NZC-0196-13 – GREAT WESTERN BANK:

ZONE CHANGE to reclassify 5.2 acres from M-D (Designed Manufacturing) Zone to R-2 (Medium Density Residential) Zone for a single family residential subdivision.

Generally located on the north side of Greyhound Lane and the west side of Cherry Street within Whitney (description on file). MBS/pb/ml (For possible action)

RELATED INFORMATION:

APN:
161-27-510-014

LAND USE PLAN:
WHITNEY - COMMERCIAL GENERAL

BACKGROUND:
Project Description
General Summary
• Site Acreage: 5.2
• Number of Lots: 41
• Density: 7.95 du/ac
• Minimum/Maximum Lot Size: 3,300 square feet/5,185 square feet
• Project Type: Single family residential
• Number of Stories: 2
• Building Height: 35 feet
• Square Feet: 1,456 minimum/1,657 maximum

Neighborhood Meeting Summary
This request is for a non-conforming zone change. The applicant conducted a neighborhood meeting on April 2, 2013 as required by the non-conforming zone boundary amendment process. The meeting was held at the Whitney Library. The required meeting notices were mailed to the neighboring property owners and 4 individuals from the surrounding community attended the neighborhood meeting. The neighboring property owners were generally supportive of the request and believed a residential use was more appropriate at this site instead of an industrial use.

Site Plan
The plans show a single family residential subdivision consisting of 41 residential lots and 3 common elements. The common elements include a 1,039 square foot landscape area adjacent to
Greyhound Lane, a 2,014 square foot landscape area adjacent to Kimberly Avenue, and a 9,116 square foot common area with playground equipment and other recreational amenities on the southwest portion of the site. The plans show a proposed street running from south to north on the western portion of the site with access to Greyhound Lane to the south. Three cul-de-sacs running from west to east connect to the proposed street that connects to Greyhound Lane. All of the proposed streets will be designed to meet public streets standards (41 foot wide with an attached sidewalk).

Landscaping
The plans depict a 6 foot wide landscape area adjacent to Greyhound Lane and adjacent to Kimberly Avenue with attached sidewalks.

Elevations
The plans show 2 different model homes with stucco siding, tile roofs, and various optional enhancements including window shutters, archways, and pop-outs on all sides. The homes will be 2 story dwellings with a maximum height of 35 feet.

Floor Plans
The plans depict 2 different models of homes ranging in size from 1,456 square feet to 1,657 square feet.

Applicant’s Justification
The applicant indicates that the project is similar to a development previously approved on this site and to the existing development to the west. The proposed development is more compatible with the existing development in the area and should not have any negative impacts on the neighborhood. Furthermore, the development will conform to several policies in the land use plan.

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>TM-0456-05</td>
<td>A map showing a 48 lot, single family residential planned unit development (PUD) – expired</td>
<td>Approved by PC</td>
<td>September 2005</td>
</tr>
<tr>
<td>NZC-1447-04</td>
<td>Reclassified the property from M-D to RUD zoning with a use permit to establish a single family planned unit development (PUD) – expired</td>
<td>Approved by BCC</td>
<td>December 2004</td>
</tr>
<tr>
<td>ZC-1602-98</td>
<td>Reclassified the site from R-E to M-D zoning</td>
<td>Approved by BCC</td>
<td>November 1998</td>
</tr>
</tbody>
</table>

Surrounding Land Use

<table>
<thead>
<tr>
<th></th>
<th>Planned Land Use Category</th>
<th>Zoning District</th>
<th>Existing Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Residential Medium (3 du/ac to 14 du/ac)</td>
<td>RUD</td>
<td>Undeveloped</td>
</tr>
<tr>
<td>South &amp; West</td>
<td>Residential Suburban (up to 8 du/ac)</td>
<td>R-2</td>
<td>Single family residential</td>
</tr>
<tr>
<td>East</td>
<td>Commercial General</td>
<td>C-2</td>
<td>Retail center</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
The non-conforming zone change amendment ordinances require 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.*

There has been a noticeable transition of land uses based on previous approvals and amendments to the Whitney Land Use Plan in the immediate area from Russell Road, northward along the west side of Broadbent Boulevard, from commercial, business park industrial, and office professional uses to residential developments with similar or higher densities. The proposed development is compatible in size, quality, and amenities with other subdivisions in the area. Therefore, staff finds this request more consistent with the developing land use pattern in the immediate area.

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 average lot size and site design is comparable with existing developments west of the subject request. The area has transitioned due to the approval of residential development in the area for the past 10 years or more. Thus, this request is consistent with the existing and approved R-2, RUD, and R-3 zoned developments to the north, south, and west.

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 storm water and drainage facilities, as a result of the uses allowed by the non-conforming zoning.*

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 indicates the proposed development conforms to Goal 3 of the Whitney Land Use Plan and several policies because the project will provide opportunities for single family development and encourage appropriate site planning and architectural design. The project
shows a common area with playground equipment on the southwest portion of the site that conforms to Policy 3.8 of the land use plan which strongly encourages useable recreational open space/areas within single family developments to be centrally located and when possible be surrounded by local streets with homes that front the open space. A similar single family residential subdivision is located to the west and south; therefore, the proposed development conforms to Policy 1.21 that calls for new development to be compatible with adjacent existing land uses.

There is an existing commercial center on the adjacent parcel to the west and the plans do not depict an appropriate buffer and transitional space between the proposed development and the existing development which conflicts with Policy 1.21 that states separation distances necessary to achieving such transitions should be absorbed on the property supporting the new development. Policy 1.6 of the land use plan states that approvals for non-conforming zoning requests should be conditioned to provide any required or desired buffering from adjacent conforming properties. All additional buffering requirements should be provided by the developer of the non-conforming use at the time of construction of the non-conforming development. The problems associated with the lack of a buffering and transition area is intensified because the adjacent commercial development has no landscaping along the mutual property line between these parcels. At the time the commercial property was developed, landscaping was not required along the west property line because the subject site was designated as M-D zoning.

Summary
This request does not conform to the Whitney Land Use Plan; however, the density of the proposed development is similar to the adjacent, existing single family subdivisions to the south, west, and the approved zoning to the north. Furthermore, a similar project was previously approved on the site. Staff is concerned with the plans not depicting an appropriate buffer between the requested single family subdivision and the existing commercial center to the east. Staff finds that this issue can be addressed by providing an appropriate landscape area along the eastern portion of the site.

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
- Provide a perimeter landscape area in compliance with Figure 30.64-11 along the eastern property line including landscape maintenance easement;
- 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;
• Right-of-way dedication to include 10 additional feet for Kimberly Avenue and for Greyhound Lane, and the necessary portions of Broadbent Boulevard and Greyhound Lane to complete the required street width. /ml

Clark County Water Reclamation District (CCWRD)
• Applicant is advised that at time of development civil improvement plans to be submitted to CCWRD for approval along with wastewater flows to determine sewer point of connection; and that all onsite sewers shall be public sewers for detached single family residential.

TAB/CAC:
APPROVALS:
PROTESTS:

APPLICANT: GC, LLC
CONTACT: LAS Consulting, Lucy Stewart, 1916 Trail Peak Lane, Las Vegas, NV 89134