

OFFICE AND SINGLE FAMILY
RESIDENTIAL DEVELOPMENT
(TITLE 30)

UPDATE
PEBBLE RD/SPENCER ST

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-20-0486-CONDE, CRISTINA H. 1990 TRUST & CONDE, GEORGE A. TRS:

ZONE CHANGE to reclassify 1.1 acres from R-E (Rural Estates Residential) Zone to CRT (Commercial Residential Transition) Zone and R-2 (Medium Density Residential) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increase wall height; **2)** reduce trash enclosure setback from a residential development; **3)** establish alternative yards for a residential lot; **4)** reduce setbacks; **5)** allow modified driveway design standards; and **6)** allow modified street standards.

DESIGN REVIEWS for the following: **1)** office building; **2)** single family residential development; and **3)** increased finished grade.

Generally located on the north side of Pebble Road, 130 feet west of Spencer Street within Paradise (description on file). MN/md/jd (For possible action)

RELATED INFORMATION:

APN:

177-14-401-026

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Increase wall height for an existing nondecorative block wall to 8 feet where a maximum of 6 feet is permitted per Section 30.64.020 (a 33% increase).
- b. Increase wall height for a proposed decorative block wall to 8 feet where a maximum of 6 feet is permitted per Section 30.64.020 (a 33% increase).
2. Reduce the setback for a trash enclosure to a future residential use to 31 feet where a minimum setback of 50 feet is required per Section 30.56-120 (a 38% reduction).
3. Establish alternative yards for 1 proposed single family residence where yards are established per Chapter 30.56.
4. a. Reduce the rear yard setback for an office building to a residential use to 10 feet where a minimum setback of 20 feet is required per Table 30.40-4 (a 50% reduction).
- b. Reduce the setback from a private street for a trash enclosure to 4 feet where a minimum setback of 10 feet is required per Section 30.56.040 and 30.56.120 (a 60% reduction).
5. a. Reduce the throat depth for a proposed driveway to zero feet where a minimum of 25 feet is required per Uniform Standard Drawing 222.1 (a 100% reduction).

- b. Reduce the width of a non-standard commercial driveway to 24 feet where a minimum width of 32 feet is required per Uniform Standard Drawing 222.1 (a 25% reduction).
6. Reduce the approach distance for a driveway along a private street to 8 feet where a distance of 150 feet to Pebble Road is required per Uniform Standard Drawing 222.1 (a 94.7% reduction).

DESIGN REVIEWS:

1. Office building.
2. Single family residential development.
3. Increase finished grade up to 54 inches (4.5 feet) where a maximum of 18 inches (1.5 feet) is the standard per Section 30.32.040 (a 200% increase).

LAND USE PLAN:

WINCHESTER/PARADISE - OFFICE PROFESSIONAL

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 1.1
- Number of Lots: 3 (residential)/1 (commercial)
- Density (du/ac): 4.1
- Minimum/Maximum Lot Size (square feet): 9,427 (gross and net)/11,427 (gross and net)
- Project Type: Single family residential and office
- Number of Stories: 1
- Building Height (feet): 18.5 (office)
- Square Feet: 2,000
- Parking Required/Provided: 8/8

Neighborhood Meeting Summary

The first part of this request is to reclassify approximately .73 acres from an R-E zone to an R-2 zone to allow 3 single family residential lots. The second part of this request is to reclassify .33 acres from an R-E zone to a CRT zone for the development of an office building. The applicant conducted a neighborhood meeting on September 14, 2020, as required by nonconforming zone boundary amendment process. The required neighborhood meeting notices were mailed to the neighboring property owners within 1,500 feet of the project site. Three persons attended the meeting and expressed opposition to the request and proposed development.

Site Plans

The plans depict a single family residential development consisting of 3 lots on .73 acres at 4.1 dwelling units per acre. The minimum and maximum lot sizes are 9,427 square feet and 11,427 square feet, respectively. The plans also depict a single commercial lot, consisting of 8,317 square feet, located at the southwest corner of the project site adjacent to Pebble Road. The sole means of access to the project site is via a north/south 37 foot wide private street, connecting to

Pebble Road. Single family residential Lot 1 and Lot 2 are located on the northern portion of the project site, while Lot 3 is located at the southeastern portion of the site. Lot 1 and Lot 2 have front yard setbacks of 20 feet, interior side yard setbacks of 5 feet, perimeter side yard setbacks of 5.5 feet, and rear yard setbacks of 15 feet meeting Code requirements. Lot 3 has a rear yard setback of 40 feet from the south property line, adjacent to Pebble Road; a front yard setback of 20 feet from the north property line adjacent to Lot 2; a setback of 10 feet from the west property line along the private street; and a perimeter side yard setback of 5.5 feet from the east property line. A waiver is required for the alternative yard setbacks associated with Lot 3.

The commercial lot features a proposed 2,000 square foot office building, with a front yard setback of 80 feet from the south property line, adjacent to Pebble Road. The office building will be set back a minimum of 10.5 feet from the west property line, and 10.5 feet from the east property line, adjacent to the proposed private street. A rear yard setback of 10 feet is proposed for the office building, where 20 feet is required adjacent to a residential use, necessitating a waiver to reduce the required setback. The required trash enclosure is located on the east side of the building, with a 4 foot setback from the private street, requiring a waiver to reduce the setback from a street. A waiver is also required for the trash enclosure setback from residential Lot 1 (north) and Lot 3 (east). Four bicycle spaces are located to the southeast of the building, immediately to the south of the trash enclosure. A 5 foot wide pedestrian walkway internal to the site connects the office building to the existing 5 foot wide attached sidewalk along Pebble Road. The proposed commercial driveway serving the commercial lot is 24 feet wide with a throat depth of zero feet, requiring waivers to the Uniform Standard Drawings. A waiver to reduce the approach distance to 8 feet for the commercial driveway servicing the commercial lot is also required. Eight parking spaces are required for the office building where 8 parking spaces are provided.

Landscaping

A 15 foot wide landscape area is proposed behind the existing 5 foot wide attached sidewalk adjacent to Pebble Road. Medium trees planted 20 feet on center, including shrubs and groundcover, are located within the street landscape area. The required parking lot landscaping is equitably distributed throughout the parking lot of the commercial site. A 6 foot wide landscape area, featuring medium trees planted 20 feet on center, is located on the east and west sides of the perimeter street per Code requirements. The street landscape area also features shrubs and groundcover. An intense landscape buffer, featuring a double row of 24 inch box evergreen trees planted 20 feet on center, is located along the north and northwest property lines of the commercial lot adjacent to residential uses. A landscape area measuring between 6 feet to 10 feet in width, featuring 24 inch box evergreen trees planted 20 feet on center, is located along the southwest portion of the project site, adjacent to the parking lot. Evergreen trees are planted 30 feet on center within a landscape area measuring 5.5 feet in width along the western property line of Lot 1 and the eastern property line of Lot 2 and Lot 3. An existing 8 foot high block wall is located along the west and north property lines of the project site. An existing 6 foot high block wall is located along the northeast and east property line of the project site, and will be raised an additional 2 feet in height. An 8 foot high decorative block wall is proposed along the east and south property line of Lot 3. A waiver is required to increase the height of the existing block wall and to construct the 8 foot high decorative block wall.

Elevations

The plans depict a 1 story office building with a height ranging from 14.5 feet to 18.5 feet with a pitched roof. The roof will be constructed of standing seam thermoplastic olefin roofing. The building features a stucco and stacked stone exterior, with an aluminum storefront window system.

Floor Plans

The plans depict a 2,000 square foot office featuring restroom facilities, a conference room, an open office area, and a breakroom.

Signage

Signage is not a part of this request.

Applicant's Justification

A solid cover over the trash enclosure will help mitigate the setback reduction request from the residential development. The trash enclosure will be screened from the private street with landscaping and will be constructed of materials similar to the office building, to mitigate the setback reduction from the street. The existing CMU wall along the east property line will be raised from 6 feet to 8 feet in height, in addition to a new 8 foot high decorative CMU wall proposed along the southeast corner of the site, along the property lines of Lot 3. The increased wall height will dampen noise from the existing right-of-way, Pebble Road, and will not exceed the existing 8 foot high wall along the western property line of the project site. Due to the location of the required private street servicing the 4 lots, it is difficult to provide the required yards for Lot 3, while not having a negative impact on the building area of the lot. A setback reduction request of 10 feet is proposed along the north property line of the commercial lot, adjacent to Lot 1. An intense landscape buffer is proposed along the north property line, consisting of 2 off-set rows of large canopy evergreen trees at 10 feet on center.

Providing the required standard commercial driveway width of 32 feet would have a negative impact on Pebble Road, and the adjacent residential driveway to the west of the project site. The applicant proposes to locate the commercial driveway along the portion of the private street, which will lessen the impact to Pebble Road and the adjacent residential driveway. Providing the required throat depth of 25 feet would have a negative impact on the parking count being proposed, which meets the minimum required spaces. Due to the shallowness of the proposed commercial lot, located at the southwest portion of the site, an approach distance of 8 feet is the maximum distance that can be provided.

The design intent, color scheme, and finishes of the office building will harmoniously blend with the existing residential development in the surrounding area. All parking can easily be accessed by customers and employees via a walkway located at the office building entrance. Wall mounted lighting is provided along the perimeter of the building, which will help illuminate the walkways surrounding the structure. Adequate landscaping is provided in the form of terminal islands where parking occurs, as well as landscape buffers along property lines and right-of-way. All plants being used are low maintenance, low water, and native to Southern Nevada.

Prior Land Use Requests

Application Number	Request	Action	Date
VS-1598-03	Vacated and abandoned patent easements - recorded	Approved by PC	November 2003

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Residential Suburban (up to 8 du/ac)	R-2	Single family residential
South	Office Professional	R-E	Undeveloped
East & West	Office Professional	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.*

The applicant states the trend for the area is consistent with medium density residential development. Therefore, the proposed R-2 single family residential lots will fit accordingly and harmoniously blend with the surrounding community.

To the north of the project site is an existing single family residential development that is zoned R-2 with a planned land use of Residential Suburban. The residences within this development were constructed in 2006. To the east and west of the site are existing single family residences zoned R-E; however, the Land Use Plan designates these parcels for Office Professional Development. To the south of the subject property, across Pebble Road, are undeveloped R-E zoned lots with a planned land use of Office Professional. To the southeast of the site, across Pebble Road, is a single family residential development zoned R-2 with a planned land use of Residential Suburban. The residences within this development were constructed in 1999. Although there are R-2 zoning districts within the immediate vicinity of the project site, the existing residential developments were constructed over 14 and 21 years ago, respectively. Staff finds there is not a recent trend within the surrounding area for additional residential developments.

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 of the proposed development is consistent and compatible with the surrounding developments in the area. The properties to the north are part of an existing single family residential development that is zoned R-2.

Immediately to the north of the project site is an existing single family residential development zoned R-2 at 5.8 dwelling units per acre. To the southeast of the proposed development, across Pebble Road, is an existing single family residential development zoned R-2 at 4.6 dwelling units per acre. While the density of 4.1 dwelling units per acre is consistent with the densities of the residential development to the north and southeast, the proposed residential use is not compatible with the land use designation of Office Professional for the project site and the parcels within the immediate area. The proposed R-2 lots exceed the minimum area by more than 6,000 square feet; however, staff finds the area of the proposed lots are not consistent with the lot sizes for the developed R-E zoned parcels to the east and west of the project 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.*

The applicant states the proposed development will not have a greater impact on schools, fire, police facilities than that of any typical R-E zoned development. All other public facilities and services will not be negatively affected by the proposed nonconforming zone boundary amendment.

There has been no indication from service providers that this request will have an adverse or substantial effect on public facilities and services. The school district has indicated that this development would generate 1 additional elementary school student. The school district indicates Roberts Elementary School is over capacity by 117 students, while Schofield Middle School and Silverado High School are under capacity by 472 and 151 students, respectively.

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

According to the applicant, the proposed development complies with Community Design Policy 6, which states land use arrangements that provide adjacency of living and employment opportunities should be encouraged. Furthermore, the project consists of an office building that would be adjacent to the residential lots that will provide employment opportunities as encouraged by the aforementioned policy.

The parcels immediately to the east and west of the project site are zoned R-E with a planned land use designation of Office Professional. The adjacent parcels are developed with single family residences ranging between 0.4 acres and 1 acre in size. Four undeveloped R-E zoned parcels, with a planned land use designation of Office Professional, are located immediately to the south of the project site across Pebble Road. The proposed residential uses are not compatible with the surrounding land use designation of Office Professional. Furthermore, this

is a request for a nonconforming zone change, which conflicts with Urban Specific Policy 8 in the Comprehensive Master Plan, which discourages nonconforming zone changes.

Summary

Zone Change

Staff finds that there has been no change in law, policies, and trends that make this request appropriate for the area. Developed parcels containing single family residences, with a planned land use of Office Professional, are located immediately to the east and west of the project site. The reclassification of this site to R-2 zoning would allow the proposed residential development within a zoning district that is not compatible with the planned land uses in the area. Staff finds that the proposed request does not satisfy all of the requirements of a compelling justification to warrant approval of the nonconforming zone boundary amendment to R-2 zoning; therefore, staff recommends denial.

The intent of the Commercial Residential Transitional District is to serve as a transition between viable residential districts and to maintain a visual character of the historic residential pattern of development. The district is designed to promote uses and site conditions which are compatible with the adjacent residential neighborhoods. Development of vacant lots or redevelopment of sites containing existing structures shall closely resemble the scale and architectural character of the neighboring residential development. The reclassification of a single, isolated parcel to a CRT zoning district is potentially detrimental and incompatible with the adjacent single family residence to the west of the project site and the surrounding residential development in the immediate area. Therefore, staff recommends denial of the conforming zone boundary amendment 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 #1a & #1b

Staff finds the request to increase the height of the existing block wall by 2 feet along the east property line and for an 8 high block wall along the east and south property lines of Lot 3, located at the southeast corner of the project site, reasonable. The existing residential development to the north of the project site features an 8 foot high block wall, and an existing 8 foot high block wall is located along the western property line of the site. The proposed block wall located at the southeast corner of the project site, adjacent to Pebble Road, will be decorative in nature consisting of split-face CMU block. The proposed block wall height is consistent and compatible with the height of the existing block walls within the immediate area. However, since staff is not supporting the zone change, staff cannot support this request.

Waiver of Development Standards #2

The intense landscape buffer and 6 foot high block wall along the north property line of the commercial development will mitigate any impact the enclosure may have on the adjacent residential lot. The residential lot to the east of the enclosure will be buffered by a 37 foot wide private street, a 6 foot wide landscape area and a 6 foot high block wall. However, since staff is not supporting the zone change, staff cannot support this waiver.

Waiver of Development Standards #3

The request to establish alternative yards within the proposed development applies to Lot 3, located at the southeast corner of the site. The rear yard for the future single family residence is oriented towards Pebble Road; however, the rear yard will be screened by a proposed 8 foot high decorative block wall located behind the required street landscape area of 15 feet adjacent to the right-of-way. The future single family residence will be set back a minimum of 40 feet from Pebble Road. The front yard of the lot is oriented towards the interior of the site, along the south property line of Lot 2. The future residence will be set back a minimum of 20 feet from the north property line of the lot, meeting the minimum front yard setback requirement for the R-2 zoning district. A minimum interior side yard setback of 5.5 feet will be maintained along the east property line, where 5 feet is required. Staff finds the configuration of the lot is a self-imposed burden and cannot support this request.

Waiver of Development Standards #4a & #4b

Commercial Policy 62 encourages intense buffering on the perimeter of parcels adjacent to existing and proposed single family uses. An intense landscape buffer is provided along the north property line of the commercial lot, in addition to a proposed 6 foot high block wall. The future single family residence will also be set back a minimum of 5 feet from the adjacent property line, providing a minimum buffer of 15 feet. The intense landscape buffer and block wall along the north property line should mitigate any impact the setback reduction will have on the adjacent residential lot.

The setback reduction for the trash enclosure, which is adjacent to a proposed private street, should have minimal to no impact on the proposed development. The trash enclosure is located along the east side of the office building, and will not interfere with vehicles entering the site accessing the parking lot to the building. Furthermore, there should be a minimal amount of vehicular traffic accessing the private street, reducing any potential conflicts with the enclosure. Street landscaping is also provided on the north and south sides of the enclosure, mitigating any visual impact the setback reduction may have within the interior of the project site. However, since staff is not supporting the zone change, staff cannot support this request and recommends denial.

Design Reviews #1 & #2

Commercial Policy 62 of the Comprehensive Master Plan encourages intense buffering and design features on the perimeter of parcels adjacent to existing and proposed single family uses. A 10 foot wide intense landscape buffer with 24 inch box large evergreen trees is provided along the north and a portion of the west property line, adjacent to the future and existing single family residential uses. While height, color, and building material variations have been incorporated into the exterior design of the building, staff finds the requested CRT zoning is not compatible

with the proposed nonconforming zone change to R-2. Therefore, since staff does not support the zone change and waivers of development standards requests for this project, staff cannot support the design reviews.

Public Works - Development Review

Waiver of Development Standards #5

Staff finds that the reduction in the throat depth and driveway width, combined with the reduced driveway approach requested with waiver #6, reduces the safety of vehicles entering and exiting the commercial portion of the site. Narrower driveways result in vehicles slowing down excessively in the right-of-way due to drivers attempting to negotiate the tight turns that will be required. The reduced throat depths compound the safety concerns with drivers needing to pay extra attention to both the traffic from the single family residences and the office building.

Waiver of Development Standards #6

The reduced distance from the commercial driveway to Pebble Road, which is an arterial that sees a high volume of traffic, may create confusion with traffic entering and exiting the site. When combined with waiver #5, the overall site design does not provide safe ingress and egress movements.

Design Review #3

This design review represents the maximum grade difference along 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. However, since Planning cannot support this application in its entirety, staff cannot support this request.

Staff Recommendation

Denial. 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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PLANNING COMMISSION ACTION: December 15, 2020 – APPROVED – Vote: Unanimous Absent: Morley

Current Planning

- Resolution of intent to complete in 3 years;
- Office building to be constructed prior to recordation of parcel map;
- Maximum of 3 single family residential lots;
- 3 years to record subdivision map to create the proposed parcels;
- Design Review as a public hearing for significant changes to plans;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.

- Applicant is advised that 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.
- Applicant is advised that off-site improvements permits may be required; 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.

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 #0318-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC:

APPROVALS: 1 card, 1 letter

PROTESTS: 2 cards

APPLICANT: SHELDON COLEN

CONTACT: SHELDON COLEN, SCA DESIGN, 2580 ST. ROSE PARKWAY, SUITE 305, HENDERSON, NV 89074