

MULTIPLE FAMILY RESIDENTIAL
(TITLE 30)

PECOS RD/OQUENDO RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ZC-23-0649-KAVISON HOMES, LLC:

ZONE CHANGE to reclassify 0.8 acres from an R-E (Rural Estates Residential) Zone to an R-3 (Multiple Family Residential) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce garage openings onto a drive aisle; **2)** reduce street landscaping; **3)** reduce setbacks; **4)** increase building height; **5)** reduce the height/setback ratio requirement adjacent to a single family residential use; and **6)** allow modified street standards.

DESIGN REVIEW for a multiple family (condominium) development.

Generally located on the south side of Oquendo Road and the west side of Pecos Road within Paradise (description on file). JG/md/syp (For possible action)

RELATED INFORMATION:

APN:

162-36-601-006

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce the setback for a garage opening onto a drive aisle to 3 feet where a minimum of 8 feet is required per Section 30.56.040 (a 62.5% reduction).
2. Allow reduced street landscaping along Oquendo Road where 15 feet of landscaping is required behind an existing attached sidewalk per Section 30.64.030.
3.
 - a. Reduce the front setback for a decorative fence to 1 foot where 20 feet is required per Table 30.40-3 (a 95% reduction).
 - b. Reduce the side street (corner) setback for a decorative fence to 1 foot where 20 feet is required per Table 30.40-3 (a 95% reduction).
 - c. Reduce the setback from the right-of-way (Oquendo Road and Pecos Road) for a decorative fence to 1 foot where 10 feet is required per Section 30.56.040 (a 90% reduction).
4. Increase building height to 37 feet where a maximum building height of 35 feet is permitted per Table 30.40-3 (a 5.8% increase).
5. Reduce the height/setback ratio requirement adjacent to a single family residential use to 56 feet where 93 feet is required per Section 30.56.070 and Figure 30.56-10 (a 43.1% reduction).
6. Reduce the departure distance from the intersection of Pecos Road and Oquendo Road to a driveway to 68 feet where a minimum of 190 feet is required per Uniform Standard Drawing 222.1 (a 64.2% reduction).

PROPOSED LAND USE PLAN:
WINCHESTER/PARADISE - COMPACT NEIGHBORHOOD

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 0.76
- Number of Units: 8
- Density (du/ac): 10.6
- Project Type: Multiple family (condominium) development
- Number of Stories: 3
- Building Height (feet): 37 (multiple family buildings)/10.5 (shade structure)
- Square Feet: 1,745 (each dwelling unit)
- Open Space Required/Provided: 1,600/2,436
- Parking Required/Provided: 22/29

Request

The applicant is requesting a zone boundary amendment to reclassify 0.8 acres from an R-E to an R-3 zoning district for a proposed multiple family (condominium) development consisting of two, 3-story buildings each featuring 4 dwelling units. Application PA-23-700030 is the corresponding plan amendment for the subject property requesting to change the planned land use from Neighborhood Commercial (NC) to Compact Neighborhood (CN).

Site Plans

The plans depict a proposed multiple family (condominium) development consisting of 2 buildings featuring a total of 8 dwelling units with a density of 10.6 dwelling units per acre. The buildings are located on the east portion of the site, along Pecos Road, and are oriented in a north/south direction. The multiple family building located on the north half of the site is designed with the following setbacks: 1) 19 feet from the north property line along Oquendo Road, requiring a waiver of development standards to reduce the setback; 2) 20 feet from the east property line adjacent to Pecos Road; 3) 176 feet from the south property line; and 4) 53 feet from the west property line. The multiple family building located on the south half of the site features the following setbacks: 1) 175 feet from the north property line along Oquendo Road; 2) 20 feet from the east property line adjacent to Pecos Road; 3) 56 feet from the west property line; and 4) 20 feet from the south property line. A waiver to reduce the height setback for the south building is required as the adjacent property to the west is developed with a single family residence. Access to the multiple family development is granted via a single driveway located along Pecos Road. A waiver of development standards is required to reduce the departure distance from the intersection of Oquendo Road and Pecos Road to the driveway serving the development. An “emergency access only” gate is located at the north portion of the site, adjacent to Oquendo Road. The multiple family development requires 22 parking spaces where 29 parking spaces are provided. An additional waiver is required to reduce the setback from a garage opening onto a drive aisle to 3 feet for both multiple family buildings. The garage doors are located along the west side of the buildings oriented towards the interior of the site. The finished grade for the development will not exceed 36 inches.

Landscaping

The plans depict a landscape area measuring between 3.5 feet to 9 feet in width along Oquendo Road, located behind an existing 5 foot wide attached sidewalk. A street landscape area measuring 15 feet in width is located behind an existing 5 foot wide attached sidewalk adjacent to Pecos Road. The street landscape areas consist of trees, shrubs, and groundcover. A waiver of development standards is required to reduce the width of the street landscape area. A 6 foot high decorative fence is located within the street landscape area along Oquendo Road and Pecos Road. A 10 foot wide landscape area, with medium and large Evergreen trees, is located along the west property line adjacent to the undeveloped parcel and the single family residence. The majority of the landscape area behind the decorative fence measures 10 feet in width and consists of trees, shrubs, and groundcover. The proposed development requires 1,600 square feet of open space where 2,436 square feet of open space is provided. An open space area, consisting of a shade structure, trees and shrubs, is centrally located within the site along the west property line. The shade structure is set back a minimum of 10 feet from the west property line.

Elevations

The plans depict two, 3 story multiple family (condominium) buildings measuring 37 feet in height. The buildings are designed with a flat parapet roof and feature a stucco exterior with cultured stone veneer accents and decorative metal canopies above the entrances to the units. A second floor balcony is located on the west building elevations, facing towards the adjacent undeveloped parcel and the single family residence. The shade structure within the open space area measures 10.5 feet in height and features a decorative metal roof.

Floor Plans

The plans depict 8 dwelling units, each with 3 floors, with a total living area of 1,745 square feet. The first floor living area consists of 301 square feet and includes the main entrance, a single bedroom, bathroom, and closet. The first floor also includes a 2 car garage measuring 411 square feet in area. The second floor consists of 722 square feet and features a living room, kitchen, dining room (optional), bathroom, and an outdoor patio/balcony. The third floor living area also measures 722 square feet and includes 2 bedrooms, closets, and 2 bathrooms.

Signage

Signage is not a part of this request.

Applicant's Justification

The site is currently planned Neighborhood Commercial (NC) and zoned R-E. This request for a zone change to R-3 is appropriate for the site and compatible with the surrounding area. The site is located along Pecos Road, which is a planned 100 foot right-of-way. R-3 is appropriate as the area has undergone a change in trend from what was once a low density residential area, to higher density residential uses and commercial uses. Immediately adjacent to the south is an existing Home Depot retail store, with a zoning of C-2. A 1.3 acre parcel (APN: 161-31-201-001), located on the southeast corner of Pecos Road and Oquendo Road is master planned NC, and was recently approved for a rezoning from R-E to R-3 via application NZC-22-0005. Immediately east of Pecos Road is a 10.3 acre site that consists of the Los Pecos Senior Apartments. That 10.3 acre site was approved for a zone change from R-E to R-3 in June of 2002. Additionally, along Pecos Road to both the north and south are more commercial, office

and higher density residential uses, along with industrial uses south of Patrick Lane. This demonstrates the transition that the area has undergone over the past few decades. The condominium development is an appropriate transition from the existing Home Depot to the south and will provide a more appropriate use adjacent to the existing residential. The proposed 8 condominiums will be significantly less impactful to the adjacent residential than if the site were to develop as commercial under the existing NC land use designation. Moreover, the need for additional housing throughout Clark County continues to increase.

The setback reduction for the garage opening onto the drive aisle is internal to the site and will therefore have no impact on the surrounding area or traffic driving by the site on Pecos Road. While the applicant is only providing 10 feet of landscaping behind the sidewalk, there is additional landscaping for the common element, totaling a minimum of 15 feet. Therefore, the overall intent of the landscaping requirement is met. Based on the small size of the in-fill property, the applicant is requesting a reduced setback for the wall along the perimeter of the site. Since the setback will be reduced, the applicant is proposing a wall which will include only 3 feet of CMU with 3 feet of wrought iron on the top. This will provide for better site visibility and overall design while still allowing the site to be developed with a high quality residential use. The applicant originally placed the ingress/egress point on Oquendo Road. However, based on feedback from the neighbors, the layout was revised with the driveway on Pecos Road. Based on the overall size of the site, it would be difficult to develop and still meet the required departure distance. Additionally, residents of the condominium project will likely not be travelling from Oquendo Road. Rather, they will be coming from Pecos Road. Therefore, the applicant does not believe the departure distance will create a safety concern for the project. The applicant states the increase in building height by 2 feet will not create a negative impact as the Home Depot directly to the south is higher than the requested 37 feet. Additionally, the previously approved multiple family development to the east was approved for a building height of 40.5 feet. The applicant is providing a minimum 10 foot wide landscape buffer along the west property line to appropriately mitigate the request to reduce the height setback and buffer the multiple family development from the single family residence.

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-D	Single family residential
South	Neighborhood Commercial & Corridor Mixed-Use	R-E & C-2	Access driveway to a single family residence & Home Depot
East	Neighborhood Commercial & Compact Neighborhood (up to 18 du/ac)	R-3	Undeveloped & multiple family residential
West	Neighborhood Commercial	R-E	Undeveloped & single family residential

Related Applications

Application Number	Request
PA-23-700030	A plan Amendment to re-designate the land use category from Neighborhood Commercial (NC) to Compact Neighborhood (CN) is a companion item on this agenda.
TM-23-500131	A tentative map request for an 8 unit residential condominium complex is a companion item on this agenda.

STANDARDS FOR APPROVAL:

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

Analysis**Comprehensive Planning**Zone Change

The intent of the R-3 zoning district is to provide for the development of high-density residential use, including apartments, and to prohibit the development of incompatible uses that are detrimental to the high-density residential use. The proposed R-3 zoning is compatible with the density and intensity of the existing and planned land uses in the area, and with the R-3 zoning immediately to the east of the project site, across Pecos Road. Staff finds the proposed R-3 zoning complies with Goal 1.1 of the Master Plan which aims to provide opportunities for diverse housing options to meet the needs of residents of all ages, income levels, and abilities. Due to an increase in demand for multiple family housing options within unincorporated Clark County, including Paradise, staff finds the proposed zone boundary amendment appropriate and recommends approval.

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 #1

Staff cannot support the request to reduce the setback for a garage opening onto a vehicle drive aisle. The intent of the minimum setback of 8 feet from the garage to the drive aisle is to ensure there is adequate distance for a vehicle to safely back-out from an enclosed structure to the primary driveway. Eliminating the setback distance between the garage opening and drive aisle may create conflict between vehicles exiting the garage and automobiles utilizing the primary driveway. Eliminating the setback distance between the garage and drive aisle is a self-imposed burden and may also create an unsafe situation for motorists; therefore, staff recommends denial.

Waiver of Development Standards #2

The intent of street landscaping is to enhance the perimeter of the project site, improve the aesthetics of the site along public rights-of-way, and to provide a buffer between parking areas and the adjacent streets. Pecos Road is a major thoroughfare, designated as an arterial street within the Master Plan. The cumulative width of the street landscape area, located in front and behind the decorative fence measures 15 feet in width. However, the configuration and design of the street landscape area is a self-imposed hardship; therefore, staff cannot support this request.

Waiver of Development Standards #3

The decorative fence will provide security and an aesthetic enhancement to the development; however, this structure encroaches into the building and right-of-way setbacks required per Code. Furthermore, the decorative fence encroaches into the required street landscape area along Oquendo Road and Pecos Road, which are required to be a minimum width of 15 feet. Therefore, staff cannot support this request.

Waiver of Development Standards #4

Staff finds the increase in building height is negligible and should have minimal to no impact on the surrounding land uses and properties. However, since staff is not supporting the waivers of development standards with this project, staff recommends denial of this request.

Waiver of Development Standards #5

The intent of the height setback ratio is to ensure there is a sufficient setback distance from non-residential and multiple family development to a single family residential use. The reduced height setback ratio occurs between the southernmost multiple family building and the existing single family residence to the west. While the height setback reduction is significant, a landscape area measuring 10 feet in width consisting of a double row of Evergreen trees is provided along the west property line, where a minimum landscape area of 5.5 feet is required. The additional landscaping and trees provide some mitigation towards the reduced height setback, and staff finds this request should have minimal impact on the existing single family residence. However, since staff is not supporting the waivers of development standards associated with this project, staff recommends denial of this request.

Design Review

Staff finds the proposed multiple family residential development complies with several goals and policies within the Master Plan. Policy 6.2.1 encourages the design and intensity of new development to be compatible with established neighborhoods and uses in terms of its height, scale, and overall mix of uses. The proposed multiple family building setbacks should provide an appropriate buffer between the existing single family residence to the west and the single family residential development to the north, across Oquendo Road. The proposed development is consistent and compatible with the multiple family development to the east, across Pecos Road. Policy 6.2.2 encourages the use of sustainable site design and development practices in new construction projects. Although staff does not support certain design elements of the landscape plan, the plan does incorporate multiple species of recommended trees, shrubs, and groundcover from the Southern Nevada Water Authority Regional Plant List. However, since staff is not supporting the waivers of development standards associated with this project, which cannot function independently from the design review, staff cannot support this request.

Public Works - Development Review

Waiver of Development Standards #6

Staff cannot support the reduction in departure distance for the commercial driveway. The driveway does not line up with the approved commercial driveway across the street and will result in left turn conflicts. The site has room to allow for more departure distance to help vehicles access the site and safely exit the right-of-way.

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 of the zone change; denial of the waivers of development standards and design reviews. This item will be forwarded to the Board of County Commissioners' meeting for final action on December 6, 2023 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:

Comprehensive Planning

If approved:

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the County has adopted a rewrite to Title 30 effective January 1, 2024, 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 substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; 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; and that the waivers of development standards and design review must commence within 4 years of approval date or they will expire.

Public Works - Development Review

- Drainage study and compliance;
- Install a median from Oquendo Road south to the property line;
- If required by the Regional Transportation Commission (RTC), dedicate and construct right-of-way for a bus turnout including passenger loading/shelter areas on Pecos Road in accordance with RTC standards.
- Applicant is advised that off-site improvement 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 at landuse@lasairport.com 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.

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 #0484-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: KAVISON HOMES LLC

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