unanimous

Current Planning

- Resolution of Intent to complete in 3 years;
- Development restricted to a maximum of 2 single family residential lots.
- Applicant is advised to obtain appropriate water rights and necessary permits from the Nevada Department of Resources for use of a private well; obtain approval from the Southern Nevada Health District for use of a private septic system; 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 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;
- Execute a Restrictive Covenant Agreement (deed restrictions).

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that CCWRD does not provide sanitary sewer service in this portion of the unincorporated county; and that for any sanitary sewer needs, to contact the City of Las Vegas to see if the City has any gravity sanitary sewer lines located in the vicinity of the applicant's parcel.

WAIVERS OF DEVELOPMENT STANDARDS #2 AND #3 WERE DENIED.

TAB/CAC: Lone Mountain - denial.

APPROVALS: 3 cards, 1 letter

PROTESTS: 2 cards

APPLICANT: MARK HANSEN

CONTACT: MARK HANSEN, 9870 N. BONITA VISTA STREET, LAS VEGAS, NV 89143