

10/05/21 PC AGENDA SHEET

FUTURE RESIDENTIAL DEVELOPMENT  
(TITLE 30)

CASTALIA ST/COTTONWOOD DR  
(RED ROCK)

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**NZC-21-0421-MILAN T TRUST & TIBERTI RENALDO TRS:**

**ZONE CHANGE** to reclassify 0.3 acres from an R-U (Rural Open Land) Zone, an R-E (Rural Estates Residential) Zone, and an R-1 (Single Family Residential) Zone to an R-1 (Single Family Residential) Zone for future residential development.

**WAIVER OF DEVELOPMENT STANDARDS** to reduce setbacks.

**DESIGN REVIEW** to modify setbacks for an existing single family residence and accessory structure on a 0.2 acre portion of 15.4 acres in an R-1 (Single Family Residential) Zone in the Red Rock Design Overlay District.

Generally located on the west side of Castalia Street and the north side of Cottonwood Drive within Northwest County (description on file). JJ/jt/jd (For possible action)

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**RELATED INFORMATION:**

**APN:**

175-07-601-008; 175-07-701-005; 175-07-711-082 ptn

**WAIVER OF DEVELOPMENT STANDARDS:**

1.
  - a. Reduce the rear setback for an existing single family residence to 5 feet where 20 feet is the minimum per Table 30.40-2 (a 75% reduction).
  - b. Reduce the side setback for an existing single family residence to 1 foot where 5 feet is the minimum per Table 30.40-2 (an 80% reduction).
  - c. Reduce the rear setback for an accessory structure to 1 foot where 5 feet is the minimum (an 80% reduction).

**LAND USE PLAN:**

NORTHWEST COUNTY (RED ROCK) - RESIDENTIAL AGRICULTURE (UP TO 1 DU/AC)

NORTHWEST COUNTY (RED ROCK) - RESIDENTIAL SUBURBAN (UP TO 8 DU/AC)

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 3 Castalia Street
- Site Acreage
  - Remnant Lot: 14.8
  - Modified Lot with Single Family Residence: 0.2

- New Lot: 0.3
- Number of Lots: 3
- Density (du/ac): 4.4 (new lot and lot with existing single family residence)
- Minimum/Maximum Lot Size (square feet): 8,000/646,430
- Project Type: Rezoning for future single family residence

### **Neighborhood Meeting Summary**

Notices were mailed to property owners within 1,500 feet of the site notifying them of a neighborhood meeting on March 21, 2021. Twenty-six neighbors attended the meeting; however, there was no opposition or concerns about the proposed project.

### **Site Plan & Request**

This application is a request to rezone a reconfigured parcel, consisting of an existing parcel and portions of 2 other parcels, to R-1 zoning for a future residence. A reconfigured 11,444 square foot parcel will be created along Cottonwood Drive adjacent to the Fire Department site to the west, which consists of APN 175-07-701-005, a portion of APN 175-07-711-082, and a portion of 175-07-601-008. The remnant portion of APN 175-07-601-008 will be 646,430 square feet, and the remnant portion of APN 175-07-711-082, which includes a single family residence and accessory structure, will be 8,000 square feet. Waivers of development standards are necessary to reduce the setbacks on APN 175-07-711-082 for the single family residence and the accessory structure to the existing and new proposed lot lines.

Several structures, including construction storage containers, a recreational vehicle, and fencing, are located on the new reconfigured lot. However, the containers, recreational vehicle, and fencing will all be removed.

### **Landscaping**

No landscaping is proposed for the reconfigured lot at this time. Existing landscaping on APN 175-07-711-082, which includes a single family residence and accessory structure, will remain.

### **Elevations**

The existing single family residence on APN 175-07-711-082 consists of painted stucco siding with a pitched asphalt shingle roof, and the accessory structure includes wood siding painted to match the single family residence and a pitched asphalt shingle roof.

### **Floor Plans**

The exiting single family residence is 2,085 square feet, and the accessory structure, which is used as an artist studio, is 156 square feet.

### **Applicant's Justification**

According to the applicant, the reduced setbacks for the proposed lot lines are appropriate. All 3 parcels, portions of which are being reconfigured to create a new lot along Cottonwood Drive, are under the same ownership. Therefore, the reduced setbacks are only impacting the current owner. Also, the owner would like to keep the reconfigured lot as large as possible, which would help maintain the character of the Blue Diamond community.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-2036-96	Reclassified a portion of the site to R-E zoning for an 18 unit single family residential planned unit development	Approved by BCC	May 1997

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Public Facilities	R-U	Undeveloped
South	Residential Suburban (up to 8 du/ac)	R-1 & R-D	Single family residential
East	Public Facilities & Institutional	P-F & C-1	Park, place of worship, retail building & library
West	Public Facilities	P-F & R-U	Fire station & undeveloped

### **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.*

A trend since the most recent adoption of the Northwest County Land Use Plan is the increased demand for housing. Reclassifying portions of the subject parcels will create the opportunity for a new single family residence within the existing Blue Diamond community without increasing the number of residential dwelling units allowed by the zoning regulations in effect at the time the Red Rock Overlay was adopted.

- 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 density of the reconfigured parcels and R-1 zoning will be consistent with the surrounding residences. Adjacent parcels to the east and abutting parcels to the south across Cottonwood Drive are also zoned R-1.

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 the public utility purveyors that the proposed nonconforming zone change will negatively impact existing facilities and infrastructure.

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

Growth Management Policy 7 in the Comprehensive Master Plan encourages the intensification of in-fill sites to be balanced with a strong sensitivity to protecting existing neighborhoods. Urban Specific Policy 2 encourages the maximization of in-fill and redevelopment, and Urban Specific Policy 4 encourages vacant lots within existing neighborhoods to develop at similar densities as the existing area. Here, the nonconforming zone change will allow an existing parcel and portions of 2 other parcels to be utilized as a single family residence. The zoning reclassification of this in-fill site will be consistent with the existing neighborhood.

## **Summary**

### Zone Change

There has been a trend for increased demand for housing since the most recent adoption of the Northwest County Land Use Plan, and the proposed density associated with an R-1 zone is consistent with the surrounding neighborhood. Furthermore, the request will not negatively impact infrastructure and services. Lastly, the nonconforming zone change request conforms to policies in the Comprehensive Master Plan and also the density and intensity restrictions of the Red Rock Design Overlay.

### Waiver of Development Standards & Design Review

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.

The proposed reduction to the rear setback for the accessory structure and single family residence will not create any negative visual impacts for the area. An existing fence is already located along the proposed lot line, and photographs indicate the rear yard of the existing single family residence is not negatively impacted, and the reduced setbacks will only impact the adjacent reconfigured lot, which is under the same ownership. Also, the reduced side setback for the single family residence is existing; nevertheless, the waiver of development standards is included with this application as a precaution. Staff can support the waivers of development standards; however, the applicant is advised that the reduced setbacks may require additional fire rating improvements to the buildings.

### **Staff Recommendation**

Approval. This item will be forwarded to the Board of County Commissioners' meeting for final action on November 3, 2021 at 9:00 a.m., unless otherwise announced.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

### **PRELIMINARY STAFF CONDITIONS:**

#### **Current Planning**

- Resolution of Intent to complete in 3 years.
- Applicant is advised that the reduced setbacks may require additional fire rating improvements for the existing buildings; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a new application for a nonconforming zone boundary amendment may be required in the event the building program and/or conditions of the subject application are proposed to be modified in the future; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

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

- Drainage study shall be required with future development as determined by Public Works - Development Review;
- Traffic study shall be required with future development as determined by Public Works - Development Review.
- Applicant is advised that this site is located within a Special Flood Hazard Area (SFHA) as designated by the Federal Emergency Management Agency (FEMA).

#### **Clark County Water Reclamation District (CCWRD)**

- Applicant is advised that the property is already connected to the CCWRD sewer system; and that if any existing plumbing fixtures are modified in the future, then additional capacity and connection fees will need to be addressed.

#### **TAB/CAC:**

#### **APPROVALS:**

#### **PROTESTS:**

**APPLICANT:** BENGOCHEA FAMILY LIMITED PARTNERSHIP

**CONTACT:** THE WLB GROUP, 3663 EAST SUNSET ROAD, SUITE 204, LAS VEGAS, NV 89120