PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
NZC-0199-13 – DESERT OAK DEVELOPMENT, INC:

ZONE CHANGE to reclassify 6.9 acres from C-P (Office & Professional) Zone to R-2 (Medium Density Residential) Zone for a single family residential development.

DESIGN REVIEW for single family residential development on 8.5 acres in an R-1 (Single family Residential) Zone and an R-2 (Medium Density Residential) Zone.

Generally located on the southwest corner of Warm Springs Road and Topaz Street within Paradise (description on file). MBS/rk/ml (For possible action)

RELATED INFORMATION:

APN:
177-12-101-007 & 008

LAND USE PLAN:
WINCHESTER/PARADISE - OFFICE PROFESSIONAL & RESIDENTIAL SUBURBAN (UP TO 8 DU/AC)

BACKGROUND:
Neighborhood Meeting Summary
The applicant conducted a neighborhood meeting on April 3, 2013, as required by the non-conforming amendment process, prior to formal filing of this application. The meeting was held at the Paradise Community Center located at 4775 McLeod Drive. All owners within 1,500 feet of the project site were notified to attend the meeting. There were 4 participants present with approximately 3 substantial issues discussed. The following is an overview of those issues: 1) provide only 1 story homes on the 4 lots south of Duck Creek channel; 2) move the entry street onto Warm Springs Road instead of Topaz Street; and 3) provide larger lots adjacent to Duck Creek channel on the north side of the wash.

Project Description
General Summary
- Site Acreage: 6.9 (zone change)/8.5 (design review)
- Number of Lots: 54
- Density: 6.4 du/ac
- Minimum/Maximum Lot Size: 3,300/6,426
- Project Type: Single family development
- Number of Stories: 1 and 2
- Building Height: 28 feet
- Square Feet: 1,735 to 2,529
Site Plan
This is a non-conforming zone change request from C-P zoning to R-2 zoning; the request for the R-2 zoning consists of 6.9 acres located north of Duck Creek channel. The channel divides the site into 2 building parcels. The applicant is proposing a zone change only for the property north of the wash. The 1.6 acres south of the wash is already zoned R-1 zoned and the applicant intends to develop it as such. The proposal consists of a total of 50 single family residential lots in the R-2 portion of the project and 4 single family residential lots in the R-1 portion of the project. More specifically, the property north of the wash will consist of 50 residential lots on 6.9 acres for a density of 7.25 dwelling units per acre, and the property south of the wash will consist of 4 residential lots on 1.6 acres for a density of 2.5 dwelling units per acre. The subdivision will be served by 37 foot wide private streets with no sidewalk. Access to both areas of the development is shown from Topaz Street to the east.

Landscaping
A 15 foot wide landscape area behind a 5 foot wide existing attached sidewalk is depicted along Warm Springs Road, and a 6 foot wide landscape buffer is shown along Topaz Street on the north side of the wash. Internal to the 4 single family residential lots south of the wash, the plans show a landscape element between the private street and the channel.

Elevations
The housing product consists of 1 and 2 story homes at a maximum height of 28 feet. The elevations depict stucco finished walls with decorative accents, window articulation on all sides, and a concrete tile roof.

Floor Plans
The houses range in size from 1,735 square feet to 2,529 square feet. This development will feature 4 models with each model having different elevations.

Applicant’s Justification
The applicant indicates that the site is suitable for a single family residential development and consistent with development trends in the area. According to the applicant, the economic trends have proven that office complexes must be ideally located in order to lease or sell. There is too much commercial development on the market and the surrounding vicinity to justify the building an additional office complex. Further, the applicant has designed the project so that the 1.6 acres south of the wash will be developed subject to the prior conditions of approval, and the overall site plan and design of the project adhere to all Title 30 standards.

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>NZC-0016-13</td>
<td>Pre-application conference for the requested non-conforming zone change</td>
<td>Reviewed by staff and other service agencies</td>
<td>April 2013</td>
</tr>
<tr>
<td>ZC-0224-08</td>
<td>Reclassified this site to C-P and R-1 zoning and included a design review for an office complex</td>
<td>Approved by BCC</td>
<td>May 2008</td>
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## Surrounding Land Use

<table>
<thead>
<tr>
<th>Planned Land Use Category</th>
<th>Zoning District</th>
<th>Existing Land Use</th>
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<tbody>
<tr>
<td>North Public Facilities</td>
<td>P-F</td>
<td>Park</td>
</tr>
<tr>
<td>South Residential Suburban</td>
<td>R-1</td>
<td>Single family residential</td>
</tr>
<tr>
<td>East Public Facilities &amp; Rural Neighborhood Preservation</td>
<td>R-E</td>
<td>Duck Creek channel &amp; single family residential</td>
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<tr>
<td>West Commercial General &amp; Residential High</td>
<td>C-2 &amp; R-3</td>
<td>Shopping center &amp; apartment complex</td>
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### STANDARDS FOR APPROVAL:

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

### Analysis

#### Current Planning

#### Zone Change

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 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 non-conforming zone boundary amendment appropriate.*

   The applicant indicates that economic trends have proven that office complexes must be ideally located in order to lease or sell. There is too much office use on the market to justify building an additional office complex. In fact, many of the recently approved non-conforming zone changes have rezoned property from commercial to a low density single family residential use. Staff finds there are 3 adjacent undeveloped parcel of land across Topaz Street planned for Office Professional uses and a large office development zoned C-P farther east on Warm Springs Road. The existing development and undeveloped areas indicate there is sufficient property zoned for office uses in the area to accommodate the needs of the community.

2. *The density and intensity of the uses allowed by the non-conforming zoning is compatible with the existing and planned land uses in the surrounding area.*

   There are a variety of different zoning districts developed in the area. To the north is a large park, to the south and southwest are low density and high density residential developments, to the west is commercial development, and to the east is rural single family development. The applicant indicates the proposed density is an ideal buffer for this location and will not have an adverse impact on the surrounding area. Staff finds the proposed R-2 zoning will serve as a good transition to the lower density residential developments to the south and east of the subject site and the more intense commercial uses developed along Warm Springs Road and Eastern Avenue to northwest. Further, the applicant has designed the project such that the 1.6 acres south of the wash is developed based on the prior conditions of approval and will be built with only one story homes per the neighbors request at the meeting held April 3, 2013.
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 non-conforming zoning.

The applicant indicates that the proposed residential use will result in the property being developed as a less intense use than would be expected for a commercial development; therefore, public infrastructure facilities will not be adversely impacted. Notwithstanding that the majority of schools in the area are at capacity and single family homes typically use greater amounts of water than office developments, the service providers who have replied to staff indicated there will be no substantial adverse effects on public facilities and services.

4. The proposed non-conforming zoning conforms to other applicable adopted plans, goals, and policies.

The applicant states that the request conforms to Goal 1 of the Paradise Land Use Plan which promotes development that is compatible with adjacent land uses, the natural environment, and that is well integrated with an appropriate circulation system, services, and facilities. The subject site is located near public facilities and mass transit stops necessary to support residential development per Goal 32 of the land use plan.

However, this is a request for a non-conforming zone change for a residential development adjacent to an existing commercial use. Code requires a landscape buffer adjacent to a less intense use. Policy 1.7 of the land use plan encourages all non-conforming zone change applications to provide any required or desired buffering from adjacent conforming properties. The landscape plan depicts no buffer along the west property line adjacent to a commercial development. In addition, staff finds the proposed development does not provide sidewalks internal to the site. When requesting a non-conforming zone change, the developer is expected to provide an innovative high-quality residential development. By supporting this request, the expectation in return is that there will be an emphasis on enhanced residential amenities within the proposed subdivision. Therefore, staff can support this request if the development is designed to provide a sidewalk on 1 side of the street.

Summary
Based on the criteria listed above, staff finds the applicant has satisfied the requirements for a compelling justification to warrant approval of the application. The proposed R-2 zoning will serve as a good transition to the lower density residential developments to the south and east of the subject site and the more intense commercial uses developed along Warm Springs Road and Eastern Avenue to the northwest. The applicant has designed the project such that the 1.6 acres south of the wash will be developed subject to the prior conditions of approval and will be built with only 1 story homes per the neighbors’ request at the meeting held on April 3, 2013. Therefore, the proposed development is compatible with the existing, approved, and planned development in the area. The project design can, however, be enhanced by providing a sidewalk internal to the site and comply with Policy 1.7 to buffer along the west property line adjacent to the commercial development.

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 Board of County Commissioners’ meeting on July 3, 2013 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**
- Private streets to include a 4 wide sidewalk on 1 side of the street;
- Developer to establish in the CC&R’s that Lots 15 through 26 provide and maintain 2 trees (24 inch box) in the rear yard adjacent to the commercial property line;
- 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;
- Traffic study and compliance, project may qualify for an exception to the traffic analysis with Public Works Development Review Division approval;
- 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; 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) the CCWRD has no objection to the zoning change as submitted.
TAB/CAC: May 14, 2013 Paradise Town Board – approved - subject to 3 additional exits from the development accessing Warm Springs Road; adding single story houses to southern portion of the northern lot; applicant to host a neighborhood meeting prior to the 06/4/13 Planning Commission meeting to discuss additional neighborhood concerns; and all staff conditions. 

APPROVALS:

PROTESTS:

APPLICANT: Desert Oak Development, Inc.

CONTACT: Kaempfer Crowell, Tabitha Fiddyment, 8345 W. Sunset Road, Suite 250, Las Vegas, NV 89113