ZONE CHANGE to reclassify 2.5 acres from C-P (Office & Professional) Zone to R-1 (Single Family Residential) Zone.

WAIVER OF DEVELOPMENT STANDARDS for reduced landscaping.

DESIGN REVIEW for a single family residential development.

Generally located on the west side of Pecos Road and the south side of Rawhide Street within Paradise (description on file). MBS/dg/ml (For possible action)

RELATED INFORMATION:

APN:
162-25-801-008

WAIVER OF DEVELOPMENT STANDARDS:
Reduce the required minimum landscape area width to 10 feet along an arterial street (Pecos Road) where 15 feet is required (a 33% reduction).

LAND USE PLAN:
WINCHESTER/PARADISE - OFFICE PROFESSIONAL

BACKGROUND:
Neighborhood Meeting Summary
The applicant conducted a neighborhood meeting in April 2013, as required by the non-conforming 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 approximately 8 people present with discussion on several issues and other related procedural questions regarding the site. The issues and concerns expressed by the participants were mixed. Some felt that this project would attract too many children in the neighborhood and the rear yards were too small. One participant preferred the existing commercial zoning/project. One participant was in support of the request and the proposed residential would be better than the commercial. Finally, there was some discussion regarding access from Rawhide Street to Pecos Road. The applicant has fulfilled all provisions of Title 30 regarding pre-submittal and submittal of a non-conforming zone boundary amendment.
Project Description

General Summary
- Site Acreage: 2.5
- Number of Lots/Units: 10
- Density: 4 du/ac
- Minimum/Maximum Lot Size: 5,996/7,706 square feet
- Project Type: Single family residential development
- Number of Stories: 1 and 2
- Building Height: 19 feet (1 story) & 30 (2 story)
- Square Feet: 2,500 to 2,700 (livable area)

Site Plan
The plans depict a new 10 lot single family residential development on 2.5 acres with all lots accessing a public cul-de-sac street which will have a single point of access from Rawhide Street. Five of the proposed lots back to Pecos Road.

Landscaping
The plans depict 6 feet of street landscaping along Rawhide Street and 10 feet of landscaping along Pecos Road.

Elevations
The plans submitted by the applicant depict 4 different models consisting of either 1 or 2 story detached single family residences. The single story models have a maximum height of 19 feet with the 2 story models having a maximum height of 30 feet. All elevations on all plans depict fenestration on all windows and doors, and enhanced architectural elements.

Floor Plans
The plans depict 4 different models comprised of 1 and 2 story floor plans that include 2 and .3 car garages (front and side loaded) and range between 2,500 and 2,700 square feet (livable area)

Justification
The applicant indicates that there is an increased demand for new housing alternatives. High vacancy rates for office buildings have severely limited demand for office space and with the proliferation of the Office Professional land use category along major street corridors, have made it difficult to develop office buildings. According to the applicant, this property is ideally suited for a residential use. The R-1 zoning is appropriate and compatible adjacent to Pecos Road and will enhance this neighborhood with appropriate development rather than a vacant, unsightly lot. The R-1 zoning is a natural progression from the existing R-1 zoning to the north and the future office uses to the south. The R-1 zoning is also compatible with the existing R-E zoned uses in the area and provides a higher degree of compatibility to the adjacent R-E zoned residences than a more intense C-P zoned development such as the 2 story, 25,000 square foot office building that was approved for this site. Finally, the landscape area reduction is justified since it will allow the additional 5 feet that would otherwise be located on the outside of the wall to be incorporated into the rear yards of the homes backing up to Pecos Road.
Prior Land Use Requests

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Request</th>
<th>Action</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ZC-1202-06</td>
<td>Zone boundary amendment to C-P zoning for the entire 1.9 acres with a design review for an office building</td>
<td>Approved by BCC</td>
<td>October 2006</td>
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<tr>
<td>ZC-0895-96</td>
<td>Zone boundary amendment to C-P zoning on the eastern half of the site</td>
<td>Approved by BCC</td>
<td>August 1996</td>
</tr>
</tbody>
</table>

Surrounding Land Use

<table>
<thead>
<tr>
<th>Planned Land Use Category</th>
<th>Zoning District</th>
<th>Existing Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Residential Suburban (up to 8 du/ac)</td>
<td>R-1 Single family residential planned unit development</td>
</tr>
<tr>
<td>East</td>
<td>Rural Neighborhood Preservation (up to 2 du/ac)</td>
<td>R-D &amp; R-E Single family residential development</td>
</tr>
<tr>
<td>South</td>
<td>Office Professional</td>
<td>R-E Single family residence</td>
</tr>
<tr>
<td>West</td>
<td>Rural Neighborhood Preservation (up to 2 du/ac)</td>
<td>R-E Single family residential development</td>
</tr>
</tbody>
</table>

STANDARDS FOR APPROVAL:
The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis

Current Planning
This request does not conform to the Winchester/Paradise Land Use Plan. Non-conforming zone boundary amendments must provide compelling justification that approval of the nonconforming zoning is appropriate. A Compelling Justification means the satisfaction of the following criteria as listed below for proposed non-conforming zone boundary amendments:

1. A change in law, policies, trends, or facts after the adoption, re-adoption 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 amendment appropriate.

The site is located in an area that is either developed or predominantly planned for single family residential. The land use plan has designated this parcel as Office Professional, in part, due to the zone boundary amendment in 1996 and the permanent zoning that had been approved in 2006. Since the commercial development is no longer moving forward, this request for single family residential is more consistent and compatible with the immediate area and serves as an appropriate transitional land use.

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 land use context of the immediate area is predominantly planned, zoned, or existing single family residential. Therefore, staff finds the request is more appropriate and compatible with the existing land use patterns in 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.*

Based on the information submitted by the applicant and comments received by service providers, the project is not anticipated to have substantial adverse effects on services and facilities and will have no additional impacts on the surrounding infrastructure than what would have been anticipated with the C-P zoning. In fact, it may be deduced that 10 single family residential lots will have less impacts on roads and traffic generation than the approved 25,000 square foot office building.

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

The zoning request is appropriate because the area is surrounded by planned or existing single family residential. Staff finds this request is compliant with Goal 1 of the Winchester/Paradise Land Use Plan, which encourages, in part, the implementation of a comprehensive land use plan that promotes development that is compatible with adjacent land uses. The project generally complies with all applicable goals and policies for single family residential developments. The request is also compliant with Policy 2.2 which encourages increasing the variety of housing choices for all income levels. Finally, the development of this site as single family residential also complies with Policy 34.1 which encourages the development of vacant or underutilized land that is currently served by utilities in order to efficiently use infrastructure.

**Summary**

**Zone Change and Waiver of Development Standards**

Staff finds the single family residential development, as proposed by the applicant, is more compatible and consistent with the planned and existing uses in the immediate area. The immediate area has a predominant land use pattern of single family residential. This request is also compliant with Goal 4 of the Winchester/Paradise Land Use Plan, which encourages the provision of opportunities for additional single family development and appropriate site planning and architectural design.

The applicant shall have the burden of proof to establish that the waivers of development standards are appropriate for this location. 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. One of several criteria that must be addressed is the use and value of the area adjacent to the property included in the waiver request will not be affected in a substantially adverse manner. The current approval for a 25,000 square foot office building depicted 10 feet of landscaping along Pecos Road. Staff agrees with the justification made by the applicant since the reduction will allow the additional 5 feet that would otherwise be located on the outside of the wall to be incorporated into the rear yards of the homes backing up to Pecos Road. With a condition regarding supplementing the distribution of trees, staff can support the waiver request.

**Design Review**

The site design, building design, and development parameters are established and dependent on consideration of the zone change and waiver request, thereby requiring contingent consideration
of the design review. Staff finds the applicant has established that the plans satisfy the following criteria for a design review: 1) the proposed development is compatible with adjacent development; 2) the proposed development is consistent with the applicable land use plan and Title 30; 3) building elevations, design characteristics, and other architectural and aesthetic features are not unsightly or undesirable in appearance; and 4) are harmonious and compatible with development in the area.

**Department of Aviation**
The property lies just outside the (2017) 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 July 3, 2013 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 Plan, Title 30, and/or the Nevada Revised Statutes.

**PRELIMINARY STAFF CONDITIONS:**

**Current Planning**
- Landscaping along Pecos Road to have the quantity and spatial distribution of plants and trees consistent with an intense landscape buffer per Figure 30.64-12;
- Design review as a public hearing for any increase in density;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time; and that this application must be completed within 3 years of approval date or it will expire.

**Public Works – Development Review**
- Drainage study and compliance;
- Full off-site improvements.

**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; and 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.
Clark County Water Reclamation District (CCWRD)

- Applicant is advised that zoning changes affect sewer capacities, this requires the submittal of civil improvement plans for full engineering review and evaluation (including estimated wastewater flow rates at project build-out); and that CCWRD has no objection to the zoning change as submitted.

TAB/CAC: May 14, 2013 Paradise Town Board – Approved - subject to staff conditions. /bv
APPROVALS:
PROTESTS:

APPLICANT: Destiny Homes, LLC
CONTACT: John Vornsand, AICP, 62 Swan Circle, Henderson, NV 89074