

MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT
(TITLE 30)

UPDATE
DECATUR BLVD/RUSH AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-21-0199-COUNTY OF CLARK (AVIATION):

ZONE CHANGE to reclassify 16.5 acres from an R-E (Rural Estates Residential) Zone to an R-4 (Multiple Family Residential - High Density) Zone.

WAIVER OF DEVELOPMENT STANDARDS to increase wall height.

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

Generally located on the northeast corner of Decatur Boulevard and Rush Avenue within Enterprise (description on file). JJ/al/jd (For possible action)

RELATED INFORMATION:

APN:

177-30-401-017; 177-30-401-022

WAIVER OF DEVELOPMENT STANDARDS:

Increase wall height to 16 feet (6 foot screen wall with a 10 foot retaining wall) where a maximum of 9 feet (6 foot screen wall with a 3 foot retaining wall) is permitted per Section 30.64.050 (a 77.8% increase).

DESIGN REVIEWS:

1. A multiple family residential development.
2. Permit alternative parking lot landscaping where landscaping per Figure 30.64-14 is required.
3. Increase finished grade to 156 inches (13 feet) where a maximum of 18 inches (1.5 feet) is the standard per Section 30.32.040 (a 767.7% increase).

LAND USE PLAN:

ENTERPRISE - COMMERCIAL GENERAL

ENTERPRISE - RESIDENTIAL HIGH (FROM 8 DU/AC TO 18 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 16.5
- Number of Units: 332

- Density (du/ac): 20.1
- Project Type: Multiple family residential development
- Number of Stories: 1 to 3
- Building Height (feet): 35
- Open Space Required/Provided: 33,200 square feet/52,590 square feet
- Parking Required/Provided: 607/607

Neighborhood Meeting Summary

This request is for a nonconforming zone change to reclassify approximately 16.5 acres from an R-E zone to an R-4 zone for a multiple family residential development. The applicant conducted a virtual neighborhood meeting on October 22, 2020 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 10 people attended the meeting. Concerns raised at the meeting included project density, traffic, and the style of the buildings.

Site Plans

The plans depict a multiple family residential development consisting of 332 units on 16.5 acres with a density of 20.1 dwelling units per acre. The plans show the 332 units will be divided between 18 buildings that are distributed throughout the site. The site has frontage along Frias Avenue, Decatur Boulevard, Rush Avenue, and Cameron Street. The development will be a gated community with access from Decatur Boulevard and an emergency access gate from Cameron Street is depicted on the plan. A clubhouse and recreation area with cabanas, pool, fire pits, and other amenities is located in the central portion of the western half of the development, close to the entrance to the development. Another recreation area with pool, cabanas, playground equipment, and other amenities is located on the southeastern portion of the site, and a dog park is located on the northwest corner of the site. The perimeter of the development will be enclosed by a combination of block walls and decorative fences. The decorative fences will be located along the streets and the block walls will be along the common property lines of an existing electrical substation that is adjacent to the site. Parking for the project is distributed throughout the site.

Open Space and Landscaping

The project is required to have 33,200 square feet of open space and 52,590 square feet of open space for active recreational uses is provided. The open space consists of recreational areas in the east and west portions of the development which includes pools, spas, fire pits, and barbeque areas. Other open space includes a dog park on the northwest corner of the site and landscape areas throughout the development. Landscaping along Decatur Boulevard consists of a 15 foot wide landscape area along the street outside of the perimeter decorative fence with trees, shrubs, groundcover, and a detached sidewalk. Along Frias Avenue, Rush Avenue, and Cameron Street the plans depict an attached sidewalk along the street with a minimum 6 foot wide landscape area outside of the perimeter decorative fence consisting of trees, shrubs, and groundcover. The proposed perimeter decorative fence is designed so that landscaping within the fenced area will be visible from the streets. Within the parking areas the plan depicts the use of landscape diamonds rather than landscape islands; however, the required number of trees for the parking areas are provided and distributed throughout the project.

Elevations

The buildings for the residential units are 2 to 3 stories with heights of 28 feet for the 2 story buildings and 35 feet for the 3 story buildings. The residential buildings will be a combination of flat roofs behind parapet walls and pitched roofs with concrete tile roofing material. The exteriors of the residential buildings consist of a stucco finish painted in earth tone colors with stone veneer. The cabanas are 1 story with a maximum height of approximately 8 feet with a flat roof supported by 4 posts. The pool building is 1 story with a height of approximately 13 feet with a pitched roof with concrete tile roofing material and stucco exteriors painted in earth tone colors. The clubhouse building is 1 story with a maximum height of approximately 24 feet. The clubhouse building has a flat roof behind parapet walls and the exterior of the building consists of a stucco painted in earth tone colors and stone veneer.

Floor Plans

The development will have a total of 332 residential units consisting of 110, one bedroom units; 186, two bedroom units; and 36, three bedroom units. The pool building has an area of approximately 413 square feet consisting of restrooms and storage areas. The cabanas have an area of approximately 169 square feet. The clubhouse building has an area of approximately 6,375 square feet which consists of a fitness center, leasing offices, and multi-purpose rooms for the use by the residents.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant indicates that the proposed multiple family residential development will be compatible with existing and planned development in the area. The proposed development will provide additional multiple family housing options which are needed in the community. The request to increase retaining wall heights and increase finished grade are necessary to level the site for development and provide proper drainage. The alternative parking lot landscaping is being requested to allow for a design which is able to provide required parking for the development. If the landscape islands were provided within the parking area it would require a reduction in required parking.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-1067-01	Water connection and minor subdivision map	Approved by PC	October 2001
VC-0491-00	Power substation	Approved by PC	May 2000

Surrounding Land Use

	Planned land Use Category	Zoning District	Existing Land Use
North	Commercial General, Public Facilities & Residential High (from 8 to 18 du/ac)	C-2 & R-E	Electrical substation, commercial development & undeveloped

Surrounding Land Use

	Planned land Use Category	Zoning District	Existing Land Use
South	Commercial General	C-2 & R-E	Shopping center & mini-warehouse facility
East	Residential Suburban (up to 8 du/ac)	R-2	Undeveloped
West	Residential Suburban (up to 8 du/ac)	R-2	Single family residential

Related Applications

Application Number	Request
VS-21-0093	A request to vacate a 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

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 indicates that there has been an increased demand for multiple family residential development in the Enterprise Planning Area and listed 6 multiple family residential developments within the Enterprise Planning Area that are over 90% occupancy. However, the projects listed by the applicant are all miles away from this site. The housing trend in the area surrounding the site is predominantly single family residential development in an R-2 zoning district. The closest existing multiple family residential development to this site is an apartment complex in an R-4 zone located approximately 3,300 feet to the south at 10925 Southern Highlands Parkway. In the area surrounding this site there has been a trend for more single family residential development not multiple family residential development. Therefore, staff finds there has been no change in laws, policies, trends, or facts that have changed the character of this area to make this request 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 existing and approved residential developments in this area are predominantly single family residential developments with densities at a maximum of 8 dwelling units per acre. The proposed development with a density of 20.1 dwelling units per acre is a 151% increase in density compared to the existing and approved residential developments that abut this site. Therefore, staff finds the proposed development is not compatible with the existing and approved residential 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 129 students for the schools that serve this area (55 elementary students, 31 middle school students, and 43 high school students). The School District also indicates that 2 schools that would serve this area (Tarkanian Middle School and Desert Oasis High School) are over capacity with current enrollment. As a residential development the project would create an increased demand for parks within the area; however, this is off-set by the on-site recreational areas being provided for the residents of the development.

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

The proposed development complies with Goal 7 of the Comprehensive Master Plan which encourages providing housing alternatives to meet a range of lifestyle choices, ages, and affordability levels. To the west of this site is an existing single family residential development in an R-2 zone and to the east is a site approved for a single family residential development in an R-2 zone. Multiple family residential development in an R-4 zone at this location does not comply with Urban Specific Policy 4 of the Comprehensive Master Plan, which encourages the preservation of existing residential neighborhoods by developing vacant lots within these areas at similar densities as the existing area. As a gated multiple family residential development this project will be segregated from the existing and approved residential developments in this area. This does not comply in part with Urban Specific Policy 7 for developments to provide appropriate connectivity and not be segregated. Additionally, the proposed development does not comply in part with Urban Specific Policy 10 to encourage site designs to be compatible with adjacent land uses especially when the adjacent land use is a lower density or intensity. Therefore, staff finds that the proposed development does not conform to other adopted goals and policies.

Summary

Zone Change

There has not been a change in trends and facts in this area which make the proposed nonconforming zone change appropriate for this area. The density and intensity of the proposed project are not compatible with existing and approved land uses in the surrounding area. There is no indication of this project having a substantial adverse effect on public facilities and services

in the area. In addition, the project will not comply with other goals and policies. Based on the criteria listed above, staff finds the applicant has not satisfied the requirements for a Compelling Justification to warrant approval of the zone change.

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 existing topography of the site may be a unique or special circumstance to warrant approval of the proposed increase in the height of the retaining walls. However, the proposed increase is based on the high density design of a multiple family residential development that staff does not support. Therefore, staff does not support this waiver.

Design Reviews #1 & #2

The proposed project provides open space in excess of Code requirements. Amenities within the open spaces include a dog park, pools and spa areas, and open spaces large enough to allow for active recreational uses. These recreational open space areas are located at different locations on the site that are convenient for the residents of the complex; therefore, staff finds the project complies with Urban Specific Policy 51 of the Comprehensive Master Plan for multiple family projects to provide several amenities such as usable open space, swimming pools, and community centers. Parking areas are distributed throughout the site; however, the applicant is requesting to use landscape diamonds rather than provide landscaping islands within the parking areas. The uses of landscape diamonds is being requested to maximize parking for the residents of the development and avoid a waiver of development standards for a parking reduction. The rooflines are broken-up by variations in height so that the buildings are not solid mass. Setbacks from the property lines and the distribution of the buildings on the site also mitigate the massing effect of the structures. This complies with Urban Specific Policy 55 of the Comprehensive Master Plan which encourages design alternatives and spatial distribution rather than the massing of buildings. However, the project is a gated community with one point of access for the residents. This does not comply in part with Urban Specific Policy 7 for developments to provide appropriate connectivity and not be segregated. Additionally, staff does not support the zone change necessary to allow for this development; therefore, staff cannot support the design reviews for the proposed development.

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. However, since Planning cannot support the application in its entirety, staff cannot support this design review.

Department of Aviation

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

Staff Recommendation

Denial. 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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PLANNING COMMISSION ACTION: June 15, 2021 – APPROVED – Vote: Unanimous
Absent: Kilarski, Frasier

Current Planning

- Resolution of Intent to complete in 3 years;
- Design review as a public hearing for lighting and signage;
- Provide pedestrian access to Frias Avenue, Rush Avenue, and Cameron Street;
- 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;
- 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;
- Coordinate with Public Works - Design Division for the Decatur Boulevard improvement project;
- Dedicate any right-of-way and easements necessary for the Decatur Boulevard improvement project;
- The installation of detached sidewalks will require the recordation of the vacation of excess right-of-way together with a subdivision map granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

- Applicant is advised 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.

Building Department - Fire Prevention

- 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 #0328-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - approval (design review as a public hearing for lighting and signage).

APPROVALS:

PROTESTS: 12 cards, 1 letter

APPLICANT: NEVADA WEST PARTNERS V, LLC

CONTACT: LINDSAY BROWN, KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DRIVE, SUITE 650, LAS VEGAS, NV 89135