

OFFICE CONVERSION
(TITLE 30)

RUSSELL RD/MCLEOD DR

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-22-0054-STANEK MARK JAMES & DONNA MARIE:

ZONE CHANGE to reclassify 1.3 acres from an R-E (Rural Estates Residential) Zone and an R-E (Rural Estates Residential) (AE-60) Zone to a CRT (Commercial Residential Transition) (AE-60) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** landscaping; **2)** fence height; and **3)** alternative driveway geometrics.

DESIGN REVIEW for the conversion of an existing single family residence to an office use located partially in the Russell Road Transition Corridor Design Overlay District.

Generally located on the south side of Russell Road, 300 feet west of McLeod Drive within Paradise (description on file). JG/jt/jo (For possible action)

RELATED INFORMATION:

APN:

162-36-103-009

WAIVERS OF DEVELOPMENT STANDARDS:

1.
 - a. Reduce street landscaping along Russell Road where landscaping per Figure 30.64-17 is required.
 - b. Reduce perimeter landscaping on the east, west, and south sides where intense landscaping per Figure 30.64-12 is required.
 - c. Reduce parking lot landscaping where landscaping per Figure 30.64-14 is required.
2. Increase fence height to 4 feet along Russell Road where 3 feet is the maximum fence height allowed per Section 30.64.020 (a 34% increase).
3. Allow the existing pan style driveways to remain where commercial curb return driveways are required per Chapter 30.52.

LAND USE PLAN:

WINCHESTER/PARADISE - RANCH ESTATE NEIGHBORHOOD (UP TO 2 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: 2825 E. Russell Road
- Site Acreage: 1.3

- Project Type: Conversion of a single family residence to an office use
- Number of Stories: 1
- Building Height (feet): 23
- Square Feet: 3,363
- Parking Required/Provided: 14/16

Neighborhood Meeting Summary

Notices were mailed to property owners within a 1,500 foot radius of the site informing them of a neighborhood meeting. The meeting was held virtually on December 15, 2021. One neighbor attended the meeting and asked questions about location of parking and types of vehicles that would park on the site.

Site Plans

The plans depict an existing single family residence that will be converted to an office building. Setbacks for the office building are 96 feet to the north property line along Russell Road, 65 feet to the east property line, 121 feet to the south property line, and 18 feet to the west property line. A detached garage, which will remain, is in the southeast portion of the site, and is set back 35 feet from the east property line and 5 feet from the south property line.

Access to the site is provided by a circular driveway with existing pan style driveways from Russell Road. A waiver of development standards is included with this application to keep the existing pan style driveways. Three parking spaces are provided near the center of the circular driveway, 9 spaces are provided on the east side of the site, and 4 additional spaces are provided in the detached garage in the southeast portion of the site. Additionally, 4 bicycle parking spaces are provided on the north side of the building, and 4 motorcycle parking spaces are provided on the east side of the building.

Title 30 allows alternatives to a standard trash enclosure to be approved with any land use application to the Commission or Board. The applicant is requesting to keep the existing residential trash and recycling containers for the proposed office use. The containers will be stored on the property behind a gate, which completely screens the trash and recycling containers from view. The applicant indicates that the containers will be wheeled to the front of the property for pick-up on the appropriate days.

Landscaping

Existing mature landscaping will remain on the property; however, the existing landscaping does not meet the required landscape width, tree spacing, and parking lot landscaping standards per Title 30. For example, 5 bushes and 1 tree are provided along Russell Road where 2 rows of off-set trees are required within a 15 foot wide landscape strip behind the existing attached sidewalk. The existing attached sidewalk can remain along Russell Road since no changes are proposed for the existing sidewalk. Additional trees are provided interior to the site. Also, an intense landscape buffer with 2 rows of off-set trees spaced 20 feet on center is required along the east, west, and south property lines. While mature trees and landscaping are located throughout the site, portions of the east property line will have no landscaping to accommodate the parking lot and access to the detached garage. Lastly, the parking lot will not include the required parking lot landscape fingers. As result, waivers of development standards are included for the street

landscaping adjacent to Russell Road, landscaping around the perimeter of the site, and parking lot landscaping.

An existing split wood rail fence with brick columns up to approximately 4 feet in height is located along Russell Road behind the existing attached sidewalk. While this fence is allowed for a single family residential zoned property, a fence within the front setback is only allowed up to a height of 3 feet for a commercially zoned property. As a result, a waiver of development standards is necessary to keep the existing fence.

Elevations

The office building will maintain the existing elevations, which consist of multiple pitched roofs up to 23 feet in height and painted stucco and brick veneer exterior materials. The detached accessory garage consists of grey block and a flat roof at 9 feet in height; however, this structure is not visible from the right-of-way or adjacent properties.

Floor Plan

The 3,363 square foot office will include a lobby, reception area, 7 offices, a break area, and storage rooms.

Signage

Signage is not a part of this request.

Applicant's Justification

According to the applicant, the office conversion of the single family residence is appropriate. The northern two thirds of the site (approximately 200 feet) is within the Russell Road Transition Corridor Design Overlay. As a result, the zone change to CRT for the northern two thirds of the site is conforming. However, the non-conforming zone change is necessary for the southern one third (approximately 90 feet) of the site, which is not within the overlay district. Nevertheless, the 1.3 acre site can accommodate most Title 30 standards for the conversion, such as minimum parking requirements. The alternative design standards are only necessary to keep the existing site characteristics such as landscaping, fence height, and existing driveways. Furthermore, additional trees will be added to enhance the existing landscaping. These alternative design standards will not create any negative impacts.

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Neighborhood Commercial	C-P	Office conversions of single family residences
South & East	Ranch Estate Neighborhood (up to 2 du/ac)	R-E	Undeveloped
West	Ranch Estate Neighborhood (up to 2 du/ac)	R-E	Single family residential

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.*

Changing market conditions have resulted in a trend since the most recent adoption of the Land Use Plan. A number of properties along this corridor have been converted to office uses and this large lot residential property will be more viable as an office use and compatible with other office uses in the area. Also, with the increased traffic along Russell Road, an office use will be more 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.*

Several single family residential properties have been converted to office uses in this area along Russell Road. In addition, new offices have been constructed in the CRT and C-P zones in the area, and the Russell Road Transition Corridor Overlay District allows conforming zone changes to CRT and CP. Lastly, a CRT zoning designation is compatible with the adjacent single family residences. As a result, the intensity of uses allowed in the CRT zoning is compatible with the existing and planned land uses in the 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 the public utility purveyors that the nonconforming zone change will have any negative impacts on public facilities and services.

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

Policy 3.2.5 encourages growth that is sustainable for the region and takes future climate impacts into consideration, and Policy 3.4.2 encourages the adaptive reuse of existing buildings. Here, reclassifying the site to CRT zoning will allow the existing single family residence to be used as an office. This creates sustainable growth by reusing an existing building, which is one of the

most sustainable methods of growth. Building waste is diverted from the landfill, and green house gas emissions associated with constructing a new building are eliminated.

Lastly, Policy 6.1.2 encourages a mix of residential and non-residential uses to support a balance of housing and jobs. Here, the CRT zoning will allow for an office use that is compatible with the surrounding office and residential uses.

Summary

Zone Change

A changing trend in the area indicates that an office use will be the most viable use of the property. In addition, the CRT zoning will be compatible with the surrounding development and planned uses, and it will not create any negative impacts on public facilities and services. Lastly, the nonconforming zone change conforms to applicable policies in the Master Plan; therefore, staff can support the 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.

Waivers of Development Standards #1 & #2

Policy 3.6.1 encourages site features that provide shade, reduce the footprint of hardscaped areas, and otherwise help to reduce heat absorption by exterior surfaces, and Policy 1.3.1 encourages character-defining features to contribute to a distinct neighborhood identity. Here, the waivers of development standards will allow the existing mature landscaping and front fence to remain, which are character-defining features for properties along Russell Road.

Furthermore, Policy 1.4.4 encourages flexible standards to promote in-fill redevelopment that is compatible with the scale and intensity of the surrounding area. Although the landscaping and fence height do not meet Title 30 standards for an office use, allowing flexibility will encourage adaptive reuse of the existing property. Staff does not anticipate any negative consequences from reducing the landscaping since it is off-set by the large size of the existing trees. Also, the front fence is aesthetically pleasing and allows an appropriate amount of visibility from the street to the front of the property. As a result, staff can support the waivers of development standards.

Design Review

The large size of the existing single family residence makes the site appropriate to be used as an office. Parking, circulation, setbacks, and height will meet Title 30 standards for an office use while maintaining the character of a single family residence, which increases the compatibility with other existing single family residences. Although a garage is in the southeast portion of the site, both the property to the east and the property to the south are undeveloped. Also, the height of the detached garage is similar to the height of the surrounding block wall. As a result, the project is harmonious with the surrounding properties, and staff can support the design review.

Public Works - Development Review

Waiver of Development Standards #3

Staff has no objection to allow the existing pan style driveways to remain. There will be a minimal volume of traffic using the driveways since this is a low-intensity use. Additionally, the flow of traffic will be one way, further reducing potential conflicts in the right-of-way.

Staff Recommendation

Approval. This item has been forwarded to the Board of County Commissioners for final action.

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

PLANNING COMMISSION ACTION: April 5, 2022 – APPROVED – Vote: Unanimous
Absent: Nguyen

Current Planning

- Resolution of Intent to complete in 3 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

- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for any collector street or larger;
- 90 days to record required right-of-way dedications and any corresponding easements for any collector street or larger.
- Applicant is advised that off-site improvement permits may be required; and that existing and proposed signs, structures, and landscaping shall not encroach into public right-of-way, easements, or sight-visibility zones.

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: Paradise - approval.

APPROVALS:

PROTESTS:

APPLICANT: MARK STANEK

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