

01/04/22 PC AGENDA SHEET

SINGLE FAMILY DEVELOPMENT
(TITLE 30)

CACTUS AVE/BUFFALO DR

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-21-0669-WATTOO FAMILY LP:

ZONE CHANGE to reclassify 4.9 acres from an R-E (Rural Estates Residential) Zone to an R-2 (Medium Density Residential) Zone.

WAIVER OF DEVELOPMENT STANDARDS for landscaping.

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

Generally located on the south side of Cactus Avenue (alignment), 650 feet west of Buffalo Drive within Enterprise (description on file). JJ/rk/jo (For possible action)

RELATED INFORMATION:

APN:

176-33-501-003

WAIVER OF DEVELOPMENT STANDARDS:

Waive the landscape buffer adjacent to a less intensive use (to the south, east, and west) where required per Figure 30.64-11.

DESIGN REVIEWS:

1. Single family residential development.
2. Increase finished grade for a single family residential development to 46 inches (previously notified as 40 inches) where a maximum of 18 inches is the standard per Section 30.32.030 (a 122% increase).

LAND USE PLAN:

ENTERPRISE - OPEN LAND (UP TO 1 DU/10 AC)

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 4.9
- Number of Lots: 38
- Density (du/ac): 7.7
- Minimum/Maximum Lot Size (square feet): 3,311/5,010
- Project Type: Single family residential

- Number of Stories: 2
- Building Height (feet): 26
- Square Feet: 2,050/2,300

Neighborhood Meeting Summary

The applicant conducted a neighborhood meeting on July 21, 2021, 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 15 attendees present at the virtual (Zoom) meeting for this item. According to the applicant, once clarification was made that the project was not an adjacent project for affordable housing, the neighbors did not express concern over the request. There were general questions about the homes, layout, and the overall zone change request.

Site Plans

The plans depict a single family residential development totaling 38 single family lots and 3 common area lots on 4.9 acres. The density of the residential subdivision is 7.7 dwelling units per acre. The lots range in size from a minimum of 3,311 square feet to a maximum of 5,010 square feet. One access point is shown from Cactus Avenue to the north. 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. One street runs north to south with 1 cul-de-sac and 1 cul-de-sac and stub street farther south branching off the north/south street.

Landscaping

A 15 foot wide landscape area which includes a detached sidewalk is shown along Cactus Avenue. There is no additional landscaping shown internal to the subdivision nor around the perimeter of this development.

Elevations

The plans depict 3, two story models up to 26 feet high. All the products have similar building materials consisting of stucco exteriors, decorative stone veneer accents, tile roofing, and 4 sided architecture around windows and doors.

Floor Plans

The models range in size from 2,050 square feet to 2,300 square feet with options that include multiple bedrooms, 2 to 3 car garages, and options for bonus rooms.

Applicant's Justification

The surrounding area has developed out as R-2, RUD, and R-3 single family residential. There is an existing R-2 development south of Cactus Avenue, between Buffalo Drive and Durango Drive, which was approved for R-2 zoning within the last 7 years. 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	Public Facilities	P-F	Undeveloped
South, East, & West	Open Land (up to 1 du/10 ac)	R-E	Undeveloped

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

Related Applications

Application Number	Request
VS-21-0670	A vacation of patent easements on the site is a companion item on this agenda.
TM-21-500187	A tentative map for 38 residential lots on 4.9 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 to the east have been re-zoned to R-2, RUD, and R-3 making this zone boundary request similar to prior residential requests.

Since 2013 there have been 4 other nonconforming zone change applications approved to reclassify portions of this area to medium density residential developments. All these nonconforming zone change applications were for privately owned property designated as Open Land in the Enterprise Land Use Plan adjacent to parcels under the control of the Bureau of Land Management. The approval of these applications has established a trend to reclassify privately owned properties that are designated as Open Land to an R-2 zone for single family residential 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.*

According to the applicant, the proposed single family residential development is similar in density as the existing communities within Mountain's Edge Master Planned Community. Furthermore, the applicant states the project is meeting all R-2 development standards when it comes to lot sizes; and therefore, is compatible with the surrounding area.

There is 1 existing and 2 approved R-2 developments on the south side of Cactus Avenue, between Buffalo Drive and Durango Drive, that have been approved within the last 7 years; therefore, staff finds the density and intensity of the proposed residential development is 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 shortfalls in needed public facilities. The school district has indicated this development would generate 8 additional elementary school students, 4 middle school students, and 6 high school students. The school district also indicates that the high school that would serve this area is over capacity with current enrollment.

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

The applicant states the development of medium density homes, such as this proposal, is appropriate and compatible with the area and the goals of Clark County.

The project complies with Goal 7 of the Comprehensive Master Plan to provide housing alternatives to meet a range of lifestyle choices, ages, and affordability levels. The request complies in part with Urban Specific Policy 4 to preserve existing residential neighborhoods by encouraging vacant lots within these areas to develop at similar densities as the existing area. The request complies with Urban Specific Policy 10 to encourage site designs to be compatible with adjacent land uses and off-site circulation patterns, especially when the adjacent land use is a lower density or intensity.

Summary

Zone Change & Design Review #1

Staff finds that there has been a trend to allow parcels on the south side of Cactus Avenue, between Buffalo Drive and Durango Drive, to be reclassified to an R-2 zone for single family residential development which would make this request appropriate for the area. The density and intensity of the proposed project are compatible with the existing developments in the area.

There has been no indication from public service providers that the project would have a substantial adverse effect on public facilities and services in the area. 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.

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.

While staff does not typically support waiving landscape buffers to a less intense use, it is unlikely the adjacent property designated as Open Land in the Enterprise Land Use Plan and under the control of the Bureau of Land Management will be built out with low density single family residential development; therefore, staff can support this waiver.

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 February 2, 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 Comprehensive 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 service because of 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; 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 45 feet the to back of curb for Cactus Avenue;
- Provide paved legal access;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for the Cactus Avenue Improvement project;
- 90 days to record required right-of-way dedications and any corresponding easements for the Cactus Avenue Improvement project;
- All other right-of-way and easement dedications to record with the subdivision map;
- Coordinate with Public Works - Design Division for the Cactus Avenue Improvement project;
- Dedicate any right-of-way and easements necessary for the Cactus Avenue Improvement project.
- 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 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.

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 #0412-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - approval (every 2 driveways to be adjacent where possible).

APPROVALS:

PROTESTS:

APPLICANT: HOLDEN DEVELOPMENT COMPANY, LLC

CONTACT: LINDSAY KAEMPFER, KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DRIVE, SUITE 650, LAS VEGAS, NV 89135