

SINGLE FAMILY RESIDENTIAL DEVELOPMENT
(TITLE 30)

UPDATE
DURANGO DR/WIGWAM AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-22-0101-NEVADA CENTRAL ENTPRS LLCC:

ZONE CHANGE to reclassify 2.5 acres from an R-E (Rural Estates Residential) Zone to an R-2 (Medium Density Residential) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increase wall height; and **2)** eliminate landscaping adjacent to a less intensive use.

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

Generally located on the west side of Durango Drive, 310 feet north of Wigwam Avenue within Enterprise (description on file). JJ/md/jo (For possible action)

RELATED INFORMATION:

APN:

176-17-601-002

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase the height of a combination screen wall/retaining wall to 11 feet (6 foot screen wall with a 5 foot retaining wall) where a maximum height of 9 feet (6 foot screen wall with a 3 foot retaining wall) is permitted per Section 30.64.050 (a 22.2% increase).
2. Eliminate landscaping adjacent to a less intensive use (single family residential development) where a 5.5 foot wide landscape strip with 1 large 24 inch box evergreen tree per 30 feet is required per Figure 30.64-11.

DESIGN REVIEWS:

1. Single family residential development.
2. Increase finished grade to 102 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 183.3% increase).

LAND USE PLAN:

ENTERPRISE - NEIGHBORHOOD COMMERCIAL

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 2.5

- Number of Lots: 19
- Density (du/ac): 7.6
- Minimum/Maximum Lot Size (square feet): 3,304/5,394 (gross and net)
- Project Type: Single family residential development
- Number of Stories: 2
- Building Height (feet): Up to 28 feet
- Square Feet: 1,892 to 2,358

Neighborhood Meeting Summary

This request is for a nonconforming zone change to reclassify 2.5 acres from an R-E zoning district to an R-2 zoning district to allow a single family residential development. The applicant conducted a neighborhood meeting on November 29, 2021, as required by the nonconforming zone boundary amendment process. The required meeting notices were mailed to the neighboring property owners within 1,500 feet of the project site. Ten people attended the meeting expressing concerns about additional traffic on Durango Drive and Camero Avenue, proposed wall height, grading and drainage for the project site, egress to the site, and the construction timeline for the development.

Site Plans

The plans depict a single family residential development consisting of 19 lots on 2.5 acres with a density of 7.6 dwelling units per acre. The minimum and maximum lot sizes are 3,304 and 5,394 square feet, respectively. The primary ingress and egress to the proposed development is via a 37 foot wide east/west private street, private Street A, that connects to Durango Drive and serves Lot 1 and Lot 19. A north/south private street, private Street B, services Lot 2 through Lot 18 and connects to private Street A. A 4 foot wide attached sidewalk is located adjacent to Lot 1 through Lot 4 and connects to a 5 foot wide detached sidewalk along Durango Drive. A 4 foot wide attached sidewalk is also located along “Private Street B”, adjacent to Lot 16 through Lot 18. Due to the topography of the site, a combined screen wall/retaining wall up to a maximum height of 11 feet will be located along the north, south, and west boundaries of the project site, requiring a waiver of development standards. Furthermore, a design review is requested to increase finished grade beyond 36 inches within the interior of the site. The maximum grade increase occurs along the north, south, and west boundaries of the project site. **The applicant has submitted revised plans that include the addition of a right turn lane from the southbound portion of Durango Drive, for ingress to the development. The addition of the right turn lane reduces the area of Lot 1 from 5,118 square feet to 4,051 square feet.**

Landscaping

The plans depict a 15 foot wide landscape area, including a 5 foot wide detached sidewalk, located along Durango Drive. Twenty-four inch box trees, including shrubs and groundcover, are proposed within the street landscape area. A waiver of development standards to eliminate the required landscaping adjacent to the less intensive use, R-E zoned single family residences, located along the south property line of the project site is part of this request.

Elevations

The plans depict 2 story model homes with 3 different elevations with a maximum height of 28 feet. The proposed models consist of a pitched, concrete tile roof featuring stucco siding and stone veneer. Architectural enhancements are featured on all elevations including window fenestration, faux shutters, and stucco pop-outs.

Floor Plans

The plans depict 2 story model homes with 3 different floor plans ranging between 1,892 square feet to 2,358 square feet. The models feature multiple bedrooms, bathrooms, dining room, kitchen, and a great room. All models feature 2 car garages.

Applicant's Justification

The applicant states the increase in retaining wall height is necessary due to sewer design constraints and the natural topography of the site. Lot 1 through Lot 19 will experience increased fill greater than 18 inches (no more than 5 feet) along the southern, western, and eastern boundary in order to establish finished floors for those lots. To accommodate the fill, increased retaining walls up to 5 feet will be required. Lot 7 to Lot 15 will have retaining walls up to 2.5 feet. The walls will not have an adverse impact on the surrounding area adjacent to the site.

The applicant states the development north of the project site and south of Wigwam Avenue, fronting Durango Drive, have been rezoned to and developed with R-2 Zoning. The applicant believes the properties to the south of the development will eventually be rezoned for higher density single family residential uses. Furthermore, the houses to the south adjacent to the project site have more than a 145 foot rear yard setback. Therefore, the request to waive landscaping adjacent to a less intensive use is justified.

The design review to increase finished grade occurs at the edge along the southern, western, and northern boundaries. Due to sewer design constraints and the natural topography of the site (a drop of 6 feet from northwest to southeast), lot 1 through Lot 19 will experience increased fill greater than 36 inches from the existing ground at the boundary. The maximum fill for the perimeter wall will be 8.1 feet.

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Open Lands	R-2	Single family residential
South	Neighborhood Commercial	R-E	Single family residential
East	Neighborhood Commercial	C-P	Previously approved office building
West	Open Lands	P-F	Drainage channel & undeveloped

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

Related Applications

Application Number	Request
TM-22-500035	A tentative map for a 19 lot single family residential development is a companion item on this agenda.
VS-22-0102	A request to vacate and abandon 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 to the north, west, and south are rezoned R-2, making the request to rezone to a similar residential density compatible. The property to the west has yet to be developed but the portion contains an improved drainage channel and has Open Lands land use. The proposed development is appropriate and compatible for the majority of adjacent developed areas constructed as single family residential subdivisions.

Immediately to the north of the proposed subdivision is an existing single family residential development zoned R-2 with a planned land use of Open Lands that was approved by the Board of County Commissioners via NZC-19-0005 in March 2019. Farther to the south, approximately 385 feet, is an existing single family residential development zoned R-2 with a planned land use of Mid-Intensity Suburban Neighborhood. Immediately to the east of the project site, across Durango Drive, is a previously approved nonconforming zone change (NZC-20-0182) to a C-P zone with planned land uses of Neighborhood Commercial and Low Intensity Suburban Neighborhood for an office building. To the south are 2 existing single family residences with R-E zoning and a planned land use of Neighborhood Commercial. To the west is an undeveloped parcel with an existing drainage channel zoned P-F with a planned land use of Open Lands. The proposed zone change to R-2 for single family residential development is consistent and compatible with the existing and approved development in this area; therefore, is appropriate for this location.

- 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 single family detached development is planned to be built out at a density 7.6 units per acre. The existing residential land uses within the surrounding half mile radius of the property are a mix between (OL) Open Lands, (MN) Mid-intensity Suburban Neighborhood, and (NC) Neighborhood Commercial. The proposed density and intensity will result in a land use that is consistent with the surrounding residential area.

Immediately to the north of the proposed subdivision is an existing single family residential development zoned R-2 with a density of 5 dwelling units per acre with a planned land use of Open Lands. Farther to the south, approximately 385 feet, is an existing single family residential development zoned R-2 with a density of 5.5 dwelling units per acre with a planned land use of Mid-Intensity Suburban Neighborhood. To the south are 2 existing single family residences with R-E zoning and a planned land use of Neighborhood Commercial. To the west is an undeveloped parcel with an existing drainage channel zoned P-F with a planned land use of Open Lands. Therefore, staff finds that the density and intensity of the proposed project, a single family residential development with a density of 7.6 dwelling units per acre, is compatible with the existing and planned 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, there will not be a substantial adverse effect on public facilities and services. 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. The school district has indicated this development would generate 3 additional elementary school students, 2 middle school students, and 2 high school students. Snyder Elementary School and Faiss Middle School would serve this development and are under capacity by 191 and 287 students, respectively. Sierra Vista High School is currently 288 students over capacity. Staff is particularly concerned with the driveway orientation for Lot 1 and Lot 19, adjacent to the north and south sides of private Street A, respectively. Vehicles backing out of the driveway onto private Street A from Lot 1 and Lot 19 potentially create conflict with vehicles immediately entering the subdivision from Durango Drive. Furthermore, private Street A is a right-out only onto Durango Drive, creating a potential conflict for vehicles desiring to travel northbound on Durango Drive. The configuration and location of Lot 1 and Lot 19 adjacent to Durango Drive potentially creates a negative impact to the public right-of-way and safety for motorists.

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

The applicant states the project complies with Policy 1.1.4 of the Master Plan by encouraging housing options that incorporate universal design principles to facilitate aging-in-place, and accommodation of older residents and others with mobility limitations or disabilities. Furthermore, the project complies with Policy 1.3.1 by encouraging the integration of varied

housing models, architectural styles, streetscapes, signage, common landscaped areas, and other character-defining features that contribute to a distinct neighborhood identity.

The proposed development complies with Goal 1.1 of the Master Plan that encourages opportunities for diverse housing options to meet the needs of residents of all ages, income levels and abilities. The residential development to the north was approved for 5 dwelling units per acre. The proposed project is for a single-family residential development with a density of 7.6 dwelling units per acre. Staff finds the project complies with Policy 1.3.2 that encourages a mix of housing options, both product types and unit sizes, within larger neighborhoods and multiple family developments.

Summary

Zone Change

Staff finds that there is a trend changing the character and condition of the area which makes this request appropriate. The density and intensity of the proposed project are consistent and compatible with existing and planned developments in this area. There has been no indication that the proposed project will have an adverse impact on public services or facilities in the area. However, since staff is not supporting the waivers of development standards and design review, staff cannot support the zone change request.

Waivers 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.

Waiver of Development Standards #1

The increased height to the combination screen wall/retaining wall is necessary due to the topographic features and drainage for the subject property. The increased wall height should have minimal to no impact on the surrounding land uses and properties. However, since staff is not supporting the zone change, waiver of development standards #2, and the design review, staff cannot support this request.

Waiver of Development Standards #2

The intent to require landscaping adjacent to a less intensive residential use is to mitigate the impact a higher density residential use may have on the adjacent properties. Although the 2, single family residences located to the south of the proposed development are set back between 140 feet to 185 feet from the south property line of the project site, staff finds the request to eliminate the landscape buffer is a self-imposed burden. Therefore, staff cannot support this request.

Design Review #1

Per the Design Review criteria within the Development Code, the applicant shall have the burden of proof to demonstrate the following: 1) site access and circulation do not negatively impact

adjacent roadways or neighborhood traffic; and 2) appropriate measures are taken to secure and protect the public health, safety, and general welfare. Access to the proposed development is granted through a right turn only from the southbound lane of Durango Drive onto private Street A, due to the existing concrete median within the right-of-way. **The addition of the right turn lane from the southbound portion of Durango Drive provides some mitigation to the ingress portion of the project site.** Staff is particularly concerned with the driveway orientation for Lot 1 and Lot 19, adjacent to the north and south sides of private Street A, respectively. Vehicles backing out of the driveway onto private Street A from Lot 1 and Lot 19 potentially create conflict with vehicles immediately entering the subdivision from Durango Drive. **There is also potential for vehicles to queue on private Street A, while waiting to execute a right turn onto Durango Drive thereby blocking the driveway serving Lot 19.** Furthermore, private street “A” is a right-out only onto Durango Drive, creating a potential conflict for vehicles desiring to travel northbound on Durango Drive. When exiting the proposed development, a vehicle is required to turn right onto Durango Drive, continuing south to an unsignalized intersection at Wigwam Avenue, and executing a U-turn to travel north on Durango Drive. The execution of a U-turn at an unsignalized intersection potentially creates a traffic hazard on Durango Drive with a posted speed limit of 45 miles per hour. Staff is concerned the configuration and location of Lot 1 and Lot 19 adjacent to Durango Drive potentially creates a negative impact to the public right-of-way and safety for motorists. Due to the potential negative impact Lot 1 and Lot 19 present to Durango Drive and the safety of the public, staff cannot support the design review for the site.

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. However, since Planning is recommending denial of the application, staff cannot support this waiver.

Staff Recommendation

Denial. 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 Master Plan, Title 30, and/or the Nevada Revised Statutes.

PLANNING COMMISSION ACTION: April 19, 2022 – 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;
- 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; 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;
- Full off-site improvements;
- Right-of-way dedication to include 45 feet to the back of curb for Durango Drive;
- 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;
- 90 days to record required right-of-way dedications and any corresponding easements for any collector street or larger;
- All other right-of-way and easement dedications to record with the subdivision map.
- Applicant is advised 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; and 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.

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 #0409-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - approval (increase fenestrations on elevations facing public roads; in the R-2 portion, every 2 driveways to be adjacent).

APPROVALS:

PROTESTS: 2 cards, 1 letter

APPLICANT: SUMMIT HOMES OF NEVADA, LLC

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