

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-24-400030 (NZC-20-0545)-M E 52 PARTNERS, LLC:

ZONE CHANGE FIRST EXTENSION OF TIME to reclassify 8.6 acres from an R-E (Rural Estates Residential) Zone and RUD (Residential Urban Density) P-C (Planned Community Overlay District) Zone to an RUD (Residential Urban Density) Zone and RUD (Residential Urban Density) P-C (Planned Community Overlay District) Zone.

USE PERMIT for an attached (townhouse) planned unit development (PUD).

WAIVER OF DEVELOPMENT STANDARDS to reduce setbacks for residential units to a street.

DESIGN REVIEWS for the following: 1) an attached single family residential planned unit development; and 2) increased finished grade.

Generally located on the west side of Rainbow Boulevard and the north side of Erie Avenue within Enterprise (description on file). JJ/mh/ng (For possible action)

RELATED INFORMATION:

APN:

176-34-601-006; 176-34-601-011

WAIVER OF DEVELOPMENT STANDARDS:

1. a. Reduce setback for front face of garage to a street to 3 feet where a minimum of 10 feet is required per Section 30.24.080 (a 70% reduction).
- b. Reduce setback for front living area/architectural intrusion (second floor) to a street to 1 foot, 3 inches where a minimum of 10 feet is required per Section 30.24.080 (an 88% reduction).
- c. Reduce setback for residential units to a sidewalk to 5 feet where a minimum of 10 feet is required per Section 30.24.080 (a 50% reduction).

DESIGN REVIEWS:

1. An attached (townhouse) planned unit development (PUD).
2. Increase finished grade up to 72 inches (6 feet) where a maximum of 18 inches (1.5 feet) is the standard per Section 30.32.040 (a 967% increase).

LAND USE PLAN:

ENTERPRISE - MID-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 8 DU/AC)

ENTERPRISE - NEIGHBORHOOD COMMERCIAL

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 8.6
- Number of Lots: 106
- Density (du/ac): 12.3
- Minimum/Maximum Lot Size (square feet): 1,250/1,726
- Project Type: Attached (townhouse) planned unit development
- Number of Stories: 2
- Building Height (feet): 30
- Square Feet: 1,320/1,501
- Open Space Required/Provided: 26,665/66,593
- Parking Required/Provided: 255/256

Request

The original application request was for a nonconforming zone change to reclassify approximately 8.6 acres to an RUD zone for a proposed attached (townhouse) planned unit development located on the northwest corner of Rainbow Boulevard and Erie Avenue. The southern half of the site is within Mountain's Edge Master Planned Community and the northern half is outside of Mountain's Edge within the Enterprise Land Use Planning area. The applicant proposed a nonconforming zone change from R-E and RUD to an RUD for a for sale townhouse residential planned unit development. At the time of the original application both the Mountain's Edge locked-in Code and Clark County's Code require a special use permit application for a PUD in conjunction with the RUD zoning. Parcel 176-34-601-011 was under Resolution of Intent for RUD zoning by a zone change application that was submitted and approved in 2019. That ROI would expire in April 2024, which the applicant requested to be expunged and re-approved via NZC-20-0545. The request was approved with an expiration date of March 3, 2024 to complete. The applicant is now requesting an extension of time.

Site Plans

The approved plans depict an attached single family residential development consisting of 106 residential lots with a density of 12.3 dwelling units per acre. The development consists of townhouse, residential dwellings under separate ownership that are attached to 1 or more dwellings on opposite sides of the structure. The proposed development features a total of 20 buildings, each containing 4 to 6 units that are adjacent to 38 foot wide private streets. The street network consists of 1 main driveway with 6 stub streets that provide access to the residential units along the eastern portion of the site. The townhomes are designed with the front garages facing the private streets. The development will be served by a single point of ingress/egress to the north from Rainbow Boulevard. A network of common open spaces is located throughout the development, which will include on-site pedestrian paths, recreational pool area with an indoor gym, play structure, picnic areas, and a dog park. Parking will consist of garage parking for residents and designed surface off-street parking for visitors. Approximately 44 parking spaces are shown for the visitors and 212 parking spaces are provided for the residents. The approved

plans also depict that the finished grade of the site will be increased up to 6 feet along the west portion of the site.

The minimum setbacks for each of the townhouse units are as follows:

- Front face of garage - 3 feet (from the edge of the private street)
- Front living area/architectural intrusions (2nd Floor) - 1 foot, 3 inches
- Side street (corner) yard - 10 feet
- Interior side - 5 feet
- Rear living area - 10 feet
- Rear courtyard/patios - 2.5 feet
- Perimeter - 10 feet

Landscaping

The approved plans depict street landscaping consisting of a 15 foot wide area, which includes a 5 foot wide detached sidewalk along Rainbow Boulevard. Street landscaping consisting of a 6 foot wide area behind an attached sidewalk is shown along Levi Avenue and Erie Avenue. Along the west property line there is an 8 foot wide landscape buffer and sidewalk with trees shown 30 feet on-center. Internal to the site, a network of common open space areas is located throughout the development, which will include on-site pedestrian paths, recreational pool area with an indoor gym, play structure, picnic areas, and a dog park. The development requires 26,665 square feet of open space where 66,593 square feet of open space is provided. A 6 foot to 8 foot high wrought iron fence with decorative block is proposed along the east, north, and south property lines at the request of the neighbors surrounding the site development.

Elevations

The approved plans depict 4 plex, 5 plex, and 6 plex residential units with 1 elevation. The buildings have a maximum height of 30 feet and feature pitched, concrete tile roofs. All units feature consistent and unified architecture throughout the exterior design of the buildings. The building materials generally consist of stucco and stone veneer siding, which include horizontal and vertical articulation on all elevations. Decorative window variations and trimming are featured on all elevations, in addition to wrought iron railings utilized for the patios and second story deck areas. Design variations have been incorporated into the overall design of the garage doors, facing the private streets. The residential buildings consist of neutral, earth tone colors.

Floor Plans

The approved plans depict 2 and 3 bedroom units with 2 different floor plans that range from 1,320 square feet to 1,501 square feet. The first floor of every unit will contain a 2 car garage.

Previous Conditions of Approval

Listed below are the approved conditions for NZC-20-0545:

Current Planning:

- Resolution of Intent to complete in 3 years;
- Expunge NZC-19-0517;

- 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 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;
- Right-of-way dedication to include 55 to the back of curb for Rainbow Boulevard, 30 feet for Levi Avenue, and associated spandrels;
- Coordinate with Public Works - Design Division for the Rainbow Boulevard improvement project;
- Dedicate any right-of-way and easements necessary for the Rainbow Boulevard improvement project;
- 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 or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way; that meandering sidewalks are a non-standard improvement which the County will not maintain; 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.

Building Department - Fire Prevention

- Applicant is advised to show on-site fire lane, turning radius, and turnarounds; that dead-end streets/cul-de-sacs in excess of 500 feet must have an approved Fire Department turn-around provided (36 feet wide paved streets for fire department turn around); and 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 #0045-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

Applicant's Justification

The applicant states that the extension of time is necessary because the review time for the project has taken longer than expected. An off-site improvement permit has been issued by Public Works, and a major subdivision map is currently under review. The applicant is requesting an extension of time of 1 year.

Prior Land Use Requests

Application Number	Request	Action	Date
VS-22-0598	Vacated and abandoned easements of interest to Clark County	Approved by PC	December 2022
TM-21-500186	106 single family residential lots and common lots on 8.6 acres	Approved by BCC	January 2022
VS-21-0666	Vacated and abandoned easements of interest to Clark County - expired	Approved by BCC	January 2022
NZC-20-0545	Reclassified 8.6 acres from R-E and RUD to RUD for an attached (townhouse) planned unit development (PUD)	Approved by BCC	March 2021
VS-19-0519	Vacated and abandoned easements of interest to Clark County - expired	Approved by BCC	September 2019
NZC-19-0517	Reclassified this site to RUD Planned Unit Development for an attached single family residential development consisting of 47 residential lots - expunged	Approved by BCC	September 2019
TM-19-500133	47 single family residential lots and common lots on 5.1 acres - expired	Approved by BCC	September 2019
ZC-0033-14 (ET-0089-17)	First extension of time for a zone change to reclassify 5.1 acres from C-2 to R-2 zoning for a single family residential development - expired	Approved by BCC	September 2017
ZC-0033-14	Reclassified 5.1 acres from C-2 to R-2 zoning for a single family residential development - expired	Approved by BCC	August 2014
TM-0009-14	24 single family residential lots and common lots on 5.1 acres	Approved by BCC	August 2014
ZC-1313-02 (ET-0224-10)	First extension of time for a zone change to reclassify 2,413 acres from R-E to R-1, R-2, RUD, R-3, C-P, C-2, and P-F zoning for a mixed use development - expired	Approved by BCC	February 2011
WS-2173-04	Allowed alternative landscaping	Approved by PC	February 2005
MP-1336-04	Major project for a Concept Plan for a portion of a previously approved Master Planned Community (Mountain's Edge)	Approved by BCC	October 2004
UC-1833-02	Modified development standards	Approved by PC	May 2003

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-1313-02	Reclassified 2,413 acres from R-E to R-1, R-2, RUD, R-3, C-P, C-2, and P-F zoning for a mixed use development - expired	Approved by BCC	December 2002
MP-1009-02	Specific Plan for Mountain's Edge	Approved by BCC	August 2002
MP-0420-02	Concept Plan for Mountain's Edge	Approved by BCC	July 2002

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RM18 (PCO)	Single family residential
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS2 (PCO)	Single family residential
East	Business Employment	IL	Undeveloped
West	Open Lands	RS20 (PCO)	Undeveloped

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

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request is consistent with the Master Plan and is in compliance with Title 30.

Analysis**Comprehensive Planning**

Title 30 standards of approval for an extension of time state an application may be denied if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws, regulations, or policies affecting the subject property. Additionally, the applicant must demonstrate the project is progressing through the applicable development permit or licensing process.

Staff finds that the applicant has made progress toward completion of the project since original approval in 2021. A final grading permit (BD22-09766) has been issued by the Building Department, with additional permits currently in process. A drainage study (PW21-11395), traffic study (PW21-14558), and off-site permit (PW21-13914) have been approved by Public Works. Lastly, a major subdivision map (22-500138) is in process with the Public Works Mapping Team. Therefore, staff can support this extension of time request.

Public Works - Development Review

There have been no significant changes in this area. Staff has no objection to this extension of time.

Staff Recommendation

Approval.

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:**Comprehensive Planning**

- Until March 3, 2026 to complete or the application will expire unless extended with approval of an extension of time;
- 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 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 the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- Compliance with previous conditions.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Enterprise - approval.

APPROVALS:

PROTEST:

APPLICANT: ME 52 PARTNERS, LLC

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