

11/16/21 PC AGENDA SHEET

SINGLE FAMILY RESIDENTIAL SUBDIVISION
(TITLE 30)

PYLE AVE/ARVILLE ST

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-21-0492-CIMARRON WARM SPRINGS, LLC:

ZONE CHANGE to reclassify 25.2 acres from an R-E (Rural Estates Residential) (RNP-I) 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 south side of Pyle Avenue and the east side of Arville Street within Enterprise (description on file). JJ/jt/jd (For possible action)

RELATED INFORMATION:

APN:

177-30-701-001 through 177-30-701-004; 177-30-701-007 through 177-30-701-010; 177-30-701-038 through 177-30-701-039

WAIVERS OF DEVELOPMENT STANDARDS:

1. Waive landscaping to a less intense use where landscaping per Figure 30.64-11 and Table 30.64-1 are 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 Address: N/A
- Site Acreage: 25.2
- Number of Lots: 180 residential/16 common
- Density (du/ac): 7.2
- Minimum/Maximum Lot Size (square feet): 3,360/7,493
- Project Type: Single family residential development
- Number of Stories: 1 & 2
- Building Height (feet): 23
- Square Feet: 1,203 to 2,484
- Open Space Required/Provided: 0/12,921

Neighborhood Meeting Summary

The applicant conducted a virtual neighborhood meeting on September 14, 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 3 people attended the meeting. No issues or concerns with the project were expressed.

History

The subject site is a portion of a previous approval for a nonconforming zone boundary request, NZC-19-0612, for 33.5 acres from an R-E (Rural Estates Residential) (RNP-I) Zone to R-2 (Medium Density Residential) Zone for a single family residential subdivision. The subject application was the portion north of Haleh Avenue. Subsequent to the approval of NZC-19-0612, the portion of the project south of Haleh Avenue was expanded and modified under NZC-21-0203, which was approved for a nonconforming zone boundary request from an R-E (Rural Estates Residential) (RNP-I) Zone to R-2 (Medium Density Residential) Zone for a single family residential subdivision. A condition of approval for that application stated “expunge NZC-19-0612 for this site with approvals for NZC-19-0612 to remain active for all parcels that are not part of this request.” Today, the subject application proposes an expansion and design modification of the portion of NZC-19-0612 north of Haleh Avenue for an R-2 zoned residential subdivision.

Site Plan

The site plan depicts a 180 lot single family residential subdivision, which is a continuation of a previously approved subdivision to the south (NZC-21-0203). Combined with the subdivision to the south, the total number of lots are 353. The main access for this subdivision includes a 51 foot wide gated driveway from Pyle Avenue on the north side of the site. Two, 43 foot wide streets with a sidewalk on one side run east/west across the length of the site. Five cul-de-sacs extend north, a stub street extends south on the west side of the site, and the north/south private street on the east side of the site provides the connection to the adjacent subdivision to the south. Pedestrian access easements are provided from within the subdivision to Arville Street on the west side of the site and from the easternmost and westernmost cul-de-sacs to Pyle Avenue to the north.

Landscaping

Landscaping along Arville Street and along Pyle Avenue is 15 feet wide with a detached sidewalk. Exterior landscaping is also provided along the southwest portion of the site, which after Haleh Avenue is vacated, will be adjacent to an existing single family residence. Within the subdivision, landscaping is provided within a median and along both sides of the main entrance/exit from Pyle Avenue. Landscaping on both sides of this main entrance/exit is 13 feet wide with detached 5 foot wide sidewalks. Common lots with landscaping are provided on the sides of certain lots, and a 12,921 square foot common lot is located near the main entrance/exit, which provides pedestrian access between the northern and southern east/west streets.

The rear yards of lot 183 through lot 190, located in the northeast portion of the site, are adjacent to an undeveloped parcel that is planned for Rural Neighborhood Preservation uses. As a result, landscaping to a less intense use is required in the rear yard of these lots. A waiver of development standards to not provide this landscaping is included with this application.

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 23 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 2,484 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. Also, this application is a continuation of a previously approved subdivision to the south. The increase in the finished grade and the retaining wall heights are necessary due to the existing topography of the site to level the site for development and provide proper drainage.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-20-0137	Single family residential subdivision with increased wall height and increased finished grade	Withdrawn by ZA	April 2020
VS-20-0138	Vacation and abandonment for easements and rights-of-way	Withdrawn by ZA	April 2020

Prior Land Use Requests

Application Number	Request	Action	Date
TM-20-500042	188 single family residential lots	Withdrawn by ZA	April 2020
LUP-20-700120	Request to redesignate the land use category for a portion of the site from RNP to RS – Enterprise Land Use Plan Update cancelled due to pandemic	Cancelled by BCC	April 2020
LUP-20-700118	Request to redesignate the land use category for a portion of the site from RNP to RUC – Enterprise Land Use Plan Update cancelled due to pandemic	Cancelled by BCC	April 2020
LUP-20-700116	Request to redesignate the land use category for a portion of the site from RL to RS – Enterprise Land Use Plan Update cancelled due to pandemic	Cancelled by BCC	April 2020
NZC-19-0612	Reclassified 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-0030-11	Reclassified 75 acres to R-A (RNP-I) zoning and R-E (RNP-I) zoning to establish a Residential Neighborhood Preservation Overlay District	Approved by BCC	March 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	Residential Low (up to 3.5 du/ac)	R-E & R-D	Single family residences & single family residential subdivision
South	Rural Neighborhood Preservation (up to 2 du/ac) & Residential Low (up to 3.5 du/ac)	R-E (RNP-I) & R-E (RNP-I) under ROI to R-2	Single family residences & undeveloped (approved for a single family residential subdivision)
East	Rural Neighborhood Preservation (up to 2 du/ac)	R-E (RNP-I) & R-E (RNP-I) under ROI to R-2	Undeveloped & single family residence
West	Residential Suburban (up to 8 du/ac)	R-E	Undeveloped

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

Related Applications

Application Number	Request
TM-21-500141	A tentative map for a single family subdivision is a companion item on this agenda.
VS-21-0493	A request to vacate and abandon easements and rights-of-way 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.*

Several nonconforming zone change applications have been approved with this area to establish R-2 zoning. For example, NZC-19-0612 was approved for R-2 zoning on portions of this subject site, and NZC-20-0555 was approved for R-2 zoning to the southeast of this site. Furthermore, NZC-21-0203 was approved for R-2 zoning directly south of this site, and this project is a continuation of the subdivision to the south. These past approvals for R-2 zoning for single family residential developments are a trend and a change in circumstances surrounding the property that 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 south, east, and southeast of this site. Additionally, there are existing single family residential subdivisions in R-2 zoned districts to the west and farther north and south 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 utility purveyors that this development would create an adverse effect on public facilities and services in this area. However, the Clark County School District has indicated that this development would increase student yield by approximately 59 students for the schools that serve this area (25 elementary students, 14 middle school students, and 20 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.

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

This request complies with Goal 7 of the Comprehensive Master Plan to provide housing alternatives to meet a range of lifestyle choices, ages, and affordability levels. Additional residential units within an R-2 zone will help address the increased demand for housing. Therefore, staff finds that this request complies with an applicable goal in the Comprehensive Master Plan.

Summary

Zone Change

R-2 nonconforming zone boundary amendments in this area have created a trend that has substantially changed the character of the area and the circumstances surrounding the property, which makes the proposed nonconforming zone boundary amendment appropriate. Additionally, R-2 zoning is compatible with existing and approved developments surrounding this site. Also, 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 complies with an applicable goal in the Comprehensive Master Plan.

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

Landscaping to a less intense use is intended to mitigate impacts of the proposed higher density, smaller lot residential development on future residential development to the east. However, the trend in this area is for R-2 zoned single family residential development, and it is becoming less likely that the adjacent site will develop with an R-E single family residence. As a result, staff does not anticipate any negative impacts, and staff can support the request.

Waiver of Development Standards #2

The existing topography of the site is a special circumstance that would allow for an increase in wall height. A similar waiver of development standards was approved for the single family

residential development to the south. Since a similar waiver to increase wall height has been approved for the first phase of this development, staff does not object to this request.

Design Review #1

The design of the subdivision includes centrally located open space, pedestrian connections to perimeter streets, and a vehicular connection to the subdivision to the south. These design elements are consistent with policies in the Comprehensive Master Plan. For example, Urban Specific Policy 17 encourages pedestrian paths and connections, Policy 40 encourages centrally located open space, and Policy 7 encourages appropriate connectivity. As a result, staff can support the design review for the site layout.

Furthermore, the single family residences include articulation on all sides, and the residences are the same models that were approved with the subdivision to the south. Therefore, staff can also support the design review for the single family residences.

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.

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

Approval. This item will be forwarded to the Board of County Commissioners' meeting for final action on December 22, 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;
- Expunge the remaining portions of NZC-19-0612 for this site;

- 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 35 feet to the back of curb for Arville Street, 35 feet to the back of curb for Pyle Avenue, and associated spandrel;
- 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 shall coordinate with Public Works - Development Review to apply for a Bureau of Land Management (BLM) right-of-way grant.
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb and will require the vacation of portion of excess right-of-way 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; and that fire/emergency access must comply with the Fire Code.

Southern Nevada Health District (SNHD) - Septic

- Applicant is advised that there are active septic permits on APNs 177-30-701-004, 177-30-701-010, 177-30-701-013, and 177-30-701-014; to connect to municipal sewer and remove the septic systems 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 systems have 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 and reference POC Tracking #0237-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: KB HOME LAS VEGAS, INC

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