

10/06/21 BCC AGENDA SHEET

SINGLE FAMILY RESIDENTIAL DEVELOPMENT
(TITLE 30)

UPDATE
EDMOND ST/RICHMAR AVE

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
NZC-21-0222-JCLH, LLC:

HOLDOVER ZONE CHANGE to reclassify 20.0 acres from an R-E (Rural Estates Residential) Zone to an R-2 (Medium Density Residential) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increase wall height; and **2)** waive off-site improvements (partial paving, curb, gutter, sidewalks, and streetlights).

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

Generally located on the west side of Edmond Street, south side of Richmar Avenue, and the east side of Lindell Road within Enterprise (description on file). JJ/jt/jd (For possible action)

RELATED INFORMATION:

APN:
176-24-801-030

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase wall height to 6 feet 8 inches where 6 feet is the maximum allowed per Section 30.64.020 (a 12% increase).
2. Waive off-site improvements (partial paving, curb, gutter, sidewalks, and streetlights) on Richmar Avenue where off-site improvements are required per Chapter 30.52.

DESIGN REVIEWS:

1. Single family residential subdivision.
2. Increase finished grade to 26 inches where a maximum of 18 inches is the standard per Section 30.32.040 (a 45% increase).

LAND USE PLAN:

ENTERPRISE - PUBLIC FACILITIES

ENTERPRISE - RESIDENTIAL LOW (UP TO 3.5 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 20
- Number of Lots/Units: 143

- Density (du/ac): 7.2
- Minimum/Maximum Gross and Net Lot Size (square feet): 3,325/6,152
- Project Type: Single family residential subdivision
- Number of Stories: 2
- Building Height (feet): 28
- Square Feet: 2,162 to 3,894
- Open Space Required/Provided: 0/69,260
- Parking Required/Provided: 296/296

Neighborhood Meeting Summary

The required notices were mailed to property owners within 1,500 foot radius of the site notifying them of a neighborhood meeting, which was held virtually on April 26, 2021. Thirty-four neighbors attended the meeting, and recommendations included the following: 1) provide additional single story home options; 2) reduce density; 3) reduce zoning designation request; 4) increase the size of the lots; and 5) do not allow parking along Richmar Avenue, Edmond Street, and Lindell Road. The neighbors also had general questions about the timing of development and the entitlement process.

Site Plans

The plans depict a 143 lot single residential subdivision with gated access from Edmond Street on the east side of the site. The entrance is 56 feet wide, which transitions down to 42 feet wide to match the internal private street widths. Four foot wide sidewalks are provided on 1 side of the internal private streets. The internal street network terminates in 2 stub streets on the west side of the site, adjacent to Lindell Road, and 2 cul-de-sacs on the east side of the site, adjacent to Edmond Street within a 65 foot wide NV Energy easement. Pedestrian connections are provided from the stub streets to Lindell Road and from the cul-de-sacs to Edmond Street.

Lots range in size from 3,325 square feet up to 6,152 square feet. However, lots along the northern portion of the site, adjacent to Richmar Avenue, and lots adjacent to the northwest portion of Lindell Road, are all 4,545 square feet or larger. These lots are abutting existing R-E (RNP-I) zoned single family residences, and the larger lots are intended to provide a transition from the smaller 3,325 square foot lots in other parts of the subdivision.

Landscaping

Open space is provided within the NV Energy easement along Edmond Street and within several internal common lots. A total of 69,260 square feet of open space is provided where no open space is required. Around the perimeter of the site, a 15 foot wide landscape easement with a detached sidewalk is provided along Lindell Road, and up to 65 feet of landscaping is provided behind an attached sidewalk along Edmond Street, which is within the NV Energy easement. No landscaping or off-site improvements (beyond minimum paving) are proposed along the northern portion of the site, adjacent to Richmar Avenue.

Elevations

Within the subdivision, 2 different home products will be offered. The larger homes include 3 models with 1 and 2 story plans. Each model will include 3 elevation options. The smaller series of homes include 4 models, all with 2 story plans. Each of these models will include 3

different elevation options. All the elevation options include pitched tile roofs, painted stucco, and various architectural accents such as stone veneer and faux shutters.

Floor Plans

The larger house models will range in size from 3,181 square feet to 3,894 square feet, and the smaller house models will range in size from 2,162 square feet to 2,523 square feet.

Signage

Signage is not a part of this request.

Applicant's Justification

According to the applicant, the proposed residential community is compatible with the surrounding development and planned land uses. For example, larger lots and larger homes are proposed along the northern portion of the site and the northwest portion of the site to provide a transition and buffer to existing R-E (RNP-I) zoned single family residences.

The increase in finished grade is due to the topography of the site, which falls from west to east. Increases in grade around the perimeter of the project will be minimized, and up to 26 inches of fill will be required in existing washes on the site.

The applicant also states that the waivers of development standards are appropriate for the site. Increasing the rear screen wall between lots and along the perimeter of the development will provide additional privacy to future home buyers. Also, the site is along southern boundary of an RNP planned area (north of Richmar Avenue) and waiving off-site improvements along Richmar Avenue will help maintain the rural nature of the existing neighborhood.

Prior Land Use Requests

Application Number	Request	Action	Date
SC-1156-03	Renamed Gomer Road to Silverado Ranch Boulevard	Approved by PC	September 2003

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Rural Neighborhood Preservation (up to 2 du/ac)	R-E (RNP-I)	Single family residential & undeveloped
South	Residential Suburban (up to 8 du/ac)	R-2	Single family residential
East	Residential Suburban (up to 8 du/ac)	R-E	Undeveloped
West	Rural Neighborhood Preservation (up to 2 du/ac) & Residential Low (up to 3.5 du/ac)	R-E (RNP-I) & R-D	Single family residential & single family subdivision

The subject site and surrounding properties are in the Public Facilities Needs Assessment (PFNA) area.

Related Applications

Application Number	Request
VS-21-0223	Vacation and abandonment of easements is a companion item on this agenda.
TM-21-500055	Tentative map for a single family residential subdivision 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.*

Although there has been a trend for increased demand for housing since the most recent adoption of the Enterprise Land Use Plan in 2014, the proposed R-2 zoning is too intense for the area and does not provide an adequate buffer to the existing R-E (RNP-I) zoned single family residences to the north and northwest of the site. The R-E (RNP-I) parcels are predominately buffered by R-D zoned parcels to provide a transition to the denser R-2 zoning district. Although R-2 zoning may be appropriate for the southern portion of this subject site, the development should transition to an R-D zoning designation adjacent to the R-E (RNP-I) parcels.

- 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.*

North and northwest of the site are R-E (RNP-I) zoned parcels with a density of 2 dwelling units per acre. West of the site is an R-D zoned planned unit development with a density of 3.4 dwelling units per acre. South of the site is an R-2 zoned single family subdivision with a density of 7.5 dwelling units per acre. East of the site, the land is planned for Residential Suburban uses, which allows up to 8 dwelling units per acre.

Therefore, the proposed R-2 zoning, which would allow up to 8 dwelling units per acre is compatible with the existing single family residences to the south and the planned Residential Suburban uses to the east. However, the density allowed with R-2 zoning is not appropriate adjacent to the R-E (RNP-I) single family residences to the north and northwest, and the

nonconforming zone boundary amendment could disrupt the rural lifestyle intended for these areas.

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.*

There has been no indication from utility purveyors that the proposed development will have a negative impact on public facilities and services. However, the Clark County School District indicates that within the surrounding area, Ries Elementary School, Tarkanian Middle School, and Desert Oasis High School were all over-capacity for the 2020-2021 school year.

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

The proposed nonconforming zone boundary amendment does not conform to policies in the Comprehensive Master Plan. For example, Urban Specific Policy 38 encourages new residential development adjacent to existing estate residential areas to transition at appropriate densities (lot sizes of 10,000 square feet or greater). Lots of 10,000 square feet are equivalent to the R-D zoning designation with a density of 3 dwelling units per acre. Furthermore, Urban Specific Policy 41 encourages buffering between single family areas and higher density residential designations.

Summary

Zone Change

Although there has been a trend for increased demand for housing since the most recent adoption of the Enterprise Land Use Plan, there has been no changes that would make an R-2 zoning designation appropriate adjacent to an R-E (RNP-I) zoned area. Similarly, although the proposed nonconforming zone boundary amendment is consistent with the single family subdivision to the south and the planned Residential Suburban uses to the east, it is not compatible with the existing R-E (RNP-I) zoned single family residences to the north and northwest. The zoning may not create any negative impacts on public facilities and services; however, the zoning is not appropriate adjacent to the Rural Neighborhood Preservation areas to the north and northwest. Therefore, staff cannot support the nonconforming zone boundary amendment.

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

Increases in wall height to 6 feet 8 inches may not create any negative visual impacts; however, since staff cannot support the zoning and design review, staff cannot support the waiver of development standards.

Design Review #1

The proposed single family subdivision includes adequate open space, pedestrian connections to perimeter streets, and a coherent, well-connected layout of internal streets. In addition, 4,500 square foot lots are provided along the north and northwest portion of the site as a transition to the abutting R-E (RNP-I) zoned single family residences. However, Urban Specific Policy 38 encourages at least 10,000 square foot lots as a transition to estate residential areas. Therefore, the 4,500 square foot lots are less than half the lot size recommended by the Comprehensive Master Plan. As a result, the subdivision would create an abrupt transition in lot sizes that could negatively impact the quality of life of the abutting Rural Neighborhood Preservation community; therefore, staff cannot support the design review.

Public Works - Development Review

Waiver of Development Standards #2

Staff has no objection to not install full off-site improvements on Richmar Avenue. The parcels along the north side of Richmar Avenue, from Lindell Road to Edmond Street, are in the RNP-I overlay district, resulting in the existing non-urban standards for the roadway. Since the road may need to be fully improved in the future, staff is recommending a cost contribution for the future improvements. However, since Current Planning cannot support the zone change or the project's overall design, staff cannot support this request.

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. However, since Current Planning cannot support the zone change or the project's overall design, staff cannot support this request.

Department of Aviation

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

Denial. This item has been forwarded to the Board of County Commissioners 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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

STAFF CONDITIONS:

Current Planning

If approved:

- Resolution of Intent to complete in 4 years;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection;
- 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;
- 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 for Lindell Road and Edmond Street;
- Right-of-way dedication to include 30 feet for Richmar Avenue, 30 feet for Edmond Street, 35 feet to the back of curb for Lindell Road, and associated spandrels;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for any collector street or larger;
- 90 days to record required right-of-way dedications and any corresponding easements for any collector street or larger;
- All other right-of-way and easement dedications to record with the final map;
- Applicant shall enter into a cost participation agreement for the future Richmar Avenue improvements.
- 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.

Department of Aviation

- Applicant is advised 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 Federal Aviation Administration 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.

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 and reference POC Tracking #0093-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require a new POC analysis.

TAB/CAC: Enterprise - approval of zone change (amend the zone change with a reduction to R-D zoning on the northern half of the property and R-2 zoning on the southern half of the property); and the waiver of development standards; denial of the design reviews (provide single story homes abutting existing single story homes; and residential driveways to be adjacent to each other on 1 side of the property within the R-2 portion of the development).

APPROVALS: 3 card

PROTESTS: 24 cards, 10 letters

PLANNING COMMISSION ACTION: July 6, 2021 – HELD – To 07/20/21 – per the applicant.

PLANNING COMMISSION ACTION: July 20, 2021 – HELD – To 08/03/21 – per the applicant.

PLANNING COMMISSION ACTION: August 3, 2021 – DENIED – Vote: Aye: Stone, Kirk, Kilarski, Frasier, Nguyen, Waltho Nay: Castello

COUNTY COMMISSION ACTION: August 18, 2021 – HELD – To 09/22/21 – per the applicant.

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

APPLICANT: JCLH, LLC

CONTACT: WESTWOOD PROFESSIONAL SERVICES, 5725 W. BADURA AVE, STE 100, LAS VEGAS, NV 89118