

SINGLE FAMILY DEVELOPMENT  
(TITLE 30)

**UPDATE**  
BOULDER HWY/WHITNEY AVE

PUBLIC HEARING  
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
**NZC-22-0176-MOSER, INEZ E.:**

**ZONE CHANGE** to reclassify 5.4 acres from an R-2 (Medium Density Residential) Zone and a C-2 (General Commercial) Zone to an R-2 (Medium Density Residential) Zone.

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

**DESIGN REVIEW** for a proposed single family residential development.

Generally located on the east side of Boulder Highway and the north side of Whitney Avenue within Whitney (description on file). JG/rk/jo (For possible action)

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RELATED INFORMATION:

**APN:**

161-27-201-001; 161-27-201-002

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce street landscaping behind an attached sidewalk on an arterial street (Boulder Highway) to 5.5 feet where 15 feet is required per Table 30.64-2 and Figure 30.64-17 (a 63% reduction).
2. Reduce street intersection off-set to 96 feet and 102 feet where 125 feet is required per Section 30.52.052 (a 23% and 18% reduction respectively).

**LAND USE PLAN:**

WHITNEY - CORRIDOR MIXED-USE

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 5895 Boulder Highway
- Site Acreage: 5.4
- Number of Lots: 42
- Density (du/ac): 7.8
- Minimum/Maximum Lot Size (square feet): 3,440/5,514
- Project Type: Single family residential development
- Number of Stories: 2
- Building Height (feet): Up to 25
- Square Feet: 1,840/2,719

## **Neighborhood Meeting Summary**

The applicant conducted a 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 open house meeting for this item. Positive comments were raised about single family home development on the site. One comment raised a concern about the commercial zoning being changed to residential but also appreciated that the vacant lot would be developed. A question was raised about increasing perimeter wall height. Overall, according to the applicant, no opposition was expressed about the project.

### Site Plans

The plans depict a single family residential development totaling 42 single family lots and 3 common area lots on 5.4 acres. The density of the overall development is shown at 7.8 dwelling units per acre. The lots range in size from a minimum of 3,440 square feet to a maximum of 5,514 square feet. The development will have access from Dodd Street to the east. The lots within the subdivision will be served by 43 foot wide internal private streets, which includes a sidewalk on 1 side of the street. The waivers associated with this request include a reduction of street intersection off-set based on the location of the entry street, and for reduced street landscaping with an attached sidewalk along Boulder Highway.

### Landscaping

The plans depict a 6 foot wide landscape area with attached sidewalk along Whitney Avenue and Dodd Street. A 5.5 foot wide landscape area is proposed within the property line of the development along Boulder Highway. However, there is an existing additional 11.5 feet of landscaping located within Boulder Highway (NDOT right-of-way) to the back of sidewalk. These 2 areas will be combined for a total of 17 feet of proposed landscape width.

### Elevations

The development will provide 2 story model homes with the maximum height shown at approximately 25 feet. The plans submitted by the applicant depict 4 different models with each model having potential elevation variations. The building materials consist of concrete tile roofs, stucco finished walls with decorative pop-outs, and fenestration on windows and doors on all sides of the models.

### Floor Plan

The models range in size from 1,840 square feet to 2,719 square feet with options that include multiple bedrooms, 2 to 3 car garages, and options for bonus rooms.

### Applicant's Justification

The applicant indicates that the proposed development will blend well with the developed R-2 zoned subdivisions in the area, and that the proposed density will result in a land use that is consistent with the surrounding neighborhood to the east. The site plan and design of the homes adhere to all Title 30 standards, including but not limited to, meeting all setbacks.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-19-0616	Inventory storage area for recreational vehicles (camper vans)	Approved by PC	October 2019
UC-0478-14	Vehicle rental (recreational/campers) facility on the southern parcel - expired	Approved by PC	July 2014
UC-0256-09	Recreational vehicle sales and rental facility on the northern parcel - expired	Approved by PC	May 2009
ZC-0793-98	Reclassified portions of this site to C-2 zoning for a mobile home sales lot	Approved by BCC	September 1998

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Corridor Mixed-Use	C-2 & R-2	RV sales/rental & single family residential
West	Corridor Mixed-Use	C-2	Retail uses
East	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single family residential & undeveloped
South	Corridor Mixed-Use	C-2 & R-2	Retail uses & single family residential

**Related Applications**

<b>Application Number</b>	<b>Request</b>
TM-22-500063	A tentative map to subdivide this site into 42 single family residential lots on 5.4 acres 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.*

The applicant states a couple of properties south along Boulder Highway have recently been rezoned R-2 and RUD, making the request to rezone to a similar residential density compatible.

Since 2020 there have been 2 other nonconforming zone change applications approved to reclassify portions of this area to medium density residential developments. The trend in this area is for additional residential development and less commercial development. Based on this trend, staff finds the request to be appropriate for the area.

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 single family residential development is of similar intensity when compared to adjacent residential developments to the east of the project site. Furthermore, the applicant states the project is meeting most of the R-2 zone development standards when it comes to lot area and setback requirements.

The request is appropriate and compatible with the existing land use patterns in the immediate area. The density proposed by this request will result in a land use that will be developed at the same or similar densities of the existing subdivisions within this neighborhood; therefore, staff finds the proposed zoning is compatible with the existing development 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.*

According to the applicant, technical studies will be prepared to address any drainage and water related impacts as part of the civil plan review process.

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 this development would generate 7 additional elementary school students, 4 middle school students, and 6 high school students.

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

The applicant states that the proposed development satisfies the general policies of the Master Plan by providing housing alternatives to meet a range of lifestyle choices, ages, and affordability levels. The applicant also states the site is designed to be compatible with adjacent land use and off-site circulation patterns.

The proposed development complies with Goal 1.1 of the Master Plan that encourages opportunities for diverse housing options to meet the needs of residents of all ages, income levels and abilities. Staff finds the project also complies with Policy 1.3.2 that encourages a mix of housing options, product types, and unit sizes.

## **Summary**

### Zone Change & Design Review

Since 2020 there have been nonconforming zone change applications approved to reclassify portions of this area to medium density residential developments. Based on this trend, staff finds the request to be appropriate for the area. The density and intensity of the proposed project are compatible with the existing developments to the east. Staff finds the applicant has provided a sufficient compelling justification for this nonconforming zone boundary amendment request; therefore, staff recommends approval of the zone change and design review.

### 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 proposed 5.5 foot wide landscape area within the property line of the development and the existing 11.5 feet of landscaping (Vista Gold rockscape) located within Boulder Highway, combine for a total of 17 feet of proposed landscape width to the back of sidewalk. Staff finds the combined street landscape buffer far exceeds the existing landscape areas along Boulder Highway and is compatible with the existing development in the area.

## **Public Works - Development Review**

### Waiver of Development Standards #2

Staff has no objection to the request to reduce the street intersection off-set for this subdivision. The proposed 42 lot subdivision should see a low volume of traffic because of the limited number of lots.

## **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 17, 2022 – APPROVED – Vote: Aye: Kirk, Castello, Frasier, Kilarski, Lee Absent: Stone, Nguyen

## **Current Planning**

- Resolution of Intent to complete in 4 years;
- Install a retaining and screen wall adjacent to Whitney Avenue totaling a minimum height of 8 feet as measured externally from Whitney Avenue.
- 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;
- Traffic study and compliance;
- Full off-site improvements.
- Applicant is advised that Nevada Department of Transportation (NDOT) permits may be required.

**Fire Prevention Bureau**

- All homes are required to have fire sprinklers installed and compliant with NFPA 13# or similar Code;
- 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 to show on-site fire lane, turning radius, and turnarounds.

**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 #0435-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Whitney - approval (applicant to develop a retaining and screen wall totaling a minimum height of 8 feet, measured externally from Whitney Avenue, along the southeast property adjacent to Whitney Avenue).

**APPROVALS: 2 cards**

**PROTESTS: 3 cards**

**APPLICANT: BEAZER HOMES**

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