UPDATE
GRAND CANYON DR/PEACE WY

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
NZC-0648-13 – GRAND FLAMINGO CAPITAL MGMT, LLC:

HOLDOVER ZONE CHANGE to reclassify 8.1 acres from C-2 (General Commercial) Zone to R-2 (Medium Density Residential) Zone in the MUD-4 Overlay District. WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) provide alternative landscaping; and 2) allow modifications to standard drawings for public street sections. DESIGN REVIEW for a single family residential subdivision.

Generally located on the west side of Grand Canyon Drive and the north side of Peace Way within Spring Valley (description on file). SB/pb/ml (For possible action)

RELATED INFORMATION:

APN:
163-19-211-009

WAIVERS OF DEVELOPMENT STANDARDS:
1. Allow a 10 foot wide landscape area adjacent to an existing attached sidewalk along Grand Canyon Drive and Peace Way where a 15 foot wide landscape area with a detached sidewalk per Figure 30.64-13 is required.
2. Reduce the separation from the back of curb radius to a residential driveway to zero feet where 12 feet is required per Standard Drawing No. 222 (a 100% reduction).

LAND USE PLAN:
SPRING VALLEY - COMMERCIAL GENERAL

BACKGROUND:
Project Description
General Summary
- Site Acreage: 8.1
- Number of Lots: 50 residential/3 common
- Density: 7.16 du/ac
- Minimum/Maximum Lot Size: 3,418 square feet/8,564 square feet
- Project Type: Single family residential
- Number of Stories: 2
- Building Height: Up to 28 feet
- Square Feet: 2,100 to 2,700
Neighborhood Meeting Summary
This request is for a non-conforming zone change to reclassify approximately 8.1 acres from C-2 to R-2 zoning for a single family residential development. The applicant conducted a neighborhood meeting on September 9, 2013 as required by the non-conforming zone boundary amendment process. The open house meeting was held at the Desert Breeze Community Center. The required meeting notices were mailed to the neighboring property owners. No neighboring property owner signed the sign-in and comment sheet and expressed either opposition or support for the requests.

Site Plan
The plans show a single family residential subdivision consisting of 50 residential lots and 3 common lots on 8.1 acres at a density of 7.16 du/ac. The average lot size is 4,458 square feet, and the lots will meet all setback requirements. This will be a gated community and the lots will have access to Grand Canyon Drive via a 43 foot wide private street with a 4 foot wide attached sidewalk on 1 side.

Landscaping
The plans depict a 10 foot wide landscape area adjacent to an existing attached sidewalk along the east and south property lines along Grand Canyon Drive and Peace Way. A 6 foot wide landscape area is located adjacent to an attached sidewalk along the north property line. A 4,179 square foot common lot reserved for open space is located on the western portion of the site.

Elevations
The plans show 2 story homes with a maximum height of 28 feet. The elevations depict 3 different architectural styles: Spanish, Tuscany, and Southern Italian. The homes have pitched tile roofs and stucco exteriors. The plans depict different options such as pop-outs, shutters, window trim, and stone/brick veneer for all building elevations.

Floor Plans
The plans depict 2 story homes ranging in size from 2,100 to 2,700 square feet. There will be 3 distinct floor plans each offering multiple bedrooms with options to convert some of the bedrooms into offices, dens, and game rooms. Two car garages are also provided.

Applicant’s Justification
The applicant indicates that development in the surrounding area is trending to all single family residential and the proposed development is more compatible with the existing residential uses than the existing C-2 zoning and the Commercial General proposed in the Spring Valley Land Use Plan. The applicant states that the request conforms to several policies of the land use plan by encouraging appropriate site planning and architectural design. The applicant also states that waiver of development standards #1 to allow alternative landscaping and an attached sidewalk will match the existing sidewalks and landscaping to the north and west. Waiver of development standards #2 for back of curb radius setback to a residential driveway will allow various models with varying driveway locations on side corner lots and add variety to the community.
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>PRE-0093-13</td>
<td>Pre-submittal application for this non-conforming zone change</td>
<td>Reviewed by staff</td>
<td>August 2013</td>
</tr>
<tr>
<td>ZC-1244-98</td>
<td>Reclassified 105 acres west of Grand Canyon Drive between Peace Way and Flamingo Road including the subject site from R-E, R-2, R-3, &amp; C-2 zoning to C-2 zoning for a regional commercial center consisting of 874,000 square feet of retail uses, 429,000 square feet of office space, 122,000 square feet of hotel space for a non-gaming hotel, and a 4 story parking garage</td>
<td>Approved by BCC</td>
<td>December 1998</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>
</tr>
</thead>
<tbody>
<tr>
<td>North &amp; West</td>
<td>Commercial General</td>
<td>C-2</td>
</tr>
<tr>
<td></td>
<td>Regional commercial center</td>
<td></td>
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<tr>
<td>South</td>
<td>Residential High (8 du/ac to 18 du/ac)</td>
<td>R-3</td>
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<tr>
<td></td>
<td>Multi-family condominiums</td>
<td></td>
</tr>
<tr>
<td>East</td>
<td>Residential High (8 du/ac to 18 du/ac)</td>
<td>R-3</td>
</tr>
<tr>
<td></td>
<td>Multi-family apartments</td>
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This site and the land to the south and west are in the MUD-4 Overlay District while the land to the north is in the MUD-3 Overlay District.

Related Applications

<table>
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<th>Application Number</th>
<th>Request</th>
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<tr>
<td>TM-0177-13</td>
<td>A map consisting of 50 single family residential lots is a companion item on this agenda.</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
The non-conforming zone change amendment ordinance requires that the applicant provide compelling justification that approval of the non-conforming zoning is appropriate. Additionally, the BCC may consider the cumulative impacts of non-conforming zone boundary amendments within the planning area.

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 development trends in this portion of Spring Valley have changed to residential. There is an existing regional commercial center on the adjacent parcels to the north and west on land designated Commercial General in the land use plan and there are existing multi-family residential developments to the south and east on land designated Residential High in the land use plan. Therefore, staff finds that there have been no significant changes in law, policies, trends, or facts to make this amendment appropriate.

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.

The applicant indicates that the proposed development is more compatible with the existing residential development in the area and more appropriate than the Commercial General land use category proposed in the land use plan or the C-2 zoning currently approved on the site. This site is located at the intersection of 2 collector streets and land to the north and west is developed for commercial uses while the land to the south and east is developed for multi-family uses. The nearest single family residential development is over 600 feet to the east and south. Therefore, staff finds that the requested R-2 zoning is incompatible with the existing development in the 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 non-conforming zoning.

Various Clark County service departments have reviewed this development proposal and found adequate services available or have specified the type of improvements that are needed for this development.

Based on information received from the Clark County School District, the elementary school located within the corresponding school zone is over-capacity for the 2012-2013 school year. Staff is concerned that the cumulative impact from the individual student yield of this project and future projects in the immediate area may further exacerbate the existing capacity situations. In addition, this area was not planned to accommodate additional residential development.

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

Although the applicant indicates that this request conforms to some goals and policies of the Spring Valley Land Use Plan related to residential development, staff finds that the request also conflicts with several policies. This site is located at the intersection of 2 collector streets and Policy 7.1 of the land use plan encourages commercial general development to be located at intersections of arterial streets. Location of a single family residential development at this site would conflict with Policy 4.3 of the land use plan that states in part that property subdivided for residential purposes should not have access to collector or arterial streets.
Waiver of Development Standards #1
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 and value 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 is a request to provide 10 feet of landscaping adjacent to existing attached sidewalks along Grand Canyon Drive and Peace Way, which are collector streets, instead of the required 15 foot wide landscape area with a detached sidewalk. The sidewalks exist and connect with existing attached sidewalks to the north and west. Furthermore, the sidewalks to the east and south are also attached. Therefore, staff can support the portion of the request to allow attached sidewalks; however, staff cannot support the reduction of landscaping to 10 feet. There are existing landscape areas in excess of 10 feet adjacent to Grand Canyon Drive and Peace Way for most of the development in the area including the regional commercial center to the north and west where the landscape areas are between 15 and 20 feet wide. Furthermore, there are existing multi-family residential developments to the south and east which are more intense than the proposed single family residential development.

Staff finds that this request conflicts with several policies in the land use plan including Policy 2.2 that states new development or uses, adjacent to existing land uses should be appropriately buffered with transitional space and all space necessary to achieving such transitions should be absorbed on the property supporting the new development; Policy 4.4 that encourages specific buffering in accordance with Title 30, between existing single family areas and higher density residential and commercial designations; and Policy 4.5 that states any non-conforming low density single family projects developed within areas planned for commercial or higher density residential uses should be responsible for providing any required or desired buffers from adjoining higher density/intensity projects.

Design Review
Staff finds that the design of this project conflicts with Policy 2.2 which states that new development should ensure uses adjacent to existing land uses are appropriately buffered with transitional space and/or uses. All space necessary to achieving such transitions should be absorbed on the property supporting the new development. The proposed development has insufficient landscaping or transition areas between the subject parcel and the existing commercial property to the north and west and the existing multi-family residential development to the east and south. Therefore, staff finds that this design conflicts with Policy 1.4 of the land use plan that states all approved non-conforming zoning requests should be conditioned to provide any required or desired buffering from adjacent conforming properties. New conforming developments should not be responsible for providing any additional buffering (including but not limited to height restrictions, setbacks, or additional landscaping) to accommodate adjacent non-conforming zone change approvals. All additional buffering requirements should be provided by the developer of the non-conforming use.
Summary
The requested zoning does not conform to the Spring Valley Land Use Plan and is not compatible with the existing development in the area. Based on the criteria listed above, staff finds the applicant has not satisfied the requirements for a compelling justification to warrant approval of the zoning. Staff can support allowing the attached sidewalk as requested by waiver of development standards #1; however, cannot support the request for 10 feet of landscaping. Furthermore, the design of the project conflicts with several policies in the land use plan as stated above.

Public Works – Development Review
Waiver of Development Standards #2
Staff has no objection to waiver of development standards #2. The applicant is using the waiver within interior streets where traffic flow is minimal.

Building/Fire Prevention
The proposal has been reviewed and does not conflict with Fire Code requirements.

Staff Recommendation
Approval of waiver of development standards #2; and denial of the zone change, waiver of development standards #1, and the design review. This item will be forwarded to the Board of County Commissioners’ meeting on February 5, 2014 at 9:00 a.m. for final action, 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 Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning
If approved:
- A resolution of intent to complete construction in 3 years;
- Design review as a public hearing on any significant changes to plans;
- Provide a 10 foot wide landscape area with landscaping per Figure 30.64-12 along the north and west property lines;
- Provide a landscape maintenance easement or CC&R’s for the maintenance of the perimeter landscape area;
- 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.

Public Works – Development Review
- Drainage study and compliance;
- Traffic study and compliance;
- Vacate all unnecessary easements.
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: Spring Valley – denial.
APPROVALS: 3 cards
PROTESTS: 9 cards

PLANNING COMMISSION ACTION: November 21, 2013 – HELD – To 12/17/13 – per the applicant to work with neighbors.

PLANNING COMMISSION ACTION: December 17, 2013 – HELD – To 01/07/14 – per the applicant to work with neighbors.

APPLICANT: Ryland Homes Nevada, LLC
CONTACT: Taney Engineering, Jody Mudano, 6030 South Jones Boulevard, Suite 200, Las Vegas, NV 89118