PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-19-0250-DOGWOOD HICKORY, LLC:

**ZONE CHANGE** to reclassify 10.0 acres from R-E (Rural Estates Residential) Zone to R-2 (Medium Density Residential) Zone.

**WAIVER OF DEVELOPMENT STANDARDS** reduce intersection off-set.

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

Generally located on the southeast corner of Cactus Avenue and Quarterhorse Lane within Enterprise (description on file). JJ/jt/ja (For possible action)

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**RELATED INFORMATION:**

**APN:**
176-32-101-008; 176-32-101-009

**WAIVER OF DEVELOPMENT STANDARDS:**
Reduce the intersection off-set from Cactus Avenue to internal Street A to 115 feet where 125 feet is the minimum distance per Section 30.52.052 (an 8% reduction).

**DESIGN REVIEWS:**
1. Single family residential subdivision.
2. Increase finished grade to 9 feet where a maximum of 1.5 feet (18 inches) is the standard per Section 30.32.040 (a 500% increase).

**LAND USE PLAN:**
ENTREPRISE - OPEN LAND (UP TO 1 DU/10 AC)

**BACKGROUND:**
**Project Description**
General Summary
- Site Address: N/A
- Site Acreage: 10
- Number of Lots: 64
- Density (du/ac): 6.4
- Minimum/Maximum Gross Lot Size (square feet): 4,000/5,739
- Project Type: Single family subdivision
- Number of Stories: 2
Building Height (feet): 26 feet 10 inches
Square Feet: 1,851 to 2,532

Neighborhood Meeting Summary
This request is for a nonconforming zone change to reclassify approximately 10 acres from an R-E zone to an R-2 zone for a single family residential development. The applicant conducted a neighborhood meeting at the Enterprise Library on March 11, 2019, 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 9 neighbors attended the meeting. Topics discussed at the meeting included density, drainage, road improvements along Cactus Avenue and Quarterhorse Lane, buffering, existing school traffic, and whether the applicant can join the Mountain’s Edge Home Owner’s Association.

Site Plan
The site plan depicts a 64 lot residential subdivision with 4 common lots. Access is provided to the subdivision from a 47 foot wide private street from Cactus Avenue, and a network of 42 foot wide private streets and stub streets provide access within the subdivision. Within the subdivision, sidewalks are provided on one side of each street. An attached sidewalk is provided along Quarterhorse Lane, and a detached sidewalk is provided along Cactus Avenue. Secondary pedestrian access to Cactus Avenue on the north side of the site is provided at the end of one of the stub streets through a common lot, and internal pedestrian access is enhanced by another common lot that provides pedestrians access between 2 internal streets.

A waiver of development standards is necessary to reduce the street intersection off-set from Cactus Avenue to internal Street A to 115 feet where 125 feet is the minimum. In other words, the applicant is requesting to reduce the separation between the intersection of Cactus Avenue with the entrance to the subdivision (Street E) and the intersection of Street E and Street A within the subdivision.

Landscaping
A 6 foot wide landscape strip behind an attached sidewalk is provided along Quarterhorse Lane, and a 15 foot wide landscape area with a detached sidewalk is provided along Cactus Avenue. Landscaping strips are also provided on both sides of the private street entering the subdivision.

Elevations
The plans depict 4 residential models, all 2 stories, which extend up to a maximum height of 26 feet 10 inches in height. Most of the residences are a Mediterranean style with pitched roofs, concrete tile roofing, and exterior materials consisting of painted stucco with faux shutters and stucco pop-out fenestrations. However, some elevation options include flat roofs with horizontal score lines on portions of the front elevations for a more modern appearance.

Floor Plans
The plans depict residences that range in size from 1,851 square feet to 2,532 square feet. Each residence has a 2 car garage and options for 3 or 4 bedrooms.
Applicant’s Justification
Overall, this project will provide for a distinct residential enclave that meets the needs of today’s home buyers by providing opportunities for non-rural lots in the southwest portion of the Las Vegas Valley.

A design review to increase finished floor elevation is necessary because areas along the northern and eastern boundaries will exceed more than 18 inches, with a maximum of 9 feet at the northeast corner of the site. The increased elevation is necessary to provide positive drainage and to adequately protect the proposed homes from storm runoff.

Lastly, the applicant states that future sight visibility zones at the intersections will ensure that drivers will have adequate movement and safety entering the subdivision. The 115 foot distance provided between intersections is consistent with the distance between other street intersections within subdivisions that have been approved in Clark County.

Prior Land Use Requests

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<th>Application Number</th>
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<tr>
<td>NZC-18-0549</td>
<td>Request to R-2 zoning for a 64 single family residential subdivision</td>
<td>Withdrawn by the applicant</td>
<td>August 2018</td>
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<tr>
<td>NZC-0442-06</td>
<td>Request to R-2 &amp; R-3 to add approximately 20 acres into the Mountain’s Edge Master Planned Community</td>
<td>Withdrawn by the applicant</td>
<td>April 2006</td>
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Surrounding Land Use

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<td>North</td>
<td>Major Development Project (Mountain’s Edge)</td>
<td>R-2</td>
<td>Single family subdivisions</td>
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<td>South, East, &amp; West</td>
<td>Open Land (open space/grazing/vacant land; residential up to 1 du/10 ac)</td>
<td>R-E</td>
<td>Undeveloped</td>
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Related Applications

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<td>VS-19-0251</td>
<td>Vacation and abandonment of patent easements is a companion item on this agenda.</td>
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<tr>
<td>TM-19-500077</td>
<td>A tentative map for a 64 lot single family subdivision is a companion item on this agenda.</td>
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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.

Since 2013, 3 other projects for R-2 zoned subdivisions have been approved in this area adjacent to the south side of Cactus Avenue on privately owned properties designated as Open Land in the Enterprise Land Use Plan. These projects have all been adjacent to parcels under the control of the Bureau of Land Management. In addition, a private school and day care facility (Doral Academy) was approved and built 330 feet east of the subject site. The school is also adjacent to the south side of Cactus Avenue and is designated for Open Land. The approval of these projects has established a trend to reclassify privately owned properties that are designated as Open Land to R-2 zone for single family residential development and to allow uses compatible with suburban single family residential development, such as schools. Based on this trend, staff finds the request to be appropriate for this area.

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.

To the north across Cactus Avenue is an existing single family residential development in an R-2 zone within the Mountain’s Edge Master Planned Community. To the east are other approved single family residential developments in R-2 zoned districts located to the north and south of Cactus Avenue. Therefore, staff finds the density and intensity of the proposed residential development compatible with the existing 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 is no indication from public service providers that this request will have a substantial adverse effect on public facilities and services in the area.

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

The 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. In addition, the project complies with Urban Specific Policy 10 to encourage site designs that are compatible with adjacent land uses and off-site circulation patterns.
Summary
Zone Change
Staff finds that there has been a trend to allow parcels in the area along the south side of Cactus Avenue to be reclassified to an R-2 zone for single family residential development. In addition, the density and intensity of the proposed project are compatible with the existing subdivisions on the north side of Cactus Avenue. Public service providers have not indicated that the project would have a substantial adverse effect on public facilities and services in the area. Lastly, the project complies with other applicable goals and policies. As a result, staff finds that the applicant has provided a compelling justification to warrant approval of this request.

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.

Design Review #1
The design of the homes comply with the requirements of Title 30 and are consistent and compatible with the architectural style of existing single family residences in the area. In addition, the design of the subdivision is consistent with existing development on the abutting properties on the north side of Cactus Avenue. However, since the project is abutting the Mountain’s Edge Master Planned Community, staff recommends additional conditions of approval to ensure consistency with similar subdivisions within Mountain’s Edge.

Public Works - Development Review
Waiver of Development Standards
Staff finds the request to reduce the off-set between intersections to be a self-imposed hardship that can easily be rectified with a minor site redesign.

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.

Staff Recommendation
Approval of the zone change and design reviews; and denial of the waiver of development standards. 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:
- Resolution of Intent to complete in 4 years;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection;
- 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;
- Perimeter block walls surrounding the site shall conform to the materials identified within the Mountain’s Edge Design Guidelines;
- Streetlights and streetscape landscaping adjacent to Cactus Avenue and Quarterhorse Lane shall conform to the Mountain’s Edge Design Guidelines;
- Design Review as a public hearing for significant changes to the 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;
- 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;
- Right-of-way dedication to include 45 feet to the back of curb for Cactus Avenue and associated spandrels;
- Traffic study and compliance;
- Full off-site improvements.
- Applicant is advised that back of curb radii must meet the minimum dimensions per Uniform Standard Drawing 201; that the Regional Transportation Commission (RTC) has not requested a bus stop so the one shown on the plans may be removed, subject to RTC's concurrence; that the emergency access shown on Cactus Avenue may need to be redesigned to meet standards; that installation of detached sidewalks will require dedication to back of curb 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.

Building Department - Fire Prevention
- No comment.
Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been initiated for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0388-2018 to obtain your POC exhibit; and that wastewater flow rates that exceed CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - denial.
APPROVALS: 1 card
PROTESTS: 17 cards, 4 letters

PLANNING COMMISSION ACTION: May 21, 2019 – HELD – To 06/04/19 – per the applicant.

PLANNING COMMISSION ACTION: June 4, 2019 – DENIED – Vote: Unanimous
Abstained: Nguyen   Absent: Frasier, Morley

APPLICANT: BEAZER HOMES
CONTACT: KATHRINE LOGAN, ACTUS, 3203 E. WARM SPRINGS ROAD, SUITE 400, LAS VEGAS, NV  89120