PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
NZC-0274-17 – ROOHANI, RAMAK:

**HOLOVER ZONE CHANGE** to reclassify 2.5 acres from an R-E (Rural Estates Residential) Zone to R-1 (Single Family Residential) Zone and to reclassify 2.5 acres from an R-E (Rural Estates Residential) Zone to R-2 (Medium Density Residential) Zone.

**WAIVER OF DEVELOPMENT STANDARDS** for reduced setbacks.

**DESIGN REVIEWS** for the following: 1) building orientation for 1 proposed lot; and 2) a proposed single family residential development on 5.0 acres in the MUD-3 Overlay District.

Generally located on the east and west sides of Duneville Street and the north side of Oleta Avenue within Enterprise (description on file). SB/dg/ja (For possible action)

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**RELATED INFORMATION:**

**APN:**
176-24-201-043

**WAIVER OF DEVELOPMENT STANDARDS:**
1. a. Reduce the front yard setback for a proposed single family residence to 10 feet where a minimum of 20 feet is required per Table 30.40-1 (a 50% reduction).
   b. Reduce the rear setback for a proposed single family residence to 5 feet where a minimum of 15 feet is required per Table 30.40-1 (a 67% reduction).

**LAND USE PLAN:**
ENTERPRISE - RURAL NEIGHBORHOOD PRESERVATION (UP TO 2 DU/AC) & RESIDENTIAL LOW (UP TO 3.5 DU/AC)

**BACKGROUND:**

**Project Description**

General Summary
- Site Address: N/A
- Site Acreage: 5.0 (total)/2.5 (proposed R-1)/2.5 (proposed R-2)
- Number of Lots: 8 (proposed R-1)/19 (proposed R-2)
- Density: 3.2 (du/ac) (proposed R-1)/7.6 (du/ac) (proposed R-2)
- Minimum/Maximum Lot Size (square feet): 9,063/9,443 (net)/10,263/11,492 (gross) – proposed R-1
- Minimum/Maximum Lot Size (square feet): 3,468/5,185 (net & gross) – proposed R-2
- Project Type: Single family residential
- Number of Stories: 1 and 2 stories
• Building Height: Up to 29 feet
• Square Feet: 2,025 to 3,319 (proposed R-1 zoning)/1,849 to 2,512 (proposed R-2 zoning)

Neighborhood Meeting Summary
The applicant conducted a neighborhood meeting in March 2017, as required by the nonconforming zoning amendment process, prior to formal filing of this application. The applicant also conducted a second neighborhood meeting in April 2017. All owners within 1,500 feet of the project site were notified about the meeting. There were approximately 15 to 20 participants present with discussion on several issues regarding the proposed development. All the attendees were opposed to the request. The following is an overview of the issues and concerns: 1) too dense with too many units; 2) traffic; 3) stay with the current master plan designation; and 4) single story homes. The applicant has fulfilled all provisions of Title 30 regarding pre-submittal and submittal of a nonconforming zone boundary amendment.

Site Plans
The plans depict a proposed single family residential development that is bisected by the dedication of Duneville Street with the following: 1) proposed R-1 zoning on the east side of Duneville Street consisting of 8 lots on 2.5 acres for a density of 3.2 dwelling units per acre; and 2) proposed R-2 zoning on the west side of Duneville Street consisting of 19 lots on 2.5 acres for a density of 7.6 dwelling units per acre. The lots within the proposed R-1 zoned area will have access from a 41 foot wide private street with a sidewalk on 1 side of the street. The private street will have access to Oleta Avenue. The lots within the proposed R-2 zoned area will have 12 lots that access a 41 foot wide private street with a sidewalk on 1 side of the street with 7 lots that front directly on Duneville Street. The private street will have access to Oleta Avenue.

One lot within the R-2 zoned area is on the end of a cul-de-sac and is proposing a residential model that will be oriented parallel to the street rather than perpendicular with the front of the home facing the south property line and not the street. Therefore, the request includes a reduction in setbacks.

Landscaping
The plans depict a 6 foot wide landscape area with attached sidewalk along Oleta Avenue for both proposed zoning areas. The proposed R-1 zoned area will also have a 6 foot wide landscape area along Duneville Street. The landscape area is a designated easement on the lots adjacent to the streets.

Elevations
The plans show 7, up to 20 foot high, single family detached residential models for the R-1 zoned area. Each model has potential variations including covered porches, building pop-outs, etc. All elevations on plans depict fenestration on windows and doors, and enhanced architectural elements.

The plans show 3, up to 29 foot high, 2 story single family detached residential models for the R-2 zoned area. Each model has potential variations including covered porches, building pop-outs, etc. All elevations on plans depict fenestration on windows and doors, and enhanced architectural elements.
Floor Plans
The plans depict homes ranging in size from 2,025 to 3,319 (proposed R-1 zoning) and 1,849 to 2,512 (proposed R-2 zoning) (livable area) with options which may further increase the area of each model. All models will have 2 car garages (front loaded).

Applicant’s Justification
The applicant indicates that the current request is appropriate and compatible with the majority of the developed parcels in the area. Multiple public facilities are planned adjacent to the proposed site making the transition more appropriate for the area. The proposed density and intensity will result in a land use that is consistent with the surrounding residential area.

Surrounding Land Use

<table>
<thead>
<tr>
<th>Planned Land Use Category</th>
<th>Zoning District</th>
<th>Existing Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Residential Low (up to 3.5 du/ac) and Rural Neighborhood Preservation (up to 2 du/ac)</td>
<td>R-E &amp; R-E (RNP-I)</td>
</tr>
<tr>
<td>East</td>
<td>Residential Low (up to 3.5 du/ac)</td>
<td>R-D</td>
</tr>
<tr>
<td>South</td>
<td>Public Facilities (Planned Park) and Residential Suburban (up to 8 du/ac)</td>
<td>R-E &amp; R-2</td>
</tr>
<tr>
<td>West</td>
<td>Public Facilities (Metro)</td>
<td>R-E</td>
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</table>

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

Related Applications

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Request</th>
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<tbody>
<tr>
<td>TM-0058-17</td>
<td>A tentative map for 27 single family residential lots on 5.0 acres is a companion item on this agenda.</td>
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</table>

STANDARDS FOR APPROVAL:
The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis
Current Planning
This request does not conform to the Enterprise Land Use Plan. Nonconforming zone boundary amendments must provide compelling justification that approval of the nonconforming zoning is appropriate. A Compelling Justification means the satisfaction of the following criteria as listed below for proposed nonconforming zone boundary amendments:

1. *A change in law, policies, trends, or facts after the adoption, re-adoption 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 amendment appropriate.*
Staff finds that there are no changes or trends, subsequent to the adoption of the land use plan, that make this amendment either appropriate or justified. No unique conditions or circumstances have occurred in the immediate area or on this property since the adoption of the Enterprise Land Use Plan in 2014 to make this request appropriate. The immediate area has seen the development of land uses in accordance with the adopted plan. Therefore, there has been substantial reliance on the land use pattern that was considered and adopted as part of the participatory planning process of a major land use plan update.

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.*

Parcels to the north and east are zoned R-E (RNP-I) and R-D. During the 2014 Enterprise Land Use Plan Update process, there was a request for the land use category designation of Residential Suburban (up to 8 du/ac) on the entire 5 acres that make up this application. The request was found to be incompatible with the Town Advisory Board, Planning Commission, and Board of County Commissioners either recommending or finding that the current designation of Residential Low (up to 3.5 du/ac) and Rural Neighborhood Preservation (up to 2 du/ac) were appropriate. Approval of this project will allow more dense zoning to intrude into an existing RNP area and will not be cohesive or functionally integrated with any adjacent parcels to the north and east of this site. The intent of a balanced land use plan is to encourage an orderly development pattern with an appropriate spatial distribution of land uses that complement each other. Therefore, staff finds the proposed project is not compatible with the density of the existing and planned land uses in the surrounding area or street network.

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.*

Various Clark County service departments have reviewed this development proposal and found adequate services available or have specified the type of improvements that are needed for this development. Sufficient public services may not exist in the immediate area and because the site is in the Public Facilities Needs Assessment (PFNA) area, a standard development agreement will be necessary prior to issuance of any building permits to mitigate any short falls in needed public facilities.

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

Staff finds that this request does not comply with Land Use Goal 1 of the Comprehensive Master Plan which encourages, in part, the implementation of a comprehensive land use plan by promoting development that is compatible with adjacent land uses, and that is well integrated with appropriate service and facilities. Urban Specific Policy 10 encourages, in part, site designs that are compatible with adjacent land uses and off-site circulation patterns, especially when the adjacent land use is a lower density or intensity. Staff finds the intrusion of suburban and medium density residential may adversely change the character of the planned area where undeveloped land exists.
Staff finds that the proposed single family residential development is located in an existing Rural Neighborhood Preservation, and therefore, is not compliant with Land Use Goal 6 to provide for large lot residential with 2 distinct land uses: estate homes and Rural Neighborhood Preservation. Therefore, the request does not conform to the policies in the Comprehensive Master Plan for development in this area and is also in conflict with Urban Specific Policy 8 which discourages nonconforming zone changes.

If this parcel is appropriate for suburban and medium density residential zoning as is asserted by the applicant, such a transition or designation should be done through a comprehensive plan amendment rather than a piece-meal approach of a nonconforming zone boundary amendment. An annual plan amendment, with corresponding outreach program and comprehensive analysis, is a more sound and predictable method by which staff, the applicant, residents, and the Board of County Commissioners may assess whether this area is appropriate for more dense residential development.

Summary

Zone Change
During the 2014 Enterprise Land Use Plan Update process, there was a request for the land use category designation of Residential Suburban (up to 8 du/ac) on the entire 5 acres that make up this application. The request was found to be incompatible with the Town Advisory Board, Planning Commission, and Board of County Commissioners recommending and finding that the current designation of Residential Low (up to 3.5 du/ac) and Rural Neighborhood Preservation (up to 2 du/ac) were more appropriate. Approval of this nonconforming request will do the following: 1) allow an applicant to circumvent the major land use update process; 2) allow more dense zoning to intrude into an existing RNP area; and 3) will not be cohesive or functionally integrated with any adjacent parcels to the north and east of this site.

The issue of increasing density through nonconforming zone changes and not part of a comprehensive area wide land use plan amendment or update could have adverse impacts on the immediate area. Unexpected land use patterns may have significant impacts on public facilities such as schools, traffic, and transportation and may lead to dramatic changes in existing neighborhoods. Staff finds a more prudent approach to consider this proposed density would be through a holistic and comprehensive land use plan amendment or major land use plan update as was done in 2014. A plan amendment or major plan update allows for more public review of the proposed land use density and pattern and ensures a predictable consideration of the project with corresponding impacts and a cohesive and uniform land use pattern in the surrounding area.

Staff finds there are no changes or trends, subsequent to the adoption of the land use plan, that make this amendment either appropriate or justified. No unique conditions or circumstances have occurred in the immediate area since the adoption of the Enterprise Land Use Plan in 2014 to make this request appropriate. The immediate area has seen the development of land uses in accordance with the adopted plan. Therefore, there has been substantial reliance on the land use pattern that was considered and adopted as part of the participatory planning process of a major land use plan update.

Waiver of Development Standards & Design Reviews
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 and value 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.

The site design, building design, and development parameters, including the requested reduced
setbacks, are established and dependent on consideration of the companion request, thereby
requiring contingent consideration of this portion of the request. Since staff is not supporting the
requested densities with corresponding site designs and lot sizes, staff cannot support the waiver
of development standards and design reviews since this portion of the request cannot function
independent of the requested zoning districts. Staff finds the applicant has not established that
the plans satisfy the following criteria for a design review: 1) the proposed development is
compatible with adjacent development and development in the area; 2) the proposed
development is consistent with the applicable land use plan and Title 30; 3) site access and traffic
circulation do not negatively impact adjacent roadways or neighborhood traffic; 4) building
elevations, design characteristics, and other architectural and aesthetic features are not unsightly
or undesirable in appearance; and 5) the project is harmonious and compatible with development
in the area.

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 has been forwarded to the Board of County Commissioners for final action.

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.

STAFF CONDITIONS:

Current Planning
If approved:
• Reduction to R-D zoning on the entire 5 acres with a maximum of 12 lots;
• Single story homes only.

TAB/CAC: Enterprise – approval of the zone change; and denial of the waiver of development
standards and the design reviews.
APPROVALS: 17 cards
PROTESTS: 1 card, 1 letter with 16 signatures
PLANNING COMMISSION ACTION: June 20, 2017 – APPROVED – Vote: Unanimous
Absent: Shaw

Current Planning
• A resolution of intent to complete in 3 years;
• 8 lots only on the R-1 zoned portion of the site adjacent to the RNP area;
• Single story homes only on the 2 lots adjacent to the north end of the R-1 cul-de-sac;
• No 3 story homes on any property;
• Waiver of development standards #1a and #1b applies to lot 12 only;
• 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;
• Design review as a public hearing on any changes to plans.
• Applicant is advised that 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;
• Traffic study and compliance;
• Full off-site improvements;
• Right-of-way dedication to include 60 feet for Duneville Street, 30 to 60 feet for Oleta Avenue to accommodate the proposed realignment, and associated spandrels.

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 (FAA) 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 prior Point of Connection (POC) request has been completed for this project, POC Tracking #0074-2017.

COUNTY COMMISSION ACTION: July 19, 2017 – HELD – To 08/02/17 – per the Board of County Commissioners.

COUNTY COMMISSION ACTION: August 2, 2017 – HELD – To 08/16/17 – per the applicant.

COUNTY COMMISSION ACTION: August 16, 2017 – HELD – To 09/20/17 – per the applicant.

APPLICANT: Summit Homes of Nevada, LLC & Khusrow Roohani
CONTACT: Taney Engineering, 6030 S. Jones Boulevard, Suite 100 Las Vegas, NV 89118