

09/21/22 BCC AGENDA SHEET

SINGLE FAMILY RESIDENTIAL  
DEVELOPMENT  
(TITLE 30)

ARVILLE ST/SILVERADO RANCH BLVD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**NZC-22-0381-ROOHANI KHUSROW FAMILY TRUST:**

**ZONE CHANGE** to reclassify 16.8 acres from an R-E (Rural Estates Residential) Zone to an RUD (Residential Urban Density) Zone.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduce setback; **2)** reduce open space; and **3)** street intersection off-set.

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

Generally located on the east side of Arville Street and the north side of Silverado Ranch Boulevard within Enterprise (description on file). JJ/md/jo (For possible action)

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RELATED INFORMATION:

**APN:**

177-19-801-017; 177-19-801-018; 177-19-802-022

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce the rear yard setback to 6 feet where a minimum setback of 15 feet is required per Table 30.40-2 (a 60% reduction).
2. Reduce the required open space to 25,467 square feet where a minimum of 32,000 square feet is required per Table 30.40-2 (a 21.9% reduction).
3. Reduce street intersection off-set to 110 feet where 125 feet is required per Chapter 30.52 (a 12% reduction).

**DESIGN REVIEWS:**

1. Single family residential development.
2. Increase finished grade to 74 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 105.6% increase).

**LAND USE PLAN:**

ENTERPRISE - BUSINESS EMPLOYMENT

ENTERPRISE - MID-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 8 DU/AC)

## **BACKGROUND:**

### **Project Description**

#### General Summary

- Site Address: N/A
- Site Acreage: 16.8
- Number of Lots: 160
- Density (du/ac): 9.6
- Minimum/Maximum Lot Size (square feet): 3,030/4,797
- Project Type: Single family residential development
- Number of Stories: 2
- Building Height (feet): 21.5 to 28
- Square Feet: 1,590 to 2,482
- Open Space Required/Provided (square feet): 32,000/25,467

#### **Neighborhood Meeting Summary**

This request is for a nonconforming zone change to reclassify 16.8 acres from an R-E zoning district to an RUD zoning district to allow a single family residential development. The applicant conducted a neighborhood meeting on May 31, 2022, 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. Three people attended the meeting and did not express any concerns or objections with the proposed development.

#### Site Plans

The plans depict a single family residential development consisting of 160 lots on 16.8 acres with a density of 9.6 dwelling units per gross acre. The minimum and maximum lot sizes are 3,030 square feet and 4,797 square feet, respectively. The primary ingress and egress to the proposed development is provided by the following: 1) a 43 foot wide east/west private street (Street A) connecting to Arville Street; 2) a 43 foot wide east/west private street (Street D) connecting to Hinson Street; and 3) a 43 foot wide north/south private street (Street C) connecting to Gary Avenue. Five foot wide attached sidewalks are provided on 1 side of the private streets (A through D) serving the interior of the development. Five foot wide detached sidewalks are provided along Arville Street and Silverado Ranch Boulevard, and 5 foot wide attached sidewalks are provided along Gary Avenue and Hinson Street.

The proposed development requires 32,000 square feet of open space where 25,467 square feet of open space is provided, necessitating a waiver of development standards. The open space area (Common Element A) is centrally located within the project site dividing 2 rows of residences, Lot 142 through Lot 160 and Lot 121 through Lot 141. The open space area measures a minimum of 25 feet in width with a linear length of 669 feet. An open space area measuring 2,739 square feet is located immediately to the west of Lot 142 and adjacent to Private Street B.

A waiver of development standards is requested to reduce the rear yard setback for Lot 1 through Lot 7, Lot 51 through Lot 56, and Lot 57 through Lot 59. A third waiver of development standards is requested to reduce the street intersection off-set to 110 feet from Silverado Ranch

Boulevard to Private Street D. The increase in finished grade will predominantly occur within the eastern portion of the proposed development.

### Landscaping

The plans depict a 15 foot wide landscape area, including a 5 foot wide detached sidewalk, adjacent to Arville Street and Silverado Ranch Boulevard. Twenty-four inch box trees planted 20 feet on center, including shrubs and groundcover, are located within the street landscape area. The proposed development requires 32,000 square feet of open space where 25,467 square feet of open space is provided, necessitating a waiver of development standards.

### Elevations

The plans depict 2 story model homes with a height ranging from 21.5 feet to 28 feet. The proposed models consist of a pitched, concrete tile roof featuring stucco siding, stone veneer, and varying rooflines. Architectural enhancements are featured on all elevations including window fenestration, faux shutters, and stucco pop-outs.

### Floor Plans

The plans depict 2 story homes with multiple floor plans ranging from 1,590 square feet to 2,482 square feet. The models feature multiple bedrooms, bathrooms, dining room, kitchen, and a gathering room. All models feature 2 car garages.

### Applicant's Justification

The waiver to reduce the rear yard setback is being requested due to the house plans utilizing a side yard access from inside the house to the side yard. The yard will be enclosed with a retaining and/or screen wall of 6 feet minimum in length in the rear yard and 10 feet minimum in length in the side yard. The decreased rear yard setback allows the project to generate more home buying options to meet with the current market demands. The rear setback reductions will only apply to 2 of the 5 house plans (2,124 square feet and 2,469 square feet) being offered in this community.

The usable open space is dispersed evenly throughout the site with a 25 foot paseo and centrally located park area. It is intended to have the open space easily accessible by the homeowners and isolate the privately maintained open space from the public view along Arville Street and Silverado Ranch Boulevard. The open space provided will include a covered picnic area, benches, and usable turf. In addition, dog waste stations will be provided throughout the neighborhood. The applicant believes the amenities provided will be sufficient for the neighborhood since most all lots have a minimum 525 square feet of private open space provided within the enclosed yard areas on each lot.

The street intersection off-set is justified as Silverado Ranch Boulevard is a 100 foot wide public right-of-way while Private Street D is a 43 foot wide private street within the proposed development. Private Street D is the first street inside the development and the homes along the north side of the street will have direct access to Hinson Street; therefore, an entry was placed to limit direct access for the lots closest to Silverado Ranch Boulevard. These lots are approximately 95 feet deep with an additional 15 foot landscape area adjacent to Silverado Ranch Boulevard, creating the request for the reduced intersection off-set. The land use and lot

sizes are in conformance with the zoning requirements of the Development Code and the adjacent properties; therefore, the applicant believes this request is reasonable.

The topography of the subject property falls from the west to the east, and upon review of the grading and drainage for this site, there is a 74 inch grade difference within the eastern internal portion of the site. The Clark County Regional Flood Control District has mapped a drainage basin boundary through the center of the subject parcels which divides the drainage to the north and south. The division of the drainage will require a highpoint at the mid-point of the project; therefore, raising the internal fill required for the site. With the final design of the subject property, Westwood Professional Services will coordinate throughout the development process to make the elevation difference along the property boundary, as well as where any existing washes are filled, as minimal as possible.

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Business Employment & Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-E	Undeveloped
South	Compact Neighborhood (up to 18 du/ac)	R-E, R-2, & R-3	Undeveloped & single family residential
East	Mid-intensity Suburban Neighborhood (up to 8 du/ac)	R-E	Undeveloped
West	Business Employment & Public Use	C-2 & P-F	National Guard Readiness Center

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

**Related Applications**

<b>Application Number</b>	<b>Request</b>
VS-22-0382	A request to vacate right-of-way and patent easements is a companion item on this agenda.
TM-22-500129	A tentative map for a 160 lot 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.*

The applicant states the current zoning of R-E (Rural Estates Residential) was established for areas suited to low density residential uses with consideration for raising crops and a limited number of animals. Per the Demographics section of the 2014 Enterprise Land Use Plan, there was an increase of over 154,000 persons in Enterprise from 2000 to 2014 or approximately 700 percent growth over those 14 years. Future projections show Enterprise will continue to have population growth and a demand for single family detached housing. As of 2014, more than 72 percent of the housing in Enterprise was single family detached versus less than 60 percent for the Las Vegas Valley Urban Area. The applicant is proposing Residential Urban Density District (RUD) zoning, which was established to provide compact single family residential use and allows a suitable density for the surrounding area to support the continual growth of Enterprise.

Immediately to the north of the proposed subdivision are undeveloped parcels zoned R-E with a planned land use of Business Employment and Mid-Intensity Suburban Neighborhood. To the west of the project site is an undeveloped C-2 zoned parcel with a planned land use of Business Employment. Farther to the west, across Arville Street, is a P-F zoned parcel containing the National Guard Readiness Center. To the east of the proposed development are undeveloped parcels zoned R-E with a planned land use of Mid-Intensity Suburban Neighborhood. To the south of the project site, across Silverado Ranch Boulevard, is a 44 acre single family residential development zoned R-2 and R-3 with a planned land use of Compact Neighborhood and Mid-Intensity Suburban Neighborhood. Immediately to the west of the 44 acre single family residential development is a previously approved 7.6 acre single family attached (townhouse) project (currently undeveloped) zoned R-3 (ZC-21-0496).

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 indicates there are existing residential neighborhoods with either R-E or R-2 zoning in all directions surrounding the proposed site. This project provides a good transition from commercial zoned properties at the corner of Silverado Ranch Boulevard and Arville Street with the lower densities to the east. A zone change to RUD will blend with the surrounding existing and planned communities.

To the south of the project site, across Silverado Ranch Boulevard, is an existing single family residential development zoned R-2 and R-3. The R-2 zoned portion of the development consists of 34.2 acres with a density of 5.6 dwelling units per acre (single family residences). The R-3 zoned portion of the development consists of 9.9 acres with a density of 11.7 dwelling units per acre (townhouses). The existing single family residential development has a planned land use of Compact Neighborhood and Mid-Intensity Suburban Neighborhood. Immediately to the west of the R-2 and R-3 zoned single family residential development is a previously approved (ZC-21-0496) single family attached (townhouse) project (currently undeveloped) zoned R-3 with a

density of 11.5 dwelling units per acre and a planned land use of Compact Neighborhood. To the west of the project site, across Arville Street, the planned land use is largely Public Use and developed with the National Guard Readiness Center and 0.82 acres of developed Neighborhood Commercial.

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 applicant states a technical analysis will be done for the drainage and water/sewer facilities before the Civil Improvement Plans are submitted. The Police Department, School District, and Fire Department that service this area have been contacted for the preparation of the reports which are required for the nonconforming zone change.

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 27 additional elementary school students, 15 middle school students, and 21 high school students. Furthermore, the school district has indicated that Ortwein Elementary School and Tarkanian Middle School are under capacity by 97 and 223 students, respectively. The school district has indicated that Desert Oasis High School is over capacity by 651 students. The Nevada Division of State Lands is concerned with the proximity of the proposed residential development to the National Guard Readiness Center. The Division of State Lands states the single family residential use is not compatible with the operations of the existing military facility.

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

The applicant states the southern area of the Las Vegas Valley currently demands additional residential homes with pedestrian friendly neighborhoods, which the proposed community will provide. Given that this community is not gated and many of the homes face the perimeter streets, it allows for inter-connected neighborhoods with future development. Home construction incorporates sustainable features such as Energy Star certification, installation of Water Sense and Water Smart products, and drought tolerant landscaping in the front yards. The area is also a family friendly atmosphere and thrives alongside many lifestyle options to accommodate the diverse population and provide opportunities for diverse housing options to meet the needs of residents of all ages, income levels, and abilities such as first time homebuyers and move-up buyers, bringing younger families to the area that will be walking to schools and serving nearby commercial centers.

Staff finds 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. However, Master Plan Policy EN-6.3 is to concentrate commercial and industrial uses adjacent to the National Guard Readiness Center. Furthermore, Policy EN-5.3 is to limit the conversion of industrial and commercial lands for the purposes of residential development to protect the health and quality of life of residents, limit land use conflicts, reduce impacts from

the airport, lessen impacts to airport operations, and to protect the viability of existing and future employers and businesses in Enterprise.

## **Summary**

### Zone Change

Staff finds that while there is a trend changing the character and condition of the area, the proposal is not consistent with the Master Plan policy aimed at protecting the land uses around the National Guard Readiness Center. To further this statement, the parcels immediately south of the Readiness Center, across Silverado Ranch Boulevard, have been approved for commercial zoning, consistent with the Master Plan. Furthermore, since staff is not supporting the associated waiver of development standards and design review with this request, staff cannot support the nonconforming zone boundary amendment.

### 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 request to reduce the required rear yard setback is a self-imposed burden and could be eliminated by increasing the area of the lots. Staff finds the applicant has not provided sufficient justification for this request; therefore, recommends denial.

#### Waiver of Development Standards #2

The open space provided within the proposed development is 6,533 square feet less than what is required per Code requirements. The typical lot size within the development is 3,325 square feet; therefore, staff finds the required open space can be provided by eliminating 2 lots. The request to reduce the open space within the development is a self-imposed burden. Staff finds the applicant has not provided sufficient justification for this request; therefore, recommends denial.

#### Design Review #1

Architectural enhancements, including varying rooflines, are provided on all sides of the proposed residences. Staff finds that the design of the residences and the overall site comply with Policy 1.3.1 of the Master Plan which encourages the integration of varied housing models, architectural styles, streetscapes, common landscape areas, and other character-defining features that contribute to a distinct neighborhood identity. However, staff is concerned with the reduction to the required open space within the development, in addition to the configuration of the open space. The open space provided within the proposed development is 6,533 square feet less than what is required per Code requirements. Furthermore, the configuration of the open space divides 2 rows of residences, Lot 142 through Lot 160 and Lot 121 through Lot 141, creating a canyon affect. The open space area measures 25 feet in width, and has a linear length of 669 feet, which could potentially create defensible space issues for law enforcement. The

proposed configuration of the open space is not practical and is partially isolated from the remainder of the development. Staff finds the open space should have a unified design, either through a series of connected green space areas within the subdivision or a centrally located area within the development that is both visible and easily accessible for all residents; therefore, staff cannot support the design review associated with this request.

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

#### Waiver of Development Standards #3

Staff cannot support this request to reduce the intersection off-set between Street D and Silverado Ranch Boulevard along Hinson Street. Silverado Ranch Boulevard is a major arterial street with direct access to I-15 less than three-quarters of a mile east of the subject site, further increasing traffic volumes. Staff finds that Hinson Street will be the main access to the subdivision as it is closest to I-15. Therefore, it is imperative the minimum intersection off-set distance is exceeded to help prevent collisions with both traffic to this subdivision but also for the future development north and east of the subject site.

#### 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. However, since Planning is recommending denial of this application, staff cannot support this request

### **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**

Denial. This item has been forwarded to the Board of County Commissioners' meeting 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:**

#### **Current Planning**

If approved:

- 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; 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;
- 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;
- Full off-site improvements;
- Right-of-way dedication to include 30 feet for Gary Avenue and associated spandrel;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easement for the Silverado Ranch Boulevard improvement project;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easement for the Silverado Ranch Detention Basin improvement project;
- If required by the Regional Transportation Commission (RTC), dedicate and construct right-of-way for bus turnout including passenger loading/shelter areas on the north side of Silverado Ranch Boulevard as close as practical to the west side of Hinson Street in accordance with RTC standards.
- 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.

#### **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.

**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 #0006-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

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

**APPROVALS:** 4 cards

**PROTESTS:** 1 letter

**PLANNING COMMISSION ACTION:** August 16, 2022 – HELD – To 09/06/22 – per the applicant.

**PLANNING COMMISSION ACTION:** September 6, 2022 – DENIED – Vote: Aye: Kirk, Frasier, Kilarski, Nguyen, Lee Nay: Stone, Castello

**APPLICANT:** CHRISTA BILBREY

**CONTACT:** WESTWOOD PROFESSIONAL SERVICES, 175 BERKELEY ST, BOSTON, MA 02116