

01/03/23 PC AGENDA SHEET

SINGLE FAMILY RESIDENTIAL
(TITLE 30)

FOUR VIEWS ST/MAGGIE AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-22-0639-BARCHENGER, MIKAL D. & SUSANN G. TRUST & BARCHENGER, MIKAL D. & SUSANN G. TRS:

ZONE CHANGE to reclassify 2.1 acres from an R-A (Residential Agricultural) (RNP-II) Zone to an R-E (Rural Estates Residential) (RNP-II) Zone.

Generally located on the west side of Four Views Street and the south side of Maggie Avenue within Lone Mountain (description on file). MK/rk/syp (For possible action)

RELATED INFORMATION:

APN:

125-08-504-002

LAND USE PLAN:

LONE MOUNTAIN - EDGE NEIGHBORHOOD (UP TO 1 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 2.1
- Number of Lots: 3
- Density (du/ac): 1.4
- Minimum/Maximum Lot Size (square feet): 22,205/46,635 (gross/net)
- Project Type: Single family residential development

Neighborhood Meeting Summary

The applicant conducted a neighborhood meeting at the Mountain Crest Neighborhood Center on September 8, 2022, as required by the nonconforming 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 project. The attendees had general questions about the number of lots and layout. No other concerns were raised at the meeting.

Site Plan

The applicant is proposing to subdivide the 2.1 acre site into 3 lots for the construction of privately owned custom homes. Two of the lots have frontage along Four Views Street and the

other lot has frontage along Maggie Avenue, which are currently improved to rural street standards. Each lot will maintain a lot area over 22,000 square feet.

These lots will be developed with custom homes; therefore, there are no elevation or floor plans have been submitted with this request.

Applicant's Justification

The applicant indicates the site is not a large enough area to allow the subdivision of the parcel into 3 lots and meet the density of the R-A zoning district since the right-of-way that has been dedicated to the County can no longer be counted toward the area of the site. The parcel must be reclassified to an R-E zoning district to allow the parcel to be subdivided into 3 lots. The proposed lots will comply with the minimum lot size requirements of the R-E zone.

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North & South	Edge Neighborhood (up to 1 du/ac)	R-A (RNP-II)	Single family residential
East & West	Edge Neighborhood (up to 1 du/ac)	R-E (RNP-II)	Single family residential

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 indicates that there have been changes in the immediate area with the approval of R-E zoning to the east and west of this site. The trend in this immediate area is for additional rural residential lots rather than large lot R-A agricultural properties. Furthermore, the Code has been changed to no longer allow the area of previously dedicated streets to be counted toward the density of a development. With this change the existing parcel does not have enough area to comply with the density requirement of 1 du/ac for the R-A zoning district and to subdivide the parcel into 3 lots, the site must be reclassified to a zoning district that will allow for the proposed density of 1.4 du/ac.

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 the proposed single family residential development is a request for the same zoning it is adjacent to and provides the same or similar density of existing subdivisions within the area. Immediately to the east, and across Four Views Street are existing single family residential lots in an R-E/RNP-II zone. Therefore, staff finds the density and intensity of the proposed residential development is compatible with existing land uses in the surrounding neighborhood.

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 facility and service providers that the proposed development would have a substantial adverse effect on public facilities and services.

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

Staff finds the project complies with Urban Specific Policy 4 of the Master Plan to preserve existing residential neighborhoods by encouraging vacant lots within this area to develop at similar densities as the existing area. Additionally, the request complies with Urban Specific Policy 10 to encourage site designs to be compatible with adjacent land uses and off-site circulation patterns, especially when the adjacent land use is a lower density or intensity.

Summary

Changes were made to Title 30 for the requirements for gross acreage. Any right-of-way that has been dedicated to the County can no longer be counted toward the area of the site for the purpose of subdividing. Therefore, the site is no longer large enough in area to allow the subdivision of the parcel into 3 lots and meet the density of the R-A zoning district. The parcel must be reclassified to an R-E zoning district to allow the parcel to be subdivided into 3 parcels. The proposed lots will comply with the minimum lot size requirements of the R-E zone and the future homes should comply with the required setbacks for the R-E zoning district. The R-E zoning is compatible with the parcels to the east and west of the site, completing a pattern of R-E zoning on the south side of Maggie Avenue between El Capitan Way and Homestead Road. Therefore, staff finds the applicant has provided a sufficient compelling justification for this nonconforming zone boundary amendment request; therefore, staff recommends approval of the request.

Staff Recommendation

Approval. This item will be forwarded to the Board of County Commissioners' meeting for final action on February 8, 2023 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

- Resolution of Intent to complete in 3 years.
- 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

- Execute a Restrictive Covenant Agreement (deed restrictions);
- Drainage study shall be required with future development as determined by Public Works - Development Review.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that CCWRD does not provide sanitary sewer service in this portion of the unincorporated county; and that for any sanitary sewer needs to contact the City of Las Vegas to see if the City has any gravity sanitary sewer lines located in the vicinity of the applicant's parcel.

TAB/CAC: Lone Mountain - approval.

APPROVALS:

PROTESTS:

APPLICANT: BARCHENGER, MIKAL D. & SUSANN G. TRUST

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