



# INDIAN SPRINGS TOWN ADVISORY BOARD

Indian Springs Community Center

715 Gretta Lane

Indian Springs, NV 89018

July 14, 2022

6:30pm

## AGENDA

### Note:

- Items on the agenda may be taken out of order.
- The Board/Council may combine two (2) or more agenda items for consideration.
- The Board/Council may remove an item from the agenda or delay discussion relating to an item at any time.
- No action may be taken on any matter not listed on the posted agenda.
- All planning and zoning matters heard at this meeting are forwarded to the Board of County Commissioners' Zoning Commission (BCC) or the Clark County Planning Commission (PC) for final action.
- Please turn off or mute all cell phones and other electronic devices.
- Please take all private conversations outside the room.
- With a forty-eight (48) hour advance request, a sign language interpreter or other reasonable efforts to assist and accommodate persons with physical disabilities, may be made available by calling (702) 455-3530, TDD at (702) 385-7486, or Relay Nevada toll-free at (800) 326-6868, TD/TDD.
- Supporting material provided to Board members for this meeting may be requested from Lara Frank at 702-378-9744.
  - Supporting material is/will also available at the Clark County Department of Administrative Services, 500 S. Grand Central Parkway, 6th Floor, Las Vegas, Nevada 89155.
  - Supporting material is/will be available on the County's website at <https://clarkcountynv.gov/IndianSpringsTAB>

Board/Council Members:	Celia Clifford, Chairperson Christina Mason	Dean Brooks, Vice Chairperson Matt Pinkerton	Mike Prettenhofer
Secretary:	Lara Frank, 702-378-9744, indianspringstab@gmail.com Clark County Department of Administrative Services 500 S. Grand Central Parkway, 6th Floor, Las Vegas, Nevada 89155		
County Liaison(s):	Meggan Holzer, 702-455-0341, meggan@clarkcountynv.gov Clark County Department of Administrative Services 500 S. Grand Central Parkway, 6th Floor, Las Vegas, Nevada 89155		

### I. Call to Order, Pledge of Allegiance, and Roll Call

II. Public Comment- This is a period devoted to comments by the general public about items on this agenda. No discussion, action, or vote may be taken on this agenda item. You will be afforded the opportunity to speak on individual Public Hearing Items at the time they are presented. If you wish to speak to the Board about items within its jurisdiction but not appearing on this agenda, you must wait until the "Comments by the General Public" period listed at the end of this agenda. Comments will be limited to three (3) minutes. Please step up to the speaker's podium, if applicable, clearly state your name and address and please **spell** your last name for the record. If any member of the Board wishes to extend the length of a presentation, this will be done by the Chairperson or the Board by majority vote.

### III. Approval of Minutes for June 16, 2022. (For possible action)

BOARD OF COUNTY COMMISSIONERS  
 JAMES B GIBSON, Chair – JUSTIN C. JONES, Vice-Chair  
 MARILYN KIRKPATRICK - WILLIAM MCCURDY II – ROSS MILLER – MICHAEL NAFT – TICK SEGERBLOM  
 YOLANDA KING, County Manager

IV. Approval of the Agenda for July 14, 2022 and Hold, Combine, or Delete any Items. (For possible action)

V. Informational Items

1. Receive a report from the Indian Springs Library on upcoming activities and events (for discussion only)
2. Receive a report from Indian Springs Volunteer Fire Department regarding calls for service during the past month and other fire prevention issues (for discussion only)
3. Receive a report from Metro regarding activity during the past month and area concerns (for discussion only)
4. Receive a report from Nevada Highway Patrol regarding activity and statistics during the past month and other public safety concerns (for discussion only)
5. Receive a report from Creech Air Force Base concerning current activities at the facility (for discussion only)
6. Receive a report from Clark County Parks and Rec. regarding activities and events (for discussion only)
7. Receive a report from Clark County Administrative Services regarding the Bonanza Solar project, Greenlink project, Parks and Rec repair status for park and Fire Stations, and any other updates from Clark County (for discussion only).

VI. Planning and Zoning

1. **NZC-22-0351-DANE LELAND R & MARIE:**

**ZONE CHANGE** to reclassify 10.1 acres from an R-A (Residential Agricultural) Zone to an R-1 (Single Family Residential) Zone.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduce setbacks; **2)** off-site improvements; and **3)** waive knuckles on interior streets.

**DESIGN REVIEW** for a single family residential development. Generally located on the south side of Boulder Lane, 400 feet east of Harnedy Road within Indian Springs (description on file).  
RM/al/jo (For possible action) **8/2/22 PC**

VII. General Business

1. Representatives from the Nevada State Division of Water Resources will share information about the Indian Springs Water Basin and other related issues. (for discussion only)

VIII. Comments by the General Public- A period devoted to comments by the general public about matters relevant to the Board/Council's jurisdiction will be held. No vote may be taken on a matter not listed on the posted agenda. Comments will be limited to three (3) minutes. Please step up to the speaker's podium, if applicable, clearly state your name and address and please **spell** your last name for the record. If any member of the Board/Council wishes to extend the length of a presentation, this will be done by the Chairperson or the Board/Council by majority vote.

IX. Next Meeting Date: August 11, 2022.

X. Adjournment.

**POSTING LOCATIONS:** This meeting was legally noticed and posted at the following locations:  
Indian Springs Community Center, 715 Gretta Lane, Indian Springs, NV 89018 <https://notice.nv.gov>

BOARD OF COUNTY COMMISSIONERS  
JAMES B GIBSON, Chair – JUSTIN C. JONES, Vice-Chair  
MARILYN KIRKPATRICK - WILLIAM MCCURDY II – ROSS MILLER – MICHAEL NAFT – TICK SEGERBLOM  
YOLANDA KING, County Manager

**ATTACHMENT A  
INDIAN SPRINGS TOWN ADVISORY BOARD  
ZONING AGENDA  
THURSDAY, 6:30 P.M., JULY 14, 2022**

08/02/22 PC

1. **NZC-22-0351-DANE LELAND R & MARIE:**  
**ZONE CHANGE** to reclassify 10.1 acres from an R-A (Residential Agricultural) Zone to an R-1 (Single Family Residential) Zone.  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) reduce setbacks; 2) off-site improvements; and 3) waive knuckles on interior streets.  
**DESIGN REVIEW** for a single family residential development. Generally located on the south side of Boulder Lane, 400 feet east of Harnedy Road within Indian Springs (description on file). RM/al/jo  
(For possible action)

SINGLE FAMILY RESIDENTIAL DEVELOPMENT  
(TITLE 30)

BOULDER LN/HARNEDY RD  
(INDIAN SPRINGS)

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**NZC-22-0351-DANE LELAND R & MARIE:**

**ZONE CHANGE** to reclassify 10.1 acres from an R-A (Residential Agricultural) Zone to an R-1 (Single Family Residential) Zone.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduce setbacks; **2)** off-site improvements; and **3)** waive knuckles on interior streets.

**DESIGN REVIEW** for a single family residential development.

Generally located on the south side of Boulder Lane, 400 feet east of Harnedy Road within Indian Springs (description on file). RM/al/jo (For possible action)

---

**RELATED INFORMATION:**

**APN:**

059-09-301-016

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. a. Reduce the front yard setback to a minimum of 10 feet where a minimum of 20 feet is required per Table 30.40-2 (a 50% reduction).
- b. Reduce the rear yard setback to a minimum of 10 feet where a minimum of 20 feet is required per Table 30.60-2 (a 50% reduction).
2. Waive off-site improvements (curbs, gutters, streetlights, sidewalks, and reduced width paving) where off-site improvements are required per Section 30.52.050.
3. Waive the requirement for knuckles on the corners of interior streets within the proposed subdivision where knuckles are required per Uniform Standard Drawing 211.1.S1.

**LAND USE PLAN:**

NORTHWEST COUNTY (INDIAN SPRINGS) - EDGE NEIGHBORHOOD (UP TO 1 DU/AC)

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: N/A
- Site Acreage: 10.1
- Number of Lots: 48
- Density (du/ac): 4.8
- Minimum/Maximum Lot Size (square feet): 5,200/9,600

- Project Type: Single family residential development
- Number of Stories: 1
- Building Height (feet): 16
- Square Feet: 1,772 to 2,369

### **Neighborhood Meeting Summary**

This request is for a nonconforming zone change to reclassify approximately 10.1 acres from an R-A zone to an R-1 zone for a single family residential development. The applicant conducted a neighborhood meeting at the Indian Springs Community Center on November 15, 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 and 25 neighbors attended the meeting. Concerns raised at the meeting included project density and traffic.

### **Site Plans**

The plans depict a single family residential development consisting of 48 lots on 10 acres with a density of 4.8 dwelling units per acre. The parcel is a narrow property approximately 330 feet in width. The site has frontage along Boulder Lane on the north side and Greta Lane along the south side, and the plan depicts access to the development from both of these streets located in the approximate center of the street frontages along the northern and southern boundaries of the site. None of the proposed lots will have direct access to Boulder Lane or Greta Lane. Access within the subdivision will be provided by 45 foot wide private streets which will not have sidewalks. Due to the narrowness of the site and the proposed street configuration within the development, the proposed lots will be between 59 feet and 60.5 feet in length. Due to the narrowness of the depth of the lots, portions of the proposed residences will encroach into the front and rear yards of the lots. The residences will be set back a minimum of 10 feet from the front and rear property lines. The garages will be set back 20 feet from the front property line, a minimum of 5 feet from the interior side property lines, and a minimum of 10 feet from the side street (corner) property line. The Indian Springs community is located in a rural area with few fully improved public rights-of-way; therefore, the applicant has included a request to waive full off-site improvements to maintain the rural character of the area.

### **Landscaping**

The plans depict a minimum 6 foot wide landscape area along Boulder Lane and Greta Lane consisting of trees, shrubs, and groundcover. To help mitigate the front yard setback reduction, the plans depict 2 trees to be planted in the front yard area of each lot.

### **Elevations**

Plans were submitted for 3 home models with each model being 1 story with a maximum height of approximately 16 feet. Each of the homes has a pitched roof and will be a composite shake roofing material designed to have the appearance of wooden shake shingles. The exterior of the homes will be a combination of a stucco finish with vinyl siding in vertical and horizontal patterns. The homes will have an earthtone color scheme. The plans depict various window fenestrations including shutters.

Floor Plans

The proposed homes will be between 1,772 square feet to 2,369 square feet in area. Each home will have a 2 car garage. The plans show that 2 of the home models will have 3 bedrooms and the third model has 4 bedrooms.

Applicant’s Justification

The applicant indicates that the proposed development is not in conformance with the Master Plan; however, the project is consistent and compatible with existing and approved single family residential developments abutting the site. The request for the front and rear setback reductions are due to the long narrow shape of the parcel, and the proposed reductions are only for the encroachment of portions of the proposed residences into the required setbacks. To mitigate the front setback reduction 2 trees will be planted in the front yard of each lot. The Indian Springs community is a rural community with few public rights-of-way being fully improved. To maintain the rural character of the community the request includes a wavier of development standards to waive full off-site improvements.

**Surrounding Land Use**

	<b>Planned land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single family residential
South	Edge Neighborhood (up to 1 du/ac)	R-A	Single family residential
East	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Undeveloped
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac) & Edge Neighborhood (up to 1 du/ac)	R-T & R-A	Single family residential & undeveloped

**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 site is located in Indian Springs which is a rural residential community. Most of the housing stock in this community has consisted of manufactured homes. Over the last few years there has been a trend for additional single family residential development in this area consisting of wood frame construction. Single family residential developments have been approved and are under construction with lot sizes and densities that are similar to this proposed development. This is a trend for the community for additional residential development to provide a variety of housing types. This site is abutting a single family residential subdivision that is currently under construction and another site that has been approved for a single family residential development that are both of greater density and intensity than the proposed project. Additionally, the Master Plan that was adopted last November has adopted policies for encouraging more diverse housing options and housing types; therefore, this is a change in policies.

- 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.*

There is an existing single family residential development to the north across Boulder Lane in an R-2 zone with a density of approximately 5.5 dwelling units per acre with a minimum 5,000 square foot lots. The adjacent parcel to the east was reclassified to an R-2 zone by ZC-20-0372 for a single family residential development with 105 lots, a density of 6 dwelling units per acre, and a minimum lot size of 5,320 square feet. Along the west side of this site is an existing single family residential development in an R-T zone which will allow for a density of 5 dwelling units per acre with 5,200 square foot minimum lots. Therefore, the proposed development is within the level of density and intensity of the existing, planned, and approved land uses for developments abutting this site

- 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.*

There has been no indication from public services and facility providers that this development would have an adverse effect on public facilities and services in this area. The Clark County School District has indicated that this development would increase student yield by 18 students for the school that serves this area (8 elementary students, 4 middle school students, and 6 high school students). The School District also indicates that the school that would serve this area is over capacity with current enrollment.

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

The proposed development does comply with Goal 1.1 of the Master Plan to provide opportunities for diverse housing options to meet the needs of residents of all ages, income levels and abilities. The project complies with Policy 1.3.2 of the Master Plan which encourages a mix of housing options, product types, and unit sizes. Therefore, the project complies with other applicable goals and policies.

## **Summary**

### Zone Change

Staff finds that there have been changes in law, policies, trends, or facts 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 proposed development is compatible in density and intensity with existing, planned, and approved land uses in the surrounding area. There has been no indication that the project will have an adverse effect on public facilities and services from service providers; however, the project will add to overcrowding at an over capacity school. The project does comply with other applicable adopted plans and goals; therefore, staff finds the applicant has satisfied all criteria to provide a Compelling Justification to warrant approval of this nonconforming zone change.

### 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 #1a

The request is to reclassify the site to an R-1 zone. Per Table 30.40-2, the front yard setback for the R-1 zone is 20 feet; however, there is a provision in Table 30.40-2 that will allow a 10 foot reduction in the front yard setback for a maximum of 50% of the width of the home if 2 trees are planted in the front yard. The applicant submitted plans for 3 home models for the proposed development. The plans indicate that 2 trees are being provided in the front yard of each lot and that 2 of the home models will comply with the provision to allow the front setback reduction with the planting of the 2 trees. The plans indicate that approximately 62% of the third home model will encroach into the front yard setback. The design of this residence breaks-up the encroachment into the setback with the front of the home varying between 10 feet to 20 feet from the front property line. The portions of the home that encroach into the setback are dispersed along the width of the home and are not all on 1 portion of the home. The site is a long narrow parcel, which is an existing design constraint and can be a unique or special circumstance for the site. The applicant has provided an innovative design for the development based on the site constraints. Each lot will have 2 trees, which will provide a unified streetscape within the development; therefore, staff can support this waiver.

#### Waiver of Development Standards #1b

The design of this residence breaks-up the encroachment into the setback with the rear of the homes varying between 10 feet to 20 feet from the rear property line. The portions of the homes that encroach into the setback are dispersed along the width of the homes and are not all on 1 portion of the homes. The site is a long narrow parcel, which is an existing design constraint and can be a unique or special circumstance for the site. The applicant has provided an innovative design for the development based on the site constraints; therefore, staff can support this waiver.



### Design Review

The proposed density and intensity of the development is consistent and compatible with existing and approved developments in this area. The applicant has provided an innovative design based on the existing site constraints. The project will provide more diversity for housing in the Indian Springs community; therefore, staff supports the design review.

### **Public Works - Development Review**

#### Waiver of Development Standards #2

Historical events have demonstrated how important off-site improvements are for drainage control. Additionally, full width paving allows for better traffic flow and sidewalks on public streets provide safer pathways for pedestrians and for children to walk to school. Therefore, staff cannot support the Waiver of Development Standards for full off-site improvements.

#### Waiver of Development Standards #3

Staff can support the request to waive the requirement for knuckles on the corners of interior streets within the proposed subdivision since the streets are private.

### **Staff Recommendation**

Approval of the zone change, waivers of development standards #1 and #3, and the design review; denial of waiver of development standards #2. This item will be forwarded to the Board of County Commissioners' meeting for final action on September 7, 2022, 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 Master Plan, Title 30, and/or the Nevada Revised Statutes.

### **PRELIMINARY STAFF CONDITIONS:**

#### **Current Planning**

- Resolution of Intent to complete in 3 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;
- Traffic study and compliance;

- Right-of-way dedication to include 30 feet for Boulder Lane and 30 feet for Greta Lane;
- Execute a Restrictive Covenant Agreement (deed restrictions).
- Applicant is advised that off-site improvement permits may be required.

**Fire Prevention Bureau**

- No comment.

**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 #0235-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** PETERSEN MANAGEMENT, LLC

**CONTACT:** DC PETERSEN PROFESSIONAL CONSULTANTS, LLC, 5052 S. JONES BLVD. SUITE 110, LAS VEGAS, NV 89118



# LAND USE APPLICATION

## DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

<b>APPLICATION TYPE</b> <input type="checkbox"/> TEXT AMENDMENT (TA) <input checked="" type="checkbox"/> <b>ZONE CHANGE</b> <input type="checkbox"/> CONFORMING (ZC) <input checked="" type="checkbox"/> <b>NONCONFORMING (NZC)</b> <u>10ac x 50 = 500 / 2400 = 0.208</u> <input checked="" type="checkbox"/> USE PERMIT (UC) <input type="checkbox"/> VARIANCE (VC) <input checked="" type="checkbox"/> <b>WAIVER OF DEVELOPMENT STANDARDS (WS)</b> <u>475</u> <input checked="" type="checkbox"/> <b>DESIGN REVIEW (DR)</b> <input checked="" type="checkbox"/> <b>PUBLIC HEARING</b> <u>675</u> <input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR) <input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC) <input type="checkbox"/> WAIVER OF CONDITIONS (WC)  (ORIGINAL APPLICATION #) <input type="checkbox"/> ANNEXATION REQUEST (ANX) <input type="checkbox"/> EXTENSION OF TIME (ET)  (ORIGINAL APPLICATION #) <input type="checkbox"/> APPLICATION REVIEW (AR)  (ORIGINAL APPLICATION #)	<b>STAFF</b> APP. NUMBER: <u>NZC-22-0351</u> DATE FILED: <u>6-7-2022</u> PLANNER ASSIGNED: <u>A1</u> TAB/CAC: <u>Inden Springs</u> TAB/CAC DATE: <u>7-14-2022</u> PC MEETING DATE: <u>8-2-2022</u> BCC MEETING DATE: <u>9-7-2022</u> FEE: <u>\$3550.00</u>
	<b>PROPERTY OWNER</b> NAME: <u>LELAND R. DANE</u> ADDRESS: <u>5295 EL PARQUE</u> CITY: <u>LAS VEGAS</u> STATE: <u>NV</u> ZIP: <u>89146-3384</u> TELEPHONE: _____ CELL: _____ E-MAIL: _____
	<b>APPLICANT</b> NAME: <u>PETERSEN MANAGEMENT LLC</u> ADDRESS: <u>5052 S. JONES BLVD. SUITE 110</u> CITY: <u>LAS VEGAS</u> STATE: <u>NV</u> ZIP: <u>89118</u> TELEPHONE: <u>702 - 734 - 9393</u> CELL: <u>702 - 236 - 1802</u> E-MAIL: <u>dpetersen@visiconlv.com</u> REF CONTACT ID #: <u>186247</u>
<b>CORRESPONDENT</b> NAME: <u>RICHARD GALLEGOS - D C PETERSEN CONSULTANTS</u> ADDRESS: <u>5052 S. JONES BLVD. SUITE 110</u> CITY: <u>LAS VEGAS</u> STATE: <u>NV</u> ZIP: <u>89118</u> TELEPHONE: <u>702 - 524 - 0054</u> CELL: <u>702 - 524 - 0054</u> E-MAIL: <u>rgallegos@visiconlv.com</u> REF CONTACT ID #: <u>168799</u>	

ASSESSOR'S PARCEL NUMBER(S): 059 - 09 - 301 - 016  
 PROPERTY ADDRESS and/or CROSS STREETS: south side of Boulder Lane approx. 570 ft east of OLD BENN Rd.  
 PROJECT DESCRIPTION: Zone Change from R-A to R-1 for 10 lots on 10 Gross acres, assoc. w/ ZC-20-0372

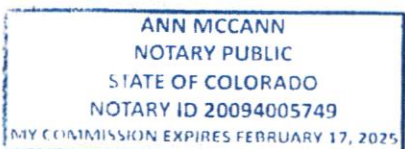
(I, We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans, and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Clark County Comprehensive Planning Department, or its designee, to enter the premises and to install any required signs on said property for the purpose of advising the public of the proposed application.

Leland R. Dane by Timothy L. Dane POA      Leland R. Dane  
 Property Owner (Signature)\*      Property Owner (Print)

STATE OF Colorado  
 COUNTY OF Teller

SUBSCRIBED AND SWORN BEFORE ME ON February 18, 2022 (DATE)

By Timothy L. Dane  
 NOTARY PUBLIC: Ann McCann



\*NOTE: Corporate declaration of authority (or equivalent), power of attorney, or signature documentation is required if the applicant and/or property owner is a corporation, partnership, trust, or provides signature in a representative capacity.

APR-22-100301

**KAEMPFER**

**CROWELL**

ATTORNEYS AT LAW

LAS VEGAS OFFICE

ANTHONY J. CELESTE  
aceleste@kcnvlaw.com  
702.693.4215

April 20, 2022

**VIA UPLOAD**

CLARK COUNTY COMPREHENSIVE PLANNING  
500 S. Grand Central Parkway, 1<sup>st</sup> Floor  
Las Vegas, NV 89106

**Re: *Compelling Justification Letter – Non-Conforming Zone Change; Design Review for Single-Family Residential Development; and Waiver of Development Standards to (1) Not Provide Full Off-Site Improvements and (2) Reduce Front and Rear Setbacks Peterson Management LLC***  
**APN: 059-09-301-016**

To Whom It May Concern:

Please be advised our office represents Peterson Management LLC (the "Applicant") in the above-referenced matter. The proposed project is located on approximately 10.02 acres and is generally located between Boulder Lane and Gretta Lane in Indian Spring, Nevada. The property is more particularly described as APN: 059-09-301-016 (the "Site"). The Applicant is proposing a non-conforming zone change from R-A to R-1 and a design review to develop a 48-lot residential subdivision.

**Non-Conforming Zone Change:**

The Land Use Plan designation for the Site is Edge Neighborhood (EN). The Applicant is seeking a non-conforming zone change from R-A to R-1. This request satisfies the criteria for a non-conforming zone change with the compelling justification required by Title 30 as follows:

- 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 Site is planned for EN which generally contemplates residential developments at two (2) dwelling units per acre. However, recent trends show developed and approved single-family residential developments in R-2 zoning districts; a more intense zoning district than requested by the Applicant. On the north side of Boulder Lane is a developed and zoned R-2 single-family residential development. Immediately to the east of the Site is 17.33 acres that was recently zoned to R-2 via ZC-20-0372 with an approved tentative map (TM-21-500031) allowing for the development of a 105-lot single-family residential subdivision at a density of approximately 6 dwelling units per acre. Here, the Applicant is purposing an R-1 zoned single-family

LAS VEGAS OFFICE  
1980 Festival Plaza Drive  
Suite 650  
Las Vegas, NV 89135  
Tel: 702.792.7000  
Fax: 702.796.7181

RENO OFFICE  
50 West Liberty Street  
Suite 700  
Reno, NV 89501  
Tel: 775.852.3900  
Fax: 775.327.2011

CARSON CITY OFFICE  
510 West Fourth Street  
Carson City, NV 89703  
Tel: 775.684.8300  
Fax: 775.682.0257

NZC-22-0351

development with an average lot size greater than what is developed on the north side of Boulder Lane and what is approved immediately to the east. The proposed development on the Site will be an ideal transition from the approved R-2 zoning to the east and the developed R-T zoned development to the west. Therefore, an R-1 zoning district is appropriate.

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

While the Site is zoned R-A, the surrounding developments and approved developments density ranges between 4 dwelling units per acre and up to approximately 6 dwelling units per acre. The Applicant's requested zoning to R-1 with a density of less than five (5) dwelling units per acre is compatible to what is built and approved in the immediate vicinity. Additionally, the Applicant is proposing all single-story homes which is consistent the existing development and recent approvals. Therefore, the intensity and density of an R-1 zoned district is appropriate for 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 storm water and drainage facilities, as a result of the uses allowed by the non-conforming zone changes:**

The proposed zone change will not result in any additional impacts on surrounding infrastructure not already contemplated in the area. Sewer and water are available in the Boulder Lane alignment and can provide adequate services to the proposed development. While the proposed development could add additional school age children, the number of children will not have a substantial adverse effect to the schools. With respect to impact on recreational amenities, the Applicant is required to pay fees in addition to the \$1,000 park fee assessed to each building permit that will provide benefits to the community's infrastructure. Likewise, the Applicant is obligated to pay certain fees designated for fire services and police services so that the proposed development will not substantially affect the community. Finally, the Applicant will mitigate any impacts the proposed development may have.

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

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 near other approved and developed R-2 developments where the Applicant is only requesting a zone change to R-1. 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 Single Family Residential policies of the Urban Land Use Policies, including, but not limited to the following policies:

- Policy 41 encourages buffering between single family areas and higher density. Here, the Site's lots along the west property line are a minimum of 9,600 square feet.
- Policy 43 promotes reduced visual dominance of garages. Here, the design review shows a ranch style home without a dominating garage presence. As such, the Site design meets the goals and polices set forth in the new Urban Land Use Policies.

### **Design Review:**

The Applicant is proposing a single-family housing development consisting of 48 residential units with a density of approximately 4.79 dwelling units per acre. Access to the Site is from both Boulder Lane and Gretta Lane. The minimum lot size is 5,203 square feet with large lots along the western property line of appropriately 9,600 square feet. The 9,600 square foot lots are compatible in size to the lots in the adjacent development to the west. The Applicant is proposing to build a single-story homes. The single-story homes are ranch style homes with porches along the front elevation.

### **Waiver of Development Standards:**

- **Not to Provide Full-Offsite Improvements**

The Applicant is requesting to allow for the development of rural standard street sections for Boulder Lane and Gretta Lane. The request is appropriate so as to maintain the characteristics of the surrounding area, specifically with the development to the north of Boulder Lane and the approved development immediately to the east, which are developed out to rural street standards. However, the interior streets will be fully improved.

- **Reduce Front and Rear Setbacks**

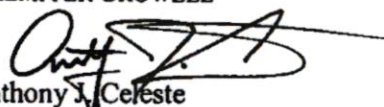
On the front elevations of the home, an option is to have a bay window that encroaches the front setback by approximately 3-feet. The encroachment into the front set back only occurs at the area of the bay windows. While this encroachment is minor, the bay windows provide for an enhanced overall architectural features. Additionally, a few model homes front elevation will be greater than 50% of the entire residence and the models will encroach into the front yard setback. Therefore, the Applicant is requesting a 10-foot front yard setback to accommodate the bay window option but also the various models where greater than 50% of the home encroaches into the front setback. The bay window and various models will provide for enhanced street articulation and, therefore, the waiver is appropriate.

Like the front setback waiver, the Applicant is also requesting a rear setback waiver from the back of the garage to the property line. The 2-car garage is oversized and, as a result, the garage encroaches into the rear setback by approximately 2-feet. Additionally, there is an option



for a third car extended garage that will encroach into the rear setback by approximately 10-feet. Therefore, the Applicant is requesting up to a 10-foot rear setback reduction, because of the third car extended garage option. The rear setback is only in this area. The oversized garages and third car extended garage are popular, because it also pickup-trucks and extend cabs the ability park in a garage.

Thank you for your consideration of this request. Please let me know if you have any questions.

Sincerely,  
KAEMPFER CROWELL  
  
Anthony J. Celeste

AJC/