

UPDATE

PLANNED UNIT DEVELOPMENT
(TITLE 30)

RUSSELL RD/JERRY TARKANIAN WAY

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-21-0468-HACIENDA ASSOCIATES LP:

HOLDOVER ZONE CHANGE to reclassify 4.8 acres from a C-2 (General Commercial) Zone to an R-3 (Multiple Family Residential) Zone.

USE PERMIT for an attached (townhouse) planned unit development (PUD).

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce the area of a PUD; **2)** reduce setbacks; **3)** increase wall height; **4)** reduce width of private streets; **5)** reduce street intersection off-set; and **6)** reduce back of curb radius.

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

Generally located on the north side of Russell Road, 345 feet west of Jerry Tarkanian Way within Spring Valley (description on file). JJ/md/jo (For possible action)

RELATED INFORMATION:

APN:

163-29-401-018

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce the area of a PUD to 4.8 acres where a minimum of 5 acres is required per Section 30.24.020 (a 4% reduction).
2. Reduce the setback from any street, drive aisle, sidewalk, or curb within a PUD to 3 feet where a minimum of 10 feet is required per Section 30.24.080 (a 70% reduction).
3. Increase combined screen wall/retaining wall height up to 12 feet (6 foot retaining wall/6 foot screen wall) where a maximum wall height of 9 feet (3 foot retaining wall/6 foot screen wall) is permitted per Section 30.64.050 (a 33% increase).
4. Reduce the width of private streets to 30 feet where a minimum width of 37 feet with 36 feet of drivable surface is required per Chapter 30.52 (an 18.9% reduction).
5. Reduce street intersection off-set to **28 feet (previously 104 feet)** where a minimum of 125 feet is required per Chapter 30.52 (**a 77.6% reduction**).
6. Reduce back of curb radius to 15 feet where a minimum radius of 20 feet is required per Uniform Standard Drawing 201 (a 25% reduction).

DESIGN REVIEWS:

1. Attached single family residential planned unit development.
2. Increased finished grade up to 84 inches where a maximum of 18 inches is the standard per Section 30.32.04 (a 367% increase).

LAND USE PLAN:
SPRING VALLEY - COMMERCIAL GENERAL

BACKGROUND:

Project Description

General Summary

- Site Address: 9180 W. Russell Road
- Site Acreage: 4.8
- Number of Lots: **84**
- Density (du/ac): 17.5
- Minimum/Maximum Lot Size (square feet): **852** (gross and net)/1,184 (gross and net)
- Project Type: Attached single family residential planned unit development
- Number of Stories: 2 to 3
- Building Height (feet): Up to 35
- Square Feet: 1,199 to 1,802
- Open Space Required/Provided: 21,127/**40,263**
- Parking Required/Provided: 185/**185**

Neighborhood Meeting Summary

This request is for a nonconforming zone change to reclassify 4.8 acres from a C-2 zoning district to an R-3 zoning district to allow an attached (townhouse) single family residential planned unit development. The applicant conducted a neighborhood meeting on June 3, 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. Three people attended the meeting and did not have any comments regarding the proposed development.

Site Plans

The plans depict a residential development consisting of **84** single family attached townhome lots and **6 common area lots** on 4.8 acres. The density of the overall development is shown at 17.5 dwelling units per acre. The project is made up of 4 plex and 6 plex buildings designed around 30 foot wide private streets. The street network consists of 1 main drive, **Fathom Blue Street**, a north/south private street connecting to 4 internal east/west private streets. **Lot 1 through Lot 24 are located along the west portion of the site, adjacent to Fathom Blue Street. Lot 25 through Lot 36 are located along the northeast portion of the project site. The remaining lots, 48 through 84, are centrally located within the project site, adjacent to the internal private streets. Primary ingress and egress to the site is granted via a private street (Sierra Wind Street) located along the southwest portion of the site, adjacent to Russell Road. A 30 foot wide cross-access drive aisle is proposed at the southeast corner of the site, connecting to the existing commercial development to the east. Two additional points of cross-access, located along the east property line adjacent to Coral Cascade Street and Orange Horizon Street, connect to the adjacent commercial development. Open space within the proposed development consists of an 11,577 square foot area featuring a seating area with a gazebo and walking path, located at the south portion of the site. A 9,657 square foot open space area with a pool is located at the northwest corner of the**

development. An additional open space area consisting of 4,371 square feet is located at the southwest corner of the site, adjacent to Sierra Wind Street. The townhouse units do not include garages; therefore, all parking for the development is provided via unenclosed spaces equitably distributed throughout the site. Approximately **185 parking spaces** are shown for residents and visitors where 185 spaces are required per Code. The minimum and maximum lot areas are **852 square feet** and 1,184 square feet, respectively. The minimum setbacks for the townhouse units are as follows:

- Front – 5 feet (3 feet for architectural intrusions and enclosures)
- Rear – 10 feet
- Interior Side Setback – zero feet (unit to unit), 5 feet from building to property line
- Side Street Corner Setback – 5 feet
- Perimeter Setback – 10 feet
- Roof Eave – extends a maximum of 2 feet from building

The plans indicate that an increase to finished grade to 84 inches is necessary due to the existing slope and future grading of the site. The increased fill will be generally located along the east side of the site where there is a grade difference from the adjacent commercial office development towards the north portion of the subject property.

Landscaping

Street landscaping consists of a 15 foot wide area, located behind an existing 5 foot wide attached sidewalk adjacent to Russell Road. Twenty-four inch box trees, including shrubs and groundcover, are located within the landscape area. A 6 foot high decorative block wall will be provided behind the street landscape area. **Internal to the site, a network of on-site pedestrian paths and common open space areas provide a total of 40,263 square feet of open space where 21,127 square feet of open space is required.** Combined screen wall/retaining wall heights ranging between 9 feet to 12 feet in height are located along the north and east property lines of the site.

Elevations

The plans depict 4 plex and 6 plex residential units with 9 elevations. The buildings have a maximum height of 35 feet and feature pitched, concrete tile roofs. All units feature consistent and unified architecture throughout the exterior design of the buildings. The exterior building materials generally consist of stucco with horizontal and vertical articulation depicted on all elevations, including pop-outs. Decorative window variations and trimming are also featured on all elevations. Color variations have been incorporated into the overall design of the units consisting of neutral, earth tone colors. The pool house measures 14 feet in height and consists of a pitched, concrete tile roof. The building is painted with neutral, earth tone colors.

Floor Plans

The plans depict 2 story to 3 story homes with floor plans ranging between 1,199 square feet to 1,802 square feet. The floor plans feature multiple bedrooms, dining room, living room, kitchen, bathrooms, and depending on the model selected, a loft area. Each unit features a private open

courtyard area located in the rear of the unit. The pool house measures 499 square feet in area and includes restroom facilities and an equipment room.

Applicant’s Justification

The applicant states the setback waiver request is appropriate because the reduced setbacks to the street are internal to the subdivision street and do not impact any adjacent properties with setbacks less than the existing C-2 zoning. The reduction to the private street width is appropriate because the reduced street width is suitable since the streets function as a drive aisle, providing access to parking stalls similar to multiple family developments. There will be no on-site parking allowed other than in parking stalls. The reduction to the street intersection off-set will not create any issues as the internal street is functioning as a knuckle or bend more than a traditional intersection. This design will allow for the movement of traffic without a queueing issue onto the adjacent public street. There is cross-access to the east and access to a driveway to Russell Road through the adjacent site. Finally, the site is not gated which will assist with on-site traffic flow. The back of curb radii design will meet all fire access requirements and meet turning movement requirements. The grade difference along the east boundary will necessitate the need for a retaining wall up to a maximum of 6 feet in total height due to slope and necessary grading for the site. The additional fill area is primarily along the east side of the site where there is a grade difference from the adjacent commercial office development towards the north portion for the property. While the lot size is only 0.18 acres deficient in size, it meets all the requirements of a PUD as enumerated above. Most importantly, the site is in-fill development and the proposed PUD promotes the general health, safety, and welfare of the surrounding area.

Prior Land Use Requests

Application Number	Request	Action	Date
NZC-0665-13	Reclassified the site from C-2 to R-2 zoning for a single family residential development	Withdrawn at PC	February 2014
VS-0666-13	Vacated easements and right-of-way	Withdrawn at PC	February 2014
TM-0181-13	Single family residential development	Withdrawn at PC	February 2014
UC-1309-07	Increased building height with a design review for a shopping center - expired	Approved by BCC	December 2007
UC-1075-06	Increased building height with a design review for a shopping center - expired	Approved by BCC	September 2006
UC-0415-05	A 6 story office and retail building with a waiver to reduce parking - expired	Approved by PC	April 2005
ZC-1484-02	Reclassified the site to a C-2 zoning for future commercial development	Approved by BCC	November 2002

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Residential Suburban (up to 8 du/ac)	R-2	Improved drainage channel

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
South	Commercial General	U-V & C-2	Mixed-use development (Manhattan West) & office development
East	Commercial General	C-2	Animal hospital, offices & retail center
West	Commercial General	U-V	Mixed-use development (Russell Road condominiums)

Related Applications

Application Number	Request
VS-21-0469	A request to vacate and abandon easements and right-of-way is a companion item on this agenda.
TM-21-500139	A tentative map consisting of 84 attached single family residential lots on 4.8 acres 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.*

The applicant indicates the Spring Valley Land Use Plan was last amended in October of 2014 and due to the COVID-19 pandemic, the recent update to the Spring Valley Land Use Plan was cancelled. Nonetheless, there have been major changes and developments occurring along the Russell Road corridor between the CC 215 and Fort Apache Road. One of the major changes includes the approval and development of an R-4 zoned, multiple family development to the west of the site (APN 163-29-412-004). Like the site, the approval of the R-4 zoned, multiple family property to the west is master planned CG; therefore, a request to R-3 zoning is consistent with recent zone changes in this corridor.

This site is adjacent to existing office and retail uses to the east and southeast. To the south and west are mixed-use developments which include commercial and residential components. The closest residential developments that are not part of mixed-used developments is the single

family residential development located 70 feet to the north and an apartment complex located 700 feet to the west (NZN-17-0237). The abutting commercial and mixed-use developments were all approved prior to the adoption of the most recent Spring Valley Land Use Plan in 2014. Therefore, there have been no significant changes to the area that would make this zone boundary amendment 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.*

The applicant states the site is located on Russell Road, a 100 foot wide arterial street, and near both the CC 215 off-ramp and Fort Apache Road, a 100 foot wide right-of-way. Both these streets are major corridors designed specifically to accommodate large volumes of traffic. Additionally, the site is located just west of the CC 215 off-ramp. Immediately to the west of the site is 1) an existing mixed-use development consisting of residential and condominium uses and an existing R-4 zoned, multiple family development; 2) immediately to the south is the Gramercy (a mixed-use development); 3) immediately to the north is a drainage channel that provides an ideal buffer to the single family development to the north of the drainage channel; and 4) to the east is existing office buildings. The Applicant is requesting a density of just less than 18 dwelling units per acre with a maximum height of 3 stories and 35 feet. The proposed density and height are consistent with the current development within the Russell Road corridor. Thus, overall, the site's proposed density and intensity are compatible with the area.

The mixed-use development project to the south, across Russell Road, was approved with a density of 33.2 dwelling units per acre. The mixed-used development immediately to the west of the project site was approved with a density of 25.2 dwelling units per acre. The single-family residential development to the north was approved at 8 dwelling units per acre. The commercial developments to the east and southeast are C-2 zoned developments which permit the most intense commercial uses. The planned unit development consists of 17.9 dwelling units per acre. The proposed project is a lower density and intensity than the existing and approved projects in the surrounding area. The lower density and intensity of this project are not compatible with the existing and approved land uses within the immediate 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.*

According to the applicant, the proposed zone change will not result in any additional impacts on surrounding infrastructure not already contemplated in the area. This site is located on Russell Road, a 100 foot wide arterial street, and near the CC 215 and Fort Apache Road, another 100 foot wide arterial right-of-way. Further, the site will provide recreational amenities which will not burden Clark County recreation facilities. Finally, the applicant will mitigate any impacts the proposed development may have.

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 14 additional elementary school, 8 middle school, and 11 high

school students. The school district indicates Abston Elementary School, Fertitta Middle School, and Durango High School are under capacity by 154, 233, and 190 students, respectively.

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

The applicant states pursuant to the general policies of the new Urban Land Use Policies, Policy 10 "encourage[s] site design to be compatible with adjacent land use and off-site circulation patterns." Here, the site is located at Russell Road near the CC 215 off-ramp. It is located near public facilities and mass transit stops necessary to support the development. Additionally, the proposed development is located near large scale employment/industrial centers along the CC 215. Not only is the proposed development compatible with the general policy of the Urban Land Use Policies, but it is also compatible with the more specific Multiple Family Residential (R-3 related zoning) policies of the Urban Land Use Policies, including, but not limited to the following policies: 1) encourage multiple family developments to be located near transit stops and road networks that can accommodate higher residential densities; 2) encourage spatial distribution rather than massing of buildings; 3) encourage multiple amenities within multiple family (or attached) projects; 4) encourage the arrangement of parking areas to avoid long concrete corridors of parking; and 5) encourage the use of drought tolerant landscaping.

Staff finds the location of the proposed development is incompatible with the existing commercial and mixed-use developments in the surrounding area. The proposed planned unit development is located within an area that is planned and zoned for various commercial uses. The subject parcel is appropriate for Commercial General uses. Therefore, the request does not conform to the policies in the Comprehensive Master Plan for development in this area. Furthermore, Urban Specific Policy 8 of the Comprehensive Master Plan discourages nonconforming zone changes.

Summary

Zone Change

Staff finds there has been no change in law, policies, and trends that make this request appropriate for the area. The existing developments and approved projects adjacent to this site were all approved prior to the adoption of the Spring Valley Land Use Plan in 2014. The project is a lower density and intensity than the existing and approved projects within the surrounding area, therefore making the proposed development incompatible with the adjacent land uses. The project is not consistent with the goals and policies within the Comprehensive Master Plan. Staff finds the applicant has not satisfied the compelling justification criteria; therefore, staff recommends denial.

Use Permit

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Comprehensive Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

A planned unit development (PUD) is intended to maximize flexibility and innovation in residential development by utilizing area sensitive site planning and design to achieve a desirable mixture of compatible land use patterns that include efficient pedestrian and vehicular traffic systems, streetscapes, and enhance residential amenities. The design of the project is not a typical single family residential development; however, the standards for planned unit developments allow flexibility in design to provide for innovative and unique development options. Staff is particularly concerned with the proposed density and the totality of the waiver of development standards requests associated with the development. Staff finds the project site is being overbuilt and is not an appropriate development between the mixed-use development to the west and the commercial development to the east; therefore, recommends denial.

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

The request to reduce the overall area of the PUD, in conjunction with waiver requests 2 and 3, are for specific requirements for PUD projects per Section 30.24 of the Code. As stated above, staff finds that this site is not an appropriate location for a PUD project and is not supporting the use permit portion of the application. Therefore, since staff is not supporting the use permit to allow the site to be developed as a PUD, staff cannot support the request to waive this specific requirement for the project.

Waiver of Development Standards #2

The waiver request to reduce the required setback is a self-imposed burden that staff cannot support. The building setback adjacent to the private streets, consisting of 5 feet, may result in additional vehicles parking along the private streets; therefore, staff recommends denial.

Waiver of Development Standards #3

Staff finds the topography of the project site warrants an increase to the retaining wall height proposed for the development. The combined screen wall/retaining wall height ranges between 9 feet and 12 feet along the north and east property lines, respectively. The greatest increase to the wall height occurs along the east boundary of the project site, adjacent to the existing commercial development. The increased wall height along the north property line is adjacent to an improved drainage channel. However, since staff is not supporting the zone change, use permit, and waivers of development standards, staff cannot support this request.

Design Review #1

Staff finds a variety of design elements are utilized on all sides of the residential buildings, including varying roof lines and exterior building materials such as stucco and decorative window trimming. However, since staff is not supporting the zone change, use permit, and waivers of development standards, staff cannot support this request and recommends denial.

Public Works - Development Review

Waiver of Development Standards #4

Staff has no objection to the request to reduce the width of the private streets provided that Fire Prevention approves the request. However, since Planning cannot support the application in its entirety, staff cannot support this request.

Waiver of Development Standards #5

Staff has no objection to the reduction in the street intersection off-set between Russell Road and Purple Sand. Since Purple Sand follows the existing alignment of the access to the commercial development to the east. However, since Planning cannot support the application in its entirety, staff cannot support this request.

Waiver of Development Standards #6

Staff has no objection to the reduction in the radii for both sides of the entry street, Dwarf Iris Street. The location of the proposed street is an already existing commercial driveway for access to the subject site and the site to the east. As long as the driveway is in good condition, it would not need to be replaced. However, since Planning cannot support the application in its entirety, staff cannot support this request.

Design Review #2

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 the application in its entirety, staff cannot support this design review.

Department of Aviation

APN 163-29-401-018 is subject to certain deed restrictions which (1) prohibit uses incompatible with airport operations including those presented in this land use application from being developed, and (2) prohibit these parcels from being used to enhance incompatible uses on adjacent parcels. Applicant must contact the Clark County Department of Real Property Management to apply for a Deed Restriction Modification to amend existing deed restrictions which prohibit said use. Permits will not be issued and maps will not be recorded until all required fees associated with the amended deed restrictions, which would permit currently prohibited uses included in this application, have been paid and the new CC&Rs are recorded. If applicant fails to pay the required deed modification fees and record the new CC&Rs, then permits for uses prohibited by existing recorded deed restrictions must not be issued and mapping of uses prohibited by existing recorded deed restrictions must not be recorded.

Staff Recommendation

Denial. This item will be forwarded to the Board of County Commissioners' meeting for final action on November 17, 2021 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

If approved:

- Resolution of Intent to complete in 4 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;
- 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;
- Coordinate with Public Works - Traffic Management to reconstruct the median island on Russell Road.
- 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; and that off-site improvement permits may be required.

Department of Aviation

- Compliance with most recent recorded airport-related deed restrictions for APN 163-29-401-018.

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 and reference POC Tracking #0064-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC:

APPROVALS: 3 cards

PROTESTS: 1 card

PLANNING COMMISSION ACTION: October 19, 2021 – HELD – To 11/02/21 – per the applicant.

APPLICANT: TOUCHSTONE LIVING, INC

CONTACT: ANN PIERCE, KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DR., STE 650, LAS VEGAS, NV 89135