

PLANNED UNIT DEVELOPMENT
(TITLE 30)

RAINBOW BLVD/ERIE AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-20-0545-ME 52 PARTNERS, LLC:

ZONE CHANGE to reclassify 8.6 acres from R-E (Rural Estates Residential) Zone and RUD (Residential Urban Density) P-C (Planned Community Overlay District) Zone to RUD (Residential Urban Density) Zone and RUD (Residential Urban Density) P-C (Planned Community Overlay District) Zone.

USE PERMIT for an attached (townhouse) planned unit development (PUD).

WAIVER OF DEVELOPMENT STANDARDS to reduce setbacks for residential units to a street.

DESIGN REVIEWS for the following: 1) an attached single family residential planned unit development; and 2) increased finished grade.

Generally located on the west side of Rainbow Boulevard and the north side of Erie Avenue within Enterprise (description on file). JJ/rk/jd (For possible action)

RELATED INFORMATION:

APN:

176-34-601-006; 176-34-601-011

WAIVER OF DEVELOPMENT STANDARDS:

1. a. Reduce setback for front face of garage to a street to 3 feet where a minimum of 10 feet is required per Section 30.24.080 (a 70% reduction).
- b. Reduce setback for front living area/architectural intrusion (second floor) to a street to 1 foot, 3 inches where a minimum of 10 feet is required per Section 30.24.080 (an 88% reduction).
- c. Reduce setback for residential units to a sidewalk to 5 feet where a minimum of 10 feet is required per Section 30.24.080 (a 50% reduction).

DESIGN REVIEWS:

1. An attached (townhouse) planned unit development (PUD).
2. Increase finished grade up to 72 inches (6 feet) where a maximum of 18 inches (1.5 feet) is the standard per Section 30.32.040 (a 967% increase).

LAND USE PLAN:

ENTERPRISE - OFFICE PROFESSIONAL

ENTERPRISE - MAJOR DEVELOPMENT PROJECT (MOUNTAIN'S EDGE) – GENERAL COMMERCIAL

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 8.6
- Number of Lots: 106
- Density (du/ac): 12.3
- Minimum/Maximum Lot Size (square feet): 1,250/1,726
- Project Type: Attached (townhouse) planned unit development
- Number of Stories: 2
- Building Height (feet): 30
- Square Feet: 1,320/1,501
- Open Space Required/Provided: 26,665/66,593
- Parking Required/Provided: 255/256

Neighborhood Meeting Summary

The applicant conducted a neighborhood meeting on July 23, 2020, 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 20 attendees present at the virtual (Zoom) meeting for this item. The attendees had questions on the design and layout of the project. Further issues that were discussed were related to traffic and how this project relates to Mountain's Edge Master Planned Community. Overall, several neighbors were happy the project is residential instead of office or commercial.

Request

This request is for a nonconforming zone change to reclassify approximately 8.6 acres to an RUD zone for a proposed attached (townhouse) planned unit development located on the northwest corner of Rainbow Boulevard and Erie Avenue. The southern half of the site is within Mountain's Edge Master Planned Community and the northern half is outside of Mountain's Edge within the Enterprise Land Use Planned area. The applicant is proposing a nonconforming zone change from R-E and RUD/PUD to an RUD/PUD for a for sale townhouse residential development. Both the Mountain's Edge locked-in Code and Clark County's current Code require a special use permit application for a PUD in conjunction with the RUD zoning. Parcel 176-34-601-011 is currently under Resolution of Intent for RUD zoning by a zone change application that was submitted and approved in 2019. That ROI expires on April 2024, which the applicant is requesting to be expunged and re-approved through the current design request.

Site Plans

The plans depict an attached single family residential development consisting of 106 residential lots with a density of 12.3 dwelling units per acre. The development consists of townhouse, residential dwellings under separate ownership that are attached to 1 or more dwellings on opposite sides of the structure. The proposed development features a total of 20 buildings, each containing 4 to 6 units that are adjacent to 38 foot wide private streets. The street network consists of 1 main driveway with 6 stub streets that provide access to the residential units along the eastern portion of the site. The townhomes are designed with the front garages facing the private streets. The development will be served by a single point of ingress/egress to the north

from Rainbow Boulevard. A network of common open spaces is located throughout the development, which will include on-site pedestrian paths, recreational pool area with an indoor gym, play structure, picnic areas, and a dog park. Parking will consist of garage parking for residents and designed surface off-street parking for visitors. Approximately 44 parking spaces are shown for the visitors and 212 parking spaces are provided for the residents. The plans also depict that the finished grade of the site will be increased up to 6 feet along the west portion of the site.

Per Title 30, with the exception of a 10 foot setback to a street, drive aisle, or sidewalk many of the development standards for planned unit developments are established by a use permit process based on the plans that are approved for the project by the Board of County Commissioners. The minimum setbacks for each of the townhouse units are as follows:

- Front face of garage - 3 feet (from the edge of the private street)
- Front living area/architectural intrusions (2nd Floor) - 1 foot, 3 inches
- Side street (corner) yard - 10 feet
- Interior side - 5 feet
- Rear living area - 10 feet
- Rear courtyard/patios - 2.5 feet
- Perimeter - 10 feet

Landscaping

Street landscaping consists of a 15 foot wide area, which includes a 5 foot wide detached sidewalk along Rainbow Boulevard. Street landscaping consists of a 6 foot wide area behind an attached sidewalk is shown along Levi Avenue and Erie Avenue. Along the west property line there is an 8 foot wide landscape buffer and sidewalk with trees shown 30 feet on-center. Internal to the site, a network of common open space areas is located throughout the development, which will include on-site pedestrian paths, recreational pool area with an indoor gym, play structure, picnic areas, and a dog park. The development requires 26,665 square feet of open space where 66,593 square feet of open space is provided. A 6 foot to 8 foot high wrought iron fence with decorative block is proposed along the east, north, and south property lines at the request of the neighbors surrounding the site development.

Elevations

The plans depict 4 plex, 5 plex, and 6 plex residential units with 1 elevation. The buildings have a maximum height of 30 feet and feature pitched, concrete tile roofs. All units feature consistent and unified architecture throughout the exterior design of the buildings. The building materials generally consist of stucco and stone veneer siding, which include horizontal and vertical articulation on all elevations. Decorative window variations and trimming are featured on all elevations, in addition to wrought iron railings utilized for the patios and second story deck areas. Design variations have been incorporated into the overall design of the garage doors, facing the private streets. The residential buildings consist of neutral, earth tone colors.

Floor Plans

The plans depict 2 and 3 bedroom units with 2 different floor plans that range from 1,320 square feet to 1,501 square feet. The first floor of every unit will contain a 2 car garage.

Applicant's Justification

The applicant indicates since the proposed development is at a lower density than other attached residential developments and will serve as a transitional land use from the single family developments on the west side of Rainbow Boulevard and the planned light industrial development on the east side of Rainbow Boulevard, the proposed project will have less impacts on the area than the approved land use of Commercial General and Office Professional. It will generate less traffic and have a similar use (dwellings) as most of the area. According to the applicant, the waiver of development standards is appropriate since the reduced setbacks to the street are internal to the subdivision street and will not impact the adjacent properties or future residents of the development.

Prior Land Use Requests

| Application Number | Request | Action | Date |
|---------------------------|--|-----------------|----------------|
| NZC-19-0517 | Reclassified this site to RUD Planned Unit Development for an attached single family residential development consisting of 47 residential lots | Approved by BCC | September 2019 |
| MP-1009-02 | Specific Plan for Mountain's Edge | Approved by BCC | August 2002 |
| MP-0420-02 | Concept Plan for Mountain's Edge | Approved by BCC | July 2002 |

Surrounding Land Use

| | Planned Land Use Category | Zoning District | Existing Land Use |
|-------|---|------------------------|---------------------------|
| North | Office Professional | R-3 | Single family residential |
| South | Major Development Project (Mountain's Edge) - Urban Residential | RUD | Single family residential |
| East | Business and Design/Research Park | R-E | Undeveloped |
| West | Major Development Project (Mountain's Edge) - Public Facilities | R-E | Undeveloped |

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.*

There have been multiple changes the last several years within the southwest part of valley. Large employment centers have been developed and now are in operation. The southern half of the site has already been approved for residential RUD townhomes in 2019, and there remains a demand for housing, particularly for sale housing that is attainable in the southwest. The northern portion of this site is planned for Office Professional, which no longer makes sense in an area that has been transitioning to compact lot single family developments. There is residential surrounding the site and industrial proposed across Rainbow Boulevard, which also makes the proposed nonconforming zone boundary amendment an appropriate transition between these uses.

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 site fronts onto Rainbow Boulevard, a heavily traveled arterial right-of-way. The approval of this development will assist with the completion of much needed off-sites along this stretch of Rainbow Boulevard. The site is located directly east of a 30 acre undeveloped parcel that is owned by the BLM and planned for public facilities. To the north and south are residential developments zoned RUD and R-3. To the east is vacant land master planned Business and Design/Research Park. The railroad is located directly east of that parcel and Desert Oasis High School is farther east. The proposed use is clearly compatible with the surrounding area as it will complete the area with residential development consistent with what is developed and approved to the north and south of the site instead of allowing an island of future office or commercial development.

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 middle school and high school located within the corresponding school zone was over capacity for the 2020-2021 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 indicates this project complies with several of the recently adopted Comprehensive Master Plan Urban Land Use Policies. The project provides amenities such as pedestrian paths, recreational pool area with an indoor gym, play structure, picnic areas, and a dog park within the complex, which complies with Urban Land Use Policy 51, which encourages developments to provide amenities for residents. Urban Land Use Policies encourage quality townhome developments with certain architectural elements and designs in mind. Specifically, Policy 43b encourages projects that provide varied neighborhood design and/or innovative architecture. Lastly, this request complies with Comprehensive Master Plan Housing Policy 2 to promote a mix of housing types that meet the diverse needs of the community.

Summary

Zone Change

This request is for a nonconforming zone change to reclassify the project site to an RUD zone for a proposed attached (townhouse) planned unit development. The intent of the RUD district is to provide for compact single family residential developments and to prohibit the development of incompatible uses that are detrimental to the residential environment. Immediately to the south of the project site, across Erie Avenue, is an existing single family residential development with RUD zoning. An existing single family residential development with RUD zoning is located 1,000 feet to the west of the project site. Furthermore, an existing single family residential development with R-3 zoning is located to the north of the proposed development. The undeveloped parcel of land to the west of the project site is zoned R-E and is planned for Public Facilities. Staff finds the proposed RUD zoning is consistent and compatible with the surrounding land uses and should not have an adverse or negative impact on the immediate area; therefore, staff finds that the applicant has provided a compelling justification to warrant approval of this nonconforming zone change request.

Use Permit

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Comprehensive Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

A planned unit development (PUD) is intended to maximize flexibility and innovation in residential development by utilizing area sensitive site planning and design to achieve a desirable mixture of compatible land use patterns that include efficient pedestrian and vehicular traffic systems, streetscapes, and enhance residential amenities. The design of the project is not a typical single family residential development; however, the standards for planned unit developments allow flexibility in design to provide for innovative and unique development options. The design is unique and innovative in that it allows for individual home ownership

rather than a rental option of an apartment unit or the ownership of airspace like the typical condominium development. To mitigate the impact of the proposed structures, the buildings are designed with variations in height, roof pitch, and other architectural enhancements. Staff finds the proposed development provides an appropriate land use transition to the existing residential development and light industrial land uses within the immediate area; therefore, recommends approval of the use permit.

Waiver 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.

Staff finds the proposed setback reduction will have minimal to no impact on this development, the residential units had roughly the same setback that was shown on the previously approved plans and this will be internal to the site; therefore, staff recommends approval of this waiver.

Design Review #1

Staff finds a variety of design elements are utilized on all sides of the residential buildings, including articulating building facades. The design of the proposed elevations incorporate varying rooflines, exterior building materials, such as stucco and stone veneer, decorative window trimming, and decorative wrought iron railings. Staff finds the design of the project site is compatible with the adjacent and surrounding land uses. The site will be developed at 12.3 dwelling units per acre, which staff believes is an appropriate density. The design of the residential buildings are consistent and compatible with the residential development within the surrounding area; therefore, staff recommends approval of this request.

Public Works - Development Review

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.

Staff Recommendation

Approval. This item will be forwarded to the Board of County Commissioners' meeting for final action on March 3, 2021 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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

- Resolution of Intent to complete in 3 years;
- Expunge NZC-19-0517;
- 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 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;
- Full off-site improvements;
- Right-of-way dedication to include 55 to the back of curb for Rainbow Boulevard, 30 feet for Levi Avenue, and associated spandrels;
- Coordinate with Public Works - Design Division for the Rainbow Boulevard improvement project;
- Dedicate any right-of-way and easements necessary for the Rainbow Boulevard improvement project;
- Vacate any unnecessary rights-of-way and/or easements.
- 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 or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way; that meandering sidewalks are a non-standard improvement which the County will not maintain; 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.

Building Department - Fire Prevention

- Applicant is advised to show on-site fire lane, turning radius, and turnarounds; that dead-end streets/cul-de-sacs in excess of 500 feet must have an approved Fire Department turn-around provided (36 feet wide paved streets for fire department turn around); and to submit plans for review and approval prior to installing any gates, speed humps (speed bumps not allowed), and any other fire apparatus access roadway obstructions.

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 #0045-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: EDWARD HOMES, INC.

CONTACT: LINDSAY BROWN, KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DRIVE, SUITE 650, LAS VEGAS, NV 89135