

01/05/22 BCC AGENDA SHEET

SINGLE FAMILY DEVELOPMENT
(TITLE 30)

UPDATE
BUFFALO DR/CHARTAN AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-21-0587-G T REVOCABLE LIVING TRUST & TAM GEORGE S & IRENE Y TRS:

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 west side of Buffalo Drive and the south side of Chartan Avenue (alignment) within Enterprise (description on file). JJ/rk/jo (For possible action)

RELATED INFORMATION:

APN:

176-33-801-007

WAIVER OF DEVELOPMENT STANDARDS:

Waive the landscape buffer adjacent to a less intensive use (to the north 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 39 inches where a maximum of 18 inches is the standard per Section 30.32.040 (a 117% 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: 34
- Density (du/ac): 7.0
- Minimum/Maximum Lot Size (square feet): 3,308/4,312
- 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 June 29, 2021, as required by the nonconforming 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 14 attendees present at the virtual (Zoom) meeting for this item. The attendees had questions about layout and density but did not express concerns with the proposal. They were appreciative that the applicant has requested the same zoning and similar lots sizes as the surrounding developments.

Site Plans

The plans depict a single family residential development totaling 34 single family lots and 3 common area lots on 4.9 acres. The density of the residential subdivision is 7.0 dwelling units per acre. The lots range in size from a minimum of 3,308 square feet to a maximum of 4,312 square feet. One access point is shown from Buffalo Drive to the east. The proposed street terminates in cul-de-sacs on the north and south ends. 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.

Landscaping

A 15 foot wide landscape area, which includes a detached sidewalk, is shown along Buffalo Drive. Internal to the development a street landscape buffer is shown on both sides of the entry street.

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 applicant states that the surrounding area has developed out as R-2 zoned single family residential development. The design of the project will have similar lot sizes and homes as the adjacent communities; therefore, making the requested zone change appropriate and compatible. Additionally, this particular site has been privately owned for several decades.

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North & West	Open Land (up to 1 du/10 ac)	R-E	Undeveloped

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
South & East	Major Development Project (Mountains Edge) – Suburban Residential (up to 8 du/ac)	R-2	Single family residential development

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

Related Applications

Application Number	Request
TM-21-500163	A tentative map for 34 residential lots on 4.9 acres is a companion item on this agenda.
VS-21-0588	A vacation of patent easements 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 and south are 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 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 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.*

The applicant states the proposed single family residential development is a request for the same zoning it abuts and provides the same or similar density of the existing communities within Mountain's Edge Master Planned Community.

Directly to the south and across Buffalo Drive is an existing single family residential development in an R-2 zone within the Mountain's Edge Master Planned Community. 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 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 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 privately owned parcels in the area along Buffalo Drive and Cactus Avenue 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 these requests.

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 since it is currently outside the disposal boundary; 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 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.

PLANNING COMMISSION ACTION: December 7, 2021 – APPROVED – Vote: Unanimous

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 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;
- Right-of-way dedication to include 45 feet to the back of curb for Buffalo Drive.
- 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.

Building Department - Fire Prevention

- Applicant is advised that fire/emergency access must comply with the Fire Code.

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 #0010-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - approval of the **zone change, waiver of development standards, and design review #2; denial of design review #1** (right-of-way dedication to include 30 feet for Chartan Avenue and associated spandrels; delete entrance on Buffalo Drive).

APPROVALS: 1 card

PROTESTS: 9 cards

APPLICANT: HOLDEN DEVELOPMENT COMPANY, LLC

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