

MULTIPLE FAMILY
(TITLE 30)

UPDATE
BOULDER HWY/DESERT HORIZONS DR

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
NZC-22-0380-BORT, LLC:

ZONE CHANGE to reclassify 6.7 acres from a C-2 (General Commercial) Zone to an R-4 (Multiple Family Residential - High Density) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) fence height; and 2) building height.

DESIGN REVIEWS for the following: 1) a multiple family residential development; and 2) alternative parking lot landscaping.

Generally located on the west side of Boulder Highway and the north and south sides of Desert Horizons Drive within Whitney (description on file). JG/jvm/jo (For possible action)

RELATED INFORMATION:

APN:
161-27-802-002

WAIVERS OF DEVELOPMENT STANDARDS:

1. Allow an 8 foot decorative fence where a 6 foot decorative fence is allowed per Section 30.64.020 (a 25% increase).
2. Allow a 41 foot tall building where 35 feet is the maximum height allowed per Table 30.40-3 (a 17.1% increase).

LAND USE PLAN:
WHITNEY - CORRIDOR MIXED-USE

BACKGROUND:
Project Description

General Summary

- Site Address: 6220 Boulder Highway
- Site Acreage: 6.7
- Number of Lots/Units: 167
- Density (du/ac): 24.9
- Project Type: Multiple family residential
- Number of Stories: 3
- Building Height (feet): 41
- Open Space Required/Provided: 16,700/20,510

- Parking Required/Provided:289/309

Neighborhood Meeting Summary

The applicant conducted a neighborhood meeting on March 22, 2022, as required by the nonconforming zone boundary 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 was 1 attendee present at the open house meeting for this item. Positive comments were raised about the modern look of the apartments. Overall, according to the applicant, no opposition was expressed about the project.

Site Plans

The plans depict a multiple family residential development on a rectangular parcel along the Boulder Highway frontage with an overall project site consisting of 6.7 acres. The parcel is bisected by a driveway from Boulder Highway, effectively creating 2 separate developments. The northern portion of the parcel will consist of 1 building with 47 units, parking surrounding the building, and a pool between the building and Boulder Highway. There is 1 point of access to this portion of the project from the bisecting driveway, and trash enclosures are shown on the southern side of this portion of the project. On the south side of the development, there are 5 apartment buildings and a clubhouse. In proximity of the clubhouse are amenities that include a second pool, pickleball court, patio area with barbeque, and a spa. A secondary amenity area includes a playground and dog park. The buildings, parking areas, and trash enclosures are dispersed throughout this portion of the project. Access to this portion of the project is provided by an entrance from the bisecting driveway and a second entrance from Boulder Highway. The project site requires 289 parking spaces where 309 parking spaces are provided.

Landscaping

Landscaping is equitably distributed throughout the project and meets all Code requirements for street landscaping and parking lot landscaping. All areas will have 24 inch box trees, 5 gallon shrubs and groundcover.

Elevations

The submitted elevations depict 3 story buildings with a maximum height of approximately 41 feet. They also show flat roofs behind parapet walls. The main color scheme is grey and white main body with blue and yellow accents, for visual interest. Balconies or patios are included for each unit and the main walls are stucco.

Floor Plans

The project consists of the following unit types: 14 studios; 63 one bedrooms; 87 two bedrooms; and 3 three bedrooms. The units consist of typical room types for this type of residential development.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states that the proposed project is compatible with adjacent development in terms of density and intensity. Site access and on-site circulation do not negatively impact adjacent roadways or neighborhood traffic. In addition, the elevations and design characteristics are not unsightly, undesirable or obnoxious in appearance.

Prior Land Use Requests

Application Number	Request	Action	Date
DR-1541-06	Hotel signage - expired	Approved by PC	December 2006
UC-0293-06	Kitchens in hotel rooms - expired	Approved by BCC	April 2006
TM-0104-06	Commercial subdivision	Approved by BCC	April 2006
ZC-1610-04	Zone boundary amendment to C-2 zoning	Approved by BCC	October 2004

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Corridor Mixed-Use	C-2	Outside storage
South	Corridor Mixed-Use	C-2 & R-2	Commercial & undeveloped
East	Urban Neighborhood (greater than 18 du/ac)	R-3	Multiple family residential
West	Entertainment Mixed-Use	R-5	Multiple family residential

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 applicant states that circumstances surrounding the property provide in part a compelling justification for the nonconforming zone change. The Boulder Highway corridor is in the process of transitioning to enable more residential with limited commercial area and the amendment would allow for this parcel to be developed in a compatible manner. Additionally, there is a

need to make efficient use of existing infrastructure, land and water, and provide adequate supply of housing options. Furthermore, the changes to make Boulder Highway safer, more pedestrian friendly, transit oriented, and less conventional retail underscore the need for both the change in zoning and higher density.

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 applicant states that approval of this zone change is compatible with the existing and planned land uses in the surrounding area. The abutting development to the west that shares access with this request is existing multiple family. There is no abutting single family.

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.*

The applicant states that this nonconforming zone change site is an in-fill location that is anticipated to be adequately served with no adverse impact to public improvements, facilities, and services. Compliance with all public development requirements is expected.

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

The applicant states that approval of this nonconforming zone change request conforms to the applicable adopted plans, goals, and policies of the County, and specifically conforms to the MUD-3 designation.

Summary

Zone Change

Based on the analysis above, staff finds that the trend in the area for higher density residential development makes this request appropriate at this location. The proposed scale, intensity, and location of this project should not have any adverse effects on adjacent properties. The density is consistent with the nearby R-3 and R-5 zoned projects on both sides of Boulder Highway. This project satisfies Countywide policies and goals in the Master Plan which encourages, in part, that new developments should be complementary and similar in intensity to the surrounding land uses and fully accessible between the various uses in the area; therefore, staff finds that the applicant has provided a compelling justification to warrant approval of this nonconforming zone change request.

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.

Staff finds that the request for increased fence height will increase safety for the future residents. In addition, patrol units will be able to see into the property for increased security making it more difficult to climb over. The request for increased building height is minimal and will not be discernible from the neighboring properties or roadways; therefore, staff can support both waivers.

Design Reviews

Staff finds site access and circulation do not negatively impact adjacent roadways or neighborhood traffic. The proposed project will help complete a substantial portion of the pedestrian realm along Boulder Highway. In addition, the bulk of the traffic will be directed toward the secondary entrance on Boulder Highway minimizing the impact of traffic on the existing driveway for the apartments to the west.

The building and landscape materials are appropriate for the area and for the County. In addition, the proposed landscaping will provide “defensive” landscape plants along Emerald Avenue, and the property management will participate in Metro’s community safety program.

Lastly, the elevations, design characteristics, and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance. The buildings have an attractive appearance with articulation and fenestration; therefore, staff can support the design reviews.

Department of Aviation

The property lies just outside the AE-60 (60-65 DNL) noise contour for the Harry Reid 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 Harry Reid International Airport facilities to meet future air traffic demand.

Staff Recommendation

Approval. This item has been forwarded to the Board of County Commissioners’ 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 Master Plan, Title 30, and/or the Nevada Revised Statutes.

PLANNING COMMISSION ACTION: August 16, 2022 – APPROVED – Vote: Unanimous 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;
- Full off-site improvements.
- Applicant is advised that Nevada Department of Transportation (NDOT) permits may be required.

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; 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.

Fire Prevention Bureau

- Applicant is advised to submit plans for review and approval prior to installing any gates, speed humps (speed bumps not allowed), and any other fire apparatus access roadway obstructions.

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 #0251-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Whitney - approval.

APPROVALS: 3 cards

PROTESTS: 1 card

APPLICANT: BORT, LLC

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