

UPDATE

SINGLE FAMILY RESIDENTIAL DEVELOPMENT FRIAS AVE/VALLEY VIEW BLVD
(TITLE 30)

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-20-0555-FRIAS, PHYLLIS M. MANAGEMENT TRUST & FRIAS, PHYLLIS M. TRS:

ZONE CHANGE to reclassify 33.8 acres from R-E (Rural Estates Residential) (RNP-I) Zone to R-2 (Medium Density Residential) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase wall height; and 2) modified curb design.

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

Generally located on the north and south sides of Frias Avenue and the west side of Valley View Boulevard within Enterprise (description on file). JJ/al/jd (For possible action)

RELATED INFORMATION:

APN:

177-30-701-016 through 177-30-701-018; 177-30-701-023 through 177-30-701-025; 177-30-701-033; 177-30-701-035; 177-30-801-001; 177-30-801-002; 177-30-801-025

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase wall height to 12 feet (6 foot retaining wall with a 6 foot screen wall) where a maximum of 9 feet (3 foot retaining wall with a 6 foot screen wall) is permitted per Section 30.64.050 (a 33.3% increase).
2. Permit a modified roll curb per Uniform Standard Drawing 217.1 where an L type curb per Uniform Standard Drawing 228 is required.

DESIGN REVIEWS:

1. A single family residential development.
2. Increase finished grade to 72 inches (6 feet) where a maximum of 18 inches (1.5 feet) is the standard per Section 30.32.040 (a 300% increase).

LAND USE PLAN:

ENTERPRISE - RESIDENTIAL LOW (UP TO 3.5 DU/AC)

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

BACKGROUND:

Project Description

General Summary

- Site Address: 10165, 10220, 10225, 10240 Schuster Street & 3930 W. Frias Avenue
- Site Acreage: 33.8
- Number of Lots: 185 residential lot/19 common lots
- Density (du/ac): 5.5
- Minimum/Maximum Lot Size (square feet): 3,318/15,079
- Project Type: Single family residential development
- Number of Stories: 1 & 2
- Building Height (feet): Up to 27
- Square Feet: 1,450 to 2,160
- Open Space Required/Provided: 0/172,858 square feet

Neighborhood Meeting Summary

This request is for a nonconforming zone change to reclassify approximately 33.8 acres from an R-E (RNP-I) zone to an R-2 zone for a single family residential development. The applicant conducted a neighborhood meeting online on September 21, 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 and 12 people attended the meeting. Concerns raised at the meeting included traffic, sizes for the proposed homes, and encroachment for higher density residential development into an RNP area.

Site Plan

The plan depicts a single family residential development consisting of 185 lots with a density of 5.5 dwelling units per acre. The site is located along the west side of the Valley View Boulevard alignment and dedications for Haleh Avenue, Frias Avenue, and Schuster Street run through portions of the site. The plan indicates that 45 feet of the site will be dedicated for Valley View Boulevard and right-of-way dedications from 30 feet to 60 feet will be provided to complete Haleh Avenue and Frias Avenue through this site. The plans indicate that Schuster Street will be vacated and the right-of-way will be incorporated into the proposed development.

The plan indicates that 15 lots will take access from Haleh Avenue, via a private cul-de-sac, and these will be the only lots to access a public right-of-way within the development. Access to all other lots will be provided by 43 foot wide private streets that will have a sidewalk on 1 side of the street. Lot sizes range from 3,318 square feet to 15,079 square feet with the smallest lots located in the southern portion of the site, south of Frias Avenue, adjacent to an R-2 zoned single family residential development that is currently under development. The largest lots are located on the northernmost portion of the site. The plans show 19 common lots with a combined area of 172,858 square feet. Most of these common lots are adjacent to the public and private streets within the development. These common lots are being used for landscape areas adjacent to the street, and drainage and utility easements. The increase in grade is throughout the site, which necessitates a waiver of development standards for increased retaining wall heights along the perimeter of the project. The walls range in height from no retaining wall to 6 feet of retaining wall and 6 feet of screen wall above.

Landscaping

The plan depicts a 15 foot wide landscape area consisting of trees, shrubs, and groundcover adjacent to Valley View Boulevard with a detached sidewalk. Other landscape areas are depicted in common lots that are adjacent to Frias Avenue and Haleh Avenue consisting of trees, shrubs, and groundcover. These common elements also contain easements for NV Energy, for drainage, and other utilities, which limits landscaping to the areas adjacent to the streets and not throughout the entire common lot.

Elevations

Plans were submitted for a total of 9 different single family homes with 3 plans for single story homes and 6 plans for 2 story homes. The single story homes will be up to 17 feet in height and the 2 story homes will be up to 27 feet in height. All the homes will have pitched roofs with concrete tile roofing material. The exterior of the homes will have combinations of a stucco finish painted in earth tone colors, stone veneer, various window treatments, and recesses and pop-outs.

Floor Plans

The plans indicate that the single story homes are between 1,700 square feet and 2,160 square feet. The 2 story homes are between 1,450 square feet and 1,950 square feet. Each home will have a 2 car garage and options for 3 to 4 bedrooms.

Applicant's Justification

The applicant indicates that the proposed development will provide a desirable residential neighborhood that promotes the development of other vacant properties in the area, while meeting the demand for growth in the Enterprise area. The increase in finished grade and increased retaining wall heights are necessary due to existing contours, drainage patterns, and sewer issues. The site will be elevated to the point necessary to work with civil engineering constraints and not artificially increased to enhance views.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-0030-11	Established an RNP-I Overlay District on 75 acres within the Enterprise Planning Area, which included a portion of this site	Approved by BCC	March 2011
ZC-1026-05	Established an RNP-I Overlay District on 3,800 parcels within the Enterprise Planning Area, which included a portion of this site	Approved by BCC	October 2005

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Rural Neighborhood Preservation (up to 2 du/ac)	R-A (RNP-I) & R-E (RNP-I)	Single family residential & undeveloped

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
South	Residential Low (up to 3.5 du/ac); Residential Suburban (up to 8 du/ac) & Commercial General	R-E (RNP-I), R-E, & R-2	Undeveloped
East	Residential Suburban (up to 8 du/ac) & Commercial Neighborhood	R-E, C-1, & C-2	Undeveloped
West	Rural Neighborhood Preservation (up to 2 du/ac); Residential Suburban (up to 8 du/ac) & Public Facilities	R-E (RNP-I) & R-2	Single family residential & undeveloped

Related Applications

Application Number	Request
VS-20-0556	A vacation of patent easements and rights-of way is a companion item on this agenda.
TM-20-500195	A 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

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.*

In November 2019 the Board of County Commissioners approved NZC-19-0612 to reclassify 33.5 acres adjacent to the west of this site to an R-2 zone. Those 33.5 acres, like this site, are designated for Residential Low (up to 3.5 acres) and Rural Neighborhood Perseveration (up to 2 du/ac). The approval of NZC-19-0612 is a substantial change to the character of this area. This is a change in trends and facts which makes the proposed nonconforming zone boundary amendment appropriate for 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.*

There is a single family residential development in an R-2 zone that is currently being developed adjacent to the southern portion of this site. The adjacent parcels to the west have been approved by NZC-19-0612 for a single family residential development in an R-2 zone. There are parcels to the east across Valley View Boulevard which are currently undeveloped and zoned R-E but are designated as Residential Suburban (up to 8 du/ac) in the Enterprise Land Use Plan. Therefore, the density and intensity of the proposed development is compatible with existing, approved, 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.*

There has been no indication from service providers that the approval of this request will have a substantial adverse effect on public services and facilities in this area. However, the proposed increase in density for the site would create an increase in the number of students for schools in this area. Information provided by the Clark County School District indicates that Tarkanian Middle School and Desert Oasis High School, which serve this proposed development, are over capacity. The proposed development would also increase demand for parks within the Enterprise Planning Area. Providing passive and active recreational areas within the proposed common lots would off-set the increase in demand for parks.

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

The proposed development complies with Goal 7 of the Comprehensive Master Plan to provide housing alternatives to meet a range of lifestyle choices, ages and affordability levels. The project complies with Urban Specific Policy 4 of the Comprehensive Master Plan to preserve existing residential neighborhoods by encouraging vacant lots within these areas to develop at similar densities as the existing area, which in this case is the approved single family residential development to the west and the residential development currently being developed to the south. Therefore, staff finds that the proposed development complies with other applicable goals and policies.

Summary

Zone Change

There has been a change in facts and trends in this area for higher density residential development than designated in the Enterprise Land Use Plans for this site. The density and intensity of the proposed project is compatible with existing, approved and planned land uses in the surrounding area. There is no indication of this project having a substantial adverse effect on public facilities and services in the area. In addition, the project will comply with other goals and policies. Based on the criteria listed above, staff finds the applicant has satisfied the requirements for a compelling justification to warrant approval of the zone change.

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 finished grade and increased retaining wall heights are necessary due to existing contours, drainage patterns and sewer issues. The applicant states that the site will be elevated to the point necessary to work with civil engineering constraints and not artificially increased to enhance views. The existing topography of the site and engineering constraints can be a unique circumstance for this site, which makes it necessary to increase finish grade and increase retaining wall heights to retain fill. Therefore, staff can support this request.

Design Review #1

The proposed use of the property is consistent and compatible with existing and planned land uses on the abutting properties. The architectural design of the residences is consistent with existing single family homes in the area. However, staff is concerned about a lack of usable open space with the proposed development. The plans depict 19 common lots, which are areas located within easements for drainage or utilities. The common lots adjacent to Frias Avenue within the NV Energy easements could be used for passive and active open space. Trails/walkways could be provided within these areas for the use of the residents of the area. The site should also be designed with more pedestrian connections to the public streets and the common lots along Frias Avenue. Therefore, staff does not support the design of the proposed development.

Applications for nonconforming zone boundary amendments require a compelling justification and design review to be processed and reviewed concurrently. Upon approval of a nonconforming zone boundary amendment, a Resolution of Intent (ROI) is required to be executed by the property owner and County and recorded against the property. An ROI contains conditions of approval of the project and serves as a contract between the County and the property owner whereas the County agrees to officially change the zoning of the property upon completion of the approved project and satisfaction of the approved conditions. Therefore, the approval of the nonconforming zone boundary amendment and related ROI are dependent upon the design of the proposed project. Since staff does not support the design of the proposed development, which is necessary for approval of the nonconforming zone boundary amendment and subsequent ROI, staff cannot support this application.

Public Works - Development Review

Waiver of Development Standards #2

Staff has no objection with the request to allow the roll curb to continue through the spandrel. This is a standard request that the County supports. However, since Planning is recommending denial of the remainder of the application, staff cannot 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 recommending denial of the remainder of the application, staff cannot support this request.

Department of Aviation

The property lies just outside the AE-60 (60-65 DNL) noise contour for the McCarran 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 McCarran International Airport facilities to meet future air traffic demand.

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

- Provide a pedestrian access path in the center of the block from El Mirador Avenue to the common lot located on the south side of Frias Avenue.

PLANNING COMMISSION ACTION: February 2, 2021 – APPROVED – Vote: Unanimous

Current Planning

- Resolution of Intent to complete in 4 years;
- Provide within the NV Energy power easement low groundcover and shrubs around passive open space amenities such as walking paths and benches per the consent from NV Energy;
- Provide pedestrian access from the eastern terminus of Lake Avenue to Valley View Boulevard, from the southern terminus of El Molino Street to the common lot on the north side of Frias Avenue, and from the northern terminus of Trestles Street to the common lot on the south side of Frias Avenue;
- 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 45 feet to the back of curb for Valley View Boulevard, 30 feet to 60 feet for Haleh Avenue, 30 feet to 60 feet for Frias Avenue, and associated spandrels;
- If required by the Regional Transportation Commission (RTC), grant an easement for a 5 foot by 25 foot bus passenger loading/shelter areas in accordance with RTC standards behind the sidewalk on the west side of Valley View Boulevard, as close as practical to Frias Avenue.
- 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.

Southern Nevada Health District (SNHD) – Septic

- Applicant is advised that there are active septic permits on APNs 177-30-701-016, 018, 024, 033, and 035; and to connect to municipal sewer and remove the septic systems 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 systems have been properly removed.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been initiated for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0329-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require a new POC analysis.

TAB/CAC:

APPROVALS: 5 cards, 1 letter

PROTESTS: 15 cards, 1 letter

APPLICANT: RICHMOND AMERICAN HOMES OF NEVADA, INC.

CONTACT: WESTWOOD PROFESSIONAL SERVICES, 5740 S. ARVILLE STREET,
SUITE 216, LAS VEGAS, NV 89118