

SINGLE FAMILY RESIDENTIAL
(TITLE 30)

UPDATE
RUSSELL RD/BUFFALO DR

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-22-0676-COUNTY OF CLARK (AVIATION):

AMENDED ZONE CHANGE to reclassify 12.0 acres (previously notified as 12.3 acres) from an R-E (Rural Estates Residential) Zone to an R-2 (Medium Density Residential) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increase wall height; **2)** street intersection off-set; and **3)** street dedication.

DESIGN REVIEWS for the following: **1)** single family residential development; and **2)** finished grade in the CMA Design Overlay District.

Generally located on the south side of Russell Road and the east side of Buffalo Drive within Spring Valley (description on file). MN/gc/ja (For possible action)

RELATED INFORMATION:

APN:

163-34-101-002

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase wall height to 6 feet 8 inches where a maximum of 6 feet is allowed per Section 30.64.020 (an 11.1% increase).
2. Reduce street intersection off-set to 108 feet where a minimum of 125 feet is required per Section 30.52.052 (a 13.6% reduction).
3. Reduce dedication of Tioga Way to 48 feet (previously notified to fully waive dedication) where 60 feet is required per Section 30.52.030 (a 20% reduction).

DESIGN REVIEWS:

1. Single family residential development.
2. Increase finished grade to 4.6 feet (previously notified as 4 feet) where a maximum of 3 feet is the standard per Section 30.32.040 (a 53.3% increase).

LAND USE PLAN:

SPRING VALLEY - MID-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 8 DU/AC)

SPRING VALLEY - NEIGHBORHOOD COMMERCIAL

BACKGROUND:

Project Description

General Summary

- Site Address: N/A

- Site Acreage: 12
- Number of Lots: 80
- Density (du/ac): 6.7
- Minimum/Maximum Lot Size (square feet): 4,179/12,049 (gross and net)
- Project Type: Single family residential
- Number of Stories: Up to 2
- Building Height (feet): Up to 28.5
- Square Feet: 1,642 to 3,072

Neighborhood Meeting Summary

This request is for a nonconforming zone change to reclassify 12 acres from an R-E zoning district to an R-2 zoning district for a single family residential development. The applicant conducted a neighborhood meeting at Desert Breeze Community Center on September 19, 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 and 2 neighbors attended the meeting. According to the applicant, the neighbors expressed a preference of a residential use over a commercial use on the site. The neighbors also expressed a concern of losing views from their individual homes. Therefore, the applicant agreed to not build 3 story homes on the site. Otherwise, the neighbors did not express opposition to the project.

Site Plans

The plans depict a proposed single family residential development consisting of 80 residential lots and 11 common element lots at a density of 6.7 dwelling units per acre. Both gross and net lot sizes range from a minimum of 4,179 square feet to a maximum of 12,049 square feet, with an average lot size of 4,956 square feet. The lots will be served by 42 foot wide private streets with a 4 foot wide sidewalk on 1 side of the street, except for Tioga Way which will be a 48 foot wide public street with 5 foot wide sidewalks on both sides of the street. Access to the project is from Russell Road via Tioga Way. A 5 foot wide pedestrian access is also provided to Buffalo Drive. The finished grade of the site may increase up to 4.6 feet due to the topography of the site; and therefore, a design review to increase finished grade is requested. The intersection of a private street (Whistlebeck Avenue) and Tioga Way is 108 feet from the intersection of Russell Road and Tioga Way; and thus, a waiver of development standards for street intersection off-set is necessary.

Landscaping

A 15 foot wide landscape area with a detached sidewalk is provided along Russell Road and Buffalo Drive. A 6 foot to 10 foot wide landscape area is also provided along some of the interior streets and Tioga Way. A waiver of development standards is requested to allow walls up to 6 feet 8 inches between lots and along the perimeter of the development.

Elevations

The plans show 1, one story model and 3, two story models up to 28.5 feet high, with 4 types of elevation designs. Building materials consist of stucco finish, stucco pop-outs, stone veneer,

wrought iron railings, and tile roofing. Decorative trim is provided along all windows and doors on all elevations.

Floor Plans

The plans depict homes ranging in size from 1,642 square feet to 3,072 square feet with 3 to 6 bedrooms, 2 to 4.5 baths, and 2 to 3 car garages.

Applicant's Justification

The applicant states that a number of R-2 zoned subdivisions are already established in the area. The increase in finished grade is necessary since the topography of the site falls from the southwest to northeast; however, the applicant intends to make the elevation difference along the property boundary as minimal as possible. The applicant also states that the proposed increase in wall height is a standard waiver that the applicant requests for its subdivisions in order to provide additional privacy to potential home buyers throughout the development. The waiver to reduce the dedication of Tioga Way to 48 feet is being requested since the street terminates into a cul-de-sac within the subdivision. Since Tioga Way terminates in the subdivision, the reduction in street intersection off-set will not cause any issues due to the minimal traffic in the area.

Surrounding Land Use

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

Related Applications

Application Number	Request
TM-22-500223	A tentative map for an 80 lot single family residential subdivision is a companion item on this agenda.
VS-22-0677	A vacation and abandonment of a 5 foot wide portion of right-of-way being Russell Road and Buffalo Drive, a 12 foot wide portion of right-of-way being Tioga Way, and a 5 foot wide BLM right-of-way grant easement along Russell Road 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 has been a trend within portions of the Spring Valley area for more residential developments, and this site is located in an area with existing single family residential developments. Immediately to the south of the subject site are 2 single family residential subdivisions that are planned for Neighborhood Commercial uses but were approved for R-2 zoning by nonconforming zone changes (NZC-19-0737 and NZC-0002-14). Farther south along Buffalo Drive, there are 2 other existing single family residential developments that were reclassified to the R-2 zoning district by nonconforming zone change applications (NZC-0001-14 and NZC-0398-13). Based on these past approvals to reclassify properties along Buffalo Drive to the R-2 zoning district for single family residential developments, staff finds there is a trend in this area for additional single family residential developments. This trend has changed the character of the neighborhood; therefore, staff finds the proposed development will be more consistent and compatible with the character and condition of the area rather than development in conformance to the land use plan.

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 adjacent and abutting properties to the north, east, and south are all developed as R-2 zoned single family residential subdivisions. The proposed project consisting of 80 lots at a density of 6.5 dwelling units per acre is similar in density and intensity to the existing single family residential developments in the area. Furthermore, the easternmost portion of the subject site is already planned for Mid-Intensity Suburban Neighborhood uses.

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 (CCSD) indicates this site would be served by Rogers Elementary School, Sawyer Middle School, and Durango High School. CCSD indicates that Rogers Elementary School is over capacity but the middle school and high school are currently under capacity.

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

The proposed development complies with Goal 1.1 of the Master Plan that encourages opportunities for diverse housing options to meet the needs of residents of all ages, income levels

and abilities. Staff finds the project also complies with Policy 1.3.2 which encourages a mix of housing options, product types, and unit sizes.

Summary

Zone Change

Staff finds that there is a trend changing the character and conditions of the area which makes this request appropriate. The density and intensity of the proposed project are consistent and compatible with existing and planned developments 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. In addition, the project will comply with the goals and policies of the Master Plan. Therefore, staff can support the proposed zone change 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 #1

Staff can support the waiver to increase wall height to 6 feet 8 inches. Staff finds the wall will not adversely impact the surrounding properties and the walls will provide additional privacy for future residents. Similar requests have been approved for other residential developments.

Design Review #1

The proposed use of the property is consistent and compatible with existing and planned land uses in the area. The provision of a pedestrian access from the subdivision to Buffalo Drive complies with Policy 6.2.4 which promotes increased connectivity and reduced impediments to pedestrian access, such as block walls and fences, that require the unnecessary use of a vehicle to travel short distances to otherwise adjacent uses. Furthermore, the architectural design of the residences is consistent with existing single family homes in the area; therefore, staff supports the design review request.

Public Works - Development Review

Waiver of Development Standards #2

Staff has no objection to the reduced intersection off-set along Tioga Way between Russell Road and Whistlebeck Avenue. The wide common lot on the west side of Tioga Way improves visibility for those entering the site.

Waiver of Development Standards #3

Staff has no objection to the reduced width for Tioga Way since it will only serve this subdivision and the 6 lots adjacent to the site. Also, the subdivisions to the south were approved and developed without Tioga Way, so there is no way it can connect to Oquendo Road.

Design Review #2

This design review represents the maximum grade difference within 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 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 has been forwarded to the Board of County Commissioners' meeting 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: February 7, 2023 – APPROVED – Vote: Unanimous
Absent: Stone

Comprehensive Planning

- Resolution of Intent to complete in 4 years;
- Provide direct pedestrian access from the subdivision to Buffalo Drive;
- 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 Master Plan amendment and a 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;
- 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;
- The installation of detached sidewalks will require the vacation of excess right-of-way together with a subdivision map granting necessary easements for utilities, pedestrian

access, streetlights, and traffic control or the execution of a License and Maintenance Agreement for non-standard improvements in the right-of-way.

- 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.

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 #0448-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Spring Valley - approval.

APPROVALS: 3 cards

PROTESTS: 10 cards

APPLICANT: PN II, INC.

CONTACT: WESTWOOD PROFESSIONAL SERVICES, 5725 W. BADURA AVENUE, SUITE 100, LAS VEGAS, NV 89118