01/18/23 BCC AGENDA SHEET

UPDATE

SINGLE FAMILY RESIDENTIAL (TITLE 30)

RICHMAR AVE/HINSON STREET

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
NZC-22-0254-VAN 86 HOLDINGS TRUST:

AMENDED HOLDOVER ZONE CHANGES for the following: **1)** reclassify 2.4 acres from an R-E (Rural Estates Residential) Zone to an R-1 (Single Family Residential) Zone; and **2)** reclassify 9.4 acres from an R-E (Rural Estates Residential) Zone to an R-2 (Medium Density Residential) Zone (previously notified as 19.4 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)** reduce street intersection off-set; **and 3) alternative yard setbacks (previously not notified).**
DESIGN REVIEWS for the following: **1)** a single family residential development; and **2)** finished grade.

Generally located on the northeast corner of Richmar Avenue and Hinson Street (alignment) within Enterprise (description on file). JJ/al/jo (For possible action)

RELATED INFORMATION:

APN:
177-19-703-006; 177-19-704-001 through 177-19-704-003; 177-19-704-005 (177-19-703-007 through 177-19-703-012 no longer needed)

WAIVERS OF DEVELOPMENT STANDARDS:

1. **Increase wall height to 11 feet (6 foot screen wall with a 5 foot retaining wall) where a maximum wall height of 9 feet (6 foot screen wall with a 3 foot retaining wall) is permitted per Section 30.64.050 (a 22.2% increase).**
2. **Reduce the street intersection off-set to a minimum of 120 feet where a minimum of 125 feet is required per Section 30.52.052 (a 4% reduction) (previously notified as a minimum of 101 feet for a 19.2% reduction).**
3. **Permit alternative yard setbacks for 1 lot within a proposed single family residential development (previously not notified).**

DESIGN REVIEWS:

1. **A detached single family residential development.**
2. **Increase finished grade to 62 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 72.2% increase).**

LAND USE PLAN:
ENTERPRISE - LOW-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 5 DU/AC)
ENTERPRISE - MID-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 8 DU/AC)

BACKGROUND:
Project Description
General Summary

- **Site Address: N/A**
- **Site Acreage: R-1 2.4/R-2 9.4/total 11.8 (previously 19.4 R-2)**
- **Number of Lots: R-1 12/R2 75/total 87 (previously 155 R-2)**
- **Density (du/ac): R-1 5.0/ R-2 8.0/ total 7.3 (previously R-2 8.0)**
- **Minimum/Maximum Lot Size (square feet): 3,306/5,270 (previously 3,500/9,971)**
- **Project Type: Single family residential**
- **Number of Stories: 2**
- **Building Height (feet): 26**
- **Square Feet: 2,052 to 2,300**
- **Open Space Required/Provided (square feet): 0/32,369 (previously 0/40,301)**

Revisions
The applicant has submitted revised plans and legal descriptions for the project. The project site has been reduced in area and the applicant is now requesting that portions of the site be reclassified to the R-1 and R-2 zoning districts. With the revised plans and legal descriptions, the proposed zoning districts now conform to the Master Plan.

Neighborhood Meeting Summary
The original application was a request is for a nonconforming zone change to reclassify approximately 19.4 acres from an R-E zone to an R-2 zone for a single family residential development. The applicant conducted a neighborhood meeting at the Enterprise Library on February 28, 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 and 11 neighbors attended the meeting. Concerns raised at the meeting included project density, lot sizes, crime, and buffering from the adjacent community across Valley View Boulevard.

Site Plan
The western 9.4 acres of the site is designated as Mid-Intensity Suburban Neighborhood (up to 8 du/ac) and the northeastern 2.4 acres is designated Low-Intensity Suburban Neighborhood (up to 5 du/ac). The request to reclassify the site to the R-1 and R-2 zoning districts in conformance with the Master Plan. The plan depicts a single family residential development consisting of 87 lots on approximately 11.8 acres with lot sizes and densities in compliance with the regulations for the respective zoning district. The site has frontage along Richmar Avenue to the south, Meranto Avenue along the north and Hinson Street along the west, which are all local streets. The lots will take access from 48 foot wide public streets within the proposed development. Each of the interior streets will have a 5 foot wide sidewalk on both sides of the street. The plan depicts **2 entrances** to the development, **1 from**

Meranto Avenue and 1 from Hinson Street. **The plan depicts common element lots with a total area of 32,369 square feet, which includes common elements along the perimeter streets, and a 10,873 square foot private neighborhood park in the eastern portion of the site**. **The plans show that the greatest increase in finished grade is within the central portion of the site and the increase in retaining wall height is for areas along the eastern boundary of the site. The reduction in street intersection off-set is to reduce the entrance into the subdivision from Hinson Street from Richmar Avenue to 120 feet.**

Landscaping

The plans are depicting a total of 32,369 square feet of open space where no open space is required. The open space is divided into 11 common elements. The plans show that 7 of these common elements are 6 foot wide landscape areas along the side streets of the corner lots consisting of trees, shrubs, and groundcover. There is a 222 square foot common element along the eastern boundary of the site that will be used for drainage. The largest common element has an area of 10,873 square feet for a private neighborhood park with amenities to be determined.

Elevations

The plans depict 3 home models that are all 2 stories with a maximum building height of approximately 26 feet. All of the homes have pitched roofs with concrete tile roofing materials. The exterior of the homes will consist of combinations of a stucco finish painted in earth tone colors, stone veneer, various window treatments, and architectural enhancements.

Floor Plans

The proposed homes will be between 2,052 square feet to 2,300 square feet in area. Each home will have 3 to 4 bedrooms and a 2 car garage.

Applicant's Justification

The applicant indicates that the proposed development is consistent and compatible with existing developments in the area. The increase in finished grade and retaining wall heights are necessary due to the natural topography of the site to balance out the site and provide property drainage; the increase in finished grade is not to improve views. The reduction in the street intersection off-sets are to an entrance for the development and will require full stop traffic movements; therefore, there will be minimal effect to the traffic movements and would not impact public safety.

Surrounding Land Use

	Planned land Use Category	**Zoning District**	**Existing Land Use**
North	Mid-Intensity Suburban Neighborhood (up to 8 du/ac) & Low-Intensity Suburban Neighborhood (up to 5 du/ac)	R-E & C-P	Undeveloped
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac) & Low-Intensity Suburban Neighborhood (up to 5 du/ac)	R-E	Undeveloped & single family residential
East	**Low-Intensity Suburban Neighborhood (up to 5 du/ac)**	**R-E**	**Undeveloped**

Surrounding Land Use

	Planned land Use Category	Zoning District	Existing Land Use
West	Business Employment	R-E	Undeveloped

This site and the surrounding area are located in the Public Facilities Needs Assessment (PFNA) area.

Related Applications

Application Number	Request
VS-22-0255	A request to vacate and abandon easements is a companion item on this agenda.
TM-22-500087	Tentative map for a single family residential subdivision with **87** residential and common lots on **11.8** acres 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 original request was for a nonconforming zone change on 19.4 acres to an R-2 zone. The applicant has submitted revised plans and legal descriptions which have reduced the area of the project site to 11.8 acres. The revised request for R-1 and R-2 zoning districts is in conformance to the Master plan and is consistent with the planned land uses for this area. Therefore, staff can now support the zone change request.

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 applicant indicates that the increase in wall height is needed to balance the site and allow for proper drainage. The topography of the site can be a special and/or unique circumstance to allow a waiver to increase wall height; therefore, staff can support the waiver of development standards.

Waiver of Development Standards #3
The revised plans depict 1 proposed lot with a unique shape where orienting a home based on standard yard setbacks would cause extreme setback reductions. By side loading the homes on this lot and allowing the alternative yard setbacks, the lot can be developed in a

manner more harmonious with the surrounding area. Therefore, staff can support this request.

Design Review #1
The design of the proposed homes is consistent with other residential developments in the Enterprise Planning Area. The proposed lots within the development exceed the minimum standards of Title 30; therefore, staff can support the design review.

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.

Public Works - Development Review
Waiver of Development Standards #2
Staff has no objection to the reduction in the street intersection off-set as the reduction of less than 5 feet is negligible.

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 Recommendation
Approval. 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.

PLANNING COMMISSION ACTION: November 15, 2022 – APPROVED – Vote: Aye: Stone, Kirk, Kilarski, Nguyen, Lee Nay: Frasier Absent: Castello
Current Planning
- No resolution of intent and staff to prepare an ordinance to adopt the zoning;
- No short-term rentals;
- Provide notice to County 90 days prior to intent to change business model or sell project;
- Administrative review to be submitted to the Department of Comprehensive Planning that details lease terms, average number of units leased, and specific contact for neighbor complaints l year after the first unit is rented or within 2 years, whichever comes first;

- 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; and that the waivers of development standards and design reviews must commence within 4 years of approval date or they will expire.

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 Meranto Avenue, 30 feet for Hinson Street, 30 feet for Richmar Avenue, and associated spandrels.
- 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.

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 #0411-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

DESIGN REVIEWS WERE DENIED.

TAB/CAC: Enterprise - approval of the zone change and waivers of development standards; denial of the design reviews (every 2 driveways to be adjacent where possible, increase fenestration on buildings facing all roads, public and private).
APPROVALS:
PROTESTS: 22 cards, 36 letters
PLANNING COMMISSION ACTION: June 21, 2022 – HELD – To 07/19/22 – per the applicant.

PLANNING COMMISSION ACTION: July 19, 2022 – DENIED – Vote: Aye: Stone, Kirk, Kilarski, Nguyen, Frasier, Lee Nay: Castello

PLANNING COMMISSION ACTION: November 1, 2022 – HELD – To 11/15/22 – per Commissioner Nguyen.

COUNTY COMMISSION ACTION: August 17, 2022 – HELD – To 09/07/22 – per the applicant.

COUNTY COMMISSION ACTION: September 7, 2022 – HELD – To 09/21/22 – per the applicant.

COUNTY COMMISSION ACTION: September 21, 2022 – HELD – To 11/01/22 – per the applicant to rewrite/re-notify.

COUNTY COMMISSION ACTION: December 7, 2022 – HELD – To 12/21/22 – per the applicant.

COUNTY COMMISSION ACTION: December 21, 2022 – HELD – To 01/18/23 – per the applicant.

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