

SINGLE FAMILY RESIDENTIAL DEVELOPMENT  
(TITLE 30)

PEBBLE RD/PARK ST

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**NZC-22-0222-SPACEFINDERS REALTY INC & ELIOT HOLDINGS LLC:**

**ZONE CHANGE** to reclassify 10.5 acres from R-E (Rural Estates Residential) (RNP-I) Zone and R-E (Rural Estates Residential) Zone to R-2 (Medium Density Residential) Zone.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduced lot area; **2)** increase site disturbance within a hillside area; and **3)** increase wall height.

**DESIGN REVIEWS** for the following: **1)** a single family residential development; **2)** allow a hammerhead street design; **3)** a single family residential development within a hillside area; and **4)** increased finished grade.

Generally located on the north side of Pebble Road and the east side of Park Street (alignment) within Enterprise (description on file). JJ/al/jo (For possible action)

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RELATED INFORMATION:

**APN:**

176-18-801-011

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce the area for 1 lot to 3,200 square feet where a minimum of 3,300 square feet is required per Table 30.40-2 (a 3% reduction).
2. Permit a 100% site disturbance within a hillside area where a maximum site disturbance of 50% is allowed per Table 30.56-1 (a 100% increase).
3. Increase wall height to a maximum of 12 feet (6 foot screen wall with a 6 foot retaining wall) where a maximum wall 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. Permit a street to terminate in a hammerhead where a radius cul-de-sac per Uniform Standard Drawing 212 is the preferred design per Section 30.56.080.
3. A single family residential development within a hillside area.
4. Increase finished grade to a maximum of 154 inches where maximum of 36 inches is standard per Section 30.32.040 (a 327.8% increase)

**LAND USE PLAN:**

ENTERPRISE – LOW-INENSTIY SUBRUBAN NEIGHBORHOOD (UP TO 5 DU/AC)

ENTERPRISE – OPEN LANDS

ENTERPRISE - RANCH ESTATE NEIGHBORHOOD (UP TO 2 DU/AC)

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

- Site Address: N/A
- Site Acreage: 10.5
- Number of Lots: 32 residential lots/2 common elements
- Density (du/ac): 3.0
- Minimum/Maximum Lot Size (square feet): 3,264/6,381
- Project Type: Single family residential development
- Number of Stories: 2
- Building Height (feet): 27
- Square Feet: 1,735 to 1,935
- Open Space Required/Provided: 0/5.5 acres

**Neighborhood Meeting Summary**

This request is for a nonconforming zone change to reclassify approximately 10.5 acres from an R-E zone and R-E (RNP-I) zone to an R-2 zone for a single family residential development. The applicant conducted a neighborhood meeting at the Windmill Library on November 17, 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 14 neighbors attended the meeting. Concerns raised at the meeting included traffic, project density, lot sizes, architecture of the proposed homes, and access to the wash in the northern portion of the site.

**Site Plan**

The plan depicts a single family residential development consisting of 32 lots on approximately 10.5 acres with a density of 3 dwelling units per acre. The northern approximately 5.5 acres of this site is impacted by a wash and will be left undisturbed as much as possible. Only the area south of the wash will be developed, which is approximately 5 acres, and the density for this portion of the site is approximately 6.4 dwelling units per acre. Access will be provided to the site by 2 proposed streets that intersect with Pebble Road; no lots within the development will take access from Pebble Road. Access within the development will be provided by 49 foot wide public streets, which will have sidewalks on both sides of the street. The plans show one street which terminates in a hammerhead; all other streets within the development are stub streets. The proposed hammerhead is located on the western portion of the site and will provide access to 2 lots. The application includes a request to reduce the area of 1 lot, which is located to the south of the proposed hammerhead and will have an area of 3,264 square feet. The development site generally slopes down toward the wash in northeasterly and easterly directions. The increased fill and increased retaining wall will be utilized throughout the development site to balance the project and provide property drainage. The highest increases will be located in the northeast

corner of the development site. Per County records there is an area of more than 2.5 acres with slopes that exceed 12%, which is located in the central portion of the development site and extends to the east and southeast onto adjacent properties. This slope area is considered as a hillside area. The portion of this hillside area located within the development site is approximately 1.2 acres. The majority of the remaining hillside area is located within the right-of-way of Pebble Road.

#### Landscaping

The plans depict landscape areas along Pebble Road that are between 5 feet and 15 feet wide, with an average width of 10 feet. These landscape areas will consist of trees, shrubs, and groundcover.

#### Elevations

The plans depict 3 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 1,735 square feet to 1,935 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 developments in the area. The increase in finished grade and retaining wall heights are necessary to balance out the site and provide property drainage. The existing hillside area is a small, insignificant area, much of which is located within the right-of-way of Pebble Road, which has already been disturbed. Additionally, the design of the development will preserve the existing wash on the northern portion of the parcel, which is a more significant natural feature. The proposed development does not have enough area to allow for the preferred bulb cul-de-sac design and other developments in this area have used the hammerhead design.

#### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-1026-05	Established an RNP-I Overlay District for the portions of the Enterprise Planning Area, which included a portion of this site	Approved by BCC	October 2005

#### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Compact Neighborhood (up to 18 du/ac)	R-E & R-2	Single family residential & undeveloped
South	Ranch Estate Neighborhood (up to 2 du/ac) & Open Lands	R-E (RNP-I) & R-2	Single family residential & undeveloped

### Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
East	Open Lands	R-E	Undeveloped
West	Ranch Estate Neighborhood (up to 2 du/ac) & Open Lands	R-E (RNP-I) & R-E	Agriculture use (horses) & undeveloped

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

### Related Applications

Application Number	Request
VS-22-0223	A request to vacate and abandon a flood control easement is a companion item on this agenda.
TM-22-500076	A tentative map for a single family residential development 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. This includes 2 on the south side of Pebble Road abutting this site. NZC-20-0108 reclassified the parcels to the south to an R-2 zone for a single family residential development, which is currently under development. NZC-21-0462 was approved farther to the southeast for a single family residential development that currently has a drainage study (PW22-10340) in Public Works for review. 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 north and south, which are in an R-2 zone. To the east are parcels that are public lands under the control of Clark County (Public Works) and the Bureau of Land Management, which are impacted by the wash. These parcels will not be developed in order to preserve the wash for flood control. To the west is a parcel that is used to keep horses (agriculture use). The parcel to the west is zoned R-E and R-E (RNP-I), which is a lower density/intensity zoning district, and the Master Plan is designating the site as Ranch Estate Neighborhood (up to 2 du/ac). Single family residential development in an R-2 zone can be compatible with development in an R-E zone if mitigation is provided such as landscaping to buffer the uses or transitioning lot sizes. The proposed development is not providing mitigation to the adjacent parcel to the west. Therefore, the proposed development is not compatible with all existing land uses in this 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 12 students for the schools that serve this area (5 elementary students, 3 middle school students, and 4 high school students). The School District also indicates that 2 schools that would serve this area (Sierra Vista High School and 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. However, the project does not comply in part with Policy 1.5.2 Compatible Development within the Master Plan to protect the established character and lifestyles associated with RNP areas by transitioning densities with larger lots adjacent to RNP properties. Therefore, the project does not comply 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. However, the proposed development is not compatible in density or intensity with all existing land uses in the surrounding area. While the project will not have an adverse effect on public facilities and services; the project does not comply with other applicable adopted plans and goals. Therefore, staff finds the applicant has not provided a Compelling Justification to warrant approval of this

nonconforming zone change, in part due to the design of the proposed subdivision. The approval of a nonconforming zone change is tied to the plans approved for the project. As explained below there are aspects of the design of the proposed subdivision that staff does not support. Since staff cannot fully support the design of the development, staff cannot support a request to reclassify the project to an R-2 zone based on this design.

#### 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 finds that the applicant has not provided a sufficient justification to warrant approval of a reduction in lot area for the 1 lot within the proposed development. Staff finds the proposed lot size is due to the design of the development which is a self-imposed hardship that staff does not support.

#### Waiver of Development Standards #2

The hillside area in question includes a portion of this site and areas located within the right-of-way of Pebble Road. The portion of this hillside area within the right-of-way has already had more than a 50% disturbance. This is an isolated spot, there are no other areas over 2.5 acres in size with slopes that exceed 12% within 2,000 feet of this site. Therefore, staff could support this waiver if staff supported the zone change portion of this request.

#### Waiver of Development Standards #3

The applicant indicates that the increase in wall height is needed to balance the site and allow for property drainage. The topography of the site can be a special and/or unique circumstance to allow a waiver to increase wall height; however, since staff does not support the zone change staff cannot support this request.

#### Design Reviews #1, #2, and #3

Staff does not support the design of the proposed development. Larger lots should be provided along the west property line to provide a transition area to protect the adjacent parcel. Staff does not support the request to reduce lot area for the 1 lot; therefore, staff cannot support the design review for the subdivision with a lot not meeting the required minimum lot area. The plan is depicting a hammerhead design at the termination of a street and the applicant indicates that this design is necessary because there is not enough area to accommodate a radius bulb cul-de-sac. The plans show this hammerhead provides access for only 2 lots. A stub street could be provided at the end of this street, which would match the design for the ends of the other streets within the proposed development. Therefore, staff does not support these design reviews.

## **Public Works - Development Review**

### **Design Review #4**

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. However, since areas of the proposed development may conflict with portions of the drainage easement that can be safely vacated, staff finds that the plans provided with this application are premature and, therefore, cannot support this request.

### **Staff Recommendation**

Denial. This item will be forwarded to the Board of County Commissioners' meeting for final action on June 22, 2022, at 9:00 a.m., unless otherwise announced.

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:

- Resolution of Intent to complete in 4 years;
- Lots along the west property line to be a minimum of 5,000 square feet;
- 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.
- 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; and that this application must commence within 4 years of approval date or it 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;
- Right-of-way dedication to include 30 feet to 40 feet for Pebble Road.

- 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 this site is located within a Special Flood Hazard Area (SFHA) as designated by the Federal Emergency Management Agency (FEMA).

**Fire Prevention Bureau**

- No comment.

**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 #0162-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

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

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** ENCORE INVESTMENTS LLC

**CONTACT:** ENCORE ENGINEERING LLC, 7272 S. EL CAPITAN WAY, STE 2, LAS VEGAS, NV 89148