UPDATE
STARR AVE/BERMUDA RD

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
NZC-0582-13 – 10 STARR BERMUDA, LLC, ET AL:

HOLDOVER ZONE CHANGE to reclassify 9.8 acres from C-1 (Local Business) Zone to R-2 (Medium Density Residential) Zone for a single family residential development.

DESIGN REVIEW for a single family residential development.

Generally located on the southwest corner of Starr Avenue and Bermuda Road within Enterprise (description on file). SS/al/ml (For possible action)

RELATED INFORMATION:

APN:
191-04-501-006 & 008

LAND USE PLAN:
ENTERPRISE - COMMERCIAL NEIGHBORHOOD

BACKGROUND:
Project Description
General Summary
• Site Acreage: 9.8
• Number of Lots: 56
• Density: 5.7 du/ac
• Minimum/Maximum Lot Size: 3,822 square feet/7,369 square feet
• Project Type: Single family residential development
• Number of Stories: 2 and 3 stories
• Building Height: 35 feet maximum
• Square Feet: 2,595 to 3,033

Neighborhood Meeting Summary
This request is for a non-conforming zone change to reclassify approximately 9.8 acres from C-1 to R-2 zoning for a single family residential development. The applicant conducted a neighborhood meeting on August 20, 2013 as required by the non-conforming zone boundary amendment process. The meeting was held at the Enterprise Library. The required meeting notices were mailed to the neighboring property owners and 8 neighboring property owners attended the meeting. The neighbors objected to the project stating that the smaller lots would devalue their properties, the project was too dense for the area, and it would increase traffic in the area.
Site Plan
The plan depicts a single family residential development consisting of 56 lots with a density of 5.7 dwelling units per acre. The site has frontage on Fairfield Avenue, Starr Avenue, and Bermuda Road. Access to the site will be provided from Bermuda Road and internal access will be provided by 47 foot wide public streets with sidewalks on each side of the street. All lots within the subdivision will access the internal streets.

Landscaping
The plan depicts landscape areas consisting of trees, shrubs, and ground cover located along Fairfield Avenue, Starr Avenue, and Bermuda Road. The landscaped area along Fairfield Avenue is 6 feet wide and will comply with Figure 30.64-8 as required per Title 30. The landscaped areas along Starr Avenue (25 feet wide) and Bermuda Road (15 feet wide) include detached sidewalks and will comply with Figure 30.64-17 as required by Title 30.

Elevations
Plans were submitted for a both 2 story and a 3 story residence. The 2 story residence has a height of 26 feet and the 3 story residence is 35 feet in height. The residences will have pitched roofs with concrete tile roofing material. The front elevations will consist of stucco, brick or stone veneer, decorative metal railing, and architectural treatments around the door and windows to enhance the elevations. The rear and side elevations will consist of stucco with architectural treatments around the doors and windows to enhance the elevations.

Floor Plans
Each of the home models will have a 2 car garage. The 2 story home has an area of 2,595 square feet with 3 bedrooms. The 3 story home has an area of 3,033 square feet with options for 3 to 5 bedrooms.

Applicant’s Justification
The applicant indicates that the proposed development is appropriate and compatible with the majority of adjacent development properties. The proposed density and intensity of the project will have less impact on the surrounding area than a project that would be allowed by the current Commercial Neighborhood designation per the land use plan.

Prior Land Use Requests

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Request</th>
<th>Action</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>NZC-0368-04</td>
<td>First extension of time to reclassify the site to a C-1 zone for a commercial development - subject removing the time limit and staff preparing an ordinance to adopt the zoning</td>
<td>Approved by BCC</td>
<td>July 2007</td>
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<tr>
<td>(ET-0164-07)</td>
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<tr>
<td>NZC-0368-04</td>
<td>Reclassified the site to a C-1 zone for a commercial development - until July 7, 2007</td>
<td>Approved by BCC</td>
<td>July 2004</td>
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Surrounding Land Use

<table>
<thead>
<tr>
<th>Planned Land Use Category</th>
<th>Zoning District</th>
<th>Existing Land Use</th>
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<tr>
<td>North</td>
<td>R-E &amp; C-1</td>
<td>Undeveloped parcels</td>
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<tr>
<td>South</td>
<td>R-3</td>
<td>Multiple family residential development</td>
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<tr>
<td>East</td>
<td>I-P</td>
<td>Undeveloped parcels</td>
</tr>
<tr>
<td>West</td>
<td>P-F</td>
<td>Schorr Elementary School</td>
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</table>

This site and the surrounding parcels are located in the Public Facilities Needs Assessment (PFNA) Area.

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 non-conforming zone change amendment ordinance requires that the applicant provide compelling justification that approval of the non-conforming zoning is appropriate. Additionally, the BCC may consider the cumulative impacts of non-conforming zone boundary amendments within the planning area.

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 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.*

   It is the applicant’s belief that the proposed development is appropriate and compatible with the majority of adjacent developed properties and that there is a trend for single family residential development in the area. Since the current Enterprise Land Use Plan was adopted in September 2009 there have been no changes or trends that have substantially changed the character or condition of the area. The existing developments in this area are in conformance with the land use plan. The development to the south is a multiple family development in an R-3 zone and there is an existing elementary school to the west. The parcels to the east are in the City of Henderson and zoned I-P (Industrial Park). The parcels to the north are undeveloped and planned for Commercial Neighborhood and Public Facilities development. Therefore, staff does not find that there has been any substantial change to the area which makes the proposed project 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 proposed single family residential development is compatible with the existing school to the west. However, the proposed project is at a lower density and intensity than the existing and planned uses to the north, south, and east of the site. The lower density and intensity of this project could create compatibility issues for the existing development and planned land uses in this 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 proposed residential development will have fewer impacts on some public facilities and services in this area. For example, according to the RISE Report submitted with this request this project will generate less traffic on the adjacent streets. The stormwater and drainage impacts will be the same for the proposed project and a commercial development that would be allowed per the land use plan. However, additional single family homes in this area will increase the demand for schools and parks.

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

Policy 4.5 of the land use plan states when any type of commercial development or higher density residential development are proposed adjacent to single family residential areas, it should prevent nuisances caused by incompatible uses, noise lighting, and signs that detract from and are not consistent with existing residential development. Approval of this project could create compatibility issues for existing and planned land uses in this area. This site is located at the southwest corner of Starr Avenue and Bermuda Road which are designated as arterial and collector streets in the Clark County Transportation Element. Single family residential development at this location does not comply with Policy 7.5 of the land use plan which encourage commercial neighborhood development to be located at the intersections of collector and arterial streets.

Summary
Staff finds that since the adoption of the current Enterprise Land Use Plan there has been no substantial change to the area which makes the proposed project appropriate. The density and intensity of the project is lower than the existing and planned land uses in the area and approval of this request could create compatibility issues for these adjacent parcels. While this project will have fewer impacts to some public facilities and services in the area, like creating less traffic, it may have greater impact on other facilities and services like parks and schools. Additionally, this project does not comply with policies and goals of the Enterprise Land Use Plan. Therefore, staff does not support the zone change.

Design Review
Since staff does not support the zone change request, staff cannot support the design review. However, if the zone change is approved the design of the subdivision and the homes comply with Policy 2.2 to encourage residential developments to provide a diversity of housing types and Policy 2.3 to increase the supply and variety of housing choices. The design of the subdivision and the homes also complies with Goal 4 of the land use plan to provide opportunities for additional single family development and encourage appropriate site planning.
and architectural design. However, the project does not comply with Policy 2.4 to ensure that new development adjacent to existing land uses are appropriately buffered and all space necessary to achieve this should be absorbed on the property supporting the new development. The adjacent development to the south is a multiple family development in an R-3 zone and the proposed development is a less intense single family residential development. Since the proposed project is a non-conforming zone change for a less intense development adjacent to an existing more intense use a landscape buffer per Figure 30.64-11 should be provided along the south property line.

**Department of Aviation**
The property lies just outside the AE-60 (60-65 DNL) noise contour for the Henderson Executive Airport, and is subject to potentially significant aircraft noise and continuing over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade the Airport to meet future air traffic demand.

**Building/Fire Prevention**
The proposal has been reviewed and does not conflict with Fire Code requirements.

**Staff Recommendation**
Denial. This item will be forwarded to the Board of County Commissioners’ meeting on February 5, 2014 at 9:00 a.m. for final action, 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 Plan, Title 30, and/or the Nevada Revised Statutes.

**PRELIMINARY STAFF CONDITIONS:**

**Current Planning**
If approved:
- A resolution of intent to complete construction in 3 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;
- Design review as a public hearing for any significant changes to the plans;
- Provide pedestrian access to Starr Avenue;
- Provide a landscape area per Figure 30.64-11 along the southern boundary of the site;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time.

**Public Works – Development Review**
- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
• Right-of-way dedication to include 55 feet to back of curb for Starr Avenue, 45 to 50 feet to back of curb for Bermuda Road, 30 feet for Fairfield Avenue and associated spandrels;
• Detached sidewalk will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control;
• If required by Regional Transportation Commission, dedicate and construct right-of-way for bus turnouts including passenger loading/shelter areas in accordance with Regional Transportation Commission standards.

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; 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 homes purchased or soundproofed.

Clark County Water Reclamation District (CCWRD)
• Applicant is advised that zoning changes affect sewer capacities, this requires the submittal of civil improvement plans for full engineering review and evaluation (including estimated wastewater flow rates at project build-out); and that CCWRD has no objection to the zoning change as submitted.

TAB/CAC: Enterprise – denial.
APPROVALS: 3 cards
PROTESTS: 5 cards, 1 letter

PLANNING COMMISSION ACTION: November 7, 2013 – HELD – To 12/03/13 – per the applicant.

PLANNING COMMISSION ACTION: December 3, 2013 – HELD – 01/07/14 – per the applicant.

APPLICANT: Khusrow Roohani
CONTACT: Taney Engineering, 6030 South Jones Boulevard, Suite 100, Las Vegas, NV 89118