

01/17/23 PC AGENDA SHEET

SINGLE FAMILY RESIDENTIAL
(TITLE 30)

WARM SPRINGS RD/MONTESSOURI ST

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-22-0653-ROOHANI KHUSROW FAMILY TRUST:

ZONE CHANGE to reclassify 7.3 acres from an R-E (Rural Estates Residential) Zone and a C-1 (Local Business) Zone to an RUD (Residential Urban Density) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increase wall height; **2)** reduce setback; and **3)** waive detached sidewalks.

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

Generally located on the south side of Warm Springs Road and the east side of Montessori Street within Enterprise (description on file). MN/rk/syp (For possible action)

RELATED INFORMATION:

APN:

176-10-502-009; 176-10-514-001

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase combined screen wall and retaining wall height to 12.5 feet (6.5 foot retaining wall and 6 foot screen wall) where a maximum of 9 feet (3 foot retaining wall and 6 foot screen wall) is permitted per Section 30.64.050 (a 39% increase).
2. Reduce the rear yard setback to 6 feet where 15 feet is required per Table 30.40-2 (a 60% reduction).
3. Allow an attached sidewalk (along Mardon Avenue) where a detached sidewalk is required per Section 30.64.030 and Figure 30.64-17.

DESIGN REVIEWS:

1. Single family residential development.
2. Increase finished grade to 78 inches (6.5 feet) where a maximum of 36 inches (3 feet) is the standard per Section 30.32.040 (a 216% increase).

LAND USE PLAN:

ENTERPRISE - NEIGHBORHOOD COMMERCIAL

BACKGROUND:

Project Description

General Summary

- Site Address: N/A

- Site Acreage: 7.3
- Number of Lots: 60
- Density (du/ac): 8.2
- Minimum/Maximum Lot Size (square feet): 2,885/3,967
- Project Type: Single family residential development
- Number of Stories: 2
- Building Height (feet): Up to 27
- Square Feet: 1,590/2,469
- Open Space Required/Provided: 12,000/12,872

Neighborhood Meeting Summary

The applicant conducted a neighborhood meeting on September 7, 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 item. The attendees had questions on the housing product, access, and design of the project. No other concerns were raised at the meeting.

Site Plans

The plans depict a residential development totaling 60 single family lots and 6 common area lots on 7.3 acres. The density of the residential subdivision is 8.2 dwelling units per acre. The lots range in size from a minimum of 2,885 square feet to a maximum of 3,967 square feet. The subdivision will be served by 43 foot wide private streets which includes a sidewalk on 1 side of the street. The street network consists of 2 main drives with a loop street and 2 stub streets toward the northern portion of the development. The subdivision will have 2 points of access from Mardon Avenue to the south. The open space area (Common Element F) is centrally located within the project, between 2 rows of residences. The open space area measures 25 feet in width.

Landscaping

Street landscaping consists of a 15 foot wide landscape area, including a 5 foot wide detached sidewalk located adjacent to Warm Springs Road and Montessouri Street. The street landscaping along Mardon Avenue shows a 6 foot landscape area behind and attached sidewalk. The proposed development requires 12,000 square feet of open space where 12,872 square feet of open space is provided. The open space area (Common Element F) is centrally located within the project. Also shown on the plans are landscape elements along the corner side lots within the subdivision.

Elevations

The development will provide 2 story model homes with the maximum height shown as approximately 27 feet. The plans submitted by the applicant depict 3 different models with each model type 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 Plans

The plans depict 2 story model homes ranging in size from 1,590 square feet to 2,469 square feet depending on the options selected by the home buyer. The first floor of every unit will contain a 2 car garage with a 20 foot long driveway.

Applicant's Justification

The applicant indicates that the zone change will result in a less intense use than the partial C-1 zoning on this site and will be compatible with the established residential land use patterns along Warm Springs Road. The RUD zoning will provide an appropriate buffer and transition between the parcel directly to the north of the site being M-D and the parcel to the south being P-F. Based on the reduced density being sought, impacts to traffic will be greatly reduced as compared to a commercial development. Each house will include a 2 car garage and a 2 car driveway. Furthermore, the project will be in the spirit and characteristics of the newly adopted Master Plan which encourages varied densities and an integrated mix of housing types along the spectrum being desired for new compact neighborhoods.

Prior Land Use Requests

Application Number	Request	Action	Date
NZC-18-0583	Reclassified the site to R-4 zoning for a multiple family residential development	Withdrawn	November 2018
VS-18-0596	Vacated and abandoned portions of right-of-way	Withdrawn	November 2018
VS-18-0598	Vacated and abandoned portions of right-of-way	Withdrawn	November 2018
ZC-1458-07	Reclassified a portion of the site to C-1 zoning for a future mixed-use development	Approved by BCC	February 2008

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Business Employment	M-D	Distribution center
South	Open Lands	P-F	Public park
East	Neighborhood Commercial	C-1	Shopping center
West	Neighborhood Commercial	C-1 & C-P	Undeveloped & daycare facility

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

Related Applications

Application Number	Request
TM-22-500217	A tentative map for 60 residential lots on 7.3 acres is a companion item on this agenda.
VS-22-0654	A vacation and abandonment of roadway easements for detached sidewalks 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 indicates there have been substantial land use trends in the immediate area which have substantially changed the character of the area that merits consideration of a single family residential request. Larger employment and activity centers have developed in the immediate area with over 1.5 million square feet of commercial services. This increase in employment and activity centers have created more housing demands for the immediate area.

Staff finds there are other existing single family residential developments in the area and most of those developments are west of Montessouri Street. As a result, Montessouri Street should act as a border between the more intense commercial uses and the single family residential farther to the west of that street. Therefore, staff finds that there has not been a change in law, policies, trends, or facts that have substantially changed the character or condition of 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.*

The applicant indicates directly abutting or contiguous to the subject site are intense zoning districts with existing commercial and industrial developments, but also single family residential developments to the southwest.

Even though the site is located along Warm Springs Road which has a mix of various planned and developed uses, staff finds the request to RUD zoning in the middle of an area that has developed with commercial projects on both sides of the site results in spot zoning since the RUD development may be incompatible with surrounding uses and favors a particular owner.

- 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 the proposed development will not have an adverse, negative impact on services and facilities not already planned in the area. Technical studies will be prepared to address any drainage and water related impacts as part of the civil plan review process.

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. 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.

Based on information received from the Clark County School District, the elementary school and high school located within the corresponding school zone was over capacity for the 2022-2023 school year. Staff is concerned that the cumulative impact from the individual student yield of this project and future projects in the immediate area may further exacerbate the existing capacity situations, especially since this area was not planned to accommodate the number of additional residential units and no new schools are planned in the future.

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

According to the applicant the proposed single family development fully complies and furthers goals and policies contained within the Master Plan by providing housing alternatives to meet a range of lifestyle choices, ages, and affordability levels. The project furthers Goal 1.1 which encourages providing opportunities for diverse housing options to meet the needs of residents of all ages, income levels, and abilities.

However, staff finds the intrusion of residential next to an existing commercial development may create issues that were not contemplated when the shopping center was built 4 years ago.

Summary

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

A waiver of development standards is needed for the proposed walls along the west and portions of the north property lines. The primary reasoning for the wall height increase is needed to accommodate street drainage, natural topography, and corresponding pad heights. However, since the overall residential subdivision design cannot function independent of the zone change and design review #1, which staff is not supporting, staff cannot support this portion of the request.

Waiver of Development Standards #2

Staff finds this request is a self-imposed hardship since the setback reduction is only necessary due to the design and size of the proposed home models. The applicant has not provided any information to show unique issues on the lots such as easements or topographic features that would justify the setback reduction. The home models as designed are too large to fit on the lots within current Code requirements. The applicant has not proposed any mitigation for the reduced setback. Therefore, staff finds the applicant has not provided a sufficient justification to allow a 60% reduction in the rear yard setback.

Waiver of Development Standards #3

There has been a recent revision to Title 30 that was adopted earlier this year for all developments to provide detached sidewalks along local streets. Prior to June of 2023, developments were only required to provide detached sidewalks along collector and arterial streets. This means the project would then have to provide detached sidewalks along Maron Avenue in addition to Warm Springs Road and Montessouri Street. The applicant is requesting to waive this requirement due to the timing of the submittal to the County and the adoption of the new ordinance. Staff finds that since the development is of sufficient area, with no known encumbrances or constraints, the new ordinance should be accommodated. With subsequent waiver requests, staff is concerned that once this request is granted approval not to provide a detached sidewalk along a local street, other projects will use this application as a precedence for future waiver requests. Therefore, staff finds the applicant has not provided a sufficient justification to allow an attached sidewalk along Mardon Avenue.

Zone Change & Design Review #1

A nonconforming zone boundary amendment should provide innovation in residential developments by utilizing area sensitive site planning and design to achieve a desirable mixture of compatible land use patterns. The applicant should demonstrate that the project will contribute to the general prosperity, health, safety, and welfare of the community, including but not limited to, efficient streetscapes and enhance residential amenities. The open space provided within the RUD development exceeds Code requirements by 872 square feet. However, staff is concerned with the configuration of the open space as it divides 2 rows of residences creating a canyon effect. The design of the open space area, located between the residential lots, could potentially create defensible space issues for residents. Furthermore, 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, open to the private street within the subdivision that is both visible and easily accessible for all residents. Therefore, staff cannot support the request for a nonconforming zone boundary amendment and associated design review due to concerns with the open space configuration and the attached sidewalk along Mardon Avenue.

Public Works - Development Review

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. Staff cannot support the locations for both Street "C" and Street "A" as they will create left turn conflicts with the driveways for the park on the south side of Mardon Avenue.

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 will be forwarded to the Board of County Commissioners' meeting for final action on February 22, 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

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.
- 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 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 30 feet for Mardon Avenue, 25 feet to the back of curb for Montessori Street, 45 feet to the back of curb for Warm Springs Road, and associated spandrels;

- If required by the Regional Transportation Commission (RTC), dedicate and construct right-of-way for a bus turnout on Warm Springs Road, east of Montessori Street, including passenger loading/shelter pad 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 dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

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 #0256-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - approval of the zone change; denial of waivers of development standards and design reviews (reduction to R-2 zoning).

APPROVALS:

PROTESTS:

APPLICANT: KB HOME LAS VEGAS, INC.

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