

04/18/23 PC AGENDA SHEET

MULTIPLE FAMILY DEVELOPMENT
(TITLE 30)

CIMARRON RD/WARM SPRINGS RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-23-0076-LV WS CIMARRON, LLC:

ZONE CHANGE to reclassify 13.7 acres from an R-E (Rural Estates Residential) Zone and a C-1 (Local Business) Zone to an R-4 (Multiple Family Residential - High Density) Zone.

WAIVER OF DEVELOPMENT STANDARDS to increase building height.

DESIGN REVIEWS for the following: **1)** alternative parking lot landscaping; **2)** multiple family development; and **3)** finished grade in the CMA Design Overlay District.

Generally located on the south side of Warm Springs Road and the east side of Cimarron Road within Spring Valley (description on file). MN/md/syp (For possible action)

RELATED INFORMATION:

APN:

176-09-501-001; 176-09-501-009

WAIVER OF DEVELOPMENT STANDARDS:

Increase building height to 45 feet where a maximum of 35 feet is permitted per Table 30.40-3 (a 28.6% increase).

DESIGN REVIEWS:

1. Alternative parking lot landscaping including diamond shaped landscape planters.
2. Multiple family development.
3. Increase finished grade to 77 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 113.9% increase).

LAND USE PLAN:

SPRING VALLEY - NEIGHBORHOOD COMMERCIAL

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 13.7
- Number of Lots/Units: 340
- Density (du/ac): 25
- Project Type: Multiple family development
- Number of Stories: 2 & 3

- Building Height (feet): 26 (two story)/45 (three story)/36 (clubhouse building)
- Open Space Required/Provided: 34,000/59,538
- Parking Required/Provided: 615/624

Neighborhood Meeting Summary

This is a request for a nonconforming zone change to reclassify 13.7 acres from R-E and C-1 zoning districts to an R-4 zoning district to allow a multiple family residential development. The applicant conducted a neighborhood meeting on September 12, 2022, 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. There were no neighbors present for the meeting.

Site Plans

The plans depict a multiple family development located on a 13.7 acre site consisting of 340 dwelling units with a density of 25 dwelling units per acre. The proposal consists of 13, three story multiple family buildings, 2, two story multiple family buildings, and a 2 story clubhouse building. Four buildings are located along the north portion of the site with building setbacks ranging between 20 feet to 33.5 feet from Warm Springs Road. Two buildings are located along the west portion of the site with a setback of 20 feet from Cimarron Road. Three buildings are located on the south portion of the site with a minimum setback of 53 feet from the rear (south) property line. Two buildings are located on the east portion of the site with a minimum setback of 82 feet from the east property line. The remaining 4 multiple family buildings and the clubhouse are centrally located within the interior of the project site. The proposed development requires 615 parking spaces where 624 parking spaces are provided. The sole means of access to the site is granted via a single driveway with a security gate along Warm Springs Road. A secondary “emergency access” gate is located at the southwest corner of the development adjacent to Cimarron Road. The largest increase to finished grade will occur at the northeast corner of the site in proximity to Building 12.

Landscaping

The plans depict a proposed 15 foot wide landscape area, with a 5 foot wide detached sidewalk, adjacent to Warm Springs Road and Cimarron Road. The street landscape area consists of trees, shrubs, and groundcover. A decorative 6 foot high wrought iron fence with pilasters is located behind the street landscape area. A landscape area measuring 10 feet in width, that includes large Evergreen trees and shrubs, is provided along the south and east property lines adjacent to the undeveloped parcels. In lieu of providing the required amount of landscape island fingers within the interior of the parking lot, the required trees have been distributed throughout the interior of the site, in the form of diamond shaped landscape planters. The development requires 104 trees within the interior of the parking lot where 167 trees have been equitably distributed throughout the site. The multiple family development requires 34,000 square feet of open space where 59,538 square feet of open space has been provided. The open space consists of a centrally located clubhouse building, swimming pools, recreational sport courts, and playground areas.

Elevations

The plans depict 3 story multiple family buildings ranging between 42 feet to 45 feet high. The buildings consist of varying rooflines that include parapet walls for architectural design and to screen the rooftop mounted equipment from public view. Buildings 14 and 15 are 2 story structures, measuring up to 26 feet high to the top of the parapet wall. Garages are located immediately below the units within the 2 story multiple family buildings. The exterior of the buildings consists of stucco, aluminum windows, and balconies. The 2 story clubhouse measures up to 36 feet in height and features varying rooflines with parapet walls. The exterior of the clubhouse consists of stucco, an aluminum storefront window system, and balconies. The pool building measures 12.5 feet in height and features a stucco exterior. All buildings will be painted with neutral colors with varying shades of gray and silver.

Floor Plans

The plans depict a total of 340 units consisting of 112, one bedroom, 204, two bedroom, and 24, three bedroom units. The plans depict a 2 story clubhouse area measuring 12,291 square feet in area featuring a gym, leasing offices, restroom facilities, foyer, theater, business center, mail room, and miscellaneous rooms available to the residents of the development.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant provides the following reasons for the proposed height increase of 10 feet: 1) an urban architectural design that provides for enhanced architectural elements, including enhanced parapet walls; 2) each floor has a higher ceiling than a traditional multiple family unit; and 3) the additional increase is not for livable space/use but rather for architectural/interior enhancement. The increased building height has been routinely approved with other multiple family residential developments with no known adverse impacts to the immediate area. Finally, the 45 foot building height is consistent with buildings in the immediate area that consist of a hospital and shopping centers.

Prior Land Use Requests

Application Number	Request	Action	Date
VS-0228-08	Vacated a portion of Warm Springs Road - expired	Approved by PC	April 2008
TM-0039-07	1 lot commercial subdivision - expired	Approved by PC	July 2007
ZC-1695-05 (WC-0079-07)	Waiver of conditions requiring right-of-way dedication for Myers Street, Mardon Avenue, and related spandrel in conjunction with a future commercial development	Approved by BCC	May 2007
ZC-1695-05	Reclassified a portion of the project site from R-E to C-1 zoning for a future commercial development	Approved by BCC	December 2005

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Neighborhood Commercial & Business Employment	C-1	Office & commercial buildings
South	Public Use	P-F	Undeveloped
East	Neighborhood Commercial	C-1	Undeveloped
West	Neighborhood Commercial & Corridor Mixed-Use	C-P, C-2, & R-5	Office building, shopping center, & multiple family residential

The subject site is within the Public Facilities Needs Assessment (PFNA) area.

Related Applications

Application Number	Request
VS-23-0077	A request to vacate and abandon right-of-way 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 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 there have been land use trends in the immediate area which have substantially changed the character of the area that merits consideration of a multiple family residential request. Not all the changes or character to the area have occurred since the most recent overhaul and adoption of the new Master Plan which occurred in December 2021, but this portion of the Warm Springs Road corridor has substantially changed over the last couple of years. Additional and larger employment and activity centers have developed in the immediate area with over 1.5 million square feet of commercial services within a mile of the site. In fact, approximately one-quarter and one-half mile to the west and east, are an overabundant number of commercial services for future residents. The increased employment and activity centers have created an increase in housing demands for the immediate area. Durango Drive, Buffalo Drive, Rainbow Boulevard, and Warm Springs Road are principal arterial streets and primarily planned and developed with commercial uses except for the recent approvals of single family detached, single family attached, and multiple family developments. The daily traffic counts along these

portions of these corridors continues to increase with planned and existing mass transit (RTC) facilities.

Immediately to the north of the proposed development, across Warm Springs Road, is an existing commercial development zoned C-1 and C-2, an undeveloped parcel zoned C-1, and a single family residential development zoned R-2. To the east and south of the project site are undeveloped parcels zoned C-1 and P-F, respectively. To the west of the site, across Cimarron Road, is an existing office development zoned C-P and a multiple family development, currently under construction, zoned R-5. Due to an increase in demand for multiple family housing options within unincorporated Clark County, including Spring Valley, staff finds the proposed nonconforming zone boundary amendment appropriate.

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 indicates that directly abutting or contiguous to the subject site are intense zoning districts with approved high density residential or intense commercial and industrial developments. The immediate area is also planned with new land use categories such as Compact Neighborhood (CN) and Corridor Mixed-Use (CM) which will provide for multiple family residential. The proposed R-4 zoning is entirely appropriate, consistent, and compatible with the existing and planned land uses in the immediate area. Within walking distance of the project site is the last remaining areas within Spring Valley that are planned for Business Employment (BE) and proposed to be the economic/employment sectors of the area by encouraging light industrial development that will bring jobs and add to the economy of the Las Vegas Valley. Also, within walking distance are uses which residents will need on a daily or weekly basis such as, but not limited to, grocery stores, banks, retail shopping stores, mini-storage, pharmacies, restaurants, taverns, and other drinking establishments. These planned and existing uses further increase the demand for housing. Directly to the south is an existing regional park facility and high school. The Neighborhood Commercial (NC) land use category includes supporting and complementary land uses. The proposed R-4 zoning is entirely appropriate, consistent, and compatible with the existing and planned land uses in the immediate area and will complement the area for a balanced land use pattern.

Immediately to the north of the proposed development, across Warm Springs Road, is an existing commercial development zoned C-1 and C-2 with a planned land use of Neighborhood Commercial. Also to the north is an undeveloped parcel zoned C-1 and a single family residential development zoned R-2, both of which have a planned land use of Business Employment. To the east and south of the project site are undeveloped parcels zoned C-1 and P-F, with planned land uses of Neighborhood Commercial and Public Use, respectively. To the west of the site, across Cimarron Road, is an office building and shopping center zoned C-P and C-2 with planned land uses of Neighborhood Commercial and Corridor Mixed-Use, respectively. Located within the same commercial development is a multiple family development zoned R-5 with a density of 50 dwelling units per acre with a planned land use of Neighborhood Commercial and Corridor Mixed-Use. The 320 unit, 52 foot high multiple family development was approved by the Board of County Commissioners via NZC-19-0672 in November 2019. The proposed R-4 zoning is compatible with the density and intensity of the existing and planned

land uses in the area, and with the R-5 zoning immediately to the west of the project site. Furthermore, the multiple family development should provide an appropriate transition from the C-P, C-2, and R-5 commercial and residential development to the west and the undeveloped C-1 zoned parcel immediately to the east of the project 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.*

According to the applicant, the proposed development will not have an adverse, negative impact on services and facilities not already planned in the area with new land use categories such as Compact Neighborhood (CN) and Corridor Mixed-Use (CM) which will provide for multiple family residential or for the Neighborhood Commercial (NC) land use designation currently planned on this site. This development will provide an inordinate amount of on-site open space and recreational opportunities for the residents and will be a highly amenitized use rather than a traditional commercial development that will rely entirely on County facilities. Additionally, resident preference through convenience is to use on-site recreational areas rather than off-site areas; therefore, the on-site recreational amenities will not overburden County recreational facilities. Finally, the applicant will mitigate any additional impacts the project may have on the immediate area. To that end, only 24 of the 340 proposed units are 3 bedroom which will discourage families with school aged children and not negatively impact the schools in the area.

There has been no indication from service providers that this request will have an adverse or substantial effect on public facilities and services. The School District has indicated that this development would generate 46 additional elementary school, 22 middle school, and 28 high school students. The school district indicates that Steele Elementary School and Sierra Vista High School are over capacity by 111 and 430 students, respectively. Canarelli Middle School is under capacity by 79 students.

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

The applicant states the proposed multiple family development fully complies and furthers goals and policies contained within the Master Plan by providing housing alternatives to meet a range of lifestyle choices, ages, and affordability levels. The project furthers Goal 1.1 which encourages providing opportunities for diverse housing options to meet the needs of residents of all ages, income levels, and abilities. Additionally, the request complies and furthers Goal 1.3 which encourages development of new neighborhoods that embody the County's core values. The request is compliant with specific policies related to residential development and housing options as follows: 1) mix of housing types which encourages, in part, the provision of diverse housing types at varied densities and in numerous locations; 2) the concentration of higher density housing in areas with access to existing or planned high frequency transit, major employment centers, existing infrastructure, and other services; 3) neighborhood identity which encourages the integration of varied housing models, architectural styles, streetscapes, signage, common landscaped areas and other character defining features that contribute to a distinct neighborhood identity; 4) mix of housing options within neighborhoods encourages, in part, a

mix of housing options, both product types and unit sizes, within neighborhoods; 5) the integration of grocery stores, restaurants, medical offices, and other daily needs services as part of or adjacent to new neighborhoods to minimize the need for longer vehicle trips; and 6) the integration and connection of parks, trails, common open space, recreational amenities, or other features in new neighborhoods to enhance the health and quality of life of residents.

Staff finds the proposed nonconforming zone boundary amendment conforms to several goals and policies in the Master Plan. Goal 2 of the plan encourages providing opportunities to mix uses such as commercial, office, and multiple family residential near one another. Furthermore, Goal 10 promotes higher intensity activity centers with multiple uses such as business, commercial, and multiple family residential. Additionally, Growth Management, Community Design Policy 6 encourages the adjacency of living and employment opportunities; therefore, the location of the proposed R-4 residential zoning district is an appropriate and compatible use with the existing and planned residential and commercial developments within the surrounding area.

Summary

Zone Change

A substantial increase in commercial development in the area since the last adoption of the Spring Valley Land Use Plan has contributed to an increased demand for housing. In addition, the proposed R-4 zoning is compatible with the density and intensity of the surrounding developments and planned uses. Utility purveyors have not indicated that the zoning would negatively impact public facilities and services, and the proposed zoning complies with goals and policies in the Master Plan; therefore, staff can support the nonconforming zone boundary amendment to R-4 zoning.

Waiver 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.

The increased building height is necessary to accommodate the vaulted ceilings within the dwelling units, in addition to screening the mechanical units with parapet walls. The screening for the mechanical units provides an additional architectural enhancement to the buildings. Furthermore, the increased building height is not for habitable space but rather for architectural enhancement. Therefore, staff recommends approval.

Design Review #1

Staff finds the proposed alternative parking lot landscaping, including the distribution of the trees and landscape finger islands, is appropriate for the multiple family development. The site requires 104 trees for the interior parking lot area where the site has been designed to include 167 trees that will be distributed throughout the interior of the development. Staff finds the proposed landscaping will reduce the “heat island” effect and improve the aesthetics of the project site and the surrounding area. Therefore, staff recommends approval.

Design Review #2

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 developments to be compatible with established neighborhoods and uses in terms of its height, scale, and overall mix of uses. The proposed development is consistent and compatible with the office and multiple family development to the west and the commercial development to the north. Policy 6.2.2 encourages the use of sustainable site design and development practices in new construction projects. The landscape plan for the site has been designed to incorporate multiple species of recommended trees, shrubs, and groundcover from the Southern Nevada Water Authority Regional Plant List. Furthermore, the buildings include off-set surface planes, an aesthetically pleasing color palette, and parapet walls along the roofline at various heights; therefore, staff can support this request.

Public Works - Development Review

Design Review #3

This design review represents the maximum grade difference within the boundary of this application. This information is based on preliminary data to set the worst case scenario. Staff will continue to evaluate the site through the technical studies required for this application. Approval of this application will not prevent staff from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approval.

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 will be forwarded to the Board of County Commissioners' meeting for final action on May 17, 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

- Resolution of Intent to complete in 3 years;
- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- 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 Master Plan amendment and a 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;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Full off-site improvements;
- 30 days to coordinate with Public Works - Traffic Division/Anthony Ramos and to dedicate any necessary right-of-way and easements for the traffic signal project at Warm Springs Road and Cimarron Road;
- If required by the Regional Transportation Commission (RTC), dedicate and construct right-of-way for bus turnout including passenger loading/shelter areas in accordance with RTC standards on Warm Springs Road.
- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way; and that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

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

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.

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 #0085-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Spring Valley - approval.

APPROVALS:

PROTESTS:

APPLICANT: LV WS CIMARRON, LLC

CONTACT: DIONICIO GORDILLO, 204 BELLE ISLE CT, HENDERSON, NV 89012