06/16/21 BCC AGENDA SHEET

UPDATE

SINGLE FAMILY RESIDENTIAL (TITLE 30)

TENAYA WY/PALMYRA AVE

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
WS-21-0068-N2MH LLC & EAGLE 40 LLC:

HOLDOVER WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce lot area; **2)** increase wall height; and **3)** waive off-site improvements (sidewalk and streetlights).
DESIGN REVIEWS for the following: **1)** proposed single family residential development; **2)** finished grade; and **3)** allow a hammerhead cul-de-sac design on 10.0 acres in an R-E (Rural Estates Residential) (RNP-I) Zone.

Generally located on the southwest corner of Coley Avenue and Tenaya Way within Spring Valley. JJ/sd/jd (For possible action)

RELATED INFORMATION:

APN:
163-10-308-001; 163-10-308-002

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Reduce the minimum gross lot area to 16,500 square feet where 20,000 square feet is required per Table 30.40-1 (a 18% reduction).
   b. Reduce the minimum net lot area to 13,137 square feet where 18,000 square feet is required per Table 30.40-1 (a 27% reduction).
2. Increase combined screen wall and retaining wall height to 10 feet (4 feet retaining wall and 6 foot screen wall) where a maximum of 9 feet (3 foot retaining wall and 6 foot screen wall) is permitted per Section 30.64.050 (a 33% increase).
3. a. Waive off-site improvements (sidewalk and streetlights) along Tenaya Way where required per Chapter 30.52.
   b. Waive off-site improvements (sidewalk and streetlights) along Palmyra Avenue where required per Chapter 30.52.
   c. Waive off-site improvements (sidewalk and streetlights) along Monte Cristo Way where required per Chapter 30.52.
   d. Waive off-site improvements (sidewalk and streetlights) along Coley Avenue where required per Chapter 30.52.

DESIGN REVIEWS:

1. A proposed single family residential development.
2. Increased finished grade to 48 inches where a maximum of 18 inches is the standard per Section 30.32.040 (a 167% increase).

3. Allow private streets to terminate in a hammerhead design where a radius cul-de-sac per Uniform Standard Drawing is preferred per Section 30.56.080.

LAND USE PLAN:
SPRING VALLEY - PUBLIC FACILITIES

BACKGROUND:
Project Description
General Summary

- Site Address: N/A
- Site Acreage: 10
- Number of Lots/Units: 20
- Density (du/ac): 2.0
- Minimum/Maximum Lot Size (square feet): 13,137 (net)/16,500 (gross) minimum/18,056 (net)/23,917 (gross) maximum
- Project Type: Single family residential
- Number of Stories: 1 & 2
- Building Height (feet): Up to 35
- Square Feet: Up to 6,384

Site Plans
The plans depict a proposed 20 lot single family residential development on approximately 10 acres at a density of 2 dwelling units per acre. Access to the subdivision is from Tenaya Way through a private street. The minimum net lot area is 13,137 square feet and the maximum net lot area is 18,056 square feet. The gross lot areas range from minimum 16,500 square feet to 23,917 square feet. All proposed lots will be accessed from a private street with roll curb on both sides of the streets. There are 2 private streets oriented east to west, centrally located around 6 lots, each ending in a hammerhead design. Increased grade of up to 48 inches is proposed by the applicant for Lots 6, 7, and 12 with fills of 36 inches, 16 inches and 6 inches above the standard 18 inches respectively. The applicant is not proposing streetlights within the subdivision, and also requests a waiver for streetlights and sidewalks on the adjacent public streets.

Landscaping
The plans depict 24 inch box trees and 15 gallon shrubs on the perimeter of lots along Coley Avenue, Palmyra Avenue, Monte Cristo Way, and Tenaya Way.

Elevations
The plans show 4 models of single family residential homes with a modern and minimalistic exterior design element. The landscaping showcased outside of the homes also demonstrate a minimalistic desert style landscape.

The Valle plan is a single story model option, the Cresta plan is a 2 story model option, the Haven plan is a single story model option, and the Sancta plan is a 2 story model option with a livable area of 6,384 square feet. The maximum height is up to 35 feet per Title 30.

Floor Plans
The plans depict homes ranging in size from 3,803 square feet to 6,384 square feet including the standard 4 car garages. The proposed models show multiple bedrooms, dining room, living room, kitchen areas, offices, sky decks, mud rooms, workshop, garages, generational suites, and media rooms.

Signage
Signage is not a part of this request.

Applicant's Justification
The proposed single family residential development is smaller in lot size but consistent in density with the surrounding properties zoned as R-E. There are 2 existing subdivisions to the west of the property, with 4 existing homes adjacent to the property. The off-site improvements are being requested to be waived to maintain the rural character of the area. The lot size is being requested as the existing 48 foot wide public streets do not count toward the lot area, if this area was included as part of the lot area then all lots would exceed the minimum 20,000 square foot requirement. The private streets are being proposed in this development to allow for no HOA to be created and each home to stand on its own. The additional fill on the site is needed at Lots 6, 7, and 12 with fills of 36 inches, 16 inches, and 6 inches above 18 inches respectively to meet the drainage criteria and ensure that positive drainage is met throughout the entirety of the site.

Prior Land Use Requests

Application Number	**Request**	**Action**	**Date**
VS-1481-94	Vacated a surplus of right-of-way	Approved by BCC	December 1994

Surrounding Land Use

	Planned Land Use Category	**Zoning District**	**Existing Land Use**
North, South, East, & West	Rural Neighborhood Preservation (up to 2 du/ac)	R-E (RNP-I)	Single family development

Related Applications

Application Number	**Request**
VS-21-0054	Vacation and abandonment of easements is a companion item on this agenda.
TM-21-500021	A 20 lot single family 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

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

Staff finds that the applicant has not provided sufficient justification to warrant a recommendation of approval to reduce both the gross lot area and net lot area for a proposed residential subdivision. The proposed decrease in both gross and net lot size area will not be in harmony with the general purpose, goals, objectives, and standards of the plan or of Title 30. The proposed residential development can be redesigned to meet the minimum net and gross lot sizes required for the zoning district. The reduction to the lot size requirements is a self-imposed hardship; therefore, staff cannot support this request.

Waiver of Development Standards #2

The request is to increase the height of a retaining wall and screen wall (4 feet retaining wall and 6 foot screen wall) within the development is to provide for additional increased grade. Waivers of development standards have been approved for the adjacent development to the west to increase retaining wall heights in conjunction with screen walls, which has created walls that are of greater height than proposed by the applicant. Staff finds that the proposed retaining and screen wall height increase will have a minimal impact on adjacent residential properties. **However, since staff cannot support the waiver of development standards to reduce both the net and gross lot areas for the proposed subdivision, staff also cannot support this waiver.**

Design Review #1

The submitted plans depict single family residential home designs that are architecturally compatible to the surrounding neighborhood. Title 30 encourages residential designs to be harmonious with neighboring residential structures so that consistency and style are reiterated throughout a residential subdivision. However, since staff cannot support the waiver of development standards to reduce both the net and gross lot areas for the proposed subdivision, staff also cannot support this design review.

Design Review #3

Title 30 restricts the use of the hammerhead design for the termination of streets with a radius cul-de-sac as the preferred design. Staff finds that since the development is of sufficient area, the County preferred design of a radius cul-de-sac could and should be accommodated. As with previous requests, staff is concerned that once designed with the building placement and driveway locations, the functional circulation will be impacted with cars that may be parked on the street. Staff finds the applicant has not provided sufficient justification to allow the hammerhead design; therefore, staff cannot support this portion of the request.

Public Works - Development Review

Waiver of Development Standards #3

Staff has no objection to not install full off-site improvements along Tenaya Way, Palmyra Avenue, Monte Cristo Way, and Coley Avenue. This request will allow the new subdivision to develop while leaving the existing non-urban street standards in place, which is consistent with the adjacent RNP-I overlay district. The applicant is also requesting to dedicate only to the back of curb instead of the future sidewalk, staff does not object to this request as necessary easements will be granted to the County. However, since Planning is recommending denial of a majority 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 a majority of the application, staff cannot support this design review.

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:

- 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 substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; 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; and that this application must commence within 4 years of approval date or it will expire.

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;

- Right-of-way dedication to include 18.5 feet to the back of curb for Palmyra Avenue, 22.5 feet to the back of curb for Coley Avenue, 20.5 feet to the back of curb for Monte Cristo Way, 25 feet to the back of curb for Tenaya Way, and associated spandrels;
- Execute a Restrictive Covenant Agreement (deed restrictions);
- Grant necessary easements for pedestrian access and streetlights and traffic control devices on all public street frontages.
- Applicant is advised 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.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Spring Valley - denial.
APPROVALS: 2 cards
PROTESTS: 33 cards, 25 letters

COUNTY COMMISSION ACTION: April 21, 2021 – HELD – To 05/05/21 – per the applicant.

COUNTY COMMISSION ACTION: May 5, 2021 – HELD – To 05/19/21 – per the applicant.

COUNTY COMMISSION ACTION: May 19, 2021 – HELD – To 06/02/21 – per the applicant.

COUNTY COMMISSION ACTION: June 2, 2021 – HELD – To 06/16/21 – per the Board of County Commissioners.

APPLICANT: BH PRADO, LLC
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