

ATTACHED SINGLE FAMILY RESIDENTIAL  
DEVELOPMENT  
(TITLE 30)

**UPDATE**  
EDMOND ST/CHARTAN AVE

PUBLIC HEARING  
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
**ZC-20-0454-ELIOT HOLDINGS, LLC:**

**HOLDOVER ZONE CHANGE** to reclassify 10.0 acres from R-E (Rural Estates Residential) Zone to R-2 (Medium Density Residential) Zone.

**USE PERMIT** for an attached single family residential development.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** increase the maximum allowed site disturbance area within hillside development; **2)** increase wall height; **3)** waive off-site improvement requirements; and **4)** non-standard off-site improvements.

**DESIGN REVIEWS** for the following: **1)** an attached single family residential development; **2)** a preliminary grading plan for a residential development within a hillside area; and **3)** permit the use of a hammerhead turnaround.

Generally located on the east side of Edmond Street (alignment) and the north and south sides of Chartan Avenue (alignment) within Enterprise (description on file). JJ/al/jd (For possible action)

---

RELATED INFORMATION:

**APN:**  
176-36-701-008; 176-36-801-003

**WAIVERS OF DEVELOPMENT STANDARDS:**

1.
  - a. Increase the maximum site disturbance allowed for hillside areas with slopes exceeding 25% (3 acres) to 62.3% (1.87 acres) where a maximum site disturbance of 35% (1.05 acres) is permitted per Table 30.56-1 (a 78% increase).
  - b. Increase the maximum site disturbance allowed for hillside areas with slopes 12% to 25% (4.91 acres) to 73.7% (3.62 acres) where a maximum site disturbance of 50% (2.46 acres) is permitted per Table 30.56-1 (a 47.4% increase).
2. Increase hillside retaining wall height to 15 feet where a maximum of 9 feet is permitted per Figure 30.64-1 (a 66.7% increase).
3. Waive requirements for off-site improvements (curbs, gutters, streetlights, and sidewalks) for Edmond Street where off-site improvements are required per Section 30.52.040.
4.
  - a. Increase longitudinal streets grades to a maximum of 10% where a maximum of 6% is permitted per Clark County Supplement to CCAUSD – Chapter 1.3.B.2 (a 66.7% increase).

- b. Reduce the throat depth for a security gate to the visitor call box to a minimum of 27 feet where a minimum of 100 feet is required per Uniform Standard Drawing 222.1 (a 73% reduction).

**LAND USE PLAN:**

ENTERPRISE - RESIDENTIAL SUBURBAN (UP TO 8 DU/AC)

**BACKGROUND:****Project Description****General Summary**

- Site Address: N/A
- Site Acreage: 10
- Number of Lots: 50
- Density (du/ac): 5
- Minimum/Maximum Lot Size (square feet): 3,300/4,764
- Project Type: An attached single family residential development
- Number of Stories: 3
- Building Height (feet): 35
- Square Feet: 2,272
- Open Space Provided: 3.2 acres
- Natural Area (Hillside) Provided/Required (acres): 2.4/4.4

**Site Plans**

The plan depicts a residential development consisting of attached single family residences within a hillside area. The plans depict a total of 50 residences with a density of 5 dwelling units per acre. Each residence will be located on its own lot and will share a common wall with one other residence. Each residence will have a 20 foot front yard setback, a 15 foot rear yard setback and the side of the residence that does not share a common wall with another residence will have a 5 foot side yard setback or a 10 foot corner setback. Access to the development will be provided by Chartan Avenue which will terminate in a radius cul-de-sac at the entrance of the development. Gates will be provided at the entrance to the development to control access. The call box for the gates is located 27 feet from the end of the proposed cul-de-sac at the end of Chartan Avenue. Access within the subdivision will be provided by 39 foot wide private streets which do not have sidewalks. The private streets will terminate in stub streets that will provide access to a maximum of 4 lots. The Edmond Street alignment is located along the western boundary of the site and will terminate in a hammerhead design turnaround at the northwest corner of the site rather than the County preferred radius bulb cul-de-sac design.

This site is located in a hillside area with slopes that exceed 12%. The plans indicate that of the 10 acres which make up this site, 2.1 acres have slopes below 12%, 4.9 acres have slopes from 12% to 25%, and 3 acres have slopes that exceed 25%. Due to the slopes, the plans depict a 15 foot high rockery retaining wall located on the northeast corner of the site. Code allows retaining walls in hillside areas in segments of up to 9 feet in height with a 6 foot off-set between retaining walls for a maximum of 36 feet (4 segments). Code requires portions of hillside areas

to remain in a natural state, to be undisturbed. The application is requesting to reduce the amount of undisturbed area required for this development to 2.4 acres were 4.4 acres is required.

#### Landscaping

The plans depict landscape areas consisting of trees, shrubs and groundcover located along the entrance to the development and along the streets within the development. The plan also depicts a recreational area for the residents of the development on the southern portion of the site. The plans for the recreational area depict picnic tables, fire pits, shade structures, a plunge pool and a walking path. The recreational area is located on slopes greater than 12:1 and does not appear to have been included in the portions of disturbance calculations. Any disturbance to slopes not included in the waiver of development standards will require a subsequent waiver at a later date.

#### Elevations

The plans depict a 3 story residence with a maximum height of 35 feet. The plans indicate that 2 residences will share a common wall located on a property line. The residences will have a combination of flat roofs behind parapet walls and pitched roofs with concrete tile roofing material. The exterior of the residences will have a stucco finish painted in earth tone colors.

#### Floor Plans

Each residence has an area of 2,272 square feet with 3 bedrooms and a 2 car garage.

#### Applicant's Justification

The applicant indicates the proposed development complies with the Residential Suburban designation for the site in the Enterprise Land Use Plan. The proposed development is consistent and compatible with existing R-2 zoned residential developments to the north and east.

#### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
TM-0015-15	Tentative map for a 34 lot single family residential development - expired	Approved by PC	March 2015
ZC-0075-14	Approved to reclassify the site to an R-2 zone for a 34 lot single family residential development in a hillside area - expired	Approved by BCC	November 2014
ZC-1469-06	Approved to reclassify the site to an R-2 zone for a 74 lot single family residential development in a hillside area – expired	Approved by BCC	November 2006
TM-0439-06	Tentative Map for a 74 lot single family residential development - expired	Approved by BCC	December 2006
ZC-1512-05	Approved to reclassify the northern portion of this site to an R-2 zone for future single family residential development - expired	Approved by BCC	November 2005

### Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Major Development Project (Southern Highlands) Residential Suburban (up to 10 du/ac)	R-2	Single family residential development
South	Residential Suburban (up to 8 du/ac)	R-2	Undeveloped parcel & single family residential development
East	Major Development Project (Southern Highlands) Residential Suburban (up to 10 du/ac) & Residential Suburban (up to 8 du/ac)	R-2	Undeveloped parcel & single family residential development
West	Public Facilities	R-E	Undeveloped parcel

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

### Related Applications

Application Number	Request
VS-20-0453	Vacation of easements is a companion item on this agenda.
TM-20-500154	Tentative map for a single family residential subdivision 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

This request conforms to the Enterprise land use plan which designates the site for residential development up to 8 dwelling units per acre. However, it is noted in Chapter Three of the Enterprise Land Use Plan that final approval of density will consider the subject site as well and adjacent existing and planned land use densities and intensities. It is also noted that the stated maximum densities and intensities in no way obligate the County to approve developments at a given density or intensity including up to the maximum listed in the land use plan.

While this is a conforming zone boundary amendment, staff finds there are constraints on the site that could preclude development at a density up to the maximum of the Residential Suburban land use category. The majority of the site is constrained by 12% or higher slopes and is within a hillside area. Section 30.56.100 states that the maximum recommend density of hillsides is 2 units per acre for areas with slopes greater than 12%. This request does not comply with Goal 1/Policy 2 of the Conservation Element Goal and Policies encourage land development that minimizes alteration of the natural landform.

### 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.

The plans depict a development consisting of 3 story, attached single family residences. The abutting developments consist of 1 and 2 story detached single family residences. Staff finds that the proposed residential units will be out of character with the existing residential developments in this area. Therefore, staff finds the proposed residences are not appropriate at the proposed location and does not support this 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.

### Waivers of Development Standards #1a & #1b

The purpose of the hillside development standards is to, among other items listed in Title 30, minimize grading and site disturbance on hillsides to maximize compatibility with the natural terrain, encourage the reasonable, safe and aesthetic use of the steep and inconsistent topography of the natural hillsides, establish a transition zone between hillside development and more intensive development, and ensure conservation of these area as a visual resource. This request does not comply with Goal 1/Policy 2 of the Conservation Element Goal and Policies that encourages land development that minimizes alteration of the natural landform. While several hillsides within the immediate area have been graded to accommodate residential developments, these developments were not subject to the Hillside Development regulations contained within Title 30. This request greatly exceeds the maximum allowance and additional disturbance with the hillside area may be necessary to accommodate the recreational area. Therefore, staff cannot support these waivers.

### Waivers of Development Standards #2

The applicant is requesting retaining walls up to 15 feet in height for this hillside area. Code allows segmented retaining walls up to 9 feet in height with a 6 foot off-set to allow areas for plants to break-up the proposed walls, which helps to reduce the impact of these walls on the adjacent developments. Staff finds that the proposed design of the retaining wall may negatively impact the adjacent single family residential developments; therefore, cannot support this request.

### Design Reviews

Staff finds a more appropriate site design could be depicted that is sensitive to the topography of the site and complements the existing topography. With the potential for large retaining walls which may negatively impact the adjacent developments, and staff not supporting the waivers of

development standards to increase the site disturbance area, staff cannot support the design review for the proposed residential development.

### **Public Works - Development Review**

#### Waiver of Development standards #3

Staff cannot support the request to leave the termination of Edmond Street only partial improved. Historical events have demonstrated how important off-site improvements are for drainage control and the to restrict access to the Bureau of Land Management (BLM) land.

#### Waiver of Development standards #4a

Staff has no objection to the request for increase street grades due to the significant grade changes in this area.

#### Waiver of Development standards #4b

Staff has no objection to the reduction in the throat depth to the visitor call box on Chartan Avenue. The 50 lot residential subdivision should see a low volume of traffic because of the limited number of lots. Additionally, Chartan Avenue terminates in a public cul-de-sac adjacent to the site with approximately 500 feet of roadway and no intersecting streets west of Star Lily Street, thereby creating a significant throat depth.

### **Staff Recommendation**

Denial.

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**

If approved:

- Resolution of Intent to complete within 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;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that a subsequent design review for a final grading plan will be required for this project; if the final grading plans depicts a further increase in the distributed area a subsequent waiver of development standards will be required; 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;
- Traffic study and compliance;
- Full off-site improvements on Chartan Avenue;
- Execute a Restrictive Covenant Agreement (deed restrictions);
- Right-of-way dedication to include a public County-approved turnaround at the Chartan Avenue terminus **and a County-approved turnaround at the Edmond Street terminus;**
- Applicant shall apply for and obtain a Bureau of Land Management (BLM) right-of-way grant for a portion of a county-approved turnaround at the Edmond Street terminus.

**TAB/CAC: Enterprise - approval (Lots 1 through 18 to be 3 story, with rest of lots 2 story; Resolution of Intent to complete in 3 years; design review as public hearing for major changes; design review as a public hearing for lighting and signage; dedicate Edmond Street cul-de-sac; any retaining wall over 9 feet in height to be terraced; Current Planning staff must review and approve blasting plan submitted by the developer, the blasting plan will address the time, duration, intensity, notice of blasting, and how any damage claims will be handled, including a point of contact for the County to refer potential complaints regarding any alleged property damage; and developer shall submit to Current Planning staff on regular basis a report of the number of complaints received and the status of any outstanding claims).**

**APPROVALS:**

**PROTESTS: 29 cards, 4 letters**

**COUNTY COMMISSION ACTION:** November 18, 2020 – HELD – To 12/02/20 – per the applicant.

**COUNTY COMMISSION ACTION:** December 2, 2020 – HELD – To 01/06/21 – per the applicant.

**COUNTY COMMISSION ACTION:** January 6, 2021 – HELD – To 02/03/21 – per the applicant.

**APPLICANT:** CHRISTOPHER HOMES, LLC

**CONTACT:** ROXANNE LEIGH, WESTWOOD PROFESSIONAL SERVICES, 5740 SOUTH ARVILLE STREET, SUITE 216, LAS VEGAS, NV 89118