

SINGLE FAMILY RESIDENTIAL SUBDIVISION  
(TITLE 30)

**UPDATE**  
PEBBLE RD/RAINBOW BLVD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**NZC-21-0137-LH VENTURES, LLC:**

**HOLDOVER ZONE CHANGE** to reclassify 45.3 acres from R-E (Rural Estates Residential) (RNP-I) Zone, C-2 (General Commercial) Zone, and H-2 (General Highway Frontage) (RNP-I) Zone to R-2 (Medium Density Residential) Zone.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** establish alternative yards for residential lots; **2)** increase wall height; **3)** reduce street intersection off-set; **4)** reduce right-of-way width; and **5)** waive off-site improvements (including curb, gutter, sidewalk, streetlights, and partial paving).

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

Generally located on the south side of Pebble Road, north side of Agate Avenue and Raven Avenue, west side of Rainbow Boulevard, and east side of Tenaya Way within Enterprise (description on file). JJ/jt/ja (For possible action)

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RELATED INFORMATION:

**APN:**

176-22-501-004; 176-22-501-005; 176-22-501-009 through 176-22-501-011; 176-22-501-025

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Establish alternative yards for 2 single family residential lots where yards are established per Chapter 30.56.
2. Increase wall height to 14 feet (6 feet of retaining wall plus 8 feet of screen wall) where 9 feet (3 feet of retaining wall plus 6 feet of screen wall) is the maximum allowed per Section 30.64.050 (a 56% increase).
3. Reduce street intersection off-set to 105 feet where 125 feet is the minimum per Section 30.52.052 (a 16% reduction).
4.
  - a. Reduce right-of-way width for Belcastro Street to 51 feet where 60 feet is the minimum per Chapter 30.52 (a 15% reduction).
  - b. Reduce right-of-way width for Raven Avenue to 51 feet where 60 feet is the minimum per Chapter 30.52 (a 15% reduction).
5.
  - a. Waive off-site improvements (including curb, gutter, sidewalk, streetlights, and partial paving) on Pebble Road where full off-site improvements are required per Chapter 30.52.

- b. Waive off-site improvements (including curb, gutter, sidewalk, streetlights, and partial paving) on Belcastro Street where full off-site improvements are required per Chapter 30.52.
- c. Waive off-site improvements (including curb, gutter, sidewalk, streetlights, and partial paving) on Tenaya Way where full off-site improvements are required per Chapter 30.52.
- d. Waive off-site improvements (including curb, gutter, sidewalk, streetlights, and partial paving) on Agate Avenue where full off-site improvements are required per Chapter 30.52.
- e. Waive off-site improvements (including curb, gutter, sidewalk, streetlights, and partial paving) on Raven Avenue where full off-site improvements are required per Chapter 30.52.

#### **DESIGN REVIEWS:**

- 1. Single family residential subdivision.
- 2. Increase finished grade to 76 inches where a maximum of 18 inches is the standard per Section 30.32.040 (a 322% increase).

#### **LAND USE PLAN:**

ENTERPRISE - PUBLIC FACILITIES

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

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

#### **BACKGROUND:**

##### **Project Description**

##### **General Summary**

- Site Address: 7051 W. Pebble Road & 8955 S. Rainbow Boulevard
- Site Acreage: 45.3
- Number of Lots/Units: 305
- Density (du/ac): 6.7
- Minimum/Maximum Lot Size (square feet): 3,325/9,953
- Project Type: Single family residential subdivision
- Number of Stories: 1 & 2
- Building Height (feet): Up to 28
- Square Feet: 1,157 up to 3,066
- Open Space (required/provided): 0/879 square feet

##### **Neighborhood Meeting Summary**

Required notices for a neighborhood meeting were mailed to property owners within a 1,500 foot radius of the site. A neighborhood meeting was held November 18, 2020 at 6:00 p.m. at the Windmill Library and virtually. Approximately 10 neighbors attended in-person and 15 neighbors attended virtually. Items discussed included the entitlement application for a school on the western portion of the same site, the proposed single family residential subdivision, and the density of the subdivision. Some neighbors preferred the school project and some neighbors supported a residential project, though they noted that the proposed subdivision was too dense.

### Overview

This project includes a 305 lot single family residential subdivision on 45.3 acres. A charter school with a companion vacation and abandonment of easements and an agenda item to reroute an equestrian trail are in process for a 14.6 acre portion of this overall site; however, these applications were held to a Board of County Commissioners meeting in September.

Several streets, including Raven Avenue, Agate Avenue, Belcastro Street, and Montessori Street were planned to be constructed on this site and required to be constructed on adjacent parcels. As a result, this project includes several companion applications such as vacation and abandonments for easements and rights-of-way along with waivers of conditions for adjacent applications that required the construction of these streets.

This project also includes a companion Plan Amendment to reroute the equestrian trail alignment that was planned to travel south along Belcastro Street (through the subject site) and west on Agate Avenue. Instead, the proposed trail alignment will travel west on Pebble Road, south on Tenaya Way, and west on Agate Avenue around the perimeter of this proposed subdivision. This trail alignment is different than the alignment proposed with the charter school, which required a separate Plan Amendment.

### Site Plan

The site plan depicts a 305 lot single family subdivision with a single gated access point from Pebble Road on the north side of the site. Boundaries of the subdivision extend from Rainbow Boulevard on the east to Tenaya Way on the west. The northern boundary is Pebble Road, and the southern boundary is Agate Avenue on the southwest side and Raven Avenue on the southeast side. The proposed R-2 zoned single family subdivision circles around 5 existing single family residences zoned R-E (RNP-I) located in the middle of the northwest portion of the overall subdivision. Access to these existing residences is maintained from Pebble Road, a portion of Belcastro Street, and a portion of Raven Avenue. Waivers of development standards are requested to reduce the width of Belcastro Street and Raven Avenue to 51 feet wide where 60 feet wide is the standard.

Another waiver of development standards is necessary to reduce the street intersection off-set within the subdivision from the private access street (Copper Ranch Street) to 43 foot wide private street intersections within the subdivision on both the east and west side of Copper Ranch Street. The entrance to the gated subdivision includes a 60 foot wide private street with sidewalks on both sides, and streets within the subdivision are 43 foot wide streets with sidewalks on 1 side. The internal street layout includes multiple cul-de-sacs and stub streets, which limits circulation within the subdivision; however, pedestrian access easements to the exterior perimeter streets are provided on 4 of the cul-de-sacs and both stub streets.

Lots 288 and 289, located in the northcentral portion of the subdivision, will be sideloaded from the end of a cul-de-sac. As a result, these lots require a waiver of development standards for alternative yard setbacks. With the waiver of development standards, the front yard will be along the radius of the cul-de-sac and the rear yards will be along the east and west sides of the parcels, respectively.

### Landscaping

One 879 square foot lot near the entrance is the only open space for the 305 lot subdivision. Although other common lots are provided, these lots include the required perimeter street landscaping and landscaping where the side or rear of residential lots within the subdivision are adjacent to internal streets. The landscape planters internal to the subdivision are 5 feet wide.

East of the entrance from Pebble Road, the perimeter street landscaping includes a detached sidewalk with 5 foot wide landscape strips on either side of the sidewalk. West of the entrance from Pebble Road, the application includes a request to waive off-site improvements (paving, curb, gutter, sidewalk, streetlights, and partial paving). As a result, street landscaping to the west of the entrance along Pebble Road consists of a 20 foot wide landscape buffer with no off-site improvements. The realigned equestrian trail is shown west of the Belcastro Street alignment on the south side of Pebble Road to Tenaya Way, adjacent to the subject site. This new trail alignment is also adjacent to 2 of the existing R-E (RNP-I) zoned single family residences on the south side of Pebble Road.

Along the portions of Balcastro Street and Raven Avenue that will provide access to the existing single family residences, street landscaping will include 6 foot wide and 16 foot wide landscape strips. Off-site improvements (paving curb, gutter, sidewalk, streetlights, and partial paving) are also requested to be waived for these portions of Belcastro Street and Raven Avenue.

On the west side of the site, full off-site improvements (paving, curb, gutter, sidewalk, streetlights, and partial paving) are requested to be waived along Tenaya Way as well. Landscaping along Tenaya Way includes a 10 foot wide landscape strip with no off-site improvements. The proposed equestrian trail alignment is shown along the east side of Tenaya Way, adjacent to the subject project.

Extending along the southwest boundary of the site, full off-site improvements (paving, curb, gutter, sidewalk, streetlights, and partial paving) are requested to be waived for Agate Avenue. Landscaping along the north side of Agate Avenue includes a 6 foot wide landscape strip with no off-site improvements.

The southern boundary of the project transitions from Agate Avenue, approximately 600 feet north to the Raven Avenue alignment. A portion of Raven Avenue is proposed to be vacated, and Raven Avenue would then extend from Rainbow Boulevard west to the Rosanna Street alignment where Raven Avenue would terminate in a cul-de-sac. A 5 foot wide sidewalk with a 6 foot wide landscape strip is shown for this section of Raven Avenue.

Along the east boundary of the site, a detached sidewalk is depicted along Rainbow Boulevard with 5 foot wide landscape strips on either side of the sidewalk.

Increased wall height, up to 14 feet high (6 foot retaining wall plus 8 feet of screen wall) is requested for the entire frontage along Rainbow Boulevard and a 200 foot portion of Raven Avenue and Pebble Road heading west of Rainbow Boulevard. Up to 12 foot high walls (6 feet of retaining wall plus 6 feet of screen wall) are proposed along the southeastern property line

along the Montessouri Street alignment. This increased wall height will be adjacent to an existing single family residence and an undeveloped parcel.

#### Elevations

Three distinct elevation options are offered for each floor plan. Exterior elements will include paver driveways, pitched tile roofs, and desert earth tone colors. Maximum height extends up to 28 feet.

#### Floor Plans

Two residential products range in size from 1,157 square feet up to 3,066 square feet. These 2 products are both 1 and 2 story and include up to 9 floor plans with various options. All the models include 2 car garages.

#### Signage

Signage is not a part of this request.

#### Applicant's Justification

According to the applicant, the single family residential subdivision is appropriate at this location, and the waivers of development standards are necessary for the project. For example, the applicant states that the alternative yard setbacks are necessary for 2 of the lots that are sideloaded from the end of a cul-de-sac.

Increasing the wall height up to 12 feet (6 foot retaining wall plus 6 foot screen wall) along the southeast portion of the site adjacent to the Montessouri Street alignment is necessary due to the topography of the site and to allow for proper drainage. Similarly, increasing the wall height to 14 feet (6 foot retaining wall plus 8 foot screen wall) along Rainbow Avenue and a portion of Pebble Road and Raven Avenue is due both to the grade of the site (increased retaining wall) and to reduce the traffic noise for future residents (increased screen wall).

Reducing the street intersection off-set is necessary for 2 streets adjacent to the entry street to the subdivision. The applicant states that this reduced intersection off-set will not create any negative impacts since traffic will be moving at slower speeds within the subdivision.

According to the applicant, a reduction in right-of-way width for Belcastro Street and a portion of Raven Avenue will not create any negative impacts since these streets will only provide access to 4 existing homes. Additionally, a 16 foot wide landscape strip is provided along the roadways, except a 6 foot wide landscape strip is provided adjacent to the cul-de-sacs. The additional landscaping will help buffer the homes from the proposed single family subdivision.

The applicant states that the waiver for off-site improvements is based on responses at neighborhood meetings, and it allows for a rural residential feel in the area.

Lastly, the design review to increase finished grade is necessary due to the natural topography of the property. Increased fill is necessary to develop the site, and it will not create any negative impacts.

### Prior Land Use Requests

Application Number	Request	Action	Date
VS-21-0136	Vacation and abandonment of right-of-way (including Raven Avenue) and easements within the Montessori Street and Agate Avenue alignments	Withdrawn by PC	May 2021
WC-21-400048 (ZC-18-0853)	Waiver of conditions requiring dedication for Montessori Street	Withdrawn by PC	May 2021
WC-21-400049 (VS-17-0049)	Waiver of conditions requiring dedication for Montessori Street	Withdrawn by PC	May 2021
LUP-20-700082	Redesignate the land use plan for 7.5 acres in the northwest portion of the overall site from RNP (Rural Neighborhood Preservation) and PF (Public Facilities) to RN (Rural Neighborhood) - staff recommended approval, but the Enterprise Land Use Plan Update was cancelled	N/A	N/A
LUP-20-700083	Redesignate the land use plan for 7.5 acres in the northcentral portion of the overall site from RNP (Rural Neighborhood Preservation) to RS (Residential Suburban) - staff recommended a reduction to RL (Residential Low), but the Enterprise Land Use Plan Update was cancelled	N/A	N/A
ET-19-400024 (NZC-0838-13)	Second extension of time to reclassify the eastern 8 acres of the site from C-2 to R-2 zoning for a single family residential subdivision	Withdrawn by BCC	April 2019
PA-18-700021	Redesignated the land use plan for the entire site from RNP (Rural Neighborhood Preservation), PF (Public Facilities), and CG (Commercial General) to RS (Residential Suburban)	Approved RS east of Montessori Street and east 2.5 acres; denied west of Montessori Street by BCC	March 2019
NZC-0838-13 (ET-0189-16)	First extension of time to reclassify the eastern 8 acres of the site from C-2 to R-2 zoning in the MUD-4 Overlay District for a single family residential development	Approved by BCC	February 2017

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
NZC-0838-13	Reclassified the eastern 8 acres of the site from C-2 to R-2 zoning with waivers of development standards for landscaping, screening, and off-site improvements (curb, gutter, sidewalk, streetlights, and reduced paving) with a design review for a single family residential development	Approved by BCC	March 2014
ZC-1190-03	Reclassified the eastern portion of the site to a C-2 zoning for future commercial development	Approved by BCC	September 2003
ZC-1026-05	Reclassified 3,800 parcels, including 10 acres of the subject site to R-E (RNP-I) zoning	Approved by BCC	October 2005

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Rural Neighborhood Preservation (up to 2 du/ac) & Commercial General	R-E (RNP-I) & C-2	Single family residential & undeveloped
South	Rural Neighborhood Preservation (up to 2 du/ac), Office Professional, Commercial Neighborhood & Commercial General	R-E (RNP-I), R-E, C-2, C-1, & H-2	Single family residential & undeveloped
East	Commercial General	C-2	Undeveloped
West	Rural Neighborhood Preservation (up to 2 du/ac)	R-E (RNP-I)	Single family residential

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

**Related Applications**

<b>Application Number</b>	<b>Request</b>
ZC-20-0284	A zone change to reclassify a 14.6 acre portion of the western side of the site to P-F zone for a charter school is a related item that is scheduled for the September 22, 2021 BCC meeting.
VS-20-0285	A vacation and abandonment of easements on the southwest portion of this site for the charter school is a related item that is scheduled for the September 22, 2021 BCC meeting.
AG-20-900314	An agenda item to re-route the equestrian trail alignment west on Raven Avenue and south on Tenaya Way for the charter school is a related item that is scheduled for the September 22, 2021 BCC meeting.

### Related Applications

Application Number	Request
PA-21-700001	A plan amendment to change the equestrian trail alignment from Belcastro Street west on Pebble Road and south on Tenaya Way is a companion item on this agenda.
TM-21-500034	A tentative map for a 305 lot single family residential subdivision is a companion item on this agenda.
VS-21-0138	A vacation and abandonment of right-of-way and easements (including the same easements that are part of VS-20-0285) 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 Enterprise Land Use Plan was adopted in 2014 and most recently amended in 2018. Since that time, there has been no change in law, policies, trends, or facts that have substantially changed the character or condition of the area. In addition, there has been no change in circumstances surrounding the property that would make the proposed nonconforming zone boundary amendment appropriate. The site continues to be appropriate for Public Facility uses in the southwest portion of the site, Rural Neighborhood Preservation uses in the northwest portion of the site, and Residential Suburban uses on the east side of the site, adjacent to Rainbow Boulevard. These planned land uses would maintain the compatibility with the existing R-E (RNP-I) residences to the north, west, and south; the planned commercial uses to the north and south along Rainbow Boulevard, and the planned office uses to the southwest.

- 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 density of the proposed nonconforming zone boundary amendment exceeds the density and intensity of existing and planned land uses in the surrounding area. North and south of the site along Rainbow Boulevard, the parcels are planned for Commercial General uses; however, these parcels are currently not developed with commercial uses. Most of the adjacent Commercial



General planned parcels are undeveloped, and 3 of the planned Commercial General parcels include single family residences. Furthermore, parcels southwest of the subject site are planned for Office Professional uses and Commercial Neighborhood uses. These parcels are also undeveloped.

The greatest disparity in density occurs to the south, west, and north of the subject site. Parcels in these areas are developed with existing single family residences zoned R-E (RNP-I). These single family residences are developed with a density of 2 units per acre, whereas the proposed nonconforming zone boundary amendment would allow a density up to 8 dwelling units per acre.

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 the public utility purveyors that the zone boundary amendment would create a substantial adverse effect on public facilities or services. However, the Clark County School District indicates that the schools servicing this area (Steele Elementary School, Canarelli Middle School, and Sierra Vista High School) are all over capacity for the 2020-2021 school year. The proposed development would add an estimated 51 elementary students, 28 middle school students, and 40 high school students.

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

The proposed nonconforming zone boundary amendment does not comply with the adopted policies in the Comprehensive Master Plan. For example, Urban Specific Policy 4 seeks to preserve existing residential neighborhoods by encouraging vacant lots within these areas to develop at similar densities as the existing area. Here, the proposed R-2 zoning is denser than the surrounding R-E zoned single family development. Next, Urban Specific Policy 7 encourages land uses that are complementary and are a similar scale and intensity. The proposed R-2 zoning would allow up to 8 dwelling units per acre where the surrounding residents are developed at 2 units per acre. Lastly, Urban Specific Policy 8 discourages nonconforming zone changes.

## **Summary**

### **Zone Change**

There has been no change in law, policies, trends, or facts that have substantially changed the character or condition of the area since the most recent amendment to the Enterprise Land Use Plan. In addition, the density of the proposed nonconforming zone boundary amendment exceeds the density and intensity of existing and planned land uses in the surrounding area. Furthermore, the proposed development will provide approximately 120 additional students to schools that are already over-capacity in the area. Lastly, the proposed nonconforming zone boundary amendment does not comply with any goals or policies in the Comprehensive Master Plan. As a result, staff cannot support the 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 request for alternative yard setbacks for Lots 288 and 289 are a self-imposed hardship. The site layout for the proposed residential development can be reconfigured to meet the Title 30 standards for yard configuration. Furthermore, since staff is not supporting the zone change, waiver of development standards, and design reviews, staff cannot support this request.

#### Waiver of Development Standards #2

Increasing block wall heights creates blunt visual impacts on adjacent properties and the public realm. A 14 foot high wall along Rainbow Boulevard and portions of Raven Avenue and Pebble Road will be visually obtrusive, contribute to a canyon-like effect along the rights-of-way, and diminish the aesthetics of the area. In addition, the 12 foot high wall along the Montessori Street alignment will detrimentally impact the existing single family residents along with any future redevelopment of the adjacent parcels. Lastly, Urban Specific Policy 16 states that all new perimeter walls should be designed to visually minimize the stark appearance of monotonous block walls. Therefore, staff cannot support the waiver of development standards.

#### Design Review #1

The proposed subdivision lacks connectivity, provides minimum open space and no amenities, and does not comply with goals and policies in the Comprehensive Master Plan. Regarding the lack of connectivity, the subdivision will disrupt an established grid of public right-of-way in the area, which was already approved to be constructed by adjacent projects. In addition, the design provides only 1 entrance and exit for 305 residential lots. This creates a dangerous situation where emergency personnel would not be able to provide access to residents if the entrance is blocked. Also, all the traffic in the subdivision is funneled through 1 entrance and exit, which creates congestion and does not provide any alternative routes for residents, delivery vehicles, and visitors. Lastly, the design does not comply with Land Use Goal 4, which states that all development types should have both pedestrian and vehicular connections.

Next, an 879 square foot lot near the entrance is the only nominal amount of open space for the entire subdivision. Urban Specific Policy 17 encourages ample active and passive open space and to integrate those open spaces with trail systems when possible. This subdivision has an opportunity to provide open space and connections to the adjacent equestrian trail; instead, nearly no functional open space is provided for the subdivision. In addition, Urban Specific Policy 31 states that single family developments should connect with existing and planned trail systems, Urban Specific Policy 39 encourages usable open space, and Urban Specific Policy 40 encourages centralized open space surrounded by local streets with homes that front the open space. The design does not comply with any of these open space related policies in the Comprehensive Master Plan.

Lastly, the layout of the subdivision and residential design do not satisfy the standards for approval of a design review nor comply with policies in the Comprehensive Master Plan. Standards for approval of a design review indicate that site access and circulation must not negatively impact adjacent roadways or neighborhood traffic; the project must be harmonious and compatible with development in the area; and the development must be consistent with policies of the County. Here, the large subdivision with only 1 entrance and exit will create public health and safety concerns; and the monotonous walls, architecture, and intensity of the development is not compatible with the area. Furthermore, Policy 43 promotes projects with varied neighborhood design, including varied front setbacks, reduced visual dominance of garages, varied rooflines, and varied architectural elements. Given the layout of subdivision with long, straight street alignments, no variation in lot size, and minimal variation in residential design, the single family homes will appear monotonous and oppressive. For these reasons, staff cannot support the design review.

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

#### Waiver of Development Standards #3

Staff does not object to the request to reduced the distance between Copper Ranch Street and Cherry Barn Street to 105 feet, nor does staff object to the 115 feet of separation between Copper Ranch Street and Marigold Creek Street. However, staff cannot support the design of the project due to the external disjointed street network that would be the result of this subdivision being approved. Therefore, staff cannot support this request.

#### Waiver of Development Standards #4

Staff does not object to the reduced width of Belcastro Street and Raven Avenue since those reduced street widths only occur on the perimeter of the subdivision abutting 3 existing R-E zoned single family residential lots. However, staff cannot support the design of the project due to the external disjointed street network that would be the result of this subdivision being approved. Therefore, staff cannot support this request.

#### Waiver of Development Standards #5

Staff finds the requests to improved the majority of the perimeter streets to non-urban standards to be a self-imposed hardship that only benefits the developer. The effect of this subdivision being approved is that the remaining Rural Neighborhood Preservation area will be all but eliminated. As such, there is no valid reason to install non-urban streets for and R-2 zoned subdivision. Staff cannot support this request.

#### 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. However, staff cannot support the design of the project due to the external disjointed street network that would be the result of this subdivision being approved. Therefore, staff cannot support this request.

**Staff Recommendation**

Denial. This item will be forwarded to the Board of County Commissioners' meeting for final action on **July 7, 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**

If approved:

- Resolution of Intent to complete in 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 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; 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 unless waived by this or a subsequent application;
- Right-of-way dedication to include 21 feet for Raven Avenue and 21 feet for Belcastro Street near the northwest portion of the site, 30 feet and a portion of a cul-de-sac for Raven Avenue on the east portion of the site, 40 feet for Tenaya Way, 30 feet and a portion of a cul-de-sac for Agate Avenue, 55 feet to the back of curb for Rainbow Boulevard, 50 feet for Pebble Road where non-urban standards apply, 45 to 50 feet to the back of curb for Pebble Road where full off-sites are required, and all associated spandrels;
- Execute a Restrictive Covenant Agreement (deed restrictions);
- Apply for a public BLM right-of-way grant through Public Works - Development Review Division for any necessary rights-of-way on BLM land abutting the subject site;

- If required by the Regional Transportation Commission (RTC), dedicate and construct right-of-way for a bus turnout on the west side of Rainbow Boulevard, just south of Pebble Road, including a 5 foot by 25 foot bus shelter pad easement behind the sidewalk in accordance with RTC standards.
- 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.

#### **Building Department - Fire Prevention**

- Applicant is advised that fire objects to the proposal to end Raven Avenue in a cul-de-sac; and that there is a previously approved agreement to allow a temporary condition of single source water supply for the proposed fire station which should be resolved with build-out of road west of the station.

#### **Southern Nevada Health District (SNHD) - Septic**

- Applicant is advised that there is an active septic permit on APN 176-22-501-004; 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.

#### **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](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0384-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require a new POC analysis.

**TAB/CAC: Enterprise - denial.**

**APPROVALS: 3 cards**

**PROTESTS: 8 cards, 4 letters**

**PLANNING COMMISSION ACTION:** May 18, 2021 – HELD – To 06/01/21 – per the applicant.

**PLANNING COMMISSION ACTION:** June 1, 2021 – HELD – To 06/15/21 – per staff.

**APPLICANT:** KB HOME

**CONTACT:** THE WLB GROUP, 3663 E. SUNSET ROAD, SUITE 204, LAS VEGAS, NV 89120