

06/15/21 PC AGENDA SHEET

SINGLE FAMILY RESIDENTIAL DEVELOPMENT
(TITLE 30)

FRIAS AVE/ARVILLE ST

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-21-0203-SCHIRLLS LLC:

ZONE CHANGE to reclassify 22.9 acres from an R-E (Rural Estates Residential) (RNP-I) Zone and an R-E (RNP-I) Zone under Resolution of Intent to an R-2 (Medium Density Residential) Zone to an R-2 (Medium Density Residential) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** waive landscaping to a less intense use; and **2)** increase wall height.

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

Generally located on the northeast corner of Arville Street and Frias Avenue (alignment) within Enterprise (description on file). JJ/al/jd (For possible action)

RELATED INFORMATION:

APN:

177-30-701-014; 177-30-701-015; 177-30-701-019 through 177-30-701-022; 177-30-701-040 through 177-30-701-041

WAIVERS OF DEVELOPMENT STANDARDS:

1. Waive landscaping to a less intense use where landscaping per Figure 30.64-11 and Table 30.64-1 is required.
2. Increase wall height to a maximum of 10 feet (6 foot screen wall with 4 foot retaining wall) where a maximum of 9 feet (6 foot screen wall with a 3 foot retaining wall) is permitted per Section 30.64.050 (a 11.1% increase).

DESIGN REVIEWS:

1. A detached single family residential development.
2. Increase finished grade to 42 inches (3.5 feet) where a maximum of 18 inches (1.5 feet) is the standard per Section 30.32.040 (a 133% 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 Acreage: 22.9
- Number of Lots: 173 residential/15 common element
- Density (du/ac): 7.6
- Minimum/Maximum Lot Size (square feet): 3,325/6,574
- Project Type: Single family residential development
- Number of Stories: 1 & 2
- Building Height (feet): 29
- Square Feet: 1,203 to 2,469
- Open Space Required/Provided: 0/127,794 square feet

Neighborhood Meeting Summary

This request is for a nonconforming zone change to reclassify approximately 22.9 acres from an R-E (RNP-I) zone and R-E (RNP-I) zone under Resolution of Intent to an R-2 zone to an R-2 zone for a single family residential development. The applicant conducted a virtual neighborhood meeting on March 25, 2021 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 9 people attended the meeting. No issues or concerns with the project were expressed by those attending the meeting.

Site Plans

The plans depict a gated single family residential development on 22.9 acres consisting of 173 lots with a density of 7.6 dwelling units per acre. The site has frontage along Arville Street, Frias Avenue, and Haleh Avenue, however, none of the proposed lots will take access directly from any of these streets. The plans depict the entrance to the subdivision is from Frias Avenue on the south side of the site. Access to the lots within the development will be provided by 43 foot wide private streets that will have a 5 foot wide sidewalk on 1 side of the street. The plans depict 1 stub street and 5 radius curb cul-de-sacs within the development. The stub street will provide access to 2 lots and is located on the northeast corner of the site. The cul-de-sacs are all located on the southern portion of the site. The proposed development is a partial redesign of a portion of a previously approved nonconforming zone change (NZC-19-0612) for a single family residential development. There is an existing single family residence on 2 acres in an R-E (RNP-I) zone on the northwest corner of the site. The request to waive the landscaping to a less intense use is for the boundary adjacent to this existing residence.

Landscaping

The plans depict 15 common element lots with a total area of 127,794 square feet. These common element lots are between 364 square feet and 54,013 square feet in area. Close to the entrance to the development is a 12,741 square foot common element lot which will be used as a community park. Along Frias Avenue, within an existing easement for NV Energy for an overhead power line, 2 common elements with areas of 49,311 square feet and 54,013 square feet will be used as a public trail. Other common elements are located along the public streets and along the side street of corner lots within the development for landscape area. These

landscape areas will be between 6 feet and 15 feet in width and landscaping will consist of trees, shrubs, and groundcover. Other common elements within the development will be used for drainage easements.

Elevations

Plans were submitted for 1, one story home and 5, two story homes. The 1 story home will have a maximum height of approximately 14 feet and the 2 story homes will have a maximum height of approximately 29 feet. Each of the homes has a pitched roof with concrete tile roofing material. The exterior of the homes consists of a stucco finish painted in earth tone colors, stone veneer, and window fenestrations.

Floor Plans

The home models will be between 1,203 square feet to 2,469 square feet in area. The homes have options for 2 to 6 bedrooms and each home will have a minimum 2 car garage.

Applicant’s Justification

The applicant indicates that there has been a shift in the character of the area and that the approval of this request would be consistent with surrounding neighborhoods in terms of density and lot orientation. The increase in the finished grade and the retaining wall heights are necessary due to the existing topography of the site in order to level the site for development and provide proper drainage.

Prior Land Use Requests

Application Number	Request	Action	Date
NZC-19-0612	Zone change of 33.5 acres, including portions of this site, to R-2 zoning for a single family residential development	Approved by BCC	November 2019
VS-0095-11	Vacated and abandoned a portion of right-of-way being Hinson Street located between Haleh Avenue and Pyle Avenue	Approved by PC	May 2011
ZC-1026-05	Reclassified approximately 3,800 parcels of land from an R-E to R-E (RNP-I) zoning	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) & Residential Low (up to 3.5 du/ac)	R-E (RNP-I) & ROI/R-2	Single family residential & undeveloped
South	Public Facilities & Residential Low (up to 3.5 du/ac)	R-E (RNP-I)	Undeveloped
East	Rural Neighborhood Preservation (up to 2 du/ac)	R-E (RNP-I)	Single family residential & undeveloped

Surrounding Land Use

	Planned land Use Category	Zoning District	Existing Land Use
West	Residential Suburban (up to 8 du/ac)	R-E	Undeveloped

Related Applications

Application Number	Request
VS-21-0202	Vacation of easements and rights-of-way is a companion item on this agenda.
TM-21-500050	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.

The proposed development is a modification to portions of a previously approved nonconforming zone boundary amendment (NZC-19-0612) to an R-2 zone; the portions north of Haleh Avenue remain unchanged. This proposal includes 2 parcels with a total area of approximately 5 acres that were not a part of the prior approval. Each of these 2 additional parcels share 3 common property lines with parcels that were part of the prior approval. To the south and southwest of this site are parcels that were reclassified to R-2 zoning for a single family residential development by NZC-20-0555, which was approved in March 2021. These past approvals for R-2 zoning for single family residential developments are a trend and change in facts for this area and circumstances surrounding the property which makes the proposed nonconforming zone boundary amendment appropriate.

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 and intensity of the proposed development are similar to projects that have been approved for portions of this site and parcels to the north, east, and south of this site. Additionally, there are existing single family residential subdivisions in R-2 zoned districts to the

west and southeast of this site. Therefore, the request is compatible with the existing and approved 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 public services and facility providers that this development would have an adverse effect on public facilities and services in this area. The Clark County School District has indicated that this development would increase student yield by 68 students for the schools that serve this area (29 elementary students, 16 middle school students, and 23 high school students). The school district also indicates that 2 of the schools that would serve this area (Tarkanian Middle School & Desert Oasis High School) are over capacity with current enrollment. As a residential development the project would create an increased demand for parks within the area; however, this is off-set by the on-site recreational areas being provided for the residents of the development.

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

This request does comply with Goal 7 of the Comprehensive Master Plan to provide housing alternatives to meet a range of lifestyle choices, ages, and affordability levels. The proposed project is providing 127,794 square feet of open space of which 12,741 square feet is for a neighborhood park and an additional 103,324 square feet of open space is provided for a public trail along Frias Avenue. This complies in part with Urban Specific Policy 39 for single family residential developments to provide residential courts and other opportunities for increased usable open space and recreational facilities. The proposed neighborhood park is located by the entrance to the development in the central portion of the site. This complies in part with Urban Specific Policy 40, which encourages open space to be centrally located. Therefore, staff finds that this request does comply with other applicable goals and policies.

Summary

Zone Change

Staff finds that there has been a trend or change in policies and facts 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 proposed development is of a density and intensity compatible with existing and approved developments to the north, east, and southwest of this site. There has been no indication from public services and facility providers that this development would have an adverse effect on public facilities and services in this area, and this request does comply with other applicable goal and policies. However, staff cannot support the nonconforming zone boundary amendment since approval of a nonconforming zone boundary amendment is dependent upon the approval of a design review of a project.

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 landscaping to the less intense use (the existing single family residence on 0.9 acres abutting the site) is intended to mitigate the impacts of the proposed higher density, smaller lot residential development on the existing residence. Without the landscaping, staff finds the proposed development will have negative impacts on the existing residence; therefore, staff does not support this request.

Waiver of Development Standards #2

The existing topography of the site could be a unique or special circumstance for the site to allow for an increase in wall height. A similar waiver of development standards was approved for the single family residential development to the southeast. Since a similar waiver to increase wall height has been approved for an abutting development, staff does not object to this request; however, since staff is not supporting the design review, staff cannot support this waiver request.

Design Review #1

The smaller lots with greater density proposed for this project do not comply with Urban Specific Policy 4 to preserve existing residential neighborhoods by encouraging vacant lots within these areas to develop at similar densities as the existing area. Based on this policy, the proposed development should transition the lot sizes within the development to have larger lots abutting the existing R-E zoned residence at the northwest corner of the site. The proposed development only has 1 access point, which is from Frias Avenue. This does not comply with Urban Specific Policy 7 which encourages land uses to provide appropriate connectivity and not be segregated; therefore, staff does not support the proposed design of the development.

Public Works - Development Review

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.

While staff typically supports design review applications for increased fill, that is not the case with this application. Staff does not necessarily object to adding fill above 18 inches, but the overall need for fill in various locations is based on a site design that staff overwhelmingly objects to. Not only were land use applications approved on this site in the past with Schirlls Street providing connectivity between Pyle Avenue and Frias Avenue, but the developer of the subject site agreed on the record for one of their projects to the south that they would commit to

the Schirlls Street alignment as the north/south street connecting Pyle Avenue south, beyond Frias Avenue, all the way to Cactus Avenue. The agreement on the official record was the result of a successful vacation of Hinson Street. Since the applicant's request to not dedicate, and vacate, Schirlls Street is contrary to the agreed upon street network for this area, staff cannot support any portion of this land use application.

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 will be forwarded to the Board of County Commissioners' meeting for final action on July 21, 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;
- Lots adjacent to APN 177-30-701-013 to be a minimum 5,200 square feet;
- Provide pedestrian access through the common element to Arville Street;
- Expunge NZC-19-0612 for this site with approvals for NZC-19-0612 to remain active for all parcels that are not a part of this request;
- 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;
- Right-of-way dedication to include 25 feet to the back of curb for Frias Avenue, 35 feet to the back of curb for Arville Street, an off-set cul-de-sac at the eastern terminus of Haleh Avenue, east of APN 177-30-701-013, unless that area is otherwise part of a vacation application as described below, and associated spandrels;
- Applicant shall work with staff to determine the need for Haleh Avenue east of Arville Street, which may require an additional vacation application in the future.
- 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.

Building Department - Fire Prevention

- Applicant is advised 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 #0458-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - approval (denial of waivers of development standards and design reviews).

APPROVALS:

PROTESTS:

APPLICANT: KB HOME

CONTACT: THE WLB GROUP, 3663 EAST SUNSET ROAD, SUITE 204, LAS VEGAS, NV 89120