

SINGLE FAMILY RESIDENTIAL DEVELOPMENT
(TITLE 30)

UPDATE
RICHMAR AVE/DECATUR BLVD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-21-0621-MCCURDY DIANA & BRUCE:

ZONE CHANGE to reclassify 1.0 acre from an R-E (Rural Estates Residential) Zone to an R-2 (Medium Density Residential) Zone.

DESIGN REVIEW for a single family residential development on 16.1 acres.

Generally located on the south side of Richmar Avenue, 300 feet west of Decatur Boulevard within Enterprise (description on file). JJ/rk/jo (For possible action)

RELATED INFORMATION:

APN:

176-24-801-002 through 176-24-801-004; 176-24-801-006; 176-24-801-007; 176-24-801-029

LAND USE PLAN:

ENTERPRISE - COMMERCIAL NEIGHBORHOOD

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

ENTERPRISE - RESIDENTIAL SUBURBAN (UP TO 8 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: 5125 W. Richmar Avenue
- Site Acreage: 6.6 (Unit 2)/16.1 (overall)
- Number of Lots: 56 (Unit 2)/128 (overall)
- Density (du/ac): 8.4 (Unit 2)/7.9 (overall)
- Minimum/Maximum Lot Size (square feet): 3,301/4,524
- Project Type: Single family residential development
- Number of Stories: 1 & 2
- Building Height (feet): Up to 29
- Square Feet: 1,203/2,469

Neighborhood Meeting Summary

The applicant conducted a neighborhood meeting on August 9, 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 4 attendees present at the open house meeting for this item. The attendees had concerns on lot sizes, density, traffic, and crime.

Site Plans

This application request is an amendment to a previously approved gated single family residential development on 16.1 acres consisting of 118 lots with a density of 7.3 dwelling units per acre. Plans have been slightly revised for Unit 2, which now depicts 56 single family lots and 5 common area lots on 6.6 acres. The developer acquired an additional parcel of land located near the northerly portion of the subdivision. The density of the Unit 2 area is 8.4 dwelling units per acre; however, the overall development is shown at 7.9 dwelling units per acre. Approximately the southern half of the overall development will not change from the original approval of (TM-21-500051).

The overall site has frontage along Richmar Avenue, Edmond Street, Gary Avenue, and Decatur Boulevard; however, none of the proposed lots will take access directly from any of these streets. The plans depict the entrance to the subdivision is from Edmond Street on the west side of the site. Access to the lots within the development will be provided by 43 foot wide private streets that will have a 5 foot wide sidewalk on 1 side of the street.

Landscaping

The plans depict a 6 foot wide landscape area with attached sidewalk along Richmar Avenue and Edmond Street.

Elevations

The development will provide both 1 and 2 story homes with the maximum height shown at approximately 29 feet. The plans submitted by the applicant depicts 3 different models with each model type having potential elevation variations. The building materials consist of concrete tile roofs, stucco finished walls with decorative pop-outs, and fenestration on windows and doors on all sides of the models.

Floor Plans

The models range in size from 1,203 square feet to 2,469 square feet with options that include multiple bedrooms, 2 to 3 car garages, and options for bonus rooms.

Applicant's Justification

According to the applicant the purpose of this application is to incorporate APN 176-24-801-002 into the overall project. The addition of this parcel modified the previously approved internal street configurations, so this new application includes some of the previously approved property. The previously approved application (NZC-21-0204) re-zoned the surrounding property to R-2 with this parcel remaining in the R-E zone. With this application they are adding the remnant parcel into the overall development; therefore, creating a more contiguous development for the area.

Prior Land Use Requests

Application Number	Request	Action	Date
NZC-21-0204	Reclassified the site to R-2 zoning for a single family residential development	Approved by BCC	July 2021

Prior Land Use Requests

Application Number	Request	Action	Date
TM-21-500051	118 single family residential lots on 16.1 acres	Approved by BCC	July 2021
VS-21-0205	Vacated easements and rights-of-way	Approved by BCC	July 2021

Surrounding Land Use

	Planned land Use Category	Zoning District	Existing Land Use
North	Residential Low (up to 3.5 du/ac), Public Facilities & Commercial Neighborhood	R-E (RNP-I) & R-E	Single family residential & undeveloped
South	Residential Suburban (up to 8 du/ac) & Residential High (from 8 to 18 du/ac)	R-E	Single family residential & undeveloped
East	Commercial Neighborhood & Business and Design/Research Park	R-E	Single family residential & undeveloped
West	Public Facilities	R-E	Undeveloped

Related Applications

Application Number	Request
VS-21-0622	A vacation of patent easements on a portion of the site is a companion item on this agenda.
TM-21-500176	A tentative map for 56 single family residential lots on 6.6 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 indicates since the Enterprise Master Plan was adopted in April of 2014 there have been substantial changes that have taken place in this area that could not be foreseen with the adoption of the Master Plan. The Bureau of Land Management (BLM) sold some major parcels in the area which have been slowly converting this area to more medium density residential.

The nonconforming zone boundary amendment process allows for identification of land use trends or changes in a particular area that may not be consistent with the planned land use designations. Since the adoption of the Enterprise Land Use Plan, continued approvals and construction of single family residential uses in the area have resulted in a land use pattern more consistent and compatible with medium density single family residential. The immediate area consists of a predominant land use character of existing, approved, or planned single family uses. No substantial or negative impacts have been associated with the approved and developing uses in 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 indicates the proposed development will match the density and intensity of the previously approved subdivision and will create a more contiguous development for the area.

Staff finds the previously approved subdivision surrounding this site makes this request a cohesive single family residential development. The proposed project is intended to be a continuation of the developed single family development in the surrounding area; therefore, the land use and density for this application are consistent and compatible with the existing and approved nearby land use designations.

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.*

The applicant indicates technical studies will be prepared to address any impacts from the proposed residential development; therefore, public infrastructure facilities will not be adversely impacted.

Various Clark County service departments have reviewed this development proposal and found adequate services available or have specified the type of improvements that are needed for this development. 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. Based on information received from the Clark County School District, the elementary school, middle school, and high school located within the corresponding school zone were over capacity for the 2020-2021 school year. Staff is concerned that the cumulative impact from the individual student yield of this project and future projects in the immediate area may further exacerbate the existing capacity situations, especially since this area was not planned to accommodate the number of additional residential units and no new schools are planned in the future.

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

The applicant states the project will comply with Goal 7 which encourages “housing alternatives to meet a range of lifestyle choices, ages, and affordability levels.” The proposed zone change will provide more affordable housing alternatives.

The proposed nonconforming zone boundary request conforms to several goals and policies in the Comprehensive Master Plan. For example, the project furthers Goal 4 which encourages, in part, the implementation of a comprehensive land use plan to promote pedestrian connections between all developments. In addition, Growth Management Policy 1 encourages development of vacant parcels within serviced areas. Although this site is surrounded by vacant parcels, the site is in an urban part of Clark County, which is serviced by the necessary infrastructure.

Summary

Zone Change

The proposed use and density is consistent with the adjacent or contiguous land uses. The plans depict a use and geographic location that are compliant with all applicable policies contained within the Comprehensive Master Plan. The intent of a balanced land use plan is to encourage an orderly development pattern with an appropriate spatial distribution of land uses that complement each other. This request for a single family residential development will complement the amount of approved and existing single family and medium density residential. 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.

Design Review

Architectural enhancements are provided on all sides of the proposed residences. Staff finds that the design of the residences comply with Urban Land Use Policy 43 which promotes projects that provide varied neighborhood design and/or innovative architecture that includes varied setbacks from residences to front property lines, reduced visual dominance of garages, varied rooflines, and/or architectural enhancements on all sides. Staff finds the design of the proposed development is effective for both pedestrian and vehicular safety and is compatible with the surrounding residential development within the area; therefore, staff recommends approval of the design review.

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

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 21, 2021 – APPROVED – Vote: Unanimous

Current Planning

- Resolution of Intent to complete in 4 years;
- Every 2 driveways shall be adjacent on lots to maximize street parking;
- 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 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

- Provide an ingress/egress point on Richmar Avenue;
- Work with Public Works - Traffic Division for traffic calming solutions (including stop signs, crosswalks, etc.);
- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 30 feet for Gary Avenue with a portion of an elbow at Hauck Street, 30 feet for Edmond Street, 30 feet for Richmar Avenue, 5 additional feet to the back of curb for Decatur Boulevard, and associated spandrels;
- Coordinate with Public Works - Design Division for the Decatur Boulevard improvement project;
- Dedicate any necessary right-of-way and easements for the Decatur Boulevard improvement project;
- 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 and for the Decatur Boulevard improvement project;
- 90 days to record required right-of-way dedications and any corresponding easements for any collector street or larger and for the Decatur Boulevard improvement project;

- All other right-of-way and easement dedications to record with the subdivision map.
- 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.

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.

Southern Nevada Health District (SNHD) - Septic

- Applicant is advised that there is an active septic permit on APN 176-24-801-002; to connect to municipal sewer and remove the septic system in accordance with Section 17 of the SNHD *Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management*; and to submit documentation to SNHD showing that the system has been properly removed.

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 #0392-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - approval (every 2 driveways shall be adjacent on lots to maximize street parking; provide an ingress/egress point on Richmar Avenue).

APPROVALS: 1 card

PROTESTS: 3 cards, 1 letter

APPLICANT: CHRISTA BILBREY

CONTACT: THE WLB GROUP, 3663 E. SUNSET ROAD, SUITE 204, LAS VEGAS, NV 89120