

SINGLE FAMILY RESIDENTIAL  
(TITLE 30)

**UPDATE**  
BUFFALO DR/GOMER RD

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ZC-22-0168-SCHELL, WILLIAM A. SEPARATE PROPERTY TRUST & SCHELL,  
WILLIAM A. TRS:**

**HOLDOVER ZONE CHANGE** to reclassify 9.9 acres from an R-E (Rural Estates Residential) Zone to an R-D (Suburban Estates Residential) Zone.

**USE PERMITS** for the following: **1)** a residential planned unit development (PUD); **2)** reduce the building setback from project perimeter; **3)** reduce communication tower setback to street; and **4)** communication tower separation to residential.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduce setback from the street; and **2)** reduced off-set street intersection.

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

Generally located on southeast corner of Buffalo Drive and Gomer Road (alignment) within Enterprise (description on file). JJ/bb/jo (For possible action)

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**RELATED INFORMATION:**

**APN:**

176-27-101-001 through 176-27-101-004

**USE PERMITS:**

1. A detached single family residential planned unit development.
2. Reduce the building (accessory) setback from project perimeters to 5 feet where a minimum of 10 feet is required per Section 30.24.060 (a 50% reduction).
3. Reduce the minimum street setback for a communications tower to 14 feet where 40 feet is required per Table 30.44-1 (a 65% reduction).
4. Reduce the minimum separation distance from a communication tower to residential development to 20 feet where 42 feet is required per Table 30.44-1 (a 52% reduction).

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce the setback to a street (corner side street) to 5 feet where a minimum of 10 feet is required per 30.24.080 (a 50% reduction).
2. Reduce off-set street intersection separation distance to 81 feet where 125 feet is required per Section 30.52.052 (a 35% reduction).

**DESIGN REVIEWS:**

1. Detached single family residential planned unit development.

2. Increase finished grade to 114 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 216.7% increase).

**LAND USE PLAN:**

ENTERPRISE - LOW-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 5 DU/AC)

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 9.9
- Number of Lots/Units: 30
- Density (du/ac): 3.0
- Minimum/Maximum Lot Size (square feet): 8,082/9,870
- Project Type: Single family residential (detached)
- Number of Stories: 1
- Building Height (feet): 20
- Square Feet: 2,100 to 3,500
- Open Space Required/Provided: N/A
- Parking Required/Provided: 60/90

Site Plans

The plans depict a detached single family residential development situated on a 9.9 acre site consisting of 30 residential lots with a density of 3 dwelling units per acre. The planned unit development (PUD) is more than 5 acres, with proposed gross lot sizes of 8,082 square feet to 9,870 square feet, respectively. Open space is not required for this PUD as the site is located within a rural residential zoning district, with a required open space area less than 10,000 square feet (7,471 square feet for this site). Parking will consist of garage parking for residents and surface parking consisting of driveways for residents and visitors. The minimum setbacks for the detached single family residences are as follows:

	<b>Front Setback (feet)</b>	<b>Rear Setback (feet)</b>	<b>Side Setback (feet)</b>	<b>Side Street (Corner) Setback (feet)</b>
Single family residence*	20	20	5	10
Patio cover	-	3	3	7
Balcony (under 6')	-	3	3	7
Balcony (over 6')	-	17	3	7
Accessory structure (accessory apartment or pool house)	-	5	5	5

\* The PUD establishes alternative front, side, side street (corner) and rear setbacks; however, street corner setbacks which are less than 10 feet from a street and require a waiver of development standards.

Access to the project site is granted via a 49 foot wide public street, terminating in a cul-de-sac bulb, connecting to Buffalo Drive. A 5 foot wide sidewalk is provided along the north and south sides of the proposed public street, per Public Works standards. Due to the topography of the site, a design review is also requested to increase finished grade up to a maximum of 108 inches within the interior of the site. The maximum grade increase is located along the east portion of the project site.

Two existing communication towers are located approximately 230 feet east of Buffalo Drive. The subdivision is designed around the towers, establishing a common lot for the towers. Due to the creation of the new street and residential lots, reductions to the setbacks are required.

### Landscaping

An existing 5 foot wide attached sidewalk is located along Buffalo Drive. A 15 foot wide landscape area consisting of 24 inch box trees planted 20 feet on center, is located adjacent to the sidewalk. Shrubs and groundcover will also be planted within the street landscape areas with a total of 13 trees. A combined screen wall/retaining wall up to a maximum of 15 feet is located along the east boundary of the project site.

### Elevations

The plans depict 4 single story model homes with 3 different elevations with a maximum height of 20 feet. The proposed models consist of a pitched, concrete tile roof featuring stucco and stone veneer. Architectural enhancements are featured on the building elevations including window fenestration, covered entries, and stucco/stone veneer pop-outs.

The existing Monopine communication towers are 80 feet and 90 feet tall.

### Floor Plans

The plans depict single story homes with floor plans ranging between 2,100 square feet to 3,500 square feet. The floor plans feature multiple bedrooms, living room, dining room, kitchen, bathrooms, closets, laundry room, and a great room. The homes feature 3 car garages, some floor plans with side loaded single car garages and 2 car front facing garages.

### Signage

Signage is not a part of this request.

### Applicant's Justification

The applicant is proposing to develop 9.9 gross acres with 30 single family detached residential homes as a R-D zoned Planned Unit Development in the low-intensity suburban neighborhood planned land use area. The long and narrow shape of the property combined with natural topography that slopes down to the east, creates a unique situation with regard to grading, drainage, and access constraints. There is limited frontage for access from Buffalo Drive. There is an undevelopable portion of the property on the eastern 2 acres with steep slopes. This eastern 2 acre area conveys substantial storm water flows from the Mountains Edge area. This site requires the construction of a public lift station at the east end of the development, to accommodate positive sanitary sewer flows. There are 2 existing stealth communication towers on the site that require special design considerations and a common element lot. The increased

wall height and retention wall will allow for protection of slopes and accommodate drainage through the eastern portion of the property. The proposed off-set street intersection will not create an unsafe condition since there is a median in Buffalo Drive and no potential conflicting traffic movements.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
NZC-18-1026	Reclassified from R-E to R-2 zoning for a single family hillside development (APN's 176-27-101-002 through 176-27-101-004) - expired	BCC Held no Date	May 2019
VS-18-1025	Vacation of easements (APN's 176-27-101-002 through 176-27-101-004) - expired	BCC Held no Date	May 2019
TM-18-500242	41 single family residential lots (APN's 176-27-101-002 through 176-27-101-004) - expired	BCC Held no Date	May 2019
UC-18-0923	Communication tower increased height	Approved by PC	February 2019
UC-0463-10	Communication tower (stealth Monopine) and associated equipment	Approved by PC	November 2010
ADR-0686-07	Stealth Monopine not to exceed 80 feet	Approved by ZA	June 2007

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Open Lands	P-F	Public park (Exploration)
East	Ranch Estate Neighborhood (up to 2 du/ac)	R-E (RNP-I)	Undeveloped
West & South	Ranch Estate Neighborhood (up to 2 du/ac) & Mid-Intensity Suburban (up to 8 du/ac)	R-D, R-2, & R-E (RNP-I)	Mountains Edge single family residential development & undeveloped

**Related Applications**

<b>Application Number</b>	<b>Request</b>
VS-22-0172	A vacation and abandonment of easements is a companion item on this agenda.
TM-22-500060	A tentative map for 30 single family residential lots 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 request to reclassify to R-D zoning conforms to the Enterprise Land Use Plan and is consistent with density found in the surrounding developed areas. The R-D zoning and 3 dwelling units per acre will not exceed the 5 dwelling units per acre identified in the low-intensity suburban neighborhood planned land use designation for this property. The properties to the south, west, and northwest are all located in the mid-intensity suburban neighborhood planned land use area that allows up to 8 dwelling units per acre. This request conforms to Land Use Goal 7 of the Master Plan to provide housing alternatives to meet a range of lifestyle choices, ages, and affordability levels. The overall project complies with Urban Specific Policy 4 of the Master Plan which encourages the preservation of existing residential neighborhoods by developing vacant lots within the area at similar densities as the existing area. Therefore, staff can support the zone change.

#### Use Permits #1 & #2

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.

The proposed planned unit development will allow for development standards consistent with the surrounding area and needed to accommodate the specific constraints of this property. The lot sizes will allow for development that is similar to the surrounding area, and in some cases larger lots than immediately adjacent property or those lots found on the west side of Buffalo Drive. The 20 foot front setback will promote construction of the homes closer to the internal street and further from the rear perimeter property lines. Proposed single family home interior side yard, corner side yard and front yard setbacks are comparable to the Mountain's Edge developed lots to the south of this property and homes on the west side of Buffalo Drive. Staff recognizes the likelihood of a first floor balcony as being improbable, but possible and does not object to the proposed setbacks in conjunction with what would essentially be an elevated patio or deck 3 feet to 6 feet above grade. Reduced setbacks for rooftop decks and balconies are typically not supported by staff due to associated privacy concerns; however, the proposed setbacks are similar to that of architectural intrusions.

Five foot accessory building setbacks adjacent to project perimeters not on a street corner is acceptable to staff. R-D zoning allows for single story accessory structures to have a 5 foot rear setback, so the request is consistent with Table 30.40-1 standards and staff can support the request.

The proposed 15 foot combination of screen wall and retention wall will be located on the eastern portion of the property to accommodate drainage and steep slope areas, including erosion control. The remaining residential portion of the property will include increased finished grades that ultimately will result in a finished home elevation that is about 18 inches greater than surrounding residential homes. The properties to the south are side facing lots to the rear of this property, with less of an impact to back yards.

### Use Permits #3 & #4

The communication towers and proposed setbacks will not be detrimental to the development of the area. The communication towers will be maintained within a separate lot to limit the impact of equipment access on adjacent property. Staff recommends approval of these requests.

### 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

Staff does not support the corner side accessory structure setback of 5 feet where 10 feet is required. There are only 2 corner lots where this will apply and both are the most visible properties in this subdivision from the travelling public and adjacent neighbors. Accessory structures should at the very least match the setback of the requested principal residence setback. Staff recommends denial of this request.

### Design Review #1

A maximum 20 foot height of single story residential homes will limit the visual impact of increased finished grades on the built environment. Both sides of the proposed public street will have attached sidewalks and will create a safe pedestrian realm for this neighborhood as required by Title 30 PUD standards. The tiered effect of the lots, stepping down to the east, will break-up the single plane (1 roof) effect of many neighborhoods and provide some topographic character to the neighborhood.

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

#### Waiver of Development Standards #2

Staff has no objection to the request to reduce the street intersection offset between Gomer Road and Public Street. The proposed 30 lot subdivision should see a low volume of traffic because of the limited number of lots. Additionally there is an existing traffic signal and median in Buffalo Drive that will make the traffic flow in the area safer.

#### 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 of the zone change, use permits, waiver of development standards #2, and the design reviews; denial of waiver of development standards #1.

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.

## **PRELIMINARY STAFF CONDITIONS:**

### **Current Planning**

If approved:

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Prior to the issuance of building and grading permits, or subdivision mapping, mitigate the impacts of the project including, but not limited to, issues identified by the technical reports and studies, and issues identified by the Board of County Commissioners or commit to mitigating the impacts by entering into a Standard Development Agreement with Clark County;
- 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; 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; and that the use permits, waivers of development standards, and design reviews must commence within 4 years of approval date or they will expire.

### **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.
- 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 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.

### **Fire Prevention Bureau**

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.
- Applicant is advised that dead-end streets/cul-de-sacs in excess of 500 feet must have an approved Fire Department turn-around provided; and that fire/emergency access must comply with the Fire Code as amended.

**Southern Nevada Health District (SNHD) - Septic**

- Applicant is advised that there is an active septic permit on APN 176-27-101-003; 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 #0242-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC: Enterprise - approval.**

**APPROVALS: 4 cards**

**PROTESTS: 6 cards, 1 letter**

**COUNTY COMMISSION ACTION:** May 18, 2022 – HELD – To 06/08/22 – per the applicant.

**APPLICANT:** EDDIE DUENAS

**CONTACT:** THOMASON CONSULTING ENGINEERS, 7080 LA CIENEGA ST., STE 200, LAS VEGAS, NV 89119