

08/02/22 PC AGENDA SHEET

SINGLE FAMILY RESIDENTIAL DEVELOPMENT  
(TITLE 30)

BOULDER LN/HARNEDY RD  
(INDIAN SPRINGS)

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**NZC-22-0351-DANE LELAND R & MARIE:**

**ZONE CHANGE** to reclassify 10.1 acres from an R-A (Residential Agricultural) Zone to an R-1 (Single Family Residential) Zone.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduce setbacks; **2)** off-site improvements; and **3)** waive knuckles on interior streets.

**DESIGN REVIEW** for a single family residential development.

Generally located on the south side of Boulder Lane, 400 feet east of Harnedy Road within Indian Springs (description on file). RM/al/jo (For possible action)

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RELATED INFORMATION:

**APN:**

059-09-301-016

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. a. Reduce the front yard setback to a minimum of 10 feet where a minimum of 20 feet is required per Table 30.40-2 (a 50% reduction).
- b. Reduce the rear yard setback to a minimum of 10 feet where a minimum of 20 feet is required per Table 30.60-2 (a 50% reduction).
2. Waive off-site improvements (curbs, gutters, streetlights, sidewalks, and reduced width paving) where off-site improvements are required per Section 30.52.050.
3. Waive the requirement for knuckles on the corners of interior streets within the proposed subdivision where knuckles are required per Uniform Standard Drawing 211.1.S1.

**LAND USE PLAN:**

NORTHWEST COUNTY (INDIAN SPRINGS) - EDGE NEIGHBORHOOD (UP TO 1 DU/AC)

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 10.1
- Number of Lots: 48
- Density (du/ac): 4.8
- Minimum/Maximum Lot Size (square feet): 5,200/9,600

- Project Type: Single family residential development
- Number of Stories: 1
- Building Height (feet): 16
- Square Feet: 1,772 to 2,369

### **Neighborhood Meeting Summary**

This request is for a nonconforming zone change to reclassify approximately 10.1 acres from an R-A zone to an R-1 zone for a single family residential development. The applicant conducted a neighborhood meeting at the Indian Springs Community Center on November 15, 2021, 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 25 neighbors attended the meeting. Concerns raised at the meeting included project density and traffic.

### **Site Plans**

The plans depict a single family residential development consisting of 48 lots on 10.1 acres with a density of 4.8 dwelling units per acre. The parcel is a narrow property approximately 330 feet in width. The site has frontage along Boulder Lane on the north side and Gretta Lane along the south side, and the plan depicts access to the development from both of these streets located in the approximate center of the street frontages along the northern and southern boundaries of the site. None of the proposed lots will have direct access to Boulder Lane or Gretta Lane. Access within the subdivision will be provided by 45 foot wide private streets which will not have sidewalks. Due to the narrowness of the site and the proposed street configuration within the development, the proposed lots will be between 59 feet and 60.5 feet in length. Due to the narrowness of the depth of the lots, portions of the proposed residences will encroach into the front and rear yards of the lots. The residences will be set back a minimum of 10 feet from the front and rear property lines. The garages will be set back 20 feet from the front property line, a minimum of 5 feet from the interior side property lines, and a minimum of 10 feet from the side street (corner) property line. The Indian Springs community is located in a rural area with few fully improved public rights-of-way; therefore, the applicant has included a request to waive full off-site improvements to maintain the rural character of the area.

### **Landscaping**

The plans depict a minimum 6 foot wide landscape area along Boulder Lane and Gretta Lane consisting of trees, shrubs, and groundcover. To help mitigate the front yard setback reduction, the plans depict 2 trees to be planted in the front yard area of each lot.

### **Elevations**

Plans were submitted for 3 home models with each model being 1 story with a maximum height of approximately 16 feet. Each of the homes has a pitched roof and will be a composite shake roofing material designed to have the appearance of wooden shake shingles. The exterior of the homes will be a combination of a stucco finish with vinyl siding in vertical and horizontal patterns. The homes will have an earthtone color scheme. The plans depict various window fenestrations including shutters.

### Floor Plans

The proposed homes will be between 1,772 square feet to 2,369 square feet in area. Each home will have a 2 car garage. The plans show that 2 of the home models will have 3 bedrooms and the third model has 4 bedrooms.

### Applicant's Justification

The applicant indicates that the proposed development is not in conformance with the Master Plan; however, the project is consistent and compatible with existing and approved single family residential developments abutting the site. The request for the front and rear setback reductions are due to the long narrow shape of the parcel, and the proposed reductions are only for the encroachment of portions of the proposed residences into the required setbacks. To mitigate the front setback reduction 2 trees will be planted in the front yard of each lot. The Indian Springs community is a rural community with few public rights-of-way being fully improved. To maintain the rural character of the community the request includes a waiver of development standards to waive full off-site improvements.

### **Surrounding Land Use**

	<b>Planned land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single family residential
South	Edge Neighborhood (up to 1 du/ac)	R-A	Single family residential
East	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Undeveloped
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac) & Edge Neighborhood (up to 1 du/ac)	R-T & R-A	Single family residential & 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.*

The site is located in Indian Springs which is a rural residential community. Most of the housing stock in this community has consisted of manufactured homes. Over the last few years there has been a trend for additional single family residential development in this area consisting of wood frame construction. Single family residential developments have been approved and are under construction with lot sizes and densities that are similar to this proposed development. This is a trend for the community for additional residential development to provide a variety of housing types. This site is abutting a single family residential subdivision that is currently under construction and another site that has been approved for a single family residential development that are both of greater density and intensity than the proposed project. Additionally, the Master Plan that was adopted last November has adopted policies for encouraging more diverse housing options and housing types; therefore, this is a change in policies.

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.*

There is an existing single family residential development to the north across Boulder Lane in an R-2 zone with a density of approximately 5.5 dwelling units per acre with a minimum 5,000 square foot lots. The adjacent parcel to the east was reclassified to an R-2 zone by ZC-20-0372 for a single family residential development with 105 lots, a density of 6 dwelling units per acre, and a minimum lot size of 5,320 square feet. Along the west side of this site is an existing single family residential development in an R-T zone which will allow for a density of 5 dwelling units per acre with 5,200 square foot minimum lots. Therefore, the proposed development is within the level of density and intensity of the existing, planned, and approved land uses for developments abutting this site.

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 public services and facility providers that this development would have an adverse effect on public facilities and services in this area. The Clark County School District has indicated that this development would increase student yield by 18 students for the school that serves this area (8 elementary students, 4 middle school students, and 6 high school students). The School District also indicates that the school that would serve this area is over capacity with current enrollment.

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

The proposed development does comply with Goal 1.1 of the Master Plan to provide opportunities for diverse housing options to meet the needs of residents of all ages, income levels and abilities. The project complies with Policy 1.3.2 of the Master Plan which encourages a mix of housing options, product types, and unit sizes. Therefore, the project complies with other applicable goals and policies.

## **Summary**

### **Zone Change**

Staff finds that there have been changes in law, policies, trends, or facts 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 proposed development is compatible in density and intensity with existing, planned, and approved land uses in the surrounding area. There has been no indication that the project will have an adverse effect on public facilities and services from service providers; however, the project will add to overcrowding at an over capacity school. The project does comply with other applicable adopted plans and goals; therefore, staff finds the applicant has satisfied all criteria to provide a Compelling Justification to warrant approval of this nonconforming zone change.

### **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 #1a**

The request is to reclassify the site to an R-1 zone. Per Table 30.40-2, the front yard setback for the R-1 zone is 20 feet; however, there is a provision in Table 30.40-2 that will allow a 10 foot reduction in the front yard setback for a maximum of 50% of the width of the home if 2 trees are planted in the front yard. The applicant submitted plans for 3 home models for the proposed development. The plans indicate that 2 trees are being provided in the front yard of each lot and that 2 of the home models will comply with the provision to allow the front setback reduction with the planting of the 2 trees. The plans indicate that approximately 62% of the third home model will encroach into the front yard setback. The design of this residence breaks-up the encroachment into the setback with the front of the home varying between 10 feet to 20 feet from the front property line. The portions of the home that encroach into the setback are dispersed along the width of the home and are not all on 1 portion of the home. The site is a long narrow parcel, which is an existing design constraint and can be a unique or special circumstance for the site. The applicant has provided an innovative design for the development based on the site constraints. Each lot will have 2 trees, which will provide a unified streetscape within the development; therefore, staff can support this waiver.

#### **Waiver of Development Standards #1b**

The design of this residence breaks-up the encroachment into the setback with the rear of the homes varying between 10 feet to 20 feet from the rear property line. The portions of the homes that encroach into the setback are dispersed along the width of the homes and are not all on 1 portion of the homes. The site is a long narrow parcel, which is an existing design constraint and can be a unique or special circumstance for the site. The applicant has provided an innovative design for the development based on the site constraints; therefore, staff can support this waiver.

### Design Review

The proposed density and intensity of the development is consistent and compatible with existing and approved developments in this area. The applicant has provided an innovative design based on the existing site constraints. The project will provide more diversity for housing in the Indian Springs community; therefore, staff supports the design review.

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

#### Waiver of Development Standards #2

Historical events have demonstrated how important off-site improvements are for drainage control. Additionally, full width paving allows for better traffic flow and sidewalks on public streets provide safer pathways for pedestrians and for children to walk to school. Therefore, staff cannot support the Waiver of Development Standards for full off-site improvements.

#### Waiver of Development Standards #3

Staff can support the request to waive the requirement for knuckles on the corners of interior streets within the proposed subdivision since the streets are private.

### **Staff Recommendation**

Approval of the zone change, waivers of development standards #1 and #3, and the design review; denial of waiver of development standards #2. This item will be forwarded to the Board of County Commissioners' meeting for final action on September 7, 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**

If approved:

- 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**

- Drainage study and compliance;

- Traffic study and compliance;
- Right-of-way dedication to include 30 feet for Boulder Lane and 30 feet for Greta Lane;
- Execute a Restrictive Covenant Agreement (deed restrictions).
- Applicant is advised that off-site improvement permits may be required.

**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](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0235-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Indian Springs - approval (low level lighting; sidewalks on one side of each road).

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** PETERSEN MANAGEMENT LLC

**CONTACT:** DC PETERSEN PROFESSIONAL CONSULTANTS, LLC, 5052 S. JONES BLVD., SUITE 110, LAS VEGAS, NV 89118