

12/07/21 PC AGENDA SHEET

SINGLE FAMILY DEVELOPMENT  
(TITLE 30)

AMIGO ST/ROBINDALE RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**NZC-21-0611-BARTSAS MARY 9, LLC:**

**ZONE CHANGE** to reclassify 2.5 acres from an R-E (Rural Estates Residential) Zone to an R-1 (Single Family Residential) Zone.

**DESIGN REVIEWS** for the following: **1)** a proposed single family residential development; and **2)** finished grade.

Generally located on the west side of Amigo Street and the south side of Robindale Road within Paradise (description on file). MN/rk/jd (For possible action)

---

RELATED INFORMATION:

**APN:**

177-10-301-006

**DESIGN REVIEWS:**

1. Single family residential development.
2. Increase finished grade for a single family residential development to 36 inches where a maximum of 18 inches is the standard per Section 30.32.040 (a 117% increase).

**LAND USE PLAN:**

WINCHESTER/PARADISE - RURAL NEIGHBORHOOD PRESERVATION (UP TO 2 DU/AC)

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 2.5
- Number of Lots: 8
- Density (du/ac): 3.2
- Minimum/Maximum Lot Size (square feet): 8,018/10,053
- Project Type: Single family residential
- Number of Stories: 1 & 2
- Building Height (feet): Up to 24
- Square Feet: 3,702/4,702

### **Neighborhood Meeting Summary**

The applicant conducted a neighborhood meeting at the Enterprise Library on July 8, 2021, as required by the nonconforming amendment process, prior to formal filing of this application. All owners within 1,500 feet of the project site were notified about the meeting. There were 14 attendees present at the open house meeting for this project. The attendees had concerns about flooding in the area, traffic, building height, and walls along street frontage.

### **Site Plans**

The plans depict a single family residential development totaling 8 single family lots and 2 common area lots on 2.5 acres. The density of the residential subdivision is 3.2 dwelling units per acre. The lots range in size from a minimum of 8,018 square feet to a maximum of 10,053 square feet. One access point is shown from Amigo Street to the east. The lots within the subdivision will be served by a 44 foot wide private cul-de-sac, which includes an attached sidewalk on 1 side of the street.

### **Landscaping**

A 15 foot wide landscape area, which includes a detached sidewalk, is shown along Robindale Road and a 6 foot wide landscape area behind an attached sidewalk is shown along Amigo Street.

### **Elevations**

The plans depict 4, one story models and 1, two story model up to 24 feet high. All the products have similar building materials consisting of stucco exteriors, decorative stone veneer accents, tile roofing, and 4 sided architecture around windows and doors.

### **Floor Plans**

The models range in size from 3,702 square feet to 4,702 square feet with options that include multiple bedrooms, 2 to 3 car garages, and options for bonus rooms.

### **Applicant's Justification**

The applicant states that the surrounding area has developed out as R-1 zoned single family residential development. The design of the project will have similar lot sizes and homes as the adjacent communities; therefore, making the requested zone change appropriate and compatible.

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Rural Neighborhood Preservation (up to 2 du/ac)	R-E	Undeveloped
South, East, & West	Residential Suburban (up to 8 du/ac)	R-1	Single family residential

### Related Applications

Application Number	Request
TM-21-500173	A tentative map for 8 residential lots on 2.5 acres is a companion item on this agenda.
VS-21-0612	A vacation of patent easements 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.*

According to the applicant, no new residential development has occurred in the rural neighborhood preservation area farther to the west in the past 5 years.

The majority of the development south of Robindale Road and west of Bermuda Road has been reclassified to R-1 zoning for over 15 years. Therefore, based on these existing developments, staff finds the request to be 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.*

The applicant states the proposed single family residential development is a request for the same zoning it is adjacent to and provides the same or similar density of the existing communities within the area.

Directly to the south, west, and across Amigo Street are existing single family residential developments in an R-1 zone. Therefore, staff finds the density and intensity of the proposed residential development is compatible with existing 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.*

The applicant indicates that the project is not anticipated to have substantial adverse effects on services and facilities due to the size of the project. Additionally, most services and infrastructure exist in the area.

There has been no indication from service providers that this request will have a substantial adverse effect on public facilities and services. The school district has indicated this development would generate 3 additional students.

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

The applicant indicates the proposed project conforms to some of the design policies established in the Comprehensive Master Plan, particularly Urban Specific Policy 38, which encourages new residential developments adjacent to existing estate residential areas to transition at appropriate densities and be of similar height.

Staff finds the project complies with Urban Specific Policy 4 of the Comprehensive Master Plan to preserve existing residential neighborhoods by encouraging vacant lots within this area to develop at similar densities as the existing area. Additionally, the request complies with Urban Specific Policy 10 to encourage site designs to be compatible with adjacent land uses and off-site circulation patterns, especially when the adjacent land use is a lower density or intensity.

## **Summary**

### **Zone Change & Design Review #1**

Staff finds that there has been a trend to allow parcels in the area to be reclassified to an R-1 zone for single family residential development, which would make this request appropriate for the area. The density and intensity of the proposed project are compatible with the existing developments in the area. There has been no indication from public service providers that the project would have a substantial adverse effect on public facilities and services in the area. Staff finds the applicant has provided a sufficient compelling justification for this nonconforming zone boundary amendment request; therefore, staff recommends approval of these requests.

## **Public Works - Development Review**

### **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 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 January 5, 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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

**PRELIMINARY STAFF CONDITIONS:****Current Planning**

- Resolution of Intent to complete in 4 years;
- Maximum of 8 lots;
- Single story homes adjacent to existing single story residences.
- 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;
- 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;
- Full off-site improvements;
- Right-of-way dedication to include 35 feet to the back of curb for Robindale Road, 30 feet for Amigo Street, and associated spandrel;
- 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;
- All other right-of-way and easement dedications to record with the subdivision map.
- Applicant is advised that the installation of detached sidewalks will require dedication to the back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control; and 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.

**Building Department - Fire Prevention**

- Applicant is advised that fire/emergency access must comply with the Fire Code.

**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](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0466-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Paradise - approval.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** RAINY DAY INVESTMENTS & MCMENEMY INVESTMENTS SERVICES

**CONTACT:** ELISHA SCROGUM, TANEY ENGINEERING, 6030 S. JONES BLVD, SUITE 100, LAS VEGAS, NV 89118