

11/16/22 BCC AGENDA SHEET

SINGLE FAMILY DEVELOPMENT
(TITLE 30)

PEBBLE RD/GRAND CANYON DR

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-22-0305-GRAND CANYON, LLC & NAHAI ILIEN:

HOLDOVER AMENDED ZONE CHANGE to reclassify 15.9 acres from an R-E (Rural Estates Residential) (RNP-I) Zone and an H-2 (General Highway Frontage) (RNP-I) Zone (previously notified as R-E) to an R-2 (Medium Density Residential) Zone.

WAIVER OF DEVELOPMENT STANDARDS to reduce street width.

DESIGN REVIEW for a single family residential development.

Generally located on the south side of Pebble Road and the west side of Grand Canyon Drive within Enterprise (description on file). JJ/rk/jo (For possible action)

RELATED INFORMATION:

APN:

176-19-101-006; 176-19-101-020; 176-19-101-025 through 176-19-101-028

WAIVER OF DEVELOPMENT STANDARDS:

Reduce the width of a public street (Raven Avenue) to 47 feet where a minimum width of 60 feet is required per Chapter 30.52 (a 22% reduction).

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 15.9
- Number of Lots: 94
- Density (du/ac): 5.9
- Minimum/Maximum Lot Size (square feet): 3,850/10,094
- Project Type: Single family residential development
- Number of Stories: 1 & 2
- Building Height (feet): Up to 29
- Square Feet: 1,800/3,900

Neighborhood Meeting Summary

The applicant conducted a neighborhood meeting at the Windmill Library on March 16, 2022, 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 11 attendees present at the open house meeting for this project. The attendees had concerns about finished grade of the subdivision and the 2 access points on Pebble Road should be changed to Raven Avenue.

Site Plans

The plans depict a residential development totaling 94 single family lots on 15.9 acres. The density of the residential subdivision is 5.9 dwelling units per acre. The site design shows the project will surround 2 existing residential estate homes that front Pebble Road to the north. Four lots, generally over 10,000 square feet in size, are located on the east side of 1 of the parcels; however, the remaining lots within the proposed subdivision and adjacent to the existing homes are well under 10,000 square feet. The lots within the overall subdivision range in size from a minimum of 3,850 square feet to a maximum of 10,094 square feet. The entire project is within an RNP-I area. There will be 2 access points onto Pebble Road and 1 access point onto Raven Avenue. Access to the lots within the development will be provided by 43 foot wide private streets that will have a 4 foot wide sidewalk on 1 side of the street.

Landscaping

Street landscaping consists of 6 foot wide landscape areas shown behind an attached sidewalk along Raven Avenue and Pebble Road; and a 15 foot wide landscape area, which includes a detached sidewalk, is shown along Grand Canyon Drive.

Elevations

The plans depict three, 2 story models and one, 1 story model. All the products have similar building materials consisting of stucco exteriors, decorative stone veneer accents, tile roofing, and 4 sided architecture around windows and doors.

Floor Plans

The models range in size from 1,800 square feet to 3,900 square feet with options that include multiple bedrooms, 2 to 3 car garages, and options for bonus rooms.

Applicant's Justification

The applicant indicates the surrounding areas to the south and farther east have been approved for R-2 zoning. Furthermore, the applicant indicates the current trend testifies to the need for additional single family residential developments in this area and in the valley. The demand for single family residential housing is high and the supply is low especially with the continual increase in the home values and cost and the short timeframes that homes remain in the open market.

Prior Land Use Requests

Application Number	Request	Action	Date
LUP-20-700088	Redesignated the planned land use category from RL (Residential Low) to RS (Residential Suburban)	Cancelled by BCC	July 2020

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Ranch Estate Neighborhood (up to 2 du/ac)	R-E (RNP-I)	Single family residential
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single family residential
East	Ranch Estate Neighborhood (up to 2 du/ac)	R-E (RNP-I)	Single family residential & single family home
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac) & Ranch Estate Neighborhood (up to 2 du/ac)	R-2 & R-E (RNP-I)	Single family residential

The subject site is within the Public Facilities Needs Assessment (PFNA) area.

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 indicates that there have been changes in the immediate area with the approval of higher density subdivisions to the south and farther east of the subject site.

Although there are existing suburban residential developments in the area, those developments are adjacent to Blue Diamond Road and farther east near Fort Apache Road, which makes this development fully within the Rural Neighborhood Preservation (RNP) area. The site is in a predominantly undeveloped area with several homes developed within the RNP area to the north and to the immediate east. All the subject parcels are planned for Low-Intensity Suburban

Neighborhood. The intent is to provide a low intensity land use to provide minimal land use conflicts and impacts between the RNP area and more intense development.

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.*

According to the applicant, the proposed single family residential development is similar intensity when compared to adjacent residential developments to the north and east of the project site.

The project is a single family residential development consisting of a total of 94 lots with a density of 5.9 dwelling units per acre. The Low-Intensity Suburban Neighborhood adjacent to the R-E (RNP-I) zoned properties has always been planned as an area intended to provide for a transitional space and use in the immediate area, especially when uses along Blue Diamond Road are planned for more intense uses. Staff is concerned with the potential incompatibility between the range of lots sizes and densities within the proposed R-2 zoning and the adjacent RNP area, especially the 2 developed homes that it surrounds. Therefore, staff finds the proposed project is not compatible with the density and intensity of the existing and planned land uses in the surrounding area.

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.*

Various Clark County service departments have reviewed this development proposal and found adequate services 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 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 the general policies of the Master Plan by providing housing alternatives to meet a range of lifestyle choices, ages, and affordability levels.

The proposed development complies with Goal 1.1 of the Master Plan that encourages opportunities for diverse housing options to meet the needs of residents of all ages, income levels, and abilities. Staff finds the project also complies with Policy 1.3.2 that encourages a mix of housing options, product types, and unit sizes. The Master Plan also encourages new residential developments adjacent to existing estate residential areas to transition at appropriate densities (lot sizes of 10,000 square feet or greater) which this development has not done. The disparity between the adjacent RNP area and the proposed R-2 zoned development, with overall commensurate lot sizes and site design, is not compliant with the Land Use Plan and staff finds this difference will cause adverse impacts to adjacent homeowners.

Summary

Zone Change & Design Review

The properties to the north, east, and partially to the west are zoned R-E (RNP-I) and some are developed with ranch estate homes. 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 with smaller lot sizes to intrude into this existing area. The Low-Intensity Suburban Neighborhood land use category designation with 10,000 square foot lots or greater have been commonly accepted as an appropriate solution to transitional uses and densities. Therefore, based on the criteria listed above, staff finds the applicant has not satisfied the requirements for a compelling justification to warrant approval of this application and cannot support these requests.

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.

Public Works - Development Review

Waiver of Development Standards

Staff has no objection to the reduction of right-of-way width for Raven Avenue. The applicant will be matching the right-of-way to the south. However, since Planning is not supporting the rest of the application, staff cannot support this request.

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.

STAFF CONDITIONS:

Current Planning

If approved:

- Resolution of Intent to complete in 3 years;
- Lots adjacent to parcel numbers 176-19-101-004 and 176-19-101-005 to be a minimum of 10,000 square feet;
- 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 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 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;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 30 feet for Pebble Road, 23.5 feet for Raven Avenue, 35 feet to the back of curb for Grand Canyon Drive, 30 feet for Conquistador Street to match the dedication on the west side of the street, and associated spandrels;
- Vacate any unnecessary rights-of-way and/or easements.
- 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 proposed streets must take into account existing utility poles to ensure that sight visibility zones are not impacted.

Fire Prevention Bureau

- **No comment.**

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 #0205-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - denial.

APPROVALS: 1 card

PROTESTS: 14 cards, 3 letters

PLANNING COMMISSION ACTION: July 19, 2022 – HELD – To 08/16/22 – per the applicant.

PLANNING COMMISSION ACTION: August 16, 2022 – HELD – To 09/20/22 – per the applicant.

PLANNING COMMISSION ACTION: September 20, 2022 – DENIED – Vote: Unanimous

COUNTY COMMISSION ACTION: October 19, 2022 – HELD – To 11/16/22 – per the applicant.

APPLICANT: BORHAN MORADI

CONTACT: BORHAN MORADI, 2300 HUNT CLUB STREET, LAS VEGAS, NV 89128