

SINGLE FAMILY RESIDENTIAL  
(TITLE 30)

**UPDATE**  
DEAN MARTIN DR/AGATE AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**NZC-22-0229-PY PROPERTIES LLC & MTG LIVING TRUST:**

**ZONE CHANGE** to reclassify 8.6 acres from an R-E (Rural Estates Residential) Zone to an R-2 (Medium Density Residential) Zone.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** increase wall height; **2)** waive full off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving); **3)** alternative landscaping along Dean Martin Drive; and **4)** eliminate landscaping against a freeway.

**DESIGN REVIEWS** for the following: **1)** single family residential; and **2)** finished grade.

Generally located on the east side of Dean Martin Drive, approximately 215 feet south of Raven Avenue within Enterprise (description on file). JJ/jvm/jo (For possible action)

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RELATED INFORMATION:

**APN:**

177-20-104-010; 177-20-104-012; 177-20-104-013; 177-20-104-015; 177-20-204-001; 177-20-204-002

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Increase wall height to 12 feet (6 foot retaining wall and 6 foot screen wall) where a maximum of 9 feet (3 foot retaining wall and 6 foot screen wall) is the maximum per Section 30.64.050 (a 33% increase).
2. Waive full off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving) along Dean Martin Drive where required per Section 30.52.050.
3. Permit alternative landscaping along street frontages with no sidewalks (Dean Martin Drive), where a 15 foot wide landscape area with a detached sidewalk is required along arterial and collector streets per Figure 30.64-17.
4. Eliminate landscaping adjacent to a freeway where landscaping per Figure 30.64-4 is required.

**DESIGN REVIEWS:**

1. Single family residential.
2. Increase finished grade to 7 feet where a maximum of 3 feet is the standard per Section 30.32.040 (a 133% increase).

**LAND USE PLAN:**

ENTERPRISE - BUSINESS EMPLOYMENT

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

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

- Site Acreage: 8.6
- Number of Lots/Units: 46
- Density (du/ac): 5.4
- Minimum/Maximum Lot Size (square feet): 3,500/7,855
- Project Type: Single family residential
- Number of Stories: 1 & 2
- Building Height (feet): up to 26
- Square Feet: up to 3,066

**Neighborhood Meeting Summary**

The applicant conducted a neighborhood meeting on March 8, 2022, as required by the nonconforming amendment process, prior to formal filing of this application. All owners within 1,500 feet of this project site were notified about the meeting. There were 21 attendees present at the meeting. The attendees had concerns about homelessness, traffic, noise, and density. Others voiced their support for the project.

**Site Plans**

The plans depict a proposed single family residential development on the east side of Dean Martin Drive, between Raven Avenue and Vicki Avenue. The overall lot count is for 46 lots on approximately 8.6 acres. Essentially, there are 2 separate subdivisions within the overall site that are divided by a large wash. On the north side of the wash there are 29 lots ranging in size from 3,500 square feet to 6,459 square feet. Access will be provided by one, 42 foot wide driveway from Dean Martin Drive, and all lots will be serviced from 42 foot wide private streets with a 4 foot wide sidewalk on 1 side of the private street.

The subdivision on the south side of the wash will be accessed through a previously approved subdivision to the south and east of this proposed development. It is comprised of 17 lots ranging in size from 4,815 square feet to 7,855 square feet. All lots will be serviced from 42 foot wide private streets with a 4 foot wide sidewalk on 1 side of the private street.

**Landscaping**

A 10 foot wide landscape planter with no sidewalk is proposed along Dean Martin Drive. Within this planter will be 24 inch box trees and 15 gallon trees spaced approximately 35 feet on center, also included will be the appropriate shrubs and groundcover. No other landscaping is depicted.

### Elevations

The subdivisions will be composed of both 1 and 2 story homes. They will range in height from 16 feet (1 story) to 26 feet (2 story). Construction materials will consist of stucco exteriors and tile roofs with building pop-outs, stone veneer, and architectural enhancements around windows and doors.

### Floor Plans

The floor plans depict homes ranging in size from 1,550 square feet to 3,066 square feet with various rooms depicted for homes of this type.

### Applicant's Justification

The applicant states that the increase in wall height is needed because of the increase in grade within the site. Also, the request to waive full off-sites is in keeping with the existing development surrounding Dean Martin Drive. In addition, the request for alternative landscaping along Dean Martin Drive is in keeping with the request for rural street standards. Lastly, the request to eliminate landscaping along I-15 is in keeping with other developments in the area.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-18-0660	Reclassified 5.7 acres to M-D zoning for an office/warehouse	Denied by BCC	December 2018
ZC-0336-09 (ET-0133-13)	First extension of time to reclassify 7.7 acres to C-2 zoning for a hotel and shopping center - expired	Approved by BCC	February 2014
ZC-0336-09	Reclassified 7.7 acres to C-2 zoning for a hotel and shopping center - expired	Approved by BCC	June 2009

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Business Employment	R-E	Undeveloped
South	Low Intensity Suburban Neighborhood (up to 5 du/ac)	R-E & C-P	Single family residential & undeveloped
East	Entertainment Mixed-Use	H-2 & R-3	I-15, single family residential, & multiple family residential
West	Ranch Estate Residential (up to 2 du/ac)	R-E (RNP-I)	Single family residential & undeveloped

The subject site is in the Public Facilities Needs Assessment (PFNA) area.

### **Related Applications**

<b>Application Number</b>	<b>Request</b>
VS-22-0233	A request to vacate and abandon easements of interest to Clark County is a companion item on this agenda.
TM-22-500079	A tentative map consisting of 46 single family residential lots on 8.6 acres is a companion item on this agenda.

### Related Applications

Application Number	Request
ZC-22-0240	A zone change request to reclassify 5.7 acres to M-D zoning is a related 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 that the current trend is the need for additional single family residential development in this area and in the Las Vegas Valley in general. The demand for single family residential housing continues to remain high while the supply remains very limited as indicated by the continual increase in home values and cost and the short timeframes that homes remain available in the open market. This trend fuels the need for residential development at higher densities than previously planned to meet the demands. In this instance, the proposed project is sandwiched between Dean Martin Drive (80 foot right-of-way) and I-15. The proposed R-2 zoning to allow residential development is appropriate for the property. The Dean Martin/Agate subdivision has been approved to the south and east for single family residential with similar R-2 zoning at slightly higher density.

Staff agrees with the applicant that the need for additional single family development throughout the Las Vegas Valley is in high demand. In addition, the properties to the south and east have recently been approved for single family development at similar densities to this project.

- 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 applicant states that this is an add-on project to the previously approved Dean Martin/Agate project located directly south and east. The site is presently master planned as Business Employment (BE) and Low-intensity Suburban Neighborhood (LN). The properties to the north are developed under a planned land use of LN and BE. The properties to the east and south are approved for a residential subdivision under R-2 zoning at a similar density to this project. Properties to the west across Dean Martin Drive are planned as Ranch Estate Neighborhood

(RN) and zoned R-E. As this project is sandwiched between Dean Martin Drive (an 80 foot wide roadway) and I-15, it serves as a buffer between the RNP neighborhood to the west and I-15 (which carries approximately 140,000 vehicles per day). The proposed R-2 zoning is compatible with the BE land use to the north and will create the buffer for the RNP area west of Dean Martin Drive.

Staff agrees with the applicants statement that a portion of this project is an add-on to the previously approved subdivision to the south and east. Staff also agrees that this project can act as a buffer between I-15 and the rural neighborhood on the west side of Dean Martin Drive.

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.*

The site is bordered by Dean Martin Drive on the west (planned 80 foot right-of-way) and Serene Avenue on the south (planned 80 foot right-of-way) with access proposed on Dean Martin Drive. Adequate access and circulation are provided by the public streets. The proposed project will not have a substantial adverse effect to the area roadways, Fire and Police facilities, parks, and area utilities. According to Clark County School District, the area schools are at or over capacity, however, the project is not anticipated to cause a substantial adverse effect. Stormwater management will be in accordance with Clark County Flood Control standards and will not adversely affect adjacent properties.

Various Clark County service departments have reviewed this development proposal and found adequate services available or have specified the type of improvements that are needed for this development. Sufficient public services may not exist in the immediate area and because the site is in the Public Facilities Needs Assessment (PFNA) area, a standard development agreement will be necessary prior to issuance of any building permits to mitigate any short falls in needed public facilities.

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

The proposed project complies with the policies of the Master Plan and the Enterprise Land Use Plan:

- Provide housing alternatives to meet a range of lifestyle choices, ages, and affordability Levels (Land Use Goal #7).
- Site plan designs should be required to provide the maximum feasible protection to people and land uses sensitive to air pollution through the use of buffer zones such as barriers and/or distance from emissions sources. (Community Design Policy #7 by use of sound wall along I-15 to mitigate traffic noise.)

Staff agrees with the applicant's summation of the goals and policies.

## **Summary**

### **Zone Change**

Staff finds that the proposed subdivision will provide a buffer between the high traffic volume of I-15 and the rural density housing on the west side of Dean Martin Drive. In addition, another R-2 subdivision was recently approved to the south and east of this proposal, making this proposed subdivision compatible with adjacent approvals. Therefore, staff can support the proposed nonconforming zone boundary amendment to R-2 zoning.

### **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 the topography of the project site warrants an increase to the retaining wall height proposed for the development. The greatest increase to the combined screen wall/retaining wall height is up to 14 feet, occurring along the east boundary of the project site adjacent to I-15. The increase to the wall height should have minimal impact on the surrounding residential development. Therefore, staff can support this request.

#### **Waiver of Development Standards #3**

The intent of the detached sidewalk requirement is to ensure a proper buffer exists between the sidewalk and the adjacent arterial (Dean Martin Drive). Although there are no detached sidewalks within the immediate area, staff finds eliminating the detached sidewalk requirement along the public right-of-way contradicts Urban Specific Policy 11, which states that all developments outside of rural areas should provide sidewalks on both sides of any public street. Staff is also concerned that the lack of public sidewalks will create a vehicular/pedestrian conflict as pedestrians will have no choice but to walk within the right-of-way. The request for alternative landscaping, consisting of a 10 foot wide landscape area along Dean Martin Drive, is a self-imposed burden; therefore, staff cannot support this request.

#### **Waiver of Development Standards #4**

The intent of landscaping adjacent to a freeway buffer wall is to break-up the monotony of the solid wall adjacent to a single family residential development. The waiver request should have minimal to no impact on the surrounding land uses, with the exception of the residential lots interior to the project site. Therefore, staff can support this request.

### **Design Review #1**

The density and intensity of the proposed project are compatible with the existing developments to the east and south. In addition, this subdivision will provide a buffer between two rural neighborhoods to the west and I-15. Therefore, staff can support the design review.

## **Public Works - Development Review**

### Waiver of Development Standards #2

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.

### 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.

## **Department of Aviation**

The property lies just outside the AE-60 (60-65 DNL) noise contour for the Harry Reid International Airport and is subject to continuing aircraft noise and over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade the Harry Reid International Airport facilities to meet future air traffic demand.

## **Staff Recommendation**

Approval of the zone change, waivers of development standards #1 and #4, and the design reviews; denial of waivers of development standards #2 and #3. 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.

## **STAFF CONDITIONS:**

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

- **Applicant is advised that there are active septic permits on APN 177-20-104-012 and APN 177-20-104-013; to connect to municipal sewer and remove the septic systems 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 systems have been properly removed.**

## **PLANNING COMMISSION ACTION: June 7, 2022 – APPROVED – Vote: Unanimous 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; 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;
- Applicant to coordinate a contribution with Public Works for improvements on Dean Martin Drive.
- 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).

#### **Department of Aviation**

- Applicant is advised that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed.

#### **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 #0653-2019 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

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

**APPROVALS:** 2 cards

**PROTESTS:** 7 cards, 1 letter

**APPLICANT:** KB HOME LAS VEGAS

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