

03/22/23 BCC AGENDA SHEET

SETBACKS
(TITLE 30)

CHARTAN AVE/PLACID ST

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
WS-23-0016-PN II INC:

WAIVER OF DEVELOPMENT STANDARDS for setbacks.
DESIGN REVIEW for finished grade on 21.0 acres in an R-1 (Single Family Residential) Zone and an R-D (Suburban Estates Residential) Zone.

Generally located on the south side of Chartan Avenue, the north side of Starr Avenue, the east and south sides of Placid Street, and the east side of La Cienega Street within Enterprise.
MN/bb/syp (For possible action)

RELATED INFORMATION:

APN:
177-33-801-012; 177-33-801-019; 177-33-801-028

WAIVER OF DEVELOPMENT STANDARDS:
Reduce the interior side setback to 5 feet where 10 feet is the minimum per Table 30.40-1 (a 50% reduction).

DESIGN REVIEW:
Increase finished grade to 108 inches (9 feet) where a maximum of 36 inches (3 feet) is the standard per Section 30.32.030 (a 500% increase).

LAND USE PLAN:
ENTERPRISE - LOW-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 5 DU/AC)
ENTERPRISE - RANCH ESTATE NEIGHBORHOOD (UP TO 2 DU/AC)

BACKGROUND:
Project Description

General Summary

- Site Address: 11185 Fairfield Avenue
- Site Acreage: 21
- Number of Lots/Units: 80 single family residential
- Density (du/ac): 4.6
- Project Type: Setbacks & increased grade

Site Plans

The plans depict a single family residential development consisting of 80 lots on 21 acres. The northern 22 lots were previously approved with NZC-21-0123 and the southern 58 lots were approved with NZC-18-1028. The main entrance to the development is a 52 foot wide private street that intersects with Starr Avenue and is approximately 330 feet from the eastern boundary of the site. Placid Street is dedicated to the north of the site and also to the south of Starr Avenue. The plans depict Placid Street terminating into a cul-de-sac at the northern boundary of the southern half of the development. Access to the lots within the development are provided by 38 foot wide private streets with a private access easement (sidewalk) located along 1 side of the street. A private street located on the east side of the project will provide cross access with an approved single family residential development to the east. A 7 foot high wall is located around the perimeter of the site. The site plan shows a combined lot count of 80 with merged street plans from both previously approved nonconforming zone changes and tentative maps. Lot 43 will have a 9 foot west side yard setback. Lots 53 and 32 will have an east side 8 foot interior side setback. Lots 54 and 33 will have a west side 8 foot interior side setback. Lots 75 through 80 will have a south side 5 foot interior side yard setback. Lots 68 and 69 will have a west side 5 foot interior side yard setback. Lot 70 will have a 6 foot interior side yard setback. All lots will have between 20 feet and 30 feet of separation between homes.

Landscaping

No changes are proposed to the approved landscaping.

Elevations

No changes are proposed to the approved elevations.

Floor Plans

No changes are proposed to the approved floor plans.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant is proposing waivers of development standards for interior side yard setbacks on R-D zoned lots 32, 33, 43, 53, 54, 68 through 70, and 75 through 80. The new setbacks will be between 5 feet and 8 feet, where 10 feet is required. These new setbacks will allow for recreational vehicle storage on the deeper side of each home. The southern portion of the property requires approval of increased finished grades of up to 108 inches (9 feet), where 36 inches (3 feet) is the standard per Code. This will allow the applicant to develop the site in accordance with current drainage plans.

Prior Land Use Requests

Application Number	Request	Action	Date
NZC-21-0123	Reclassified to R-D zoning with waivers for setbacks, finished grade, and off-sites	Approved by BCC	September 2021
WS-19-0144	Waivers to allow modifications for off-site improvements with a design review for a single family residential development	Approved by BCC	April 2019
VS-19-0145	Vacated and abandoned a 6 foot wide, 630 foot long, portion of Chartan Avenue and a 3 foot wide streetlight and traffic control easement along Chartan Avenue - expired	Approved by BCC	April 2019
ET-21-400075 (NZC-18-1028)	Extension of time to reclassify from R-E to R-1 zoning for a single family residential development	Approved by BCC	July 2021
ET-21-400060 (VS-18-1029)	Extension of time to vacate and abandon easements	Approved by BCC	June 2021
WS-20-0012	Street length	Approved by BCC	March 2020
TM-20-500002	16 residential lots	Approved by BCC	March 2020
NZC-18-1028	Reclassified from R-E to R-1 for a single family residential development	Approved by BCC	April 2019
VS-18-1029	Vacated easements and right of way	Approved by BCC	April 2019
TM-19-500047	8 single family residential lots on 4.9 acres	Approved by BCC	April 2019
NZC-18-0055	Reclassified the site to R-2 zoning for a single family residential development	Withdrawn at BCC	June 2018
VS-18-0056	Vacated easements and rights-of-way	Withdrawn at BCC	June 2018
TM-18-500009	Single family residential subdivision	Withdrawn at BCC	June 2018

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 & undeveloped
South	Residential Low (up to 3.5 du/ac) & Public Facilities	R-E & P-F	Schorr Elementary School, single family residential & undeveloped
East	Ranch Estate Neighborhood (up to 2 du/ac) & Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-E & R-2	Single family residential

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
West	Ranch Estate Neighborhood (up to 2 du/ac) & Low-Intensity Suburban Neighborhood (up to 5 du/ac)	R-E (RNP-I)	Single family residential & undeveloped

The subject site is located 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

Comprehensive Planning

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. The northern portion of the property was approved for similar interior setbacks with NZC-21-0123. The proposed interior side yard setbacks between 5 feet and 9 feet will still result in 20 feet to 30 feet of separation between homes. The recreational pad spaces on lots 69, 75, 77, and 79 are located on the non-driveway side of the home, and would result in having to access the pad sites over landscaped front yards. Staff cannot support the proposed setback waiver for lots that require access to recreation vehicle pads through front yard landscaping. The remaining portion of the buildings on these lots with driveway side access need mitigation for the added appearance of bulk from the street.

Public Works - Development Review

Design Review

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.

Department of Aviation

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

Staff Recommendation

Denial.

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

If approved:

- Plant 1 additional medium size tree in the front yard on lots with a recreational vehicle pad site;
- 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 this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Comply with approved drainage study PW21-18815.
- Applicant is advised that this site is located within a Special Flood Hazard Area (SFHA) as designated by the Federal Emergency Management Agency (FEMA).

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; and 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 funds will not be available in the future should the residents wish to have their homes purchased or soundproofed.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Enterprise - approval (remove recreational pad spaces on lots, 68, 69, 70, 75, and 79).

APPROVALS:

PROTESTS:

APPLICANT: PN II, INC.

CONTACT: WESTWOOD PROFESSIONAL SERVICES, 5725 W. BADURA AVE, SUITE 100, LAS VEGAS, NV 89116