

UPDATE

MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT HACIENDA AVE/CALIENTE ST
(TITLE 30)

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**NZC-22-0499-SHOUGHRO FAMILY IRREVOCABLE SUB-TRUST ETAL & SMITH,
RON TRS:**

ZONE CHANGE to reclassify 2.1 acres from an R-E (Rural Estates Residential) Zone to an R-5 (Apartment Residential) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce setback; **2)** reduce parking; **3)** allow alternative street landscaping; **4)** modified driveway design standards; and **5)** modified street standards.

DESIGN REVIEWS for the following: **1)** multiple family residential development; **2)** alternative parking lot landscaping; and **3)** finished grade.

Generally located on the north side of Hacienda Avenue and the west side of Caliente Street within Paradise (description on file). JG/md/syp (For possible action)

RELATED INFORMATION:

APN:

162-26-210-012

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce the rear yard setback to 10 feet where a minimum setback of 20 feet is required per Table 30.40-3 (a 50% reduction).
2. Reduce parking to 96 spaces where 111 spaces are required per Table 30.60-1 (a 13.5% reduction).
3.
 - a. Allow alternative street landscaping along Hacienda Avenue where landscaping including a detached sidewalk is required per Table 30.64-2 and Figure 30.64-17.
 - b. Allow alternative street landscaping along Caliente Street where landscaping is required per Table 30.64-2.
4. Reduce the throat depth for a proposed driveway on Caliente Street to 8 feet where a minimum depth of 75 feet is required per Uniform Standard Drawing 222.1 (an 89.4% reduction).
5. Reduce the departure distance for a proposed driveway on Hacienda Avenue to 137 feet where a distance of 190 feet is required to Caliente Street per Uniform Standard Drawing 222.1 (a 27.9% reduction).

DESIGN REVIEWS:

1. Multiple family residential development.
2. Alternative parking lot landscaping.

3. Increase finished grade to 62 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 72.2% increase).

LAND USE PLAN:

WINCHESTER/PARADISE - COMPACT NEIGHBORHOOD

BACKGROUND:

Project Description

General Summary

- Site Address: 1592 E. Hacienda Avenue
- Site Acreage: 2.1
- Number of Units: 57
- Density (du/ac): 27.5
- Project Type: Multiple family residential development
- Number of Stories: 3
- Building Height (feet): 48.5
- Square Feet: 72,695
- Open Space Required/Provided: 5,700/25,873
- Parking Required/Provided: 111/96

Neighborhood Meeting Summary

This request is for a nonconforming zone change to reclassify 2.1 acres from an R-E zoning district to an R-5 zoning district for a proposed multiple family residential development. The applicant conducted a neighborhood meeting on August 9, 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. Three neighbors attended the meeting and asked general questions about the project and application.

Site Plans

The plans depict a proposed 3 story multiple family residential development consisting of 57 dwelling units with a density of 27.5 dwelling units per acre. The building is oriented in a “C” shaped configuration, predominantly located along north, east, and west portions of the site. The multiple family building has been designed with the following setbacks: 1) 10 feet from the north property line with a request to reduce the rear yard setback; 2) 7 feet from the west property line; 3) 58 feet from the east property line, adjacent to Caliente Street; and 4) 93 feet from the south property line, along Hacienda Avenue. The proposed development features a single point of access from a driveway adjacent to Hacienda Avenue, requiring a waiver of development standards to reduce the throat depth. An additional waiver is required to reduce the departure distance from the intersection of Hacienda Avenue and Caliente Street to the driveway adjacent to Hacienda Avenue. The development requires 111 parking spaces, where 96 parking spaces are provided, necessitating a waiver of development standards for the parking reduction. Trash enclosures are centrally located within the project site. A 5 foot wide attached sidewalk is provided along Hacienda Avenue where a detached sidewalk is required per Code. An attached 5 foot wide sidewalk is provided along Caliente Street. According to the applicant, an increase to finished grade is also part of this request and is necessary to ensure the building is set high enough to provide positive drainage from the rear of the site to the right-of-way.

Landscaping

The plans depict a landscape area ranging between 5 feet to 15 feet in width, with an attached sidewalk, along Hacienda Avenue. A landscape area measuring between 4 feet to 8 feet in width, with an attached sidewalk, is located adjacent to Caliente Street. The street landscape area consists of 24 inch box trees, planted 20 feet on center, in addition to shrubs and groundcover. In lieu of providing the required amount of landscape finger islands within the interior of the site, specifically at the southeast and southwest corners of the building, additional trees have been distributed throughout the interior and perimeter of the development. The development requires a total of 24 trees within the interior of the parking lot. The site has been designed to include an additional 3 trees (47 total trees) that will be distributed throughout the interior and perimeter of the project site. The development requires 5,700 square feet of open space where 25,873 square feet of open space is provided. The open space consists of a 5 foot wide walking trail located around the east, west, and north sides of the building in addition to landscape areas located at the southeast and southwest corners of the building.

Elevations

The plans depict a 3 story multiple family building with a varying roofline measuring between 36 feet to 48.5 feet in height. The building materials consist of integral color masonry blocks, aluminum windows, and painted metal solar shades and railings. A roof top deck is featured on top of the third story of the building, and is covered by a painted metal canopy with steel framing.

Floor Plans

The plans depict a 3 story multiple family building featuring a total of 57, one and 2 bedroom units. A rooftop deck area measuring 598 square feet is located on the fourth level of the building.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states due to parking issues, size of the lot, and the building layout a reduction to a 10 foot setback is being requested. The property to the north will not be impacted as it is currently a parking lot with covered parking. The applicant states the parking reduction represents a 13.81% reduction in the number of parking spaces. Unused impervious asphalt contributes to the heat island effect, thus the off-setting benefit. The property is also close to UNLV and lots of students use alternate methods of transportation versus vehicles. The reduction to the departure distance is due to there being an existing driveway on the adjacent property to the west, right at their property line. A dedicated right turn lane is proposed to provide for the required throat depth and when it is measured around the curb return 88 feet is provided which exceeds the 75 feet. If a detached sidewalk is provided there is no allowance for a landscape area behind the sidewalk. The alternative landscape design is to provide a landscape area behind the sidewalk that varies between 5 feet and 15 feet and provide medium and large trees at 20 feet on center with groundcover. The site as designed provides for landscape fingers every 6 parking spaces with the exception of 2 areas with 1 being at the southeast corner of the site near the building and the other at the southwest corner. It is also proposed to provide

additional large and medium trees along the perimeter of the site and the interior to meet or exceed the required number. A design review to increase finished grade is necessary to ensure that the building is set high enough above the grade in Hacienda Avenue and Caliente Street to provide flood protection.

Prior Land Use Requests

Application Number	Request	Action	Date
TM-0044-12	57 condominium units - expired	Approved by BCC	July 2012
NZC-0077-08 (ET-0062-12)	Second extension of time to reclassify the project site to R-4 zoning for a multiple family residential development - expired	Approved by BCC	July 2012
NZC-0077-08 (ADET-0116-11)	First extension of time to reclassify the project site to R-4 zoning for a multiple family residential development - expired	Approved by ZA	February 2011
TM-0083-08	57 condominium units - expired	Approved by PC	May 2008
NZC-0077-08	Reclassified the project site to R-4 zoning for a multiple family development with a waiver of development standards to increase building height - expired	Approved by BCC	April 2008

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North & West	Compact Neighborhood (up to 18 du/ac)	R-3	Multiple family residential
South	Public Use	P-F	Gene Ward Elementary School
East	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-1	Single 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 since the adoption of the Winchester/Paradise Plan in 2005, the housing market in Las Vegas has seen more growth but more recently a slowdown in the housing market which is driving the prices of single family homes down and requiring a greater demand for workforce housing that is affordable. This development would benefit the community as a whole by providing the much needed workforce housing.

Immediately to the north and west of the proposed multiple family development are existing multiple family developments zoned R-3 with a planned land use of Compact Neighborhood. To the east of the project site, across Caliente Street, is an existing single family residential development zoned R-1 with a planned land use of Mid-Intensity Suburban Neighborhood. To the south of the proposed development, across Hacienda Avenue, is the Gene Ward Elementary School. The proposed nonconforming zone boundary amendment to an R-5 zoning district is not compatible with the surrounding land uses and zoning districts. Staff finds there has not been a change in law, policies, trends, or facts within the immediate area which makes 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 the density of the proposed use would be more of a compatible use for the neighborhood than the current master plan designation of neighborhood commercial. The size of the parcel is approximately 2.5 acres, this acreage would support a mini-mart or convenience store that would inevitably apply for a package liquor license. With Gene Ward Elementary School directly to the south of the subject parcel, the applicant believes the neighborhood commercial designation is not suitable for the area and that residential designation would better serve the community.

Immediately to the north and west of the proposed multiple family development are existing multiple family developments zoned R-3 with a planned land use of Compact Neighborhood. The multiple family developments to the north and west are developed at 15.8 dwelling units per acre and 17.9 dwelling units per acre, respectively. To the east of the project site, across Caliente Street, is an existing single family residential development zoned R-1 with a planned land use of Mid-Intensity Suburban Neighborhood. The single family residential subdivision is developed at 4.5 dwelling units per acre. To the south of the proposed development, across Hacienda Avenue, is Gene Ward Elementary School. Therefore, staff finds that the density and intensity of the proposed project, a multiple family residential development with a density of 27.5 dwelling units per acre, is incompatible with existing planned land uses in the surrounding 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 stormwater and drainage facilities, as a result of the uses allowed by the nonconforming zoning.*

According to the applicant, the nonconforming zone change would not adversely affect the health, safety, and welfare of the surrounding residents and would actually benefit the area by helping to construct the needed roadway in front of this parcel.

There has been no indication from service providers that this request will have a substantial adverse effect on public facilities and services. The school district has indicated this development would generate 8 additional elementary school students, 4 middle school students, and 4 high school students. Furthermore, the school district has indicated that Dailey and Ward Elementary schools are currently 22 students and 66 students under capacity, respectively. The school district has also indicated that Cannon Middle School and Del Sol High School are currently 154 students and 149 students over capacity, respectively.

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

The applicant states this nonconforming zone change request would not create or establish an undesirable precedent for the area. Although this is a nonconforming use according to the adopted Master Plan, the evolution of the neighborhood indicates that a project of this nature can not only conform but enhance the area, adding diversity and vitality, one of the current goals of affordable housing.

The proposed development complies with Goal 1.1 of the Master Plan that encourages opportunities for diverse housing options to meet the needs of residents of all ages, income levels and abilities. The project also complies with Policy 1.3.2 that encourages a mix of housing options, both product types and unit sizes, within larger neighborhoods and multiple family developments. However, staff finds the isolated nature of the requested R-5 zoning, in relation to surrounding zoning districts, is not compatible with the existing and planned land uses for Compact Neighborhood, Mid-Intensity Suburban Neighborhood, and Public Use.

Summary

Zone Change

Staff finds that there has not been a change in law, policies, and trends that make this request appropriate for the area. The reclassification of this site to an R-5 zoning district for the proposed project would allow greater residential densities that are incompatible with the multiple family and single family residential development within the surrounding area. Staff finds that the proposed request does not satisfy all of the requirements of a compelling justification to warrant approval of the nonconforming zone boundary amendment to R-5 zoning; therefore, staff recommends denial.

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

The request to reduce the rear yard setback by 50% is a self-imposed burden. Furthermore, the proposed building measures 48.5 feet in height while the adjacent multiple family developments

to the north and south have a maximum height of 2 stories. Encroachment of the proposed building into the required rear yard setback may potentially impact the development to the north and is not consistent with the established setbacks for the multiple family development adjacent to the site. Therefore, staff recommends denial.

Waiver of Development Standards #2

Staff is concerned the reduced on-site parking may potentially impact Caliente Street with additional on-street parking. The request to reduce the required parking for the development is a result of the site being overbuilt; therefore, staff recommends denial.

Waiver of Development Standards #3

Detached sidewalks are safer for pedestrians since the pedestrian is not walking adjacent to the drivable surface of street. In addition, detached sidewalks provide for a more aesthetically pleasing streetscape. The request for alternative street landscaping is a self-imposed burden. Therefore, staff cannot support this request.

Design Review #1

Staff finds a variety of design elements are utilized on all sides of the residential building, including articulating building facades. The proposed building materials and color are consistent and compatible with the exterior materials utilized on the surrounding residential developments. The proposed building does not exceed the maximum permissible height of 50 feet as established for the R-5 zoning district; however, staff is concerned with the proposed building height when compared to the existing residential developments surrounding the project site. The existing multiple family developments to the north and west of the project site consist of 2 stories. The single family residential development to the east, across Caliente Street, is a mixture of 1 and 2 story homes. Due to staff's concerns with building height compatibility, reduced setback, parking, and alternative landscaping, in addition to not supporting the zone change, staff recommends denial of the design review.

Design Review #2

The intent of parking lot landscaping is to provide climate adaptable plant materials that improve the visual appearance of the project site, enhance environmental conditions by providing shade and reducing storm water run-off, and to provide buffer areas between land uses of varying intensity. Staff recognizes the fact the applicant has provided additional trees within the interior and around the perimeter of the site to compensate for the absence of 2 landscape finger islands. However, since staff is not supporting the zone change, waivers of development standards, and design reviews #1 and #3, staff recommends denial of this request.

Public Works - Development Review

Waivers of Development Standards #4 & #5

The applicant is providing a right turn lane adjacent to the Hacienda Avenue commercial driveway for a safe transition into the site from the right-of-way, mitigating potential impacts from the reduction in the throat depth and departure distance. Therefore, staff does not object to these requests. However, since Planning is not supporting the application in its entirety, staff cannot support these requests.

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. However, since Planning is not supporting the application in its entirety, staff cannot support this request.

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

Denial. This item has been forwarded to the Board of County Commissioners' meeting 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: October 18, 2022 – APROVED – Vote: Unanimous
Absent: Castello

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 installation and use of cooling systems that consumptively use water will be prohibited; 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 area 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

- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include an additional 10 feet for Hacienda Avenue, plus a dedicated right turn lane into the development on Hacienda Avenue.

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.
- Applicant is advised that dead-end streets/cul-de-sacs in excess of 500 feet must have an approved Fire Department turn-around provided; and that fire/emergency access must comply with the Fire Code as amended.

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 #0356-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Paradise - approval.

APPROVALS: 5 cards

PROTESTS: 8 cards, 2 letters

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