10/19/21 PC AGENDA SHEET

SINGLE FAMILY RESIDENTIAL DEVELOPMENT (TITLE 30) PEBBLE RD/FORT APACHE RD

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
NZC-21-0462-PEBBLE ROAD TRUST:

ZONE CHANGE to reclassify 2.5 acres from an R-E (Rural Estates Residential) Zone to an R-2 (Medium Density Residential) Zone.
WAIVER OF DEVELOPMENT STANDARDS to increase wall height.
DESIGN REVIEWS for the following: **1)** single family residential development; and **2)** finished grade.

Generally located on the south side of Pebble Road, 700 feet west of Fort Apache Road within Enterprise (description on file). JJ/md/jd (For possible action)

RELATED INFORMATION:

APN:
176-19-501-005

WAIVER OF DEVELOPMENT STANDARDS:
Increase combined screen wall/retaining wall height up to 11 feet (5 foot retaining wall/6 foot screen wall) where a maximum wall height of 9 feet (3 foot retaining wall/6 foot screen wall) is permitted per Section 30.64.050 (a 23% increase).

DESIGN REVIEWS:
1. Single family residential development.
2. Increased finished grade to 60 inches where a maximum of 18 inches is the standard per Section 30.32.040 (a 233% increase).

LAND USE PLAN:
ENTERPRISE - COMMERCIAL GENERAL

BACKGROUND:
Project Description
General Summary
- Site Address: N/A
- Site Acreage: 2.5
- Number of Lots: 19
- Density (du/ac): 7.6
- Minimum/Maximum Lot Size (square feet): 3,345 (gross and net)/4,778 (gross and net)
- Project Type: Single family residential development

- Number of Stories: 2
- Building Height (feet): Up to 29
- Square Feet: 1,892 to 2,358

Neighborhood Meeting Summary
This request is for a non conforming zone change to reclassify 2.5 acres from an R-E zoning district to an R-2 zoning district to allow a single family residential development. The applicant conducted a neighborhood meeting on July 6, 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. Two people attended the meeting with 1 person in support of the project.

Site Plans
The plans depict a single family residential development consisting of 19 lots on 2.5 acres with a density of 7.6 dwelling units per acre. The minimum and maximum lot sizes are 3,345 and 4,778 square feet, respectively. The primary ingress and egress to the proposed development is via a 42 foot wide, U-shaped network of private streets, A through C, connecting to Pebble Road. Lot 15 through Lot 19 are centrally located within the development and are immediately adjacent to private streets A and C. Lot 15 through Lot 19 are internal to the subdivision and are considered "double-frontage lots" which are discouraged but not prohibited by Code. A 4 foot wide attached sidewalk is located adjacent to Lot 15 through Lot 19 and connects to a 5 foot wide detached sidewalk located adjacent to Pebble Road. Due to the topography of the site, a combined screen wall/retaining wall height up to a maximum of 11 feet will be located along the perimeter of the project site, adjacent to Lot 1 through Lot 7 and Lot 8 through Lot 14. The increased screen wall/retaining wall height requires a waiver of development standards. Furthermore, a design review is requested to increase finished grade beyond 18 inches within the interior of the site. The maximum grade increase of 60 inches will occur between Lot 1 through Lot 7 located on the western portion of the development.

Landscaping
The plans depict a 15 foot wide landscape area, including a 5 foot wide detached sidewalk, located along Pebble Road. Twenty-four inch box trees, in addition to shrubs and groundcover, are proposed within the street landscape area. Twenty-four inch box trees planted in 6 foot by 10 foot wells are located along the rear of Lots 15 through 19, adjacent to a private street.

Elevations
The plans depict 2 story model homes with 4 different elevations with a maximum height of 29 feet. The proposed models consist of a pitched, concrete tile roof featuring stucco siding and stone veneer. Architectural enhancements are featured on all elevations including window fenestration, faux shutters, and stucco pop-outs.

Floor Plans
The plans depict 2 story model homes with 4 different floor plans ranging between 1,892 to 2,358 square feet. The models feature multiple bedrooms, bathrooms, dining room, kitchen, and a great room. All models feature 2 car garages.

Applicant's Justification

According to the applicant, due to sewer design constraints and the natural topography of the site (a drop of 16 feet from northwest to southeast), Lot 1 through Lot 19 will experience increased fill greater than 18 inches from the existing ground at the boundary. Lot 1 through Lot 19 will experience increased fill greater than 18 inches (no more than 5 feet) along the southern, western, and eastern boundaries in order to establish finished floors for those lots. To accommodate the fill, increased retaining wall height up to 5 feet will be required. The walls will not have an adverse impact on the surrounding area adjacent to the site.

Prior Land Use Requests

Application Number	**Request**	**Action**	**Date**
PA-20-700089	Redesignated the land use category from CG (Commercial General) to RS (Residential Suburban)	Cancelled by BCC	July 2020

Surrounding Land Use

	Planned Land Use Category	**Zoning District**	**Existing Land Use**
North	Public Facilities	R-E	Undeveloped
South & West	Public Facilities	R-2	Single family residential
East	Commercial General	C-2	Undeveloped

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

Related Applications

Application Number	**Request**
VS-21-0463	A request to vacate patent easements is a companion item on this agenda.
TM-21-500138	A tentative map for a 19 lot single family residential development 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 applicant states multiple properties to the west and south are rezoned R-2, making the request to rezone to a similar residential density compatible. Properties to the north and east have yet to be developed and have either a Commercial General or Public Facility Land Use. It is our belief the proposed development is appropriate and compatible for the majority of adjacent developed areas constructed as single family residential subdivisions.

Immediately to the west and south of the proposed subdivision is an existing single family residential development zoned R-2 with a planned land use of Public Facilities that was approved by the Board of County Commissioners via NZC-20-0108 in May 2020. Farther to the south, approximately 335 feet, is an existing single family residential development zoned R-2 with a planned land use of Residential Medium. Immediately to the east of the project site is an undeveloped 2.5 acre parcel zoned C-2 with a planned land use of Commercial General. Farther to the east across Fort Apache Road, approximately 700 feet, are 2 undeveloped R-E zoned parcels totaling 17.5 acres with a planned land use of Residential Suburban. Immediately to the north of the project site, across Pebble Road, is a 5 acre undeveloped parcel zoned R-E with a planned land use of Public Facilities. The trend in this area is for single family residential development. The proposed zone change to R-2 for single family residential development is consistent and compatible with the existing and approved development in this area and is appropriate for this location.

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 applicant indicates the proposed single family detached development is planned to be built out at a density of 7.6 units per acre. The existing residential land uses within the surrounding half mile radius of the property are a mix between developed Residential Suburban (north, south, east, and west), Residential Medium (south), Major Development Project (north), Residential Low (west), Commercial General (east), Residential Estates (west) and Schools, Churches, Public Facilities (north). The proposed density and intensity will result in a land use that is consistent with the surrounding residential area.

Immediately to the west and south of the proposed subdivision is an existing single family residential development zoned R-2 with a density of 7.2 dwelling units per acre with a planned land use of Public Facilities. Approximately 335 feet to the south is an existing single family residential development zoned R-2 with a density of 6.2 dwelling units per acre with a planned land use of Residential Suburban. Immediately to the east of the project site is an undeveloped 2.5 acre parcel zoned C-2 with a planned land use of Commercial General. Farther to the east across Fort Apache Road, approximately 700 feet, are 2 undeveloped R-E zoned parcels totaling 17.5 acres with a planned land use of Residential Suburban. Immediately to the north of the project site, across Pebble Road, is a 5 acre undeveloped parcel zoned R-E with a planned land use of Public Facilities. Therefore, staff finds that the density and intensity of the proposed project, a single family residential development with a density of 7.6 dwelling units per acre, is compatible with the existing 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.*

According to the applicant, there will not be a substantial adverse effect on public facilities and services. Technical studies will be prepared to address any drainage and water related impacts as part of the civil plan review process.

There has been no indication from service providers that this request will have a substantial adverse effect on public facilities and services. The school district has indicated this development would generate 3 additional elementary school students, 2 middle school students, and 2 high school students. Forbuss Elementary School would serve this development and is currently 116 students under capacity. Faiss Middle School and Sierra Vista High School are currently 171 and 136 students over capacity, respectively.

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

The applicant states the project will comply with Goal 2 of the Comprehensive Master Plan that encourages "opportunities for a mix of uses such as commercial, office, recreational, entertainment, public facilities, multiple family residential and other activities within close proximity to each other, both vertically and horizontally, which are connected and integrated (nodes)." The proposed nonconforming zone change will provide a mixed use of land. Furthermore, Goal 7 encourages "housing alternatives to meet a range of lifestyle choices, ages, and affordability levels." The proposed zone change will provide more affordable housing alternatives.

This project 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 residential development to the west and south was approved for 7.2 dwelling units per acre. The proposed project is a single family residential development with a density of 7.6 dwelling units per acre, comparable to the previously approved density for the adjacent residential development. Therefore, staff finds the project complies with Urban Specific Policy 4 of the Comprehensive Master Plan to preserve existing residential neighborhoods by encouraging vacant lots within this area to develop at similar densities as the existing area.

Summary

Zone Change

Staff finds that there is a trend changing the character and condition of the area which makes this request appropriate. The density and intensity of the proposed project are consistent and compatible with existing and planned developments in this area. There has been no indication that the proposed project will have an adverse impact on public services or facilities in the area. Staff finds the applicant has provided a sufficient compelling justification for this nonconforming zone boundary amendment request; therefore, staff recommends approval.

Waiver 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.

Staff finds the topography of the project site warrants an increase to the retaining wall height proposed for the development. A similar perimeter wall height of 12 feet was approved for the existing single family residential development along the west and south property lines of the project site. The greatest increase to the combined screen wall/retaining wall height ranges between 6 feet to 11 feet, occurring along the west boundary of the project site adjacent to the single family residential development. The increased wall height along the east, west, and south boundaries of the development should have minimal impact on the surrounding land uses. Therefore, staff recommends approval.

Design Review #1

Architectural enhancements are provided on all sides of the proposed residences. Staff finds that the design of the residences comply with Urban Land Use Policy 43 which promotes projects that provide varied neighborhood design and/or innovative architecture that includes varied setbacks from residences to front property lines, reduced visual dominance of garages, varied rooflines, and/or architectural enhancements on all sides. Staff finds the design of the proposed development is effective for both pedestrian and vehicular safety and is compatible with the surrounding residential development within the area. Therefore, staff recommends approval of the design review.

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.

Staff Recommendation

Approval. This item will be forwarded to the Board of County Commissioners' meeting for final action on November 17, 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

- 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;
- Full off-site improvements;
- Right-of-way dedication to include 35 feet to the back of curb for Pebble Road.
- 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; and 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.

Building Department - Fire Prevention

- Applicant is advised that fire/emergency access must comply with the Fire Code.

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 #0284-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - approval.
APPROVALS:
PROTESTS:

APPLICANT: ANDREW ACUNA
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