

11/02/21 PC AGENDA SHEET

SINGLE FAMILY RESIDENTIAL DEVELOPMENT      DEAN MARTIN DR/SERENE AVE  
(TITLE 30)

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**NZC-21-0522-GRAVES M B II & S M FAM TR-EXEMPTION TRUST ETAL:**

**ZONE CHANGE** to reclassify 14.6 acres from an R-E (Rural Estates Residential) Zone to an R-2 (Medium Density Residential) Zone.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** increase wall height; **2)** landscaping; and **3)** waive full off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving).

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

Generally located on the east side of Dean Martin Drive and the north side of Serene Avenue within Enterprise (description on file). JJ/md/jd (For possible action)

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RELATED INFORMATION:

**APN:**

177-20-204-003; 177-20-204-005 through 177-20-204-007; 177-20-204-010; 177-20-204-012

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Increase combined screen wall/retaining wall height up to 14 feet (8 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 56% increase).
2.
  - a. Permit alternative landscaping along street frontages with no sidewalks (Dean Martin Drive and Serene Avenue), where a 15 foot wide landscape area with a detached sidewalk is required along arterial and collector streets per Figures 30.64-17 and 30.64-18.
  - b. Eliminate landscaping adjacent to a less intensive use (rural residential use) where Figure 30.64-11 with 1 tree per 30 feet is required.
  - c. Eliminate the required landscaping adjacent to a freeway buffer wall where landscaping is required per Figure 30.64-4.
3. Waive full off-site improvements (curb, gutter, sidewalks, streetlights, and partial paving) along Dean Martin Drive and Serene Avenue where required per Chapter 30.52.

**DESIGN REVIEWS:**

1. Single family residential development.
2. Increased finished grade to 90 inches where a maximum of 18 inches is the standard per Section 30.32.040 (a 400% increase).

## **LAND USE PLAN:**

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

## **BACKGROUND:**

### **Project Description**

#### General Summary

- Site Address: 9180 Dean Martin Drive, 3025 and 3175 Vicki Avenue, and 3130 W. Serene Avenue
- Site Acreage: 14.6
- Number of Lots: 96
- Density (du/ac): 6.6
- Minimum/Maximum Lot Size (square feet): 3,325 (gross and net)/7,681 (gross and net)
- Project Type: Single family residential development
- Number of Stories: 1 and 2
- Building Height (feet): Up to 18 (1 story models)/Up to 29.5 (2 story models)
- Square Feet: 1,550 to 1,908 (1 story models)/1,768 to 3,066 (2 story models)

#### **Neighborhood Meeting Summary**

This request is for a nonconforming zone change to reclassify 14.6 acres from 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 21, 2021. The required meeting notices were mailed to the neighboring property owners within 1,500 feet of the project site. Eleven people attended the meeting expressing concerns with density, traffic, and the small size of the lots. One person stated that residential development is the best use for the project site.

#### Site Plans

The plans depict a single family residential development consisting of 96 lots on 14.6 acres with a density of 6.6 dwelling units per acre. The minimum and maximum lot sizes are 3,325 square feet and 7,681 square feet, respectively. The primary ingress and egress to the proposed development is granted from Dean Martin Drive via a 42 foot wide east/west private street, that connects to a 42 foot wide north/south private street. The interior of the development is serviced by a series of 42 foot wide private streets, 3 of which terminate in a cul-de-sac bulb. Four foot wide sidewalks are provided on 1 side of the private streets servicing the subdivision. However, a waiver of development standards is requested for off-site improvements, including the required sidewalks, along Dean Martin Drive and Serene Avenue. Due to the topography of the site, a combined screen wall/retaining wall height up to a maximum of 14 feet will be located along the east perimeter of the project site, adjacent to Lot 28 through Lot 62 along I-15. A combined screen wall/retaining wall height up to a maximum of 14 feet will also be located adjacent to Lot 3 and Lot 4, located within the west half of the site. 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 difference occurs along the east boundary of the site adjacent to I-15.

#### Landscaping

The plans depict a 10 foot wide landscape area located immediately adjacent to Dean Martin Drive and Serene Avenue. Twenty-four inch box trees planted 35 feet on center, in addition to

shrubs and groundcover, are proposed within the street landscape area. A waiver of development standards is necessary for alternative street landscaping in lieu of the required 15 foot wide landscape area, including detached sidewalks, along Dean Martin Drive and Serene Avenue. Waivers of development standards are requested to eliminate landscaping adjacent to a less intensive use as 2 adjacent lots, located at the northwest portion of the project site, are undeveloped, zoned R-E, and have a planned land use of Residential Low. The third residential lot adjacent to the development, located at the southwest portion of the project site, contains a single family residence with R-E zoning and a planned land use of Residential Low. A waiver is also requested to eliminate the landscaping requirement adjacent to the freeway buffer along I-15.

### Elevations

The plans depict 1 to 2 story model homes with multiple elevations. The 1 and 2 story homes have maximum heights of 18 feet and 29.5 feet, respectively. The proposed models consist of a pitched, concrete tile roof featuring stucco siding, faux shutters, and decorative stone veneer.

### Floor Plans

The 1 story model homes feature 4 different floor plans ranging between 1,550 square feet to 1,908 square feet. The 2 story model homes feature 6 different floor plans ranging between 1,768 square feet to 3,066 square feet. The models feature multiple bedrooms, bathrooms, dining room, kitchen, and a great room. All models feature 2 car garages.

### Applicant's Justification

The increase to the maximum screen wall/retaining wall height occurs along the eastern portion of the site adjacent to I-15. The 6 foot increase in retaining wall height is necessary due to the increase in grade within the site needed to allow the lots to access the public sewer main that is proposed to be extended under I-15 along the Serene Avenue alignment. Additionally, an 8 foot high sound wall is expected to be installed along the I-15 frontage to mitigate noise levels for the future subdivision residents. Requests to have the public roadways adjacent to the site remain 'rural' were made by the adjacent residents during the neighborhood meetings held for the project. The waiver request for off-site improvements is included to address the neighbors' concerns that 'full' street improvements are not in keeping with the adjacent neighborhood. Access road paving exists on Dean Martin Drive and Serene Avenue along the majority of the project frontage. Approximately 300 feet of access road paving will be constructed with this project on the east portion of Serene Avenue. The request to waive landscaping is made in conjunction with the request to construct Dean Martin Drive and Serene Avenue to 'rural' standards (which would eliminate curb, gutter, sidewalk, and streetlights). Alternative landscaping for the Dean Martin Drive and Serene Avenue frontages is proposed and would provide a mixture of 24 inch box and 15 gallon trees at approximately 35 feet spacing on-center along with shrubs and groundcover planted to cover more than 50 percent of the landscaped area. The applicant proposes to construct an 8 foot high sound wall along the project's I-15 frontage. This is consistent with the sound wall that is constructed directly across I-15 on the east side. With the proposed 8 foot high wall, landscaping installed within the project limits would not provide significant additional buffering.

The adjacent undeveloped property to the north (APN 177-20-104-013) is planned as Business and Design/Research Park (BDRP) and, although presently zoned R-E, is anticipated to develop in the future as a commercial use under BDRP or as Compact Residential with a non-conforming zone change. The properties located north of the Vicki Avenue alignment and east of Dean Martin Drive include the office building on APN 177-20-204-004 (zoned C-P) and 2 vacant parcels (APNs 177-20-204-001 & 002) which are expected to develop in the future as commercial or Compact Residential uses. The parcel at the northeast corner of Dean Martin Drive & Serene Avenue (APN 177-20-204-011) has an existing residential structure; however the property appears to be vacant as evidenced by the boarded windows and chained padlocked entry gates. It is anticipated that this property will be developed in the future as commercial. The proposed lots that are directly adjacent to this parcel (Lot 69, Lot 70, Lot 71, Lot 74, and Lot 75) average 6,480 square feet, which allows additional space between the existing home and proposed homes.

A maximum increase of 6 feet to the finished grade is requested and occurs along the east boundary of the site adjacent to I-15 and is necessary to provide sanitary sewer service to the site. The area does not presently have public sewer collection facilities and this project will construct a sewer main extension under I-15 along the Serene Avenue alignment from the existing sanitary sewer main located east of I-15. The on-site increase in grade allows the site to utilize the proposed sewer main extension.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
LUP-20-700038	Redesignate the land use category from RL (Residential Low) to CG (Commercial General)	Cancelled by BCC	July 2020

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Business and Design/Research Park	R-E	Undeveloped
South	Residential Low (up to 3.5 du/ac)	R-E	Single family residential & undeveloped
East	Commercial Tourist	H-2 & R-3	Freeway, single family & multiple family residential
West	Rural Neighborhood Preservation (up to 2 du/ac) & Residential Low (up to 3.5 du/ac)	C-P, R-E, & R-E (RNP-I)	Single family residential & undeveloped

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

## Related Applications

Application Number	Request
VS-21-0523	A request to vacate and abandon patent easements and right-of-way is a companion item on this agenda.
TM-21-500149	A tentative map for a 96 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.*

According to the applicant, the current trend is the need for additional single family residential development in this area and in the Las Vegas valley in general. The demand for single family residential housing continues to remain high while the supply remains very limited as indicated by the continual increase in home values and cost, and the short time frames that homes remain available on the open market. This trend fuels the need for residential development at higher densities than previously planned to meet the demands. In this instance, the proposed project is located between Dean Martin Drive (80 foot wide right-of-way) and I-15. The proposed R-2 zoning to allow residential development is appropriate for the property.

Immediately to the north of the proposed subdivision is an undeveloped 2.6 acre parcel zoned R-E with a planned land use of Business and Design/Research Park. To the south of the project site, across Serene Avenue, are developed parcels with single family residences and undeveloped parcels zoned R-E with a planned land use of Residential Low. To the east of the proposed development is I-15. To the west of the project site are 2 undeveloped parcels zoned R-E, an office building zoned C-P, and an existing single family residence zoned R-E, with a planned land use of Residential Low. To the west, across Dean Martin Drive, are multiple single-family residences and 3 undeveloped lots zoned R-E (RNP-I) with a planned land use of Rural Neighborhood Preservation. The trend in this area is for low density single family residential development. The proposed zone change to R-2 for single family residential development is inconsistent and incompatible with the existing and approved development in this area. Staff finds there have been no changes to the law, policies, trends, or facts after the latest adoption of the Enterprise Land Use Plan which makes the proposed zoning 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 applicant states the site is presently master planned as Residential Low with the parcels to the north planned as Business and Design/Research Park (BDRP), to the south as Residential Low and to the west, across Dean Martin Drive, as Rural Neighborhood Preservation. As this project is located between Dean Martin Drive (an 80 foot wide roadway) and I-15, it serves as a buffer between the Rural Neighborhood Preservation (RNP) properties to the west and I-15 (which carries approximately 140,000 vehicles per day). The proposed R-2 zoning is compatible with the BDRP land use to the north and will create the buffer for the RNP area west of Dean Martin Drive.

Immediately to the south are developed R-E zoned lots with single family residences. To the west, across Dean Martin Drive, are multiple single family residences and 3 undeveloped lots zoned R-E (RNP-I) with a planned land use of Rural Neighborhood Preservation. The density for the existing single family residential development in the surrounding area is 2 dwelling units per acre, while the proposed development features 6.6 dwelling units per acre. The request for a suburban medium density residential development in a neighborhood that is abutting existing single family residential development zoned R-E (RNP-I) to the west, is out of character with development in the immediate 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.*

The applicant indicates the site is bordered by Dean Martin Drive on the west (planned 80 foot wide right-of-way) and Serene Avenue on the south (planned 80 foot wide right-of-way) with access proposed on Dean Martin Drive. Adequate access and circulation is provided by the public streets. The proposed project will not have a substantial adverse effect to the area roadways, Fire and Police facilities, parks, area utilities, or schools. Stormwater management will be in accordance with Clark County Flood Control standards and will not adversely affect adjacent properties.

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 16 additional elementary school students, 9 middle school students, and 13 high school students. Ortwein Elementary School would serve this development and is currently 154 students under capacity. Tarkanian Middle School and Desert Oasis High School are currently 447 and 595 students over capacity, respectively.

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

According to the applicant, the development proposal complies with several goals and policies of the Clark County Comprehensive Master Plan. The development provides housing alternatives to meet a range of lifestyle choices, ages, and affordability levels, complying with Land Use

Goal 7 of the Comprehensive Master Plan. The Comprehensive Master Plan states site plan designs should be required to provide the maximum feasible protection to people and land uses sensitive to air pollution through the use of buffer zones such as barriers and/or distance from emissions sources. The proposed sound wall along I-15 to mitigate traffic noise complies with this policy.

Staff finds the intrusion of higher density residential in the surrounding area may create demands that were not planned for and potentially change the character of the planned area where undeveloped land exists. Furthermore, Urban Specific Policy 8 of the Clark County Comprehensive Plan discourages nonconforming zone changes.

## **Summary**

### Zone Change

Staff is concerned with the potential incompatibility between the proposed development and the existing single family residential development abutting the project site to the west and south, across Dean Martin Drive and Serene Avenue, respectively. Approval of this project will permit higher density zoning to intrude into an established R-E and R-E (RNP-I) area. The density and intensity of the residential development is not consistent with the existing and planned developments in this area. Staff finds the applicant has not provided a sufficient Compelling Justification for this nonconforming zone boundary amendment; therefore, staff recommends denial.

### 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

Staff finds the topography of the project site warrants an increase to the retaining wall height proposed for the development. The greatest increase to the combined screen wall/retaining wall height is up to 14 feet, occurring along the east boundary of the project site adjacent to I-15. The increase to the wall height should have minimal impact on the surrounding residential development. However, since staff is not supporting the nonconforming zone change and the design review, staff cannot support this request.

#### Waiver of Development Standards #2

The intent of the detached sidewalk requirement is to ensure a proper buffer exists between the sidewalk and the adjacent arterial (Dean Martin Drive) and collector (Serene Avenue) streets. The proposed single family residential development has approximately 500 and 450 linear feet of street frontage along Dean Martin Drive and Serene Avenue, respectively. Although there are not any detached sidewalks within the immediate area, staff finds eliminating the detached sidewalk requirement along the public right-of-way contradicts Urban Specific Policy 11, which states that all developments outside of rural areas should provide sidewalks on both sides of any

public street. Staff is also concerned that the lack of public sidewalks will create a vehicular/pedestrian conflict as pedestrians will have no choice but to walk within the right-of-way. The request for alternative landscaping, consisting of a 10 foot wide landscape area along Dean Martin Drive and Serene Avenue, is a self-imposed burden; therefore, staff cannot support this request.

Staff finds the request to eliminate landscape adjacent to a less intensive use is a self-imposed burden. Although there are 2 undeveloped R-E zoned properties immediately adjacent to the project site, the lots can potentially be constructed with single family residences in the future. Although the single family residence immediately adjacent to the west of the development may appear to be abandoned, a future property owner may want to replace the structure with a new residence; therefore, staff recommends denial.

The intent of landscaping adjacent to a freeway buffer wall is to break-up the monotony of the solid wall adjacent to a single family residential development. The waiver request should have minimal to no impact on the surrounding land uses, with the exception of the residential lots interior to the project site. However, since staff is not supporting the nonconforming zone change and the design review, staff cannot support this request.

#### Design Review #1

Establishing an isolated, stand alone medium density single family residential development in the immediate area through a nonconforming zone change, with surrounding low density residential development, may potentially have adverse impacts to the immediate neighborhood. Unexpected land use patterns and development may have significant impacts on traffic, noise, and lighting that may lead to significant changes to the existing area. The density and intensity proposed with the R-2 single family residential development, in conjunction with the waivers of development standards, are not consistent and compatible with the surrounding low density residential development. Furthermore, staff is concerned with only 1 point of access to the public streets to serve 96 lots. In addition, the lack of public sidewalks along Dean Martin Drive and Serene Avenue will create a safety hazard for pedestrians; therefore, staff cannot support this request.

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

##### Waiver of Development Standards #3

These parcels are located within the Special Flood Hazard Area (SFHA) as designated by the Federal Emergency Management Agency (FEMA). Installing off-site improvements would help provide drainage control in this area. Additionally, projects to the north of this site will be installing full improvements; therefore, 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, since Planning is recommending denial of this application in its entirety, staff cannot support this design review.



## **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 December 8, 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.
- 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;
- Right-of-way dedication to include 40 feet for Dean Martin Drive and 40 feet for Serene Avenue;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for any collector street or larger;
- 90 days to record required right-of-way dedications and any corresponding easements for any collector street or larger;
- All other right-of-way and easement dedications to record with the subdivision map;

- Applicant to coordinate a contribution for improvements for Dean Martin Drive and Serene Avenue.
- Applicant is advised that this site is located within a Special Flood Hazard Area (SFHA) as designated by the Federal Emergency Management Agency (FEMA); 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.

**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 #0358-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Enterprise - approval (provide asphalt pedestrian pathways on Dean Martin Drive and Serene Avenue; design review as a public hearing for significant changes; only single story homes adjacent to existing single story homes; and examine possibility of entry/exit on Serene Avenue).

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** KB HOME LAS VEGAS

**CONTACT:** THOMASON CONSULTING ENGINEERS, 7080 LA CIENEGA ST, STE 200, LAS VEGAS, NV 89119