

SINGLE FAMILY RESIDENTIAL
(TITLE 30)

UPDATE
REDWOOD ST/TORINO AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-20-0487-LH VENTURES, LLC:

ZONE CHANGE to reclassify 9.0 acres from R-E (Rural Estates Residential) (RNP-I) Zone to R-1 (Single Family Residential) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increase wall height; and **2)** waive full off-site improvements (curb, gutter, sidewalk, and streetlights).

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

Generally located on the east side of Redwood Street and the north side of Torino Avenue within Enterprise (description on file). JJ/rk/jd (For possible action)

RELATED INFORMATION:

APN:

176-14-401-007; 176-14-401-048

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Increase interior and perimeter wall height to 7 feet where a maximum of 6 feet is permitted per Section 30.64.020 and Table 30.64-1 (a 16.7% increase).
- b. Increase combined screen wall and retaining wall height to 11 feet (4 foot retaining wall and 7 foot screen wall) where a maximum of 9 feet (3 foot retaining wall and 6 foot screen wall) is permitted per Figure 30.64-15 (a 22.2% increase).
2. a. Waive full off-site improvements (curb, gutter, sidewalk, and streetlights) along Redwood Street where required per Chapter 30.52.
- b. Waive full off-site improvements (curb, gutter, sidewalk, and streetlights) along Torino Avenue where required per Chapter 30.52.

DESIGN REVIEWS:

1. A proposed single family residential development.
2. Increase finished grade up to 48 inches (4 feet) where a maximum of 18 inches (1.5 feet) is the standard per Section 30.32.040 (a 167% increase).

LAND USE PLAN:

ENTERPRISE - RURAL NEIGHBORHOOD PRESERVATION (UP TO 2 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: 6640 W. Torino Avenue
- Site Acreage: 9
- Number of Lots: 44
- Density (du/ac): 4.9
- Minimum/Maximum Lot Size: 6,090 (gross and net)/12,846 (gross)/11,356 (net)
- Project Type: Single family residential
- Number of Stories: 2 & 3
- Building Height (feet): Up to 35
- Square Feet: 2,215 to 4,910

Neighborhood Meeting Summary

This request is to reclassify approximately 9 acres from an R-E to an R-1 zone to allow a single family residential development. The applicant conducted a neighborhood meeting on September 14, 2020 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. No neighbors attended this meeting.

Site Plans

The plans depict a proposed single family residential subdivision consisting of 44 lots on 9 acres at a density of 4.9 dwelling units per acre. This project is located on the east side of Redwood Street and the north side of Torino Avenue. This general area (660 feet west of Rainbow Boulevard and north of Pebble Road) is an existing R-E/RNP-I neighborhood. The majority of the lots have access from internal streets that connect to Redwood Street. The private streets are 38 feet wide with no sidewalks on either side of the street. The lots not served by the private street front directly onto Redwood Street to the west. All the adjacent public streets will be developed to “rural” non-urban standards. Seven lots approximately 10,000 square feet in size are located on the southern perimeter of the development which abuts developed single family homes in the R-E/RNP-1 zoning district. The remaining lots range in size from a minimum of 6,090 square feet to a maximum of 9,741 square feet. The plans also depict that the finished grade of the site will be increased up to 4 feet along a portion of the east property line. Additionally, there was an existing house with accessory structures on the subject parcel to the east which now has been demolished according to the applicant.

Landscaping

A 10 foot wide landscape area is shown along Torino Avenue to the south. Internal to the development are additional street landscape buffers along the corner side lots.

Elevations

Five different house plans with 4 separate elevations per plan are offered by the developer. Of these house plans, 1 is 3 stories in height with an option for a rooftop deck. All of the products have similar building materials consisting of stucco exteriors, decorative stone veneer accents, tile roofing, and 4 sided architecture around windows and doors.

Floor Plans

The models range in size from 2,215 square feet to 4,910 square feet with options that include multiple bedrooms, 2 to 3 car garages, and options for bonus rooms and game rooms.

Applicant's Justification

The applicant indicates the entire Las Vegas Valley and Enterprise have seen a large demand for housing, and is 1 of the fastest growing planning areas in unincorporated Clark County. Currently, there is a wide array of development (Cougar Creek Park, a Las Vegas Metropolitan Police Department substation, the Windmill Library, and the Southern Hills Baptist Church) within roughly 1 mile of the proposed project site. With all of that public development, it is appropriate to develop a higher density residential project. Furthermore, the applicant indicates there is an existing R-2 neighborhood to the west and to the northeast is Mark Fine Elementary School zoned P-F, making this request compatible with the area. In addition, as shown on plans, all of the lots adjacent to the existing RNP homes along Torino Avenue are a minimum of 10,000 square feet.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-18-0634	Increased wall height; single family residential development with an increased finished grade (subject parcel to the west) - expired	Approved by BCC	October 2018
TM-18-500147	9 single family residential lots (subject parcel to the west)	Approved by BCC	October 2018
VS-18-0635	Vacated and abandoned easements (subject parcel to the west) - expired	Approved by BCC	October 2018
VS-0447-11	Vacated and abandoned portions of right-of-way being Sorrel Street and Ford Avenue (subject parcel to the east) - recorded	Approved by PC	November 2011

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Rural Neighborhood Preservation (up to 2 du/ac) and Public Facilities	R-E & P-F	Single family residential & elementary school
South	Rural Neighborhood Preservation (up to 2 du/ac)	R-E (RNP-I)	Single family residential & undeveloped
East	Rural Neighborhood Preservation (up to 2 du/ac)	R-E (RNP-I)	Undeveloped
West	Residential Low (up to 3.5 du/ac)	R-1	Single family residential

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

Related Applications

Application Number	Request
VS-20-0488	A vacation and abandonment of patent easements is a companion item on this agenda.
TM-20-500168	A tentative map to subdivide this site into 44 single family residential lots 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 that the proposed zoning is compatible with the established residential land use patterns to the west of the project site.

Although there is existing and approved suburban residential development in the area, those developments are on the west side of Redwood Street which makes this development act as a buffer for RNP neighborhoods to south and east. As a result, Redwood Street should act as a border between the more intense uses and the R-E/RNP-I to the south and east of those streets. The intrusion of a suburban medium density residential use in an area that is predominantly low density rural development, without an appropriate transitional space or use, will create future land use conflicts and cannot be justified nor is it appropriate. Staff finds market conditions or real estate trends should not be considered for the review of this application. Therefore, staff finds that there have been no changes to law, policies, trends, or facts after the adoption of the land use plan which makes the proposed zoning appropriate on this site.

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 that the proposed zoning is compatible with the established residential land use patterns to the west of the project site and the school site to the northeast. In addition, as shown on plans, all of the lots adjacent to the existing RNP homes along Torino Avenue are a minimum of 10,000 square feet.

The existing residential densities in the area are all consistent and in conformance with the land use plan. This request for suburban medium density residential development in a neighborhood that is contiguous to R-E/RNP-I to the south and west is out of character with development in the immediate area. The neighborhood has been planned as an area intended to provide for a transitional space in the immediate area. Staff is concerned with the potential incompatibility between the range of lot sizes and densities within the proposed R-1 zoned site and the adjacent RNP area. Therefore, staff finds the proposed project is not compatible with the density of the existing and planned land uses in the surrounding area.

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 indicates technical studies will be prepared to address any impacts from the proposed residential development; therefore, public infrastructure facilities will not be adversely impacted.

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. Sufficient public services may not exist in the immediate area and because 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 middle school located within the corresponding school zone was over capacity for the 2019-2020 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.

The applicant states that the proposed development satisfies County goals by providing housing alternatives to meet a range of lifestyle choices, ages, and affordability levels.

Although the proposed project may conform to some of the design policies by providing a variety of elevations with articulating building facades established in the Comprehensive Master Plan, staff finds that the proposed R-1 zoned single family residential development adjacent to an existing RNP-I area conflicts with Urban Land Use Policy 10 of the Comprehensive Master Plan which encourages, in part, site designs that are compatible with adjacent land uses and off-site circulation patterns, especially when the adjacent land use is a lower density or intensity.

Summary

Zone Change & Design Review #1

Staff is concerned with the potential incompatibility between this development and existing land uses immediately adjacent to the site. Approval of this project will allow more dense zoning to intrude into an existing R-E/RNP-I area and will not be cohesive or functionally integrated with any adjacent or nearby parcels of this site. Therefore, based on the criteria listed above, staff finds the applicant has not satisfied the requirements for a compelling justification to warrant approval of this application and cannot support these requests.

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

Although staff has supported similar waivers to increase screen and retaining wall heights, approval of this request is contingent upon approval of the zone change and design reviews which staff cannot support.

Public Works - Development Review

Waiver of Development Standards #2

Staff has no objection to allowing both Redwood Street and Torino Avenue to be developed to non-urban standards. The subdivision to the west was approved and the surrounding areas have been approved with non-urban standard roadways. However, since Planning is not supporting the application in its entirety, staff is unable to support this request.

Design Review #2

This design review represents the maximum grade difference along 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 not supporting the application in its entirety, staff is unable to support this request.

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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

STAFF CONDITIONS:

Current Planning

If approved:

- No 3 story homes along the south boundary of the site adjacent to Torino Avenue.

Southern Nevada Health District (SNHD) - Septic

- **Applicant is advised that there is an active septic permit on APN 176-14-401-007; to connect to municipal sewer and remove the septic system in accordance with Section 17 of the SNHD Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management; and to submit documentation to SNHD showing that the system has been properly removed.**

PLANNING COMMISSION ACTION: January 5, 2021 – APPROVED – Vote: Aye: Stone, Nguyen, Kirk, Waltho Nay: Kilarski

Current Planning

- Resolution of Intent to complete in 4 years;
- Provide pedestrian access to Ford Avenue and Torino Avenue;
- Provide a pedestrian trail along Torino Avenue;
- 10,000 square feet minimum lot sizes along the south and east project boundaries;
- No 3 story homes;
- 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 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;
- Execute a Restrictive Covenant Agreement (deed restrictions).
- 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.

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 #0251-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC:

APPROVALS:

PROTESTS: 6 cards, **5 letters**

PLANNING COMMISSION ACTION: December 15, 2020 – HELD – To 01/05/21 – per the applicant.

APPLICANT: LH VENTURES, LLC

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SUITE 216, LAS VEGAS, NV 89118