

06/21/22 PC AGENDA SHEET

SINGLE FAMILY RESIDENTIAL
(TITLE 30)

RUSSELL RD/LAMB BLVD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-22-0296-BARTSAS MARY 15, LLC & PENGUINS NEVADA, LLC:

ZONE CHANGE to reclassify 2.7 acres from an R-E (Rural Estates Residential) Zone to an R-1 (Single Family Residential) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduce street intersection off-set; and 2) reduce landscaping width.

DESIGN REVIEW for a proposed single family residential development.

Generally located on the north side of Russell Road and the west side of Lamb Boulevard within Paradise (description on file). JG/jor/jo (For possible action)

RELATED INFORMATION:

APN:

161-30-803-013 through 161-30-803-015

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce the street intersection off-set to 118 feet where 125 feet is required per Section 30.52.052 (a 6% decrease).
2. Reduce the proposed landscaping adjacent to an existing attached sidewalk along Russell Road to 10 feet where 15 feet of landscaping is required per Section 30.64.030 (a 33% decrease).

LAND USE PLAN:

WINCHESTER/PARADISE - NEIGHBORHOOD COMMERCIAL

BACKGROUND:

Project Description

General Summary

- Site Acreage: 2.7
- Number of Lots: 13
- Density (du/ac): 4.8
- Minimum/Maximum Lot Size (square feet): 6,190 (gross), 5,619 (net)/ 8,385 (gross), 7918 (net)
- Project Type: Single family residential development
- Number of Stories: 2
- Building Height (feet): Up to 26
- Square Feet: 2,500 to 3,300

Neighborhood Meeting Summary

This request is for a nonconforming zone change to reclassify 2.7 acres from an R-E zoning district to an R-1 zoning district to allow a single family residential development. The applicant conducted a neighborhood meeting on February 23, 2022, 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. Approximately 20 people attended the meeting, 11 of which provided their contact information on the provided sign-in sheet. The attendees expressed concerns about Clark County construction staging on the corner parcel, home construction timelines, proposed product types, and a preference not to have small lots or a multiple family residential development on the site. Overall, the neighbors were positive and portrayed a general support for the proposed single family residential development.

Site Plan

The site plan depicts a proposed single family residential development with 13 proposed lots on 2.7 acres with a density of 4.8 dwelling units per acre. The site is located on the northwest corner of Lamb Boulevard and Russell Road. Access to the development is via 1 driveway along the easternmost property line adjacent to Lamb Boulevard. The driveway leads to 1 public street that is 49 feet wide which terminates at a cul-de-sac bulb on the western portion of the development. The site plan shows that Lot 1 through Lot 6 are on the northern half of the site, and Lot 7 through Lot 13 are on the southern half of the site. The plans also depict a 5 foot wide drainage easement along the western most property lines of Lot 6 and Lot 7 to be privately maintained by the Homeowner's Association.

Landscaping

The landscape plan depicts a 6 foot wide landscape easement along the east property lines of Lot 1 and Lot 13 adjacent to Lamb Boulevard, which features large trees spaced every 30 feet with shrubs and groundcover. The plan also shows a 10 foot wide landscape easement along the south property line of the entire development adjacent to Russell Road with large trees spaced every 20 feet, which also include shrubs and groundcover. Since the existing sidewalks adjacent to Russell Road are attached, the applicant is proposing a 10 foot wide landscape strip where 15 feet is required per Title 30. There are 2 proposed 5 foot wide private pedestrian access walkways incorporated within the 10 foot wide landscape strip which divert pedestrians behind the existing utility poles.

Elevations

The single story home product has an overall height of 23 feet and the 2 story home product has an overall height of 26 feet. The applicant is providing 3 color palette schemes all of which feature desert neutral tones with accent colors which vary from navy blue, grey, or maroon. The exterior materials include faux stone, decorative pavers, and gray/brown or oak colored roof tiles.

Floor Plans

The single story floor plan includes a 3 car garage, great room, kitchen, bedrooms, bathrooms, laundry room, and an entry way with options for patios. The 2 story floor plan option includes a 2 car garage, an entryway, great room, kitchen area, dining room, bedrooms, bathrooms, loft area, and laundry room.

Applicant’s Justification

The project site is currently zoned R-E and has a planned land use of Neighborhood Commercial (NC). The project site is bounded to the north and the east by an existing single family residential development zoned R-1; to the west there are 2 existing single family residential homes zoned R-E; and to the south (across the 100 foot Russell Road dedication) are existing homes with a zoning classification of R-E.

The proposed R-1 zoning classification appears more compatible within the current NC land use designation than lends itself to commercial development. The proposed development includes 13 single family detached residential lots with no common lots encompassing the entire 2.7 acre site with 4.8 dwelling units per acre. The proposed density does not exceed the maximum density of 5 units per acre allowed within an R-1 development within Clark County (Table 30.40-2).

The applicant also requests a waiver of development standards to reduce the street intersection off-set from Russell Road and the proposed Paragon Crest Court. The proposed right-of-way to right-of-way off-set depth from Paragon Crest Court is 118 feet where 125 feet is required per Title 30. Future sight visibility easements at both the intersections of Russell Road and Lamb Boulevard, and from Paragon Crest Court and Lamb Boulevard, will ensure drivers will have adequate movement and safety in the entry way. Lastly, the applicant is requesting a second waiver of development standards to reduce the proposed landscape strip adjacent to an existing attached sidewalk (adjacent to Russell Road) to 10 feet, where 15 feet is required per Code. The applicant is requesting to match the same buffering such as the existing Russell Road & Palm Street and Russell Road & Pearlite Avenue which are existing single family developments approximately 1,000 feet east of the project site.

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North & West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-1	Single family residential
South	Ranch Estate Neighborhood (up to 2 du/ac)	R-E	Single family residential
East	Neighborhood Commercial	R-E	Single family residential

Related Applications

Application Number	Request
TM-22-500100	A tentative map for a 13 lot single family residential subdivision 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.*

The applicant indicates that development trends within this portion of the Paradise Township have changed over the past few years, with an emphasis on single family residential development.

The project site is surrounding by existing R-1 zoned properties to the north and to the east, and there are existing R-E zoned properties to the south and to the west. The properties with Neighborhood Commercial planned land use designations within 1,500 feet to the west have a zoning classification such as R-E, R-D, and CRT zoning. R-1 and R-E zoned parcels buffer the project site from the nearest commercial zoning districts to the east, which are over 1,600 feet to the east adjacent to Mountain Vista Street.

- 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.*

Per the applicant, the density and intensity of the proposed nonconforming zone change will result in a use of like intensity and density when compared to the adjacent residential development to the east and north. Furthermore, residential zoning is consistent along the Russell Road corridor.

Staff finds that if the project site were developed to a commercial use with a C-1, C-P, or CRT zoning designation via a conforming zone change, the proposed uses will impact the neighborhood with higher intensity of use which may negatively impact the R-E zoned parcels to the west and south, and the R-1 zoned parcels to the north and east. The proposed R-1 zoning is compatible to the existing intensity and density that exists surrounding the subject parcels.

- 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 applicant indicates technical studies will be prepared to address any impacts from the proposed residential development; therefore, public infrastructure facilities will not be adversely impacted.

Various Clark County service departments have reviewed this development proposal and found adequate services available, or have specified the type of improvements that are needed for this development. Based on information received from the Clark County School District, the elementary school, middle school, and high school located within the corresponding school zone were over-capacity for the 2021-2022 school year. Staff is concerned that the cumulative impact from the individual student yield of this project and future projects in the immediate area may further exacerbate the existing capacity situations, especially since this area was not planned to accommodate the number of additional residential units, and no new schools are planned in the future.

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

The applicant indicates that Goal 1.4 Policy 1.4.1: Neighborhood Improvements supports efforts to make neighborhood improvements (e.g., trail connections, increasing tree canopy, complete street improvements) that enhance neighborhood quality and pride, reduce crime, and improve climate resilience. The project site has remained undeveloped while the surrounding development is more than 25 years old. Development of this project will complete the necessary improvements on Lamb Boulevard along the project frontage and will also complete development adjacent to the existing residential homes both north and west of the site.

Staff finds that the proposed development supports Policy 1.4.4: In-fill and Redevelopment. The proposed in-fill development promotes compatibility with scale and intensity of the surrounding area; therefore, staff can support this request.

Summary

Zone Change

Staff finds that there is a trend changing the character and condition of the area which makes this request appropriate. The density and intensity of the proposed project are consistent and compatible with existing and planned development in this area. There has been no indication that the proposed project will have an adverse impact on public services or facilities in the area. Staff finds that that proposed reclassification to R-1 zoning is consistent to the existing development to the north and to the east; and therefore, staff can support this request.

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 #2

The proposed homes on the southern portion of the development are designed to have the rear yards face south toward the 10 foot wide landscape planter (where 15 feet is required). Although staff does not normally support a reduction in required landscaping adjacent to existing

sidewalks, staff can support this waiver since the reduction does not pose a negative impact to the site. The proposed large trees, shrubs and groundcover will enhance the streetscape along Russell Road and Lamb Boulevard, upgrading what is currently existing. Staff supports this request.

Design Review

Since the lots face internally to 1 street and do not directly impact traffic along Russel Road, and the overall design of the homes are harmonious to the existing residences within the neighborhood, and because staff supports the zone change and waiver of development standards #2, staff can also support this request.

Public Works - Development Review

Waiver of Development Standards #1

Staff has no objection to the reduction in street intersection off-set between Paragon Crest Court and Russell Road. The subdivision should see low volumes of traffic because it is only 13 lots.

Department of Aviation

The property lies just outside the AE-60 (60-65 DNL) noise contour for the Harry Reid 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 Harry Reid 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 July 20, 2022 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 Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

- 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 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 and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 10 feet to 20 feet for Lamb Boulevard;
- Grant a public access easement for the portion of the sidewalk on Russell Road that goes around the utility poles;
- If required by the Regional Transportation Commission (RTC), dedicate and construct right-of-way for bus turnout including passenger loading/shelter areas on westbound Russell Road as close as possible to Lamb Boulevard in accordance with RTC 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; 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.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0015-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: PARAGON LIFE BUILDERS LLC

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