

SINGLE FAMILY RESIDENTIAL DEVELOPMENT  
(TITLE 30)

**UPDATE**  
DECATUR BLVD/FORD AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ZC-21-0396-HAAR MARIA C REV LIV TR 2000 & HAAR MARIA CORAZON TRS:**

**HOLDOVER ZONE CHANGE** to reclassify 1.4 acres from an R-E (Rural Estates Residential) Zone to an RUD (Residential Urban Density) Zone.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduced setbacks; **2)** reduce width of private street; and **3)** allow modified driveway design standards.

**DESIGN REVIEWS** for the following: **1)** single family residential development; **2)** hammerhead street design; and **3)** finished grade.

Generally located 350 feet east of Decatur Boulevard approximately 300 feet south of Ford Avenue within Enterprise (description on file). JJ/md/jo (For possible action)

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RELATED INFORMATION:

**APN:**

177-18-401-010

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. a. Reduce the interior side setback to 3 feet where a minimum setback of 5 feet is required per Table 30.40-2 (a 40% reduction).
- b. Reduce the rear setback to 11 feet where a minimum setback of 15 feet is required per Table 30.40-2 (a 26.7% reduction).
2. Reduce the width of a private street to 33 feet where a minimum width of 37 feet with 36 feet of drivable surface is required per Chapter 30.52 (a 10.9% reduction).
3. a. Reduce the driveway distance to a spandrel to 7 feet where a minimum distance of 12 feet is required per Uniform Standard Drawing 222 (a 41.7% reduction).
- b. Reduce the width of residential driveways to 9 feet where a minimum driveway width of 12 feet is required per Uniform Standard Drawing 222 (a 25% reduction).

**DESIGN REVIEWS:**

1. Single family residential development.
2. Allow a street terminating in a hammerhead design where a radius cul-de-sac per Uniform Standard Drawing is preferred per Section 30.56.080.
3. Increase finished grade to 42 inches where a maximum of 18 inches is the standard per Section 30.32.040 (a 133.3% increase).

## **LAND USE PLAN:**

ENTERPRISE - RESIDENTIAL MEDIUM (FROM 3 DU/AC TO 14 DU/AC)

## **BACKGROUND:**

### **Project Description**

#### General Summary

- Site Address: N/A
- Site Acreage: 1.4
- Number of Lots: 18
- Density (du/ac): 13.6
- Minimum/Maximum Lot Size (square feet): 2,001 (gross and net)/2,239 (gross and net)
- Project Type: Single family residential development
- Number of Stories: 3
- Building Height (feet): 35
- Square Feet: 1,798 to 1,892
- Open Space Required/Provided: 3,600/3,739

#### Site Plans

The plans depict a single family residential development consisting of 18 lots on 1.4 acres with a density of 13.6 dwelling units per acre. The minimum and maximum lot sizes are 2,001 and 2,239 square feet, respectively. The primary ingress and egress to the proposed development is via a private street, which connects to the Torino Avenue alignment. The private street servicing the development is a north/south alignment terminating as a hammerhead design within the interior of the development, between Lot 9 and Lot 10. The private street measures 33 feet in width, necessitating a waiver of development standards to reduce the street width. A 4 foot wide sidewalk is located on the east side of the private street, adjacent to Lot 1 through Lot 9 and the open space area. The 4 foot wide sidewalk connects to the proposed 5 foot wide sidewalk along Torino Avenue. The proposed single family residences within the development maintain a minimum setback of 10 feet from the front property line, which is permissible per the Code contingent upon 2 trees planted adjacent to the street for decorative features are provided and shown on plans, such as bay windows or stucco pop-outs, and color or texture is added to the driveway other than a grey, broom finish. The landscape plan depicts 2 trees planted adjacent to the street, complying with the aforementioned Code requirement. Furthermore, enhanced architecture is provided on all elevations and enhanced colored concrete driveways are provided for all lots. All driveways maintain the minimum length of 20 feet per Code requirements. A waiver of development standards is required to reduce the interior side yard setbacks for Lot 2 through Lot 17 and the rear yard setback for all 18 lots within the development. A waiver of development standards is also requested to reduce the separation distance to 8 feet and 7 feet from back of curb radius at Lot 1 and Lot 18, respectively, where 12 feet is required. Lot 1 and Lot 18 feature a driveway width of 9 feet, requiring a waiver to reduce the minimum width of 12 feet. The increase to finished grade will predominantly occur along the west portion of the development, with the maximum grade increase occurring at Lot 10 situated at the northwest portion of the site.

### Landscaping

A proposed landscape area measuring 6 feet in width is located behind a proposed 5 foot wide attached sidewalk along Torino Avenue. Twenty-four inch box trees are planted 15 feet on center within the landscape area in addition to shrubs and groundcover. Open space, consisting of 3,739 square feet, is located along the north portion of the site, immediately adjacent to the hammerhead cul-de-sac. Approximately 3,600 square feet of open space is required where 3,739 square feet of open space is provided.

### Elevations

The plans depict 3 story model homes with 2 different elevations with a maximum height of 35 feet. The proposed models consist of a pitched, concrete tile roof with exterior materials featuring wood and stucco siding. Architectural enhancements are featured on all elevations including window fenestration and stucco pop-outs. The front elevations feature outdoor balconies on the second floor, with a cultured stone veneer exterior on the exterior of the first floor. No rooftop decks are proposed with either 3 story model. The homes will consist of neutral, earth tone colors.

### Floor Plans

The plans depict 3 story model homes with 2 different floor plans ranging in size from 1,798 square feet to 1,892 square feet. The model consisting of 1,798 square feet features a tandem 2 car garage on the first floor, a dining room, kitchen, powder room, kitchen, and a balcony on the second floor, and 3 bedrooms and 2 bathrooms on the third floor. The model consisting of 1,892 square feet includes a 2 car garage, family room, and bathroom on the first floor, a great room, dining room, kitchen, bathroom, and a balcony on the second floor, and 3 bedrooms and 2 bathrooms on the third floor.

### Applicant's Justification

According to the applicant, the proposed zone change from an R-E to RUD zoning district is appropriate based on the following: 1) the proposal is generally consistent with the Enterprise Land Use Plan; 2) there will be capacity to provide adequate public facilities and services; 3) the proposal will not significantly impact the natural environment; 4) the proposal is harmonious and compatible with the existing and planned development in the area, resulting in a logical and orderly development pattern; and 5) a voluntary neighborhood meeting was conducted with no objections from the surrounding property owners.

The applicant states the proposed hammerhead cul-de-sac is justified utilizing the following factors for consideration: 1) each lot has 2 enclosed parking spaces with either 1 or 2 spaces available for parking in the driveway; 2) all driveways have a minimum length of 20 feet; 3) only 1 hammerhead is proposed in this development; 4) all lots meet the minimum area of 2,000 square feet; and 5) the hammerhead is only serving 18 lots and the terminating portion of the cul-de-sac is located approximately 250 feet from Torino Avenue.

Due to the existing washes within the interior of the subject parcel, there will be several areas where the fill will be approximately 3.5 feet above finished grade. The waiver to reduce the interior side yard setback for Lot 2 through Lot 17 is to the leading edge of the overhang. The waiver to reduce the rear yard setback for all lots only occurs on the first floor of each residence.

The tandem car garage model will be constructed at Lot 1 and Lot 18 to mitigate the impact to reduce the driveway separation from the back of curb radius. A private street with a driving surface width of 33 feet is proposed with a 6 inch A-curb and 3 foot wide concrete sidewalk.

**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	Single family residential development
East	Residential Medium (from 3 to 14 du/ac)	R-E	Undeveloped
South & West	Residential High (8 to 18 du/ac)	R-4	Undeveloped

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

**Related Applications**

<b>Application Number</b>	<b>Request</b>
VS-21-0397	A request to vacate patent easements 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 request to RUD zoning conforms to the Enterprise Land Use Plan which designates the subject parcel as Residential Medium at a density of up to 14 dwelling units per acre. The RUD zoning should serve as an appropriate transition from the undeveloped R-4 zoned parcel to the west and south, the R-2 zoned development to the north, and the undeveloped parcel with a planned land use of Residential Medium to the east of the project site. The proposed zoning classification is consistent and compatible with the existing and approved land uses in the surrounding area; therefore, staff recommends approval.

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

The request to reduce the interior side and rear yard setbacks is a self-imposed hardship. Staff finds the proposed site layout and/or floor plans can be reconfigured to meet the required

setbacks. Furthermore, staff finds sufficient justification has not been provided for the waiver request; therefore, staff recommends denial.

#### Design Review #1

Architectural enhancements are provided on all sides of the proposed residences. Staff finds that the design of the residences comply with Urban Land Use Policy 43 which promotes projects that provide varied neighborhood design and/or innovative architecture that include varied setbacks from residences to front property lines, reduced visual dominance of garages, varied rooflines, and/or architectural enhancements on all sides. However, since staff is not supporting the waiver of development standards to reduce the setbacks and the design review for the hammerhead cul-de-sac, which are self-imposed hardships, staff cannot support the design review and recommends denial.

#### Design Review #2

Staff is concerned with the proposed hammerhead design being utilized for the termination of the private street within the subdivision. The hammerhead design encourages additional on-street parking, making it difficult for vehicular maneuverability within the cul-de-sac. The hammerhead design potentially impedes vehicular maneuverability and access for emergency vehicles within the portion of the subdivision servicing Lot 9 and Lot 10. Staff finds the applicant has not provided compelling justification for the proposed street design; therefore, cannot support this request.

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

#### Waiver of Development Standards #2

Staff has no objection to the request provided that Fire Prevention approves the request. However, since Planning cannot support the application in its entirety, staff cannot support this waiver.

#### Waiver of Development Standards #3a

Staff has no objection to the request to reduce the driveway separation from the back of curb radius. Torino Avenue dead ends just east of the subject site, so the impact of the reduced distance will be minimal. However, since Planning cannot support the application in its entirety, staff cannot support this waiver.

#### Waiver of Development Standards #3b

Staff has no objection to the reduced width of the residential driveways for Lot 1 and Lot 18. This reduction will only impact the residents of those 2 lots. However, since Planning cannot support the application in its entirety, staff cannot support this waiver.

#### Design Review #3

This design review represents the maximum grade difference within 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 cannot support the application in its entirety, staff cannot support this design review.

### **Department of Aviation**

The development will penetrate the 100:1 notification airspace surface for McCarran International Airport. Therefore, as required by 14 CFR Part 77, and Section 30.48.120 of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

The property lies just outside the AE-60 (60-65 DNL) noise contour for the McCarran International Airport and is subject to continuing aircraft noise and over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade the McCarran International Airport facilities to meet future air traffic demand.

### **Staff Recommendation**

Approval of the zone change; denial of the waivers of development standards and design reviews.

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:

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Design review as a public hearing for significant changes to plans;
- 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 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 substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; 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; and that the waivers of development standards and design reviews must commence within 2 years of approval date or they will expire.

#### **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;
- Full off-site improvements;
- Right-of-way dedication to include 30 feet for Torino Avenue;

- Provide paved legal access;
- Applicant shall apply for a Bureau of Land Management (BLM) grant for Torino Avenue.
- Applicant is advised 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.

#### **Department of Aviation**

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.48 Part B of the Clark County Unified Development Code;
- No building permits should be issued until applicant provides evidence that a "Determination of No Hazard to Air Navigation" has been issued by the FAA or a "Property Owner's Shielding Determination Statement" has been issued by the Department of Aviation.
- Applicant is advised that the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments; that the FAA's airspace determinations include expiration dates; that separate airspace determinations will be needed for construction cranes or other temporary equipment; that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; that the FAA will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed.

#### **Clark County Water Reclamation District (CCWRD)**

- Applicant is advised that the property is already connected to the CCWRD sewer system; and that if any existing plumbing fixtures are modified in the future, then additional capacity and connection fees will need to be addressed.

**TAB/CAC:** Enterprise - approval of the zone change; denial of the waivers of development standards and design reviews.

**APPROVALS:** 1 card

**PROTESTS:** 1 card

**COUNTY COMMISSION ACTION:** September 22, 2021 – HELD – To 10/06/21 – per the applicant.

**APPLICANT:** PETERSEN MANAGEMENT, LLC

**CONTACT:** DC PETERSEN PROFESSIONAL CONSULTANTS, LLC, 5052 S. JONES BLVD, SUITE 110, LAS VEGAS, NV 89118