

SINGLE FAMILY RESIDENTIAL
(TITLE 30)

CACTUS AVE/QUARTERHORSE LN

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-22-0121-DOGWOOD HICKORY, LLC:

ZONE CHANGE to reclassify 9.6 acres from an R-E (Rural Estates Residential) Zone to an R-D (Suburban Estates Residential) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce landscaping; **2)** increase wall height; **3)** allow nonstandard improvements in the right-of-way; **4)** waive street dedication; and **5)** waive off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving).

DESIGN REVIEWS for the following: **1)** single family residential development; **2)** allow hammerhead turnarounds; and **3)** finished grade.

Generally located on the southeast corner of Cactus Avenue and Quarterhorse Lane within Enterprise (description on file). JJ/jt/jo (For possible action)

RELATED INFORMATION:

APN:

176-32-101-008; 176-32-101-009

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce landscaping along Cactus Avenue where landscaping per Figure 30.64-17 is required.
2. Increase wall height to 12 feet (6 foot retaining wall and 6 foot screen wall) where 9 feet (3 foot retaining wall and 6 foot screen wall) is the maximum per Section 30.64.050 (a 34% increase).
3. Allow nonstandard improvements (landscaping) in the Cactus Avenue right-of-way where not allowed per Chapter 30.52.
4. Waive the required dedication for a street alignment along the east side of the site where dedication is required per Chapter 30.52.
5. Waive off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving) for Quarterhorse Lane where off-site improvements are required per Chapter 30.52.

DESIGN REVIEWS:

1. Single family residential development.
2. Allow hammerhead turnarounds where radius cul-de-sacs are the County's preferred turnaround per Section 30.56.080.
3. Increase finished grade to 126 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 250% increase).

LAND USE PLAN:
ENTERPRISE - OPEN LANDS

BACKGROUND:
Project Description

General Summary

- Site Address: N/A
- Site Acreage: 9.6
- Number of Lots: 27
- Density (du/ac): 2.8
- Minimum/Maximum Lot Size (square feet): 10,000/11,370
- Project Type: Single family residential development
- Number of Stories: 1
- Building Height (feet): 18
- Square Feet: 2,300/2,538/2,754

Neighborhood Meeting Summary

Notices were mailed to property owners within 1,500 feet of the site, and 2 virtual neighborhood meetings were held for this project. The first neighborhood meeting was held on November 25, 2020, and the follow-up neighborhood meeting was held on February 22, 2021. Eight neighbors attended the second neighborhood meeting, and concerns included traffic, the adjacent school, and horse traffic.

Site Plan

The site plan depicts a single family residential subdivision with a 58 foot wide private street with medians and gated access from Cactus Avenue on the north side of the site. The internal street network includes 38 foot wide private streets, which terminate in 2 stub streets on the east side of the site and 2 hammerhead turnarounds on the west side of the site. A design review is necessary to allow the hammerhead turnarounds since radius cul-de-sacs are the County's preferred turnaround design in residential subdivisions. Additional land use requests include waivers of development standards to not install off-site improvements along Quarterhorse Lane and to not dedicate a street alignment along the east side of the site.

Landscaping

Landscaping along Cactus Avenue includes a 5 foot wide landscape strip, a 5 foot wide detached sidewalk, and a 7 foot wide landscape strip, all within the public right-of-way. A waiver of development standards is necessary to allow nonstandard improvements (landscaping) within the right-of-way. Another waiver of development standards is also necessary to not provide trees on the street side of the detached sidewalk along Cactus Avenue. However, an additional 10 foot wide landscape strip is provided on-site, behind the landscaping in the right-of-way along Cactus Avenue.

Landscaping along Quarterhorse Lane includes a 10 foot wide equestrian trail and a 5 foot wide landscape strip. Although, 5 feet of the equestrian trail is depicted in the right-of-way, and 5 feet of the equestrian trail is depicted on-site.

The subdivision also includes several pedestrian connections. Sidewalks are provided on both sides of the 58 foot wide private street connecting to Cactus Avenue. In addition, a 20 foot wide landscape area with a pedestrian pathway is provided in the northeast portion of the site connecting from an internal stub street to Cactus Avenue. Lastly, pedestrian connections are provided from the hammerhead turnarounds to Quarterhorse Lane along the west side of the site.

Elevations

All the model homes are single story and extend up to a maximum height of approximately 18 feet. Elevations include pitched tiled roofs and various combinations of architectural enhancements on the elevations to provide variety and visual interest. Architectural enhancements include stone veneer, decorative lights, and stucco pop-outs around the windows.

Floor Plans

Three floor plans are provided, which are 2,300 square feet, 2,538 square feet, and 2,754 square feet. Each floor plan includes a living room, kitchen, bedrooms, bathrooms, and a 3 car garage.

Applicant's Justification

According to the applicant, the proposed R-D zoned single family subdivision will provide an appropriate transition from the R-2 zoned single family subdivisions to the north to the R-E zoned single family residences and natural terrain to the south. The design alternatives associated with the project are appropriate and will not create any negative impacts. For example, the waiver of development standards to not install off-sites along Quarterhorse Lane will help maintain the rural aesthetic of the area, and the neighbors requested that off-sites not be installed along this right-of-way.

Similarly, the waiver of development standards to allow landscaping in the right-of-way and to not install trees on the street side of the detached sidewalk along Cactus Avenue are due to future Public Works projects in the area. The proposed curb location along Cactus Avenue matches the curb location on the Public Works improvement plans, which includes 17 feet of dedicated right-of-way that will not be fully improved with off-sites. As a result, the applicant requests to landscape this area. Also, a storm conduit is proposed under Cactus Avenue in this area. Therefore, trees on the street side of the detached sidewalk could interfere with the future storm water improvements. Nevertheless, the applicant would agree to a condition to install the trees if the storm water conduit is not needed or if Public Works approves the trees.

The applicant also indicates that the hammerhead turnarounds will not create any negative impacts, and the dedication of the street alignment along the east side of the site is not necessary. Lastly, the increased finished grade and increased wall heights are necessary due to the topography of the site, which drops in elevation over 10 feet from the west to east along with an increase in elevation over 10 feet from the north to south.

Prior Land Use Requests

Application Number	Request	Action	Date
LUP-20-700095	Request to redesignate the land use category from OL (Open Land) to RL (Residential Low) - Enterprise Land Use Plan update cancelled due to pandemic	Cancelled by BCC	April 2020
NZC-19-0250	Request to R-2 zoning for a 64 lot residential subdivision	Withdrawn by applicant	August 2019
TM-19-500077	Tentative map for a 64 lot single family residential subdivision	Withdrawn by applicant	August 2019
VS-19-0251	Vacation and abandonment of patent easements	Withdrawn by applicant	August 2019
NZC-18-0549	Request to R-2 zoning for a 64 lot single family residential subdivision	Withdrawn by applicant	August 2018
NZC-0442-06	Request to R-2 & R-3 zoning to add approximately 20 acres into the Mountain's Edge Master Planned Community	Withdrawn by applicant	April 2006

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single family residential
South, East, & West	Open Lands	R-E	Undeveloped

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

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.*

Changing trends since the most recent adoption of the Enterprise Land Use Plan include the tremendous increase in demand for housing and the additional residential development in this

area. Demand for housing in Clark County has exceeded supply, and these additional housing units will increase the overall housing supply. Furthermore, R-2 zoned subdivisions were approved and built at the northeast corner of El Capitan Way and Cactus Avenue, and the southwest corner of Durango Drive and Cactus Avenue. Additional R-2 zoned subdivisions were approved and built east of Durango Drive on both the north and south sides of Cactus Avenue. As a result, both the increased demand for housing and additional residential development in this area indicates changing trends since the most recent adoption of the Enterprise Land Use Plan that would help make this nonconforming zone boundary amendment 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.*

In this area, Cactus Avenue was planned as the division between more intense development to the north and open land to the south. However, a school and several R-2 zoned single family subdivisions were built on the south side of Cactus Avenue. Furthermore, expansive R-2 zoned subdivisions are located directly on the north side of Cactus Avenue within a former Major Projects area (Mountain's Edge). As a result, the proposed R-D zoned subdivision is compatible with uses in the area, and it will provide an appropriate transition between the more intense R-2 zoned subdivisions to the north and the R-E zoned single family residences and open land to the south.

- 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 the public utility purveyors that the nonconforming zone boundary amendment would have a negative impact on public facilities and services. However, the Clark County School District indicates that Desert Oasis High School was over capacity for the 2021-2022 school year. Both Thompson Elementary School and Gunderson Middle School were under capacity for the same school year.

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

Goal 1.1 of the Clark County Master Plan encourages opportunities for diverse housing options, and Policy 1.1.1 encourages a mix of housing at varied densities and in numerous locations. Here, R-D zoning will allow for an appropriate transition of housing density between the more intense R-2 zoned subdivisions to the north and the R-E zoned single family residences and open land to the south. R-D zoning will also add to the mix of housing types as this area is a transition between suburban and rural development.

Summary

Zone Change

Changing trends of increased demand for housing and additional housing development in this area help make the nonconforming zone boundary amendment appropriate. In addition, the proposed R-D zoning is compatible with the area since it creates a transition between R-2 zoning to the north and R-E zoning to the south. Lastly, there will be no negative impacts to public services and infrastructure, and the request complies with adopted goals and policies in the Master Plan.

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

Not installing trees on the street side of the detached sidewalk is necessary due to a potential Public Works improvement project in the area. In addition, this waiver of development standards would only eliminate the trees located on the street side of the sidewalk on the east side of the private street entrance from Cactus Avenue. Sight visibility zone requirements already eliminate the installation of trees on the street side of the detached sidewalk on the west side of the private street entrance from Cactus Avenue. As a result, this waiver will make the street landscaping appear more consistent along the entire Cactus Avenue Street frontage, and staff can support the request.

Waiver of Development Standards #2

Increasing the retaining wall heights is necessary due to the topography of the site. Most of the increased retaining walls will occur internal to the site; however, increasing the retaining walls will also be necessary along the eastern property line. Nevertheless, the property to the east is planned for Open Lands. Immediately to the east is an undeveloped portion of a BLM parcel, and farther east is a school. As a result, there will be no direct impact to existing residential development, and staff can support the request.

Design Review #1

The proposed subdivision and single family residences are both consistent with the standards of approval for a design review. For example, the layout of the subdivision, site access, and circulation will not negatively impact adjacent roadways or neighborhood traffic. In addition, multiple pedestrian pathways are provided to both Cactus Avenue and Quaterhorse Lane. Furthermore, the single family home models are aesthetically pleasing and harmonious and compatible with the area. As a result, staff can support the design review.

Design Review #2

Per Title 30, factors that will be considered in determining whether a hammerhead design is appropriate include: 1) the number and layout of on-site parking spaces, 2) driveway length, 3)

the number of hammerheads, 4) size of lots, and 5) shape and other constraints of the property. Using these criteria, the number of lots in the subdivision is relatively low (27), and each lot includes more than the minimum number of on-site parking spaces. In addition, the driveway lengths meet Title 30 standards, and each residence will include a 3 car garage. Also, there are only 2 hammerheads within the subdivision, and the size of the lots all meet or exceed the 10,000 square foot minimum. Lastly, the grade difference on the site presents a physical constraint in which hammerhead turnarounds may be more appropriate for the terrain. As a result, staff can support the design review.

Public Works - Development Review

Waiver of Development Standards #3

The applicant is responsible for maintenance and up-keep of any non-standard improvement; the County will not maintain any landscaping placed in the right-of-way. Staff can support Waiver of Development Standards #3 but the applicant must execute and sign a License and Maintenance Agreement for any non-standard improvements within the right-of-way.

Waiver of Development Standards #4

Staff has no objection to the request to not dedicate the street alignment on the east side of the parcel. The segment of that street is not necessary for access and would not serve a public purpose.

Waiver of Development Standards #5

Historical events have demonstrated how important off-site improvements are for drainage control. Additionally, full width paving allows for better traffic flow and sidewalks on public streets provide safer pathways for pedestrians and for children to walk to school. Therefore, staff cannot support the Waiver of Development Standards for full off-site improvements on Quarterhorse Lane.

Design Review #3

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, waivers of development standards #1 through #4, and the design reviews; denial of waiver of development standards #5. 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 3 years;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection;
- 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; and 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;
- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way;
- Right-of-way dedication to include 50 feet for Cactus Avenue and associated spandrel;
- Execute a Restrictive Covenant Agreement (deed restrictions);
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Cactus Avenue improvement project;
- Off-sites on Cactus Avenue to be installed in accordance with the approved plans for the Cactus Avenue improvement project;
- Applicant to coordinate a contribution with Public Works for improvements on Cactus Avenue;
- Vacate any unnecessary rights-of-way and/or easements;
- 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.
- 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.

Fire Prevention Bureau

- Applicant is advised to submit plans for review and approval prior to installing any gates, speed humps (speed bumps not allowed), and any other fire apparatus access roadway obstructions.

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 #0007-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: DOGWOOD HICKORY LLC

CONTACT: LINDSAY KAEMPFER, KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DRIVE, SUITE 650, LAS VEGAS, NV 89135