

SINGLE FAMILY DEVELOPMENT  
(TITLE 30)

**UPDATE**  
QUARTERHORSE LN/MARTIN AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**NZC-22-0476-ROOHANI KHUSROW FAMILY TRUST & ROOHANI KHUSROW TRS:**

**ZONE CHANGE** to reclassify 15.3 acres from an R-4 (Multiple Family Residential - High Density) Zone to an R-3 (Multiple Family Residential) Zone.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** increase wall height; **2)** reduce setback; and **3)** reduce 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 Quarterhorse Lane and the north side of Martin Avenue within Spring Valley (description on file). JJ/jad/syp (For possible action)

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RELATED INFORMATION:

**APN:**

176-05-101-016 through 176-05-101-018

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Increase wall height to 11.5 feet (6 foot screen wall and 5.5 foot retaining wall) where a maximum of 9 feet (6 foot screen wall and 3 foot retaining wall) is permitted per Section 30.64.050 (a 28% increase).
2. Reduce the rear yard setback to 6 feet where 15 feet is required per Table 30.40-3 (a 60% reduction).
3. Reduce the street intersection off-set to a minimum of 53.2 feet where a minimum of 125 feet is required per Section 30.52.052 (a 57% reduction).

**DESIGN REVIEWS:**

1. Single family residential development.
2. Increase finished grade to 60 inches (5 feet) where a maximum of 36 inches (3 feet) is the standard per Section 30.32.040 (a 67% increase).

**LAND USE PLAN:**

SPRING VALLEY - URBAN NEIGHBORHOOD (GREATER THAN 18 DU/AC)

**BACKGROUND:**

**Project Description**

General Summary

- Site Acreage: 15.3

- Number of Lots: 149
- Density (du/ac): 9.7
- Minimum/Maximum Lot Size (square feet): 2,743/4,034
- Project Type: Single family residential development
- Number of Stories: 2
- Building Height (feet): 27
- Square Feet: 1,590 to 2,484
- Open Space Required/Provided: 17,880/17,961
- Parking Required/Provided: 388/622

### **Neighborhood Meeting Summary**

The applicant conducted a neighborhood meeting on February 28, 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. Nine attendees were present at the Windmill Library for this item. The attendees had questions about traffic and parking along Quarterhorse Lane, but according to the applicant, they were generally supportive of the lower zoning district and less density.

### **Site Plans**

The plans depict a residential development consisting of 149 single family detached lots with 8 common area lots, 3 of which are functional open space. The lots are generally designed in an east/west direction with a block of lots running north/south on the eastern and western boundary of the subdivision. There is 1 point of access to the subdivision via Quarterhorse Lane, and the lots are served by 43 foot wide private streets with 5 foot sidewalks on 1 side of the street for Ellery Street and Bowery Street (north/south streets) and 4 foot sidewalks on 1 side of the street for Rivington Avenue, Vesey Avenue and Nostrand Avenue (east/west streets). The reduced intersection off-set is for the entrance into the subdivision (Rivington Avenue) between Quarterhorse Lane and Wagon Trail Avenue. Increased fill and retaining walls are proposed in the northern portion of the lot.

The plans show an alternative lot design with 5 foot access easements granted to adjacent property owners. The buildings are built with 5 foot setbacks from the property line, but with the access easement each lot has access to a 10 foot wide side yard on 1 side of the lot (5 feet on each side of the residence but 1 side provides a 5 foot access easement to the adjacent neighbor). Depending on the model, the rear setback will be reduced to 6 feet.

### **Landscaping**

A 15 foot wide landscape area, including a detached sidewalk is proposed along Quarterhorse Lane, and a 6 foot landscape area behind an attached sidewalk is proposed along Martin Avenue. The plans depict 3 predominant open space areas. The first of 2 dog parks is located at the entrance to the subdivision and is 2,125 square feet. A second dog park area measuring 2,878 square feet is located in the northeast corner of the development. A 12,958 square foot park is located in the northwest portion of the site which includes picnic benches and a covered gazebo, as well as active areas for activities such as grass volleyball and lawn bowling. Landscaping is

also provided along portions of the private streets. Lastly, driveways consist of decorative pavers.

#### Elevations

The plans depict 2 story models with a maximum height of 27 feet with pitched tile rooflines. The exterior siding consists of desert colored stucco with decorative features such as stone veneer and shutters.

#### Floor Plan

Five models are proposed for the subdivision ranging in area from 1,590 square feet to 2,484 square feet and include the typical residential rooms such as kitchen, great room, and up to 4 bedrooms.

#### Applicant's Justification

The applicant indicates rezoning the site to a less intense zoning district will provide a transition between the multiple family residential to the north and the single family residential to the south and east of the site. Regarding the waivers of development standards and design review, the applicant states the proposed layout offers a unique type of lot design with the private usable area for each home located in the side yard. The applicant states this design is consistent with the Master Plan which encourages varied densities and an integrated mix of housing types for new compact neighborhoods.

Increased fill and retaining walls are necessary for drainage purposes and will not be located along the street frontages. In addition, the intersection off-set should not have an impact on public safety because Wagon Trail Avenue has been approved to be vacated, but has not recorded yet.

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

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-19-0985	Reclassified to R-4 zoning for a multiple family development	Approved by BCC	March 2020
VS-19-0986	Vacated and abandoned easements	Approved by BCC	March 2020
PA-18-700003	Amended the land use categories from RS and CG to RUC, limited to 24 du/ac	Approved by BCC	April 2019
VS-0901-17	Vacated and abandoned a portion of I-215 - recorded	Approved by PC	December 2017
VS-0199-16	Vacated and abandoned a portion of I-215 - recorded	Approved by PC	May 2016
NZC-0626-13	Reclassified to R-2 zoning for a single family residential development - expired	Approved by BCC	March 2014
TM-0171-05	38 single family lots - expired	Approved by PC	April 2005
ZC-1713-04	Reclassified APN 176-05-101-016 to R-2 zoning for a single family development	Approved by BCC	November 2004

### Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-4	Multiple family residential
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single family residential
East	Urban Neighborhood (greater than 18 du/ac) & Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2 & R-4	Single family residential & multiple family residential
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RUD	Single family development

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

### Related Applications

Application Number	Request
TM-22-500166	A tentative map for 149 single family lots is a companion item on this agenda.
VS-22-0477	A vacation and abandonment of easements 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 that Goal 1.1, Policy 1.1.2 of the recently adopted Master Plan regarding housing access recommends concentrating higher density housing in areas with access to existing or planned high frequency transit, major employment centers, existing infrastructure, and other services. Recent trends and facts indicate families are moving to Las Vegas from surrounding states to enjoy a quality of life they cannot attain where they live.

Recently, nonconforming zone changes have been approved along the Quarterhorse Lane alignment. To the north R-4 zoning (NZC-19-0921) was approved for a multiple family development with 19.9 dwelling units per acre. Across Quarterhorse Lane to the west, a single

family residential development with RUD zoning (NZC-21-0721) was approved with 10 du/ac. Finally, a single family residential development was approved for R-2 zoning (NZC-21-0727) to the northwest of the site with 8 du/ac. The proposed R-3 zoning district in this area is compatible with recent trends for higher density single family detached residential development. In addition, a single family development with a density of 9.7 du/ac compared to 25 du/ac allowed in R-4, will help reduce impacts to the area, including traffic and safety along Quarterhorse Lane.

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 the “downzoning” of the site will go from allowing a minimum of 25 dwelling units per acre to a maximum of 18 dwelling units per acre, thus reducing impacts to traffic and demands on the infrastructure. The project will act as a buffer from the more intense land use to the north.

The recent approvals of nonconforming zone changes surrounding the site have changed the nature of the neighborhood. Reducing the intensity of this site is compatible and a relief from the potential impacts a multiple family development with higher density may have to the surrounding areas.

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 service and facility providers that this project will have a negative impact to the area and staff finds the reduced density will require less demands of services and infrastructure. The current services in the area are sufficient to support this development.

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

The applicant indicates this development conforms to multiple goals and policies of the Master Plan and will act as a buffer to the residential developments to the south and east of the site.

The R-3 falls into the Compact Neighborhood land use category. Listed characteristics of the category includes single family or multiple family dwellings as an integrated mix of housing types, with varied densities.

## **Summary**

### **Zone Change**

Staff finds the recent land use approvals in the area have established a trend for higher single family residential density. This zone change will reduce the potential number of lots/units using Quarterhorse Lane for access, and will act as a buffer to the recently approved R-4 zoning to the

north with the existing residential development to the south and east of the site. Staff recommends approval.

#### 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

Increased fill and over height retaining wall are necessary for drainage purposes. While this wall will be up to 11 feet high adjacent to the multiple family development to the north, the closest building is approximately 60 feet from the wall with an intense landscape buffer in front of the wall. However, since staff does not support the design review and the remaining waivers, staff cannot support this request.

#### Waiver of Development Standards #2

The reduced rear setback is a result of the lot design. The proposed lots have 5 foot side yard setbacks; however, a 5 foot access easement will be granted to the adjacent neighbor so that in effect there are 10 foot side yards for private use and a zero foot setback on the other side. Staff is concerned that the easement is creating the yard, rather than a property line. It is possible this easement can cause complications for future homeowners. While the larger side yard is a benefit, the result is the private space abuts the wall of the adjacent residence, with a stark 2 story building wall without windows or doors. In addition, only 1 model shows a door accessing the side yard private area. The other models only have a door to the rear yard, which could be as small as 6 feet. Staff finds that this lot design is not suited for the larger models and a larger rear yard makes for cohesive private usable area for homeowners. Staff does not support the reduced setback.

#### Design Review #1

While the subdivision provides open space, all 3 areas are located on the northern area of the site with no pedestrian connections from block to block. The open space, the neighborhood park in particular, should be redesigned to be more centrally located and easily accessible to all the residences in the subdivision. In addition, there is only 1 point of access for 149 lots. There are potential impacts to residents entering and exiting the subdivision ranging from stacking within the neighborhood during peak travel times to traffic being completely block by a stalled or disabled vehicle or some sort of emergency. Lastly, while the models provide attractive and articulated front elevations, the nature of the side yard private usable area lends itself to stark walls abutting the usable space. Staff does not support this request.

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

#### Waiver of Development Standards #3

Staff has no objection to the request to reduce the intersection off-set from the proposed Rivington Avenue to the Wagon Trail Avenue alignment. Wagon Trail Avenue has been

approved to be vacated, so, once the vacation is recorded, there will not be an intersection off-set issue. However, since Planning is recommending denial of design review #1 and the remaining waivers staff cannot support this request.

### 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 design review #1 and the remaining waivers staff cannot support this request.

### **Staff Recommendation**

Approval of the zone change; denial of waivers of development standards, and design reviews. This item has been forwarded to the Board of County Commissioners' meeting for final.

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:** October 4, 2022 – APPROVED – Vote: Unanimous  
Absent: Stone

### **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 Master Plan area plan amendment and a 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 25 feet to the back of curb for Quarterhorse Lane, 30 feet for Martin Avenue, and associated spandrel;
- Applicant shall contribute \$300,000 for the Quarterhorse Lane/Sunset Road intersection improvement project.
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control; and 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.

**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 #0094-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**WAIVERS OF DEVELOPMENT STANDARDS AND DESIGN REVIEWS WERE DENIED.**

**TAB/CAC: Spring Valley - approval of the zone change; denial of the waivers of development standards and design reviews.**

**APPROVALS: 5 cards**

**PROTESTS: 3 cards**

**APPLICANT: KB HOME LAS VEGAS, INC.**

**CONTACT: THE WLB GROUP, 3663 E. SUNSET ROAD, SUITE 204, LAS VEGAS, NV 89120**