



# Whitney Town Advisory Board

Whitney Community Center

5712 Missouri Ave.

Las Vegas, NV. 89122

February 13, 2020

6:00 p.m.

## AGENDA

**NOTE:**

- Items on the agenda may be taken out of order.
- The Board/Council may combine two or more agenda items for consideration.
- The Board/Council may remove an item from the agenda or delay discussion relating to an item at any time.
- No action may be taken on any matter not listed on the posted agenda.
- All planning and zoning matters heard at this meeting are forwarded to Board of County Commissioners Zoning Commission (BCC) or Clark County Planning Commission (PC) for final action.
- Please turn off or mute all cell phones and other electronic devices.
- Please take all private conversations outside the room.
- With forty-eight (48) hour advance request, a sign language interpreter, or other reasonable efforts to assist and accommodate persons with physical disabilities, may be made available by calling 702-455-3530 or TDD 702-385-7486 or Relay Nevada toll free 800-326-6868, TD/TDD.
- Supporting material provided to Board/Council members for this meeting may be requested from Maureen Helm at phone number 702-606-0747 and is/will be available at the County's website at [www.clarkcountynv.gov](http://www.clarkcountynv.gov).

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Board Members:	Geraldine Ramirez – Chair	Paul Friedman
	Christopher Fobes - Vice Chair	Amy Beaulieu
		Greg Konkin
Secretary:	Maureen Helm, 702-606-0747, <a href="mailto:mhelmtab@gmail.com">mhelmtab@gmail.com</a>	
County Liaison:	Blanca Vazquez, 702-455-8531, <a href="mailto:bva@clarkcountynv.gov">bva@clarkcountynv.gov</a>	

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- I. Call to Order, Pledge of Allegiance, Roll Call, County Staff Introductions
- II. Public Comment - This is a period devoted to comments by the general public about items on this agenda. No discussion, action, or vote may be taken on this agenda item. You will be afforded the opportunity to speak on individual Public Hearing Items at the time they are presented. If you wish to speak to the Board/Council about items within its jurisdiction but not appearing on this agenda, you must wait until the "Comments by the General Public" period listed at the end of this agenda. Comments will be limited to three minutes. Please step up to the speaker's podium, if applicable, clearly state your name and address and please **spell** your last name for the record. If any member of the Board/Council wishes to extend the length of a presentation, this will be done by the Chair or the Board/Council by majority vote.
- III. Approval of Minutes January 30, 2020 (For possible action)
- IV. Approval of Agenda for February 13, 2020 and Hold, Combine or Delete Any Items (For possible action)

BOARD OF COUNTY COMMISSIONERS  
 MARILYN KIRKPATRICK, CHAIR - LAWRENCE WEEKLY, Vice-Chair  
 LARRY BROWN - JAMES GIBSON - JUSTIN JONES - MICHAEL NAFT - TICK SEGERBLOM  
 YOLANDA KING, County Manager

V. Informational Items

1. Announcements of upcoming neighborhood meetings and County or community meetings and events.  
(for discussion)

VI. Planning & Zoning

1. **NZC-20-0043-LEWIS DIANE & KIRK CHILDREN'S TR:**  
**ZONE CHANGE** to reclassify 4.1 acres from C-2 (General Commercial) Zone to R-2 (Medium Density Residential) Zone.  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** increase wall height; and **2)** reduce the street intersection off-sets.  
**DESIGN REVIEWS** for the following: **1)** a single family residential development; and **2)** increased finished grade on 6.7 acres in an R-2 (Medium Density Residential) Zone. Generally located on the northeast corner of Boulder Highway and Desert Horizons Drive within Whitney (description on file). JG/pb/jd (For possible action) **PC 3/3/20**
2. **TM-20-500006-NEVADA ENVIRONMENTAL RESPONSE TR & LE PETOMANE XXVII INC TRS:**  
**TENTATIVE MAP** for a commercial subdivision on a 342.5 acre parcel in an M-1 (Light Manufacturing) and M-2 (Industrial) Zone. Generally located on the north side of Lake Mead Parkway, and the east side of Fourth Street within the Whitney Planning Area. JG/rk/jd (For possible action) **PC 3/3/20**
3. **TM-20-500011-LEWIS DIANE & KIRK CHILDREN'S TR:**  
**TENTATIVE MAP** consisting of 47 lots and common lots on 6.7 acres in an R-2 (Medium Density Residential) Zone. Generally located on the northeast corner of Boulder Highway and Desert Horizons Drive within Whitney. JG/pb/jd (For possible action) **PC 3/3/20**

VII. General Business

None

- VIII. Comments by the General Public - A period devoted to comments by the general public about matters relevant to the Board's/Council's jurisdiction will be held. No vote may be taken on a matter not listed on the posted agenda. Comments will be limited to three minutes. Please step up to the speaker's podium, if applicable, clearly state your name and address and please spell your last name for the record. If any member of the Board/Council wishes to extend the length of a presentation, this will be done by the Chair or the Board/Council by majority vote.

- IX. Next Meeting Date: February 27, 2020

X. Adjournment

**POSTING LOCATIONS:** This meeting was legally noticed and posted at the following locations:

NAME OF LOCATION Whitney Library, Whitney Senior Center, Jack-in-the-box @Boulder Highway/Russell, CVS @ Tropicana/Boulder Highway  
<https://notice.nv.gov/>

BOARD OF COUNTY COMMISSIONERS  
MARILYN KIRKPATRICK, CHAIR - LAWRENCE WEEKLY, Vice-Chair  
LARRY BROWN - JAMES GIBSON - JUSTIN JONES - MICHAEL NAFT - TICK SEGERBLOM  
YOLANDA KING, County Manager



# Whitney Town Advisory Board

January 30 , 2020

## MINUTES

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Board Members:	Geraldine Ramirez –Chair <b>PRESENT</b> Christopher Fobes - Vice Chair- <b>PRESENT</b> Paul Friedman - <b>PRESENT</b> Amy Beaulieu- <b>PRESENT</b> Greg Konkin- <b>PRESENT</b>
Secretary:	Maureen Helm 702-606-0747 mhelmtab@gmail.com
Town Liaison:	Blanca Vazquez 702-455-8531 bva@clarkcountynv.gov

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- I. Call to Order, Pledge of Allegiance, Roll Call,(see above) County Staff Introductions  
Planning

The meeting was called to order by Ramirez at 6:01 p.m.

- II. Public Comment  
None
- III. Approval of January 2, 2020 Minutes

**Moved by: Friedman**  
**Approve minutes as submitted**  
**Vote: 5-0 Unanimous**

Approval of Agenda for January 30, 2020

**Moved by: Fobes**  
**Approve agenda as submitted**  
**Vote: 5-0 Unanimous**

IV. Informational Items  
**None**

V. Planning & Zoning  
**None heard**

VI. General Business  
1. Motion was made by Fobes to cancel the November 26, 2020 and the December 31, 2020 TAB meetings. Vote was 5-0 Unanimous

VII. Public Comment  
**None**

VIII. Next Meeting Date  
**The next regular meeting will be February 13, 2020**

IX. Adjournment  
**The meeting was adjourned at 6:05 p.m.**



03/03/20 PC AGENDA SHEET

SINGLE FAMILY RESIDENTIAL  
(TITLE 30)

BOULDER HWY/DESERT HORIZONS DR

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-20-0043-LEWIS DIANE & KIRK CHILDREN'S TR:

ZONE CHANGE to reclassify 4.1 acres from C-2 (General Commercial) Zone to R-2 (Medium Density Residential) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase wall height; and 2) reduce the street intersection off-sets.

DESIGN REVIEWS for the following: 1) a single family residential development and 2) increased finished grade on 6.7 acres in an R-2 (Medium Density Residential) Zone.

Generally located on the northeast corner of Boulder Highway and Desert Horizons Drive within Whitney (description on file). JG/pb/jd (For possible action)

RELATED INFORMATION:

APN:

161-27-304-004; 161-27-304-006 through 161-27-304-007; 161-27-701-008

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase block wall height to 10 feet (up to 4 foot retaining with a 6 foot screen wall) where a maximum of 9 feet (3 foot retaining with a 6 foot screen wall) is permitted per Section 30.64.050 (an 11.1% increase).
2. Reduce a street intersection off-set to 99 feet where a minimum of 125 feet is required per Section 30.32.052 (a 20.8% reduction).

DESIGN REVIEWS:

1. A single family residential development.
2. Increase the finished grade for a single family residential development to 48 inches where a maximum of 18 inches is the standard per Section 30.32.040 (a 166.7% increase).

LAND USE PLAN:

WHITNEY - BUSINESS AND DESIGN/RESEARCH PARK  
WHITNEY - COMMERCIAL GENERAL

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 6.7

- Number of Lots/Units: 47
- Density (du/ac): 7
- Minimum/Maximum Lot Size (square feet): 3,520/7,066 (gross and net are the same except for 6 interior lots where the gross/net size fall within the stated range)
- Project Type: Single family residential
- Number of Stories: 2
- Building Height (feet): 27
- Square Feet: 1,851/2,532

### Neighborhood Meeting Summary

This request is for a nonconforming zone change to reclassify approximately 4.1 acres from a C-2 zone to an R-2 zone and includes a design review for a single family residential development on 6.7 acres. The applicant conducted a neighborhood meeting at the Whitney Community Center on January 8, 2020, 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 5 neighbors attended the meeting. The property owners preferred residential development to commercial or industrial development.

### Site Plans

The plans depict a residential development totaling 47 single family lots and 3 common area lots on 6.7 acres. The density of the residential subdivision is 7 dwelling units per acre. The lots range in size from a minimum of 3,520 square feet to a maximum of 7,066 square feet. The lots will access Dodd Street via a 42 foot wide internal private street that follows a circular pattern with 3 small stub streets. There are 14 lots interior to the site and the remaining lots are located around the perimeter of the site. An attached sidewalk is on 1 side of the streets. There are 3 common element lots for landscape areas, open space, and drainage easements. The reduced street intersection off-sets are required near the access point on Dodd Street along internal private Street D between Dodd Street and internal private street A. The increased wall height is for perimeter walls of the site. The plans also depict a proposed increase in finished grade to 48 inches for lots within the development.

### Landscaping

A 20 foot wide landscape area is located along Boulder Highway, a 6 foot wide landscape area adjacent to an attached sidewalk is located along Dodd Street, a landscape area between 13 feet and 29 feet wide is located along the northwestern boundary of the site, and 6 foot wide landscape areas are located in the interior of the site where side yards are adjacent to the interior private streets.

### Elevations

The plans depict four, 2 story model homes with 3 different elevations. The proposed models consist of a stucco exterior including a concrete tile roof with a pitched roof. The plans depict different options on the elevations such as varying rooflines and accents such as stone veneer and window trims.

Floor Plans

The floor plans depict 2 story model homes ranging in size from 1,851 square feet to 2,532 square feet. The model homes have options for multiple bedrooms, family room, great room, and includes 2 car garages.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant indicates the zoning request is in accordance with development trends in the area and compatible with the existing and approved development on the adjacent parcels. Based on the surrounding development the impact on public facilities and services should be minimal. The proposed zoning conforms to applicable goals and policies. The increased wall height and finished grade are required to address drainage issues on the site and the waiver for street off-sets are internal to the project.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-0565-11	Reclassified to M-D zoning for an office/warehouse development - expired	Filed	May 2012
ZC-074-91	Reclassified to M-D zoning for an office/warehouse building for a portion of the site under this request - expired	Approved by BCC	July 1991

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Commercial General	C-2	Commercial development
East	Residential High (8 du/ac to 18 du/ac)	RUD & M-D	Single family residential development & office/warehouse buildings
South	Commercial Tourist	R-3	Single family residential development
West	Commercial General	C-2	Commercial developments, outside storage & undeveloped

Related Applications

Application Number	Request
TM-20-500011	A tentative map consisting of 47 single family residential lots 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.*

There are existing commercial, industrial, and single family residential developments in the C-2, M-D, RUD, and R-3 zones adjacent to this site. Those sites were developed prior to the adoption of the Whitney Land Use Plan in 2018; therefore, staff finds there have been changes in law, policies, trends, or facts which would make this request to reclassify the site to an R-2 zone appropriate for the 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.*

On the north side of Dodd Street there is an existing residential development in an RUD zone. There is another existing single family residential development in an R-3 zone on the south side of Desert Horizons Drive; therefore, staff finds the density and intensity of the proposed development are compatible with existing and planned 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 service providers that the approval of this request will have a substantial adverse effect on public services and facilities in this area. However, the proposed increase in density for the site would create an increase in the number of students for schools in this area. Information provided by the Clark County School District (School District) indicates the schools that would serve this area are over capacity.

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

The proposed development complies with Goal 7 of the Comprehensive Master Plan to provide housing alternatives to meet a range of lifestyle choices, ages and affordability levels. The proposed zoning is similar to the existing RUD and R-3 zoning in the area. Therefore, staff finds that the design of this project conforms to the Urban Land Use Policy 7 of the Comprehensive Master Plan, which encourages, in part, that new developments be complementary and similar in

scale and intensity to the surrounding land uses. Staff finds the proposed development complies with the applicable goals and policies.

### Summary

#### Zone Change

Based on the criteria listed above, staff finds that the applicant has satisfied the requirements for a compelling justification to warrant approval of the application. The density and intensity proposed by this request will result in a land use that is compatible with the existing and approved development in the area. Therefore, this project satisfies Urban Specific Policy 7, which encourages, in part, that new developments should be complementary and similar in scale and intensity to the surrounding land uses. Therefore, staff finds that the proposed zoning is compatible with the existing, approved, and planned development in the area.

#### 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 that the difference in grade between the southwestern and northeastern portions of the proposed single family residential development necessitates the installation of the requested retaining walls and the increase in the overall height of the wall is minimal. Additionally, the proposed walls are decorative and in conformance with Urban Specific Policy 16 of the Comprehensive Master Plan which states, in part, that all new perimeter walls and fences should be decorative.

#### Design Review #1

The design of the subdivision layout is consistent and compatible with approved land uses in this area. Staff finds that the project conforms to Urban Land Use Policy 10 of the Comprehensive Master Plan that encourages site designs to be compatible with adjacent land uses and off-site circulation patterns. Architectural enhancements are provided on all sides of the proposed residences. Staff finds that the design of the residences comply with Urban Land Use Policy 43 which promotes projects that provide varied neighborhood design and/or innovative architecture that include varied setbacks from residences to front property lines, reduced visual dominance of garages, varied rooflines, and/or architectural enhancements on all sides. The design of the lot and street layouts are contingent upon approval of waiver of development standards #2.

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

#### Waiver of Development Standards #2

Staff cannot support the reduction in the street intersection off-set from Dodd Street, since it is a self-imposed hardship that could be addressed with a 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.

### **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 of the zone change, design review #2, and waiver of development standards #1; denial of design review #1, and waiver of development standards #2. This item will be forwarded to the Board of County Commissioners' meeting for final action on April 8, 2020 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;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- 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;
- Traffic study and compliance;
- Full off-site improvements;
- Nevada Department of Transportation approval.
- Applicant is advised 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 initiated for this project; to email [sewerlocation@cleanwaterteam.com](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0663-2019 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require a new POC analysis.

TAB/CAC:  
APPROVALS:  
PROTESTS:

APPLICANT: BEAZER HOMES HOLDINGS, LLC  
CONTACT: KATHERINE LOGAN, ACTUS, 3287 E. WARM SPRINGS ROAD, SUITE 300,  
LAS VEGAS, NV 89120

DRAFT



# LAND USE APPLICATION

## CLARK COUNTY COMPREHENSIVE PLANNING DEPARTMENT

SEE SUBMITTAL REQUIREMENTS FORM FOR MORE INFORMATION

<input type="checkbox"/> TEXT AMENDMENT (TA) <input checked="" type="checkbox"/> ZONE CHANGE <input type="checkbox"/> CONFORMING (ZC) <input type="checkbox"/> NONCONFORMING (NZC) <input type="checkbox"/> USE PERMIT (UC) <input type="checkbox"/> VARIANCE (VC) <input checked="" type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS) <input checked="" type="checkbox"/> DESIGN REVIEW (DR) <input type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR) <input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC) <input type="checkbox"/> WAIVER OF CONDITIONS (WC) _____ (ORIGINAL APPLICATION #) <input type="checkbox"/> ANNEXATION REQUEST (ANX) <input type="checkbox"/> EXTENSION OF TIME (ET) _____ (ORIGINAL APPLICATION #) <input type="checkbox"/> APPLICATION REVIEW (AR) _____ (ORIGINAL APPLICATION #)	<b>STAFF</b>	DATE FILED: <u>1/16/20</u> PLANNER ASSIGNED: <u>[Signature]</u> ACCEPTED BY: _____ FEE: <u>\$2,885.50</u> CHECK #: _____ COMMISSIONER: <u>JG</u> OVERLAY(S)? <u>M410 3</u> PUBLIC HEARING? <u>Y/N</u> TRAILS? <u>Y/N</u> PFNA? <u>Y/N</u> APPROVAL/DENIAL BY: _____	APP. NUMBER: <u>NPL-20-0043</u> TAB/CAC: <u>[Signature]</u> TAB/CAC MTG DATE: <u>2/11</u> TIME: <u>6:30p</u> PC MEETING DATE: <u>3/3/20</u> BCC MEETING DATE: <u>4/8/20</u> ZONE / AE / RNP: <u>R2/C2/W6</u> PLANNED LAND USE: <u>ADRP/K6</u> NOTIFICATION RADIUS: <u>1500</u> SIGN? <u>Y/N</u> LETTER DUE DATE: _____ COMMENCE/COMPLETE: _____
	<b>PROPERTY OWNER</b>	NAME: <u>Eileen Patricia Merkin &amp; Joseph Dean Merkin</u> ADDRESS: <u>7416 Silver Palm</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89117</u> TELEPHONE: _____      CELL: _____ E-MAIL: _____	
	<b>APPLICANT</b>	NAME: <u>Beazer Homes</u> Contact: <u>Jeff Lesnick</u> ADDRESS: <u>2490 Paseo Verde Parkway, Suite 120</u> CITY: <u>Henderson</u> STATE: <u>NV</u> ZIP: <u>89074</u> TELEPHONE: <u>702-802-4428</u> CELL: _____ E-MAIL: <u>jeff.lesnick@beazer.com</u> REF CONTACT ID #: _____	
	<b>CORRESPONDENT</b>	NAME: <u>Actus</u> Contact: <u>Kathrine Logan</u> ADDRESS: <u>3283 East Warm Springs Road, Suite 300</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89120</u> TELEPHONE: <u>702-586-9296 x127</u> CELL: <u>702-409-2834</u> E-MAIL: <u>Kathrine.Logan@actus-nv.com</u> REF CONTACT ID #: <u>197146</u>	

ASSESSOR'S PARCEL NUMBER(S): 161-27-304-007

PROPERTY ADDRESS and/or CROSS STREETS: NE Corner of Boulder Highway and Desert Horizons Dr

PROJECT DESCRIPTION: \_\_\_\_\_

(I, We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans, and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Clark County Comprehensive Planning Department, or its designee, to enter the premises and to install any required signs on said property for the purpose of advising the public of the proposed application.

<p><u>Eileen Patricia Merkin</u> <sup>Separate Property Trust</sup>          Property Owner (Signature)*</p> <p>STATE OF <u>Nevada</u>          COUNTY OF <u>Clark</u></p> <p>SUBSCRIBED AND SWORN BEFORE ME ON <u>1/16/2020</u> (DATE)          By <u>Eileen Patricia Merkin</u>          NOTARY PUBLIC: <u>Stephanie Harris</u></p>	<p><u>Eileen Patricia Merkin</u> <sup>Separate Property Trust</sup>          Property Owner (Print)</p>	<div style="border: 1px solid black; padding: 5px; text-align: center;">   <b>STEPHANIE HARRIS</b>          NOTARY PUBLIC          STATE OF NEVADA          My Commission Exp. 8-28-2020          Certificate No: 01-66788-1       </div>
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\*NOTE: Corporate declaration of authority (or equivalent), power of attorney, or signature documentation is required if the applicant and/or property owner is a corporation, partnership, trust, or provides signature in a representative capacity.





January 15, 2020

Clark County Development Services  
500 South Grand Central Parkway  
Las Vegas, NV 89155-4000

3283 E. Warm Springs Road  
Suite 300, Las Vegas, NV 89120  
(702) 586-9296

**Reference: Project Description and Compelling Justification Letter  
Verbena by Beazer Homes in support of a Non-Conforming Zone Change**

Beazer Homes submits for your review the following project description and compelling justification letter in support of the non-conforming zone change for a portion of the proposed Verbena Subdivision for R-2 zoning within the project site in lieu of C-2 zoning.

**Project Description**

The project site is a portion of the North Half (N 1/2) of the Southeast Quarter (SE ¼) of Section 27, Township 21 South, Range 62 East, M.D.M., Clark County, Nevada commonly known as APNs: 161-27-304-004, 006 & 007 and 161-27-701-008.

<u>APN</u>	<u>Land Use</u>	<u>Zoning</u>
161-27-304-004	BDRP (Business Design & Research Park)	R-2 (Medium Density Residential)
161-27-304-006	CG (Commercial General)	C-2 (General Commercial) and R-2 (Medium Density Residential)
161-27-304-007	CG (Commercial General)	C-2 (General Commercial) and R-2 (Medium Density Residential)
161-27-701-008	BDRP (Business Design & Research Park)	R-2 (Medium Density Residential)

A non-conforming zone change will be required for the site to accept the proposed single-family residential development since the Whitney Land Use Plan does not identify R-2 as an allowable zoning district within a CG land use.

The subject site is located at the northeast corner of the intersection of Boulder Highway and Desert Horizons Drive. The parcel is bounded to the north and west by existing C-2 zoned commercial development, to the south by an existing R-3 (Multiple-Family Residential) residential subdivision and to the east by developed land that is a mixture of M-D (Designed Manufacturing) and RUD (Residential Urban Village).

7

The project site will consist of forty-seven (47) single family residential lots encompassing the entire 6.24-acre (net) 6.71-acre (gross) site for a density of 7.0 units per gross acre. Said density is below the maximum density of eight (8) units per acre allowed within a typical R-2 development within Clark County. The project site will utilize internal private streets (42-foot wide with R-Type Curb with 4-foot sidewalk on one side of the street) that will only have a single point of access to Dodd Street. Lots within the project site development range in size from 3,520 gross square feet to 7,066 square feet with an average lot size of 3,949 square feet. The proposed setbacks will comply with Clark County Title 30 with respect to R-2 zoning:

- Front Setback (garage): 20 feet
- Front Setback (living): 10 feet (for 50% of structure)
- Side Setback: 5 feet
- Corner Setback: 10 feet
- Rear Setback: 15 feet

The proposed two-story homes will range in livable square footage from 1,851 square feet to 2,532 square feet. The maximum height of the buildings at 26 feet-10 inches, well below the 35-foot maximum height stipulated in *Title 30 Table 30.40-2* for R-2 zoning. Future buyers will be offered a choice of three different elevations that offer varying roof lines and architectural elements on all four sides of the home per Title 30. The elevation materials consist of stucco finished walls with decorative stone veneer accents, window articulation, and concrete tile roofs.

### **Compelling Justification**

The following is Clark County compelling justification criteria with the project's relevance identified:

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 circumstances surrounding the property, which makes the proposed nonconforming zone change boundary amendment appropriate.*

Development trends within this portion of the Whitney Township have changed over the past few years, with an emphasis toward single family residential development. There is existing residential zoning adjacent to Boulder Highway. R-2 zoning appears to be warranted in 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 areas*

The density and intensity proposed with the non-conforming zone change will result in a land use of like intensity when compared to adjacent residential development to the east and south of the project site.

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 NC zoning.*

Technical studies will be prepared to address any drainage and water related impacts as part of the civil plan review process. The proposed development will have a greater impact on schools than that of the currently C-2 zoned development; however, new residential development will provide additional funding sources for the needed expansion of Clark County School District Facilities. In addition, wastewater and potable water services for this project should not overburden existing water and wastewater infrastructure within proximity of the site given the small size of the project. All other public facilities will not be adversely affected by this non-conforming zone change.

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

Several Clark County Land Use Policies within the Clark County Master Development Plan are met with the proposal of this project:

Land Use Goal 7: *Provide housing alternatives to meet a range of lifestyle choices, ages, and affordability levels.*

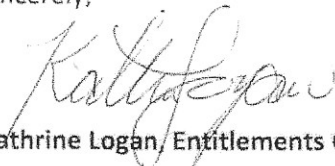
**The project will offer affordable homes for first time buyers, as well as several larger plans for move up buyers.**

Urban Specific Policies - General 11: *All developments outside of rural areas should provide sidewalks on both sides of any public street. Sidewalks are encouraged on at least one side of private streets whenever possible.*

**The project will have sidewalk on one side of the private streets.**

This project will provide for a distinct residential enclave that meets the needs of today's home buyers by providing a community aligned with the core goals of transitional single-family residential development. The project will conform to the development trends within the area while providing new housing opportunities for buyers seeking homes in the southeast portion of the Las Vegas Valley. Please contact me at (702) 586-9296 if you have any questions or concerns regarding this project.

Sincerely,



**Kathrine Logan, Entitlements Coordinator**  
Actus

CC: Jeff Lesnick, Beazer Homes  
Darryl C. Lattimore PE, Actus  
encl.

NEVADA ENVIRONMENTAL RESPONSE  
(TITLE 30)

LAKE MEAD PKWY/FOURTH ST

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**TM-20-500006-NEVADA ENVIRONMENTAL RESPONSE TR & LE PETOMANE XXVII INC TRS:**

**TENTATIVE MAP** for a commercial subdivision on a 342.5 acre parcel in an M-1 (Light Manufacturing) and M-2 (Industrial) Zone.

Generally located on the north side of Lake Mead Parkway, and the east side of Fourth Street within the Whitney Planning Area. JG/rk/jd (For possible action)

**RELATED INFORMATION:**

**APN:**

178-12-101-003; 178-12-201-005; 178-12-201-007; 178-12-301-005; 178-12-401-004 through 178-12-401-006; 178-12-401-010; 178-12-401-013; 178-12-401-015; 178-12-601-014; 178-12-601-015; 178-12-701-004; 178-12-801-005; 178-12-801-006; 178-12-801-008; 178-13-101-008; 178-13-101-009; 178-13-501-008; 178-13-501-010; 178-13-601-002; 178-13-601-005

**LAND USE PLAN:**

UNINCORPORATED - HEAVY INDUSTRIAL

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: 560 W. Lake Mead Parkway
- Site Acreage: 342.5
- Project Type: Commercial subdivision

The plan depicts a 1 lot commercial subdivision on a 342.5 acre site, which is a part of a larger heavy industrial development (BMI complex). Access to the site is from a driveway on Lake Mead Boulevard to the south. Off-site improvements exist along all public street frontages.

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	City of Henderson	IG	Inventory automobile lots, electrical sub-station, & undeveloped
South	City of Henderson	IL CW, CN, DX	Industrial & commercial uses
East & West	Heavy Industrial	M-1 & M-2	Industrial & manufacturing uses

NEVADA ENVIRONMENTAL RESPONSE  
(TITLE 30)

LAKE MEAD PKWY/FOURTH ST

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**TM-20-500006-NEVADA ENVIRONMENTAL RESPONSE TR & LE PETOMANE  
XXVII INC TRS:**

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Generally located on the north side of Lake Mead Parkway, and the east side of Fourth Street within the Whitney Planning Area. JG/rk/jd (For possible action)

**RELATED INFORMATION:**

**APN:**

178-12-101-003; 178-12-201-005; 178-12-201-007; 178-12-301-005; 178-12-401-004 through 178-12-401-006; 178-12-401-010; 178-12-401-013; 178-12-401-015; 178-12-601-014; 178-12-601-015; 178-12-701-004; 178-12-801-005; 178-12-801-006; 178-12-801-008; 178-13-101-008; 178-13-101-009; 178-13-501-008; 178-13-501-010; 178-13-601-002; 178-13-601-005

**LAND USE PLAN:**

UNINCORPORATED - HEAVY INDUSTRIAL

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: 560 W. Lake Mead Parkway
- Site Acreage: 342.5
- Project Type: Commercial subdivision

The plan depicts a 1 lot commercial subdivision on a 342.5 acre site, which is a part of a larger heavy industrial development (BMI complex). Access to the site is from a driveway on Lake Mead Boulevard to the south. Off-site improvements exist along all public street frontages.

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	City of Henderson	IG	Inventory automobile lots, electrical sub-station, & undeveloped
South	City of Henderson	IL CW, CN, DX	Industrial & commercial uses
East & West	Heavy Industrial	M-1 & M-2	Industrial & manufacturing uses

VERBENA  
(TITLE 30)

BOULDER HWY/DESERT HORIZONS DR

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
**TM-20-500011-LEWIS DIANE & KIRK CHILDREN'S TR:**

**TENTATIVE MAP** consisting of 47 lots and common lots on 6.7 acres in an R-2 (Medium Density Residential) Zone.

Generally located on the northeast corner of Boulder Highway and Desert Horizons Drive within Whitney. JG/pb/jd (For possible action)

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RELATED INFORMATION:

**APN:**

161-27-304-004; 161-27-304-006 through 161-27-304-007; 161-27-701-008

**LAND USE PLAN:**

WHITNEY - BUSINESS AND DESIGN/RESEARCH PARK  
WHITNEY - COMMERCIAL GENERAL

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 6.7
- Number of Lots/Units: 47
- Density (du/ac): 7
- Minimum/Maximum Lot Size (square feet): 3,520/7,066 (gross and net are the same except for 6 interior lots where the gross/net size fall within the stated range)
- Project Type: Single family residential

The plans depict a residential development totaling 47 single family lots and 3 common area lots on 6.7 acres. The density of the residential subdivision is 7 dwelling units per acre. The lots range in size from a minimum of 3,520 square feet to a maximum of 7,066 square feet. The lots will access Dodd Street via a 42 foot wide internal private street that follows a circular pattern with 3 small stub streets. There are 14 lots interior to the site and the remaining lots are located around the perimeter of the site. An attached sidewalk is on 1 side of the streets. There are 3 common element lots for landscape areas, open space, and drainage easements. A 20 foot wide landscape area is located along Boulder Highway, a 6 foot wide landscape area adjacent to an attached sidewalk is located along Dodd Street, a landscape area between 13 feet and 29 feet wide is located along the northwestern boundary of the site, and 6 foot wide landscape areas are located in the interior of the site where side yards are adjacent to the interior private streets.



**Prior Land Use Requests**

Application Number	Request	Action	Date
ZC-0565-11	Reclassified to M-D zoning for an office/warehouse development - expired	Held	May 2012
ZC-074-91	Reclassified to M-D zoning for an office/warehouse building for a portion of the site under this request – expired	Approved by BCC	July 1991

**Surrounding Land Use**

	Planned Land Use Category	Zoning District	Existing Land Use
North	Commercial General	C-2	Commercial development
East	Residential High (8 du/ac to 18 du/ac)	RUD & M-D	Single family residential development & office/warehouse buildings
South	Commercial Tourist	R-3	Single family residential development
West	Commercial General	C-2	Commercial developments, outside storage & undeveloped

**Related Applications**

Application Number	Request
NZC-20-0043	A zone change to reclassify the site to R-2 zoning with waivers for wall height and street off-sets and a design review for a 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**

This request meets the tentative map requirements as outlined in Title 30.

**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 April 8, 2020 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, and/or the Nevada Revised Statutes.

**PRELIMINARY STAFF CONDITIONS:**

**Current Planning**

- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; 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; and that a final map for all, or a portion, of the property included under this application must be recorded within 4 years or it will expire.

**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;
- Nevada Department of Transportation approval.
- Applicant is advised 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.

**Current Planning Division - Addressing**

- Approved street name list from the Combined Fire Communications Center shall be provided;
- Streets shall have approved street names;
- Street C is a bubble street less than 100 feet in length and therefore shall not be named.

**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**

- 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](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0663-2019 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require a new POC analysis.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** BEAZER HOMES HOLDINGS, LLC

**CONTACT:** KATHERINE LOGAN, ACTUS, 3283 E. WARM SPRINGS ROAD, SUITE 300, LAS VEGAS, NV 89120

**DRAFT**



# TENTATIVE MAP APPLICATION

## CLARK COUNTY COMPREHENSIVE PLANNING DEPARTMENT

SUBMITTAL REQUIREMENTS ARE LISTED ON BACK

<b>APPLICATION TYPE</b>  <input checked="" type="checkbox"/> TENTATIVE MAP (TM)	STAFF	DATE FILED: <u>1/16/20</u> PLANNER ASSIGNED: _____ ACCEPTED BY: <u>JH</u> FEE: <u>\$750.00</u> CHECK #: <u>76123570</u> COMMISSIONER: <u>JG</u> OVERLAY(S)? <u>MU 3</u> TRAILS? <input checked="" type="checkbox"/> PFNA? <input checked="" type="checkbox"/>	APP. NUMBER: <u>TM20-600011</u> TAB/CAC: <u>Whitney</u> TAB/CAC MTG DATE: <u>2/11</u> TIME: <u>6:30</u> PC MEETING DATE: <u>3/3/20</u> BCC MEETING DATE: <u>4/8/20</u> ZONE / AE / RNP: <u>R2</u> PLANNED LAND USE: <u>BDNP CG</u> NOTES: <u>NZL-20-0043</u>
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PROPERTY OWNER	NAME: <u>Ellen Patricia Merkin &amp; Joseph Dean Merkin</u> ADDRESS: <u>7416 Silver Palm</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89117</u> TELEPHONE: _____ CELL: _____ E-MAIL: _____
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APPLICANT	NAME: <u>Beazer Homes</u> Contact: <u>Jeff Lesnick</u> ADDRESS: <u>2490 Paseo Verde Parkway, Suite 120</u> CITY: <u>Henderson</u> STATE: <u>NV</u> ZIP: <u>89074</u> TELEPHONE: <u>702-802-4428</u> CELL: <u>702-802-4428</u> E-MAIL: <u>jeff.lesnick@beazer.com</u> REF CONTACT ID #: _____
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CORRESPONDENT	NAME: <u>Actus</u> Contact: <u>Kathrine Logan</u> ADDRESS: <u>3283 East Warm Springs Road, Suite 300</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89120</u> TELEPHONE: <u>702-586-9296 x127</u> CELL: <u>702-409-2834</u> E-MAIL: <u>Kathrine.Logan@actus-nv.com</u> REF CONTACT ID #: <u>197146</u>
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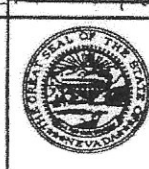
ASSESSOR'S PARCEL NUMBER(S): 161-27-304-007

PROPERTY ADDRESS and/or CROSS STREETS: NE Corner of Boulder Highway and Desert Horizons Dr

TENTATIVE MAP NAME: Verbena

NUMBER OF LOTS: 47 GROSS/NET ACREAGE 6.71/6.24 GROSS/NET DENSITY 7.0

I, We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans, and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Clark County Comprehensive Planning Department, or its designee, to enter the premises and to install any required signs on said property for the purpose of advising the public of the proposed application.

<u>Ellen Patricia Merkin</u> Property Owner (Signature)*	<u>Ellen Patricia Merkin / Ellen Merkin</u> Property Owner (Print)	 <b>STEPHANIE HARRIS</b> NOTARY PUBLIC STATE OF NEVADA My Commission Exp. 8-28-2020 Certificate No: 01-66788-1
STATE OF <u>Nevada</u> COUNTY OF <u>Clark</u>		
SUBSCRIBED AND SWORN BEFORE ME ON <u>1/16/2020</u> (DATE) By <u>Ellen Patricia Merkin</u>		
NOTARY PUBLIC: <u>Stephanie Harris</u>		

\*NOTE: Corporate declaration of authority (or equivalent), power of attorney, or signature documentation is required if the applicant and/or property owner is a corporation, partnership, trust, or provides signature in a representative capacity.

December 30, 2019



3283 E. Warm Springs Rd. Suite 300  
Las Vegas, NV 89120  
(702) 586-9296

Clark County Government Center  
Attn: Phil Blount, Principal Planner  
500 South Grand Central Parkway  
Box 551744  
Las Vegas, NV 89155-1744

Re.: **Verbena**  
**Tentative Map Hold Letter**  
**APNs 161-27-304-004, 006 & 007 and 161-27-701-008**

TM-20-500011

Dear Phil,

On behalf of our client, Beazer Homes, we are requesting review and approval of a Tentative Map for subject property.

The project consists entirely of 6.24 acres± (gross) on APNs 161-27-304-004, 006 & 007 AND 161-27-701-008, and is generally located on the northeast corner of the intersection of Boulder Highway and Desert Horizons Drive.

We respectfully request the Tentative Map be heard concurrently with the Nonconforming Zone Change and Waiver of Standards application requests for the subject project at the pending Clark County Planning Commission hearing. It is our understanding that Nevada Revised Statutes requires Tentative Maps to be heard by an approving entity within 45 days. Beazer Homes would like the land entitlement applications for the project to be processed and heard concurrently since said applications are companion items.

Thank you for your assistance in this matter. If you have any questions or need any additional information, please feel free to call our office at (702) 586-9296.

Sincerely,

  
Kathrine Logan  
Entitlements Coordinator