

06/21/22 PC AGENDA SHEET

SINGLE FAMILY DEVELOPMENT
(TITLE 30)

BUFFALO DR/HALEH AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-22-0249-WATTOO FAMILY L P:

ZONE CHANGE to reclassify 3.8 acres from an R-E (Rural Estates Residential) Zone to an R-2 (Medium Density Residential) Zone.

WAIVER OF DEVELOPMENT STANDARDS to increase wall height.

DESIGN REVIEWS for the following: **1)** for a single family residential development; and **2)** finished grade.

Generally located on the east side of Buffalo Drive and the north side of Haleh Avenue within Enterprise (description on file). JJ/rk/jo (For possible action)

RELATED INFORMATION:

APN:

176-27-301-001

WAIVER OF DEVELOPMENT STANDARDS:

Increase block wall height to 10 feet (up to 4 foot retaining with 6 foot screen wall) where a maximum of 9 feet (3 foot retaining with 6 foot screen wall) is permitted per Section 30.64.050 (a 11% increase).

DESIGN REVIEWS:

1. Single family residential development.
2. Increase finished grade to 65 inches (5.4 feet) where a maximum of 36 inches (3 feet) is the standard per Section 30.32.040 (a 216% increase).

LAND USE PLAN:

ENTERPRISE - NEIGHBORHOOD COMMERCIAL

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 3.8
- Number of Lots: 30
- Density (du/ac): 7.9
- Minimum/Maximum Lot Size (square feet): 3,325/5,830
- Project Type: Single family residential development

- Number of Stories: 2
- Building Height (feet): Up to 26
- Square Feet: 2,052/2,300

Neighborhood Meeting Summary

The applicant conducted a neighborhood meeting on March 21, 2022, as required by the nonconforming zone boundary 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 9 attendees present at the open house meeting for this item. Positive comments were raised about single family home development on the site. The attendees had concerns about the number of lots, layout, with traffic as the main concern of the night.

Site Plans

The plans depict a single family residential development totaling 30 single family lots and 2 common area lots on 3.8 acres. The density of the overall development is shown at 7.9 dwelling units per acre. The lots range in size from a minimum of 3,325 square feet to a maximum of 5,830 square feet. The development will have access from Haleh Avenue to the south. The lots within the subdivision will be served by 48 foot wide internal public streets, which include an attached sidewalk on both sides of the street. The waiver associated with this request is to increase retaining wall height to accommodate street drainage, natural topography, and corresponding pad heights.

Landscaping

Street landscaping consists of a 6 foot wide landscape area shown along the north side of Haleh Avenue and a 15 foot wide landscape area which includes a detached sidewalk, is shown along Buffalo Drive and Mountains Edge Parkway.

Elevations

The development will provide 2 story model homes with the maximum height shown at approximately 26 feet. The plans submitted by the applicant depict 3 different models with each model having elevation variations. The building materials consist of concrete tile roofs, stucco finished walls with decorative pop-outs, and fenestration on windows and doors on all sides of the models.

Floor Plans

The models range in size from 2,052 square feet to 2,300 square feet with options that include multiple bedrooms, 2 car garages, and options for bonus rooms.

Applicant's Justification

The applicant indicates that the proposed development will blend well with the developed R-2 zoned subdivisions in the area, and that the proposed density will result in a land use that is consistent with the surrounding neighborhoods to the east and south. The applicant has designed the project with similar sized lots and home sizes as the adjacent R-2 communities within Mountain's Edge; therefore, making the requested zone change appropriate and compatible.

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-1	Single family residential
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single family residential
East	Open Lands	P-F	Middle school
West	Open Lands	P-F	Undeveloped & Mountains Edge Regional Park

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

Related Applications

Application Number	Request
VS-22-0250	A request to vacate a right-of-way and patent easements on the property is a companion item on this agenda.
TM-22-500085	Tentative map for 30 single family lots on 3.8 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.*

The applicant states multiple properties within Mountain's Edge and just outside of Mountains Edge have been rezoned R-2, making the request to rezone to a similar residential density compatible.

Since 2013 there have been 4 other nonconforming zone change applications south of Cactus Avenue that have been approved to reclassify portions of this area to medium density residential developments. The trend in this area is for additional residential development and less commercial development. Based on this trend, staff finds the request to be appropriate for the area.

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 states most of Mountains Edge Master Planned Community has been built out as R-2 and there are plenty of commercial uses along Blue Diamond Road to support the additional residences.

Directly to the south and farther to the east is an existing single family residential development in an R-2 zone within the Mountain's Edge Master Planned Community. Staff finds the proposed zone change creates a more cohesive density and intensity for the area and will fit the area better than commercial uses; therefore, staff finds the density and intensity of the proposed residential development compatible with existing 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.*

According to the applicant, technical studies will be prepared to address any drainage and water related impacts as part of the civil plan review process.

There has been no indication from service providers that this request will have a substantial adverse effect on public facilities and services. 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. The school district has indicated this development would generate 6 additional elementary school students, 3 middle school students, and 4 high school students.

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 applicant also states the site is designed to be compatible with adjacent land use and off-site circulation patterns.

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.

Summary

Zone Change & Design Review #1

This property is currently planned for neighborhood commercial and is the only parcel planned for commercial uses on the corner of Buffalo Drive and Mountains Edge Parkway. Staff finds the proposed residential request to be appropriate for the area. The density and intensity of the

proposed project are compatible with the existing developments to the south and east. Staff finds the applicant has provided a sufficient compelling justification for this nonconforming zone boundary amendment request; therefore, staff recommends approval of the zone change and design review.

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.

Portions of the perimeter retaining wall heights along Buffalo Drive and Mountains Edge Parkway are increased to accommodate street drainage, natural topography, and corresponding pad heights. Therefore, the topography of the site warrants an increase to the retaining wall height which staff can support.

Public Works - Development Review

Design Review #2

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..

Staff Recommendation

Approval. This item will be forwarded to the Board of County Commissioners' meeting for final action on July 20, 2022 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 Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

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 services because of a 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 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; 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.
- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way; and that 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.

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 #0181-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: SIDHOM BROTHERS COMPANY LLC

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