

06/08/22 BCC AGENDA SHEET

SINGLE FAMILY RESIDENTIAL DEVELOPMENT
(TITLE 30)

UPDATE
DURANGO DR/AGATE AVE

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
NZC-22-0137-RAD-FAR LTD:

ZONE CHANGE to reclassify 7.0 acres from an R-E (Rural Estates Residential) Zone to an R-2 (Medium Density Residential) Zone.

WAIVER OF DEVELOPMENT STANDARDS to increase wall height.

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

Generally located on the northeast corner of Durango Drive and Agate Avenue within Enterprise (description on file). JJ/al/jo (For possible action)

RELATED INFORMATION:

APN:

176-21-101-015 through 176-21-101-017

WAIVER OF DEVELOPMENT STANDARDS:

Increase wall height to a maximum of 12 feet (6 foot screen wall with a 6 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 33.3% increase).

DESIGN REVIEWS:

1. A single family residential development.
2. Increase finished grade to 72 inches (6 feet) where a maximum of 36 inches (3 feet) is the standard per Section 30.32.040 (a 100% increase).

LAND USE PLAN:

ENTERPRISE - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 8596 W. Agate Avenue
- Site Acreage: 7
- Number of Lots: 50 residential/4 common elements
- Density (du/ac): 7.2
- Minimum/Maximum Lot Size (square feet): 3,303/6,595

- Project Type: Single family residential development
- Number of Stories: 2
- Building Height (feet): 27
- Square Feet: 1,478 to 1,913
- Open Space Required/Provided: 0/13,971square feet

Neighborhood Meeting Summary

This request is for a nonconforming zone change to reclassify approximately 7 acres from an R-E zone to an R-2 zone for a single family residential development. The applicant conducted a virtual neighborhood meeting on December 8, 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 and 11 neighbors attended the meeting. Concerns raised at the meeting included traffic, project density, lot sizes and construction allergens.

Site Plan

The plan depicts a single family residential development consisting of 50 lots with a density of 7.2 dwelling units per acre. The site has frontage along Agate Avenue to the south and Durango Drive to the west. Access to the development is from Agate Avenue and access within the subdivision is provided by 43 foot wide private streets with a 4 foot wide sidewalk located on 1 side of the streets. The private streets terminate as stub streets and the stub streets will provide access to a maximum of 5 lots. The plan depicts 4 common lots, which are located along the public streets, a portion of the eastern boundary of the site, and along the side street of a corner lot on the eastern portion of the site. The portion of the site with the most fill and increased retaining wall height is along the eastern property line.

Landscaping

The plans depict 4 common lots with a total area of 13,971 square feet which are used for landscape area and drainage easements. Along Durango Drive, the plans depict a minimum 15 foot wide landscape area consisting of trees, shrubs, groundcover, and a detached sidewalk. A portion of the sidewalk meanders around an existing utility pole. A minimum 6 foot wide landscape area is depicted along Agate Avenue consisting of trees, shrubs, groundcover, and an attached sidewalk along the street. Additional landscaping is depicted within 15 foot wide landscape areas located along the entrance of the development consisting of trees, shrubs, groundcover and detached sidewalks.

Elevations

The plans depict 4 home models that are all 2 stories with a maximum building height of approximately 27 feet. All of the homes have pitched roofs with concrete tile roofing materials. The exterior of the homes will consist of combinations of a stucco finish painted in earth tone colors, stone veneer, various window treatments, and architectural enhancements.

Floor Plans

The proposed homes will be between 1,478 square feet and 1,913 square feet in area. Each home will have 3 to 4 bedrooms and a 2 car garage.

Applicant's Justification

The applicant indicates that the proposed development is consistent and compatible with existing development in the area. The increase in finished grade and retaining wall height is necessary due to existing contours, drainage patterns, and sewer service issues. The finished grade is not being artificially elevated to enhance views.

Surrounding Land Use

| | Planned land Use Category | Zoning District | Existing Land Use |
|-------|---|------------------------|---------------------------|
| North | Neighborhood Commercial & Ranch Estate Neighborhood (up to 2 du/ac) | R-E & R-E (RNP-I) | Undeveloped |
| South | Mid-Intensity Suburban Neighborhood (up to 8 du/ac) | R-2 | Single family residential |
| East | Compact Neighborhood (up to 18 du/ac) | R-3 | Single family residential |
| West | Corridor Mixed-Use | R-2 | Single family residential |

This site and the surrounding area are located within the Public Facilities Needs Assessment (PFNA) area.

Related Applications

| Application Number | Request |
|---------------------------|--|
| VS-22-0138 | A request to vacate and abandon easements and rights-of-way is a companion item on this agenda. |
| TM-22-500045 | Tentative map for a 50 lot single family residential subdivision 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.*

There has been an increased demand for single family residential development in the Enterprise Planning area in recent years. Several projects of various densities and intensities have been approved, constructed, and units occupied. The site was designated Corridor Mixed-Use in the Master Plan. This designation allows reclassification to commercial zoning districts, which

would not be as compatible with the existing abutting residential developments as the proposed residential development. Therefore, staff finds there has been a change in trends and facts that have changed the character of the area which makes the proposed request appropriate.

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 proposed development is of similar density and intensity to the existing single family residential developments to the west and south, which are in an R-2 zone. To the east is a residential development in an R-3 zone which is of slightly higher density and intensity but is still a single family residential development. Therefore, the project is compatible with existing land uses in the 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.*

There has been no indication from public services and facility providers that this development would have an adverse effect on public facilities and services in this area. The Clark County School District has indicated that this development would increase student yield by 20 students for the schools that serve this area (8 elementary students, 5 middle school students, and 7 high school students). The School District also indicates that 2 schools that would serve this area (Sierra Vista High School & Steele Elementary School) are over capacity with current enrollment.

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

The proposed development does comply with Goal 1.1 of the Master Plan to provide opportunities for diverse housing options to meet the needs of residents of all ages, income levels and abilities. The project complies with Policy 1.3.2 of the Master Plan which encourages a mix of housing options, product types, and unit sizes. Therefore, the project complies with other applicable goals and policies.

Summary

Zone Change

Staff finds that there has been changes in law, policies, trends, or facts 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 proposed development is compatible in density or intensity with existing land uses in the surrounding area. The project will not have an adverse effect on public facilities and services; and the project complies with other applicable adopted plans and goals. Therefore, staff finds the applicant has provided a Compelling Justification to warrant approval of this nonconforming zone change.

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.

The applicant states the increase in the height of retaining walls and increased finished grade is needed due to the existing topography of the site. The walls and increased fill are needed to balance the site for drainage and sewer issues and not to improve views for future residents. The existing grade of the site can be a unique or special circumstance to warrant the requested waiver in order to address drainage and sewer issues based on existing development constraints. In addition, it appears that the lower retaining walls are adjacent to the existing residential to the east; therefore, staff can support this request.

Design Review #1

The proposed development is of similar density and intensity with existing developments in the area. The lot sizes are similar to other residential developments in the area and the proposed homes are architecturally compatible with the abutting developments. However, the site does have frontage along Durango Drive, but no access is depicted on the plans. To improve pedestrian circulation, a pedestrian access should be provided to Durango Drive.

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 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: May 3, 2022 – APPROVED – Vote: Unanimous
Absent: Nguyen

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;
- Provide pedestrian access to Durango Drive;

- Combine driveways to be adjacent (every 2) where possible;
- Increased fenestration for homes next to street or backing to neighbors;
- 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 30 feet for Agate Avenue, 45 feet to the back of curb for Durango Drive, and associated spandrel.
- 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 #0041-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - approval (**subject to combine driveways to be adjacent (every 2) where possible; and increased fenestration for homes next to street or backing to neighbors**).

APPROVALS: 2 cards

PROTESTS: 26 cards, 3 letters

APPLICANT: ANGELA PINLEY

CONTACT: WESTWOOD PROFESSIONAL SERVICES, 5725 W. BADURA AVE., SUITE 100, LAS VEGAS, NV 89118