

PLANNED UNIT DEVELOPMENT  
(TITLE 30)

**UPDATE**  
PATRICK LN/FORT APACHE RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**NZC-22-0139-CHINGROS FAMILY TRUST & CHINGROS CAROLYN TRS:**

**ZONE CHANGE** to reclassify 4.9 acres from an R-E (Rural Estates Residential) Zone to an RUD (Residential Urban Density) Zone.

**USE PERMIT** for an attached (townhouse) planned unit development.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduce the gross area of a planned unit development; **2)** reduce setbacks; **3)** reduce private street width; **4)** allow modified A-curb and ribbon curb with an inverted crown; **5)** reduce back of curb radii for private streets; and **6)** allow modified private residential driveway design.

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

Generally located on the south side of Patrick Lane, 300 feet east of Fort Apache Road within Spring Valley (description on file). JJ/rk/jo (For possible action)

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RELATED INFORMATION:

**APN:**

163-32-301-002; 163-32-301-003

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce the minimum gross area of a planned unit development to 4.9 acres where 5.0 acres is required per Section 30.24.020 (an 2% reduction).
2.
  - a. Reduce setback for residential units to a sidewalk to 1 foot where a minimum of 10 feet is required per Section 30.24.080 (a 90% reduction).
  - b. Reduce setback for the front face of garage and second story living space to a street to 4 feet where a minimum of 10 feet is required per Section 30.24.080 (a 60% reduction).
  - c. Reduce setback for residential units to a parking curb to 5 feet where a minimum of 10 feet is required per Section 30.24.080 (a 50% reduction).
3. Reduce the width of a private street to 30 feet where a minimum of 37 feet with 36 feet of drivable surface is required per Chapter 30.52 (a 19% reduction).
4. Allow modified A-curb and ribbon curb with an inverted crown where Uniform Standard Drawing 210.S1 is required.
5. Reduce back of curb radii for private streets to 10 feet where a minimum of 20 feet is the standard per Uniform Standard Drawing 201 (a 50% reduction).
6. Reduce the distance from property line to a private residential driveway to 3 feet where 6 feet is required per Uniform Standard Drawing 222 is required (a 50% reduction).

**DESIGN REVIEWS:**

1. An attached (townhouse) planned unit development.
2. Increase finished grade to 52 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 45% increase).

**LAND USE PLAN:**

SPRING VALLEY - CORRIDOR MIXED-USE

**BACKGROUND:****Project Description****General Summary**

- Site Address: N/A
- Site Acreage: 4.9
- Number of Lots: 73
- Density (du/ac): 14.7
- Minimum/Maximum Lot Size (square feet): 1,132/1,881
- Project Type: Attached (townhouse) planned unit development
- Number of Stories: 2 & 3
- Building Height (feet): 35 feet 10 inches
- Square Feet: 1,235/2,050
- Open Space Required/Provided: 18,364/56,336
- Parking Required/Provided: 191/192

**Neighborhood Meeting Summary**

The applicant conducted a virtual neighborhood meeting on January 10, 2022 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 meeting for this item. The attendees had general questions on the traffic, design and layout. According to the applicant overall, there were no objections raised by the neighbors.

**Site Plans**

This request is for a nonconforming zone change to reclassify approximately 4.9 acres to an RUD zone for a proposed attached (townhouse) planned unit development. The plans depict an attached single family residential development consisting of 73 residential lots with a density of 14.7 dwelling units per acre. The development consists of townhouse, residential dwellings under separate ownership that are attached to 1 or more dwellings on opposite sides of the structure.

The proposed development features a total of 14 buildings, made up of 4 plex, 5 plex, and 6 plex buildings designed around 30 foot wide private streets. The street network consists of 1 main drive with a loop street around the center of the project. The townhomes are designed with garages facing the private streets. The development will be served by a single point of ingress/egress to the north from Patrick Lane. A network of common open spaces is located throughout the development, which will include on-site pedestrian paths, tot-lot playground equipment, gazebo, picnic tables, barbecues, benches, and a dog park. Parking will consist of

garage parking for residents and designed surface off-street parking for visitors. Approximately 46 parking spaces are shown for the visitors and 146 parking spaces are provided for the residents.

Per Title 30, many of the development standards for planned unit developments are established by a use permit process based on the plans that are approved for the project by the Board of County Commissioners. The minimum setbacks and height for each of the townhouse units are the following:

- Front face of garage - 4 feet (from the edge of the private street)
- Front living area (second story) - 4 feet
- Side street (corner) yard - 5 feet
- Interior side yard - 10 feet between buildings, zero feet between units
- Rear living area - 5 feet to common element
- Rear courtyard/patios - zero feet to common element
- Perimeter - 10 feet
- Height - 35 feet 10 inches

The plans indicate that an increase in grade to 52 inches is required due to typical grading constraints. The increased fill will be generally located along the eastern and northern boundary lines.

#### Landscaping

Street landscaping consists of a 15 foot wide area, which includes a 5 foot wide detached sidewalk along Patrick Lane. Along the interior property lines, there is a minimum 15 foot wide landscape buffer with trees shown 20 feet on-center. Internal to the site, a network of common open space areas is located throughout the development, which will include on-site pedestrian paths, tot-lot playground equipment, gazebo, picnic tables, barbeques, benches, and a dog park. The development requires 18,364 square feet of open space where 56,336 square feet of open space is provided.

#### Elevations

The plans depict 4 plex, 5 plex, and 6 plex residential units with 4 different elevations. The units will be both 2 and 3 stories with a maximum height of 35 feet 10 inches and feature pitched, concrete tile roofs (height is established with the use permit). All units feature consistent and unified architecture throughout the exterior design of the buildings. The building materials generally consist of stucco and stone veneer accents, which include horizontal and vertical articulation on all elevations. Decorative window variations and trimming are featured on all elevations, in addition to wrought iron railings utilized for the patio decks. Additionally, design variations have been incorporated into the overall design of the garage doors facing the private streets.

#### Floor Plans

The plans depict 3 bedroom units with 4 different floor plans that range from 1,235 square feet to 2,050 square feet. The first floor of every unit will contain a 2 car garage.

### Signage

Signage is not a part of this request.

### Applicant's Justification

The applicant states the subject property is an in-fill site and will serve as a transitional land use from the single family R-2 developments to the east and the commercial development to the west. The proposed project will have less impact on the area than the approved land use of Corridor Mix-Use. It will generate less traffic and have a similar use (dwellings) as most of the area.

According to the applicant, the waivers of development standards are appropriate since the development is lower density than typical attached developments. The reduced setbacks to the street are internal to the subdivision street and will not impact the adjacent properties or future residence of the development. Furthermore, the reduced street width is suitable since the streets function as a drive aisle, providing access to garages similar to multiple family developments. The design will meet all fire access requirements and meet turning movement requirements. Lastly, each home will provide a 2 car garage.

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North & West	Neighborhood Commercial	C-1	Commercial complex's
South	Business Employment	R-4	Flood control channel & multiple family residential
East	Corridor Mixed-Use	R-2	Townhouse subdivision

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

### **Related Applications**

<b>Application Number</b>	<b>Request</b>
TM-22-500046	A tentative map for 73 single family lots on 4.9 acres is a companion item on this agenda.
VS-22-0140	A request to vacate and abandon patent easements on the property 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.*

According to the applicant, development trends within this portion of the Spring Valley Township have changed over the past few years, with an emphasis toward single family residential development. Most of the properties with commercial land use designations south and northeast of the project site have recently been approved with residential zoning designations such as R-4 and R-2, respectively. RUD zoning appears to be warranted in this area as a transition from R-2 to the east and C-1 zoning to the west.

To the east of the project site is an existing single family planned unit development that is zoned R-2; however, the land use plan designates this site for Corridor Mix-Use. Since 2017 several parcels located between Durango Drive and Fort Apache Road, and between Russell Road and Sunset Road, that are designated for commercial development in the Master Plan have been reclassified into residential zoning districts and developed with single family and multiple family residential developments. The trend in this area is for additional residential development and less commercial development. The proposed zone change to RUD zoning for single family residential development is consistent and compatible with existing and approved development in this area and 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.*

According to the applicant, the proposed density and intensity will result in a land use of like intensity when compared to the townhouse development directly east of the project site. Furthermore, residential zoning adjacent to commercial development is generally consistent along the Fort Apache Road corridor.

The project is bounded to the east by an existing attached (townhouse) planned unit development; to the west by an existing C-1 commercial complex; to the south by an approved R-4 multiple family development; and to the north by an existing commercial center. Staff finds that the density and intensity of the proposed project, a single family residential development with a density of 14.9 dwelling units per gross acre, are compatible with existing and planned land uses in the surrounding area. Also there remains a demand for housing, particularly for sale housing that is attainable in the southwest; therefore, the proposed density and intensity will result in a land use that is consistent with the surrounding residential 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 service providers that this request will have a substantial adverse effect on public facilities and services. The school district has indicated that this development would generate 12 additional elementary school students, 7 middle school students,

and 10 high school students. Faiss Middle School and Durango High School are currently under capacity and can accommodate the additional students. Tanaka Elementary School is over capacity for the 2021-2022 school year.

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

The applicant indicates this project complies with several of the recently adopted Master Plan goals and policies. The project provides a mix of housing types that meet the diverse needs of the community, which complies with Policy 1.1.1. Lastly, this application will be conditioned to pay the Public Facilities Needs Assessment fee, which will help in the contribution towards the provisions necessary for public infrastructure and compliant with Policy SV-2.1.

## **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 effect on public services or facilities in this area. The proposed project complies with other goals and policies within the Master Plan. Staff finds the applicant has provided a Compelling Justification to warrant approval of the nonconforming zone boundary request.

### Use Permit

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

A planned unit development (PUD) is intended to maximize flexibility and innovation in residential development by utilizing area sensitive site planning and design to achieve a desirable mixture of compatible land use patterns that include efficient pedestrian and vehicular traffic systems, streetscapes, and enhanced residential amenities. The design of the project is not a typical single family residential development; however, the standards for planned unit developments allow flexibility in design to provide for innovative and unique development options. The design is unique and innovative in that it allows for individual home ownership rather than a rental option of an apartment unit or the ownership of airspace like the typical condominium development. To mitigate the impact of the proposed structures, the buildings are designed with variations in height, roof pitch, and other architectural enhancements. Staff finds the proposed development provides an appropriate land use transition to the existing residential development and commercial land uses within the immediate area; therefore, staff recommends approval of the use permit.

### 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 request to reduce the overall area of the PUD is due to a previously dedicated right-of-way which reduced the gross acreage of the project site slightly below the required 5 acre minimum. Staff finds that a 2% reduction in area is minimum; therefore, staff recommends approval of this request.

#### Waiver of Development Standards #2

Staff finds the proposed residential unit and garage setback reductions will have minimal to no impact on this development and will be internal to the site; therefore, staff recommends approval of this request.

#### Design Review #1

Architectural enhancements are provided on all sides of the proposed residences. Staff finds that the design provides varied neighborhood design and/or innovative architecture that includes varied setbacks from residences to front property lines, varied rooflines, and/or architectural enhancements on all sides. Staff finds the design of the proposed development effective for both pedestrian and vehicular safety and is compatible with the surrounding residential and commercial development within the area. Furthermore, the project provides amenities such as pedestrian paths, play structures, picnic areas, and a dog park within the complex; therefore, recommends approval of this request.

### **Public Works - Development Review**

#### Waiver of Development Standards #3

Staff has no objection to the request to reduce the width of the private streets provided that Fire Prevention approves the request.

#### Waiver of Development Standards #4

Staff has no objection to allowing A-curb and ribbon curb with an inverted crown on the private streets within the proposed subdivision. The applicant must show and provide evidence that this request will not be detrimental to the subdivision.

#### Waiver of Development Standards #5

Staff has no objection to the request to reduce the back of curb radius on the private streets provided that Fire Prevention approves the request.

#### Waiver of Development Standards #6

Staff has no objection to the reduction in the distance from the driveway to the property line. The applicant provided open space to act as a buffer between each of the unit blocks to minimize hazards for drivers traveling through the site and exiting their garages.

#### 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 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;
- 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 35 feet to the back of the curb for Patrick Lane;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications for any collector street or larger;



- 90 days to record required right-of-way dedications 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](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0102-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Spring Valley - approval.

**APPROVALS:**

**PROTESTS:** 4 cards, 1 letter

**APPLICANT:** BEAZER HOMES HOLDINGS, LLC

**CONTACT:** DARRYL LATTIMORE, ACTUS, 3283 E. WARM SPRINGS ROAD, SUITE 300, LAS VEGAS, NV 89120