

SENIOR HOUSING  
(TITLE 30)

RUSSELL RD/BOULDER HWY

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ZC-23-0067-ELEGANCE RUSSELL, LLC :**

**ZONE CHANGE** to reclassify 11.2 acres from an R-2 (Medium Density Residential) Zone, a C-2 (General Commercial) Zone, and an M-1 (Light Manufacturing) Zone to an R-4 (Multiple Family Residential - High Density) Zone.

**USE PERMITS** for the following: **1)** senior housing; and **2)** project of regional significance.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** increase building height; **2)** increase retaining wall height; **3)** reduce throat depth; and **4)** allow non-standard improvements in the right-of-way.

**DESIGN REVIEWS** for the following: **1)** senior housing development; and **2)** finished grade.

Generally located between Emerald Avenue and Russell Road, 400 feet west of Boulder Highway within Whitney (description on file). JG/lm/syp (For possible action)

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**RELATED INFORMATION:**

**APN:**

161-27-403-012; 161-27-803-001; 161-34-501-002

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Increase the building height up to 41 feet where 35 feet where is allowed per Table 30.40-3 (a 17% increase).
2. Increase retaining wall height to 4.5 feet with 6 foot screen wall where a 3 foot retaining wall is allowed with 6 foot screen wall per Section 30.64.050 (a 50% increase).
3.
  - a. Reduce throat depth to the call box for driveway along Russell Road to 60 feet where a minimum of 100 feet is required per Uniform Standard Drawing 222.1 (a 40% reduction).
  - b. Reduce throat depth to the call box for driveway along Emerald Avenue to 87 feet where a minimum of 100 feet is required per Uniform Standard Drawing 222.1 (a 13% reduction).
4. Allow non-standard improvements (bridge) in the right-of-way (Duck Creek Flood Channel) where not permitted per Section 30.52.

**DESIGN REVIEWS:**

1. Senior housing development.
2. Increase finished grade to 6.5 feet where a maximum of 3 feet is the standard per Section 30.32.040 (a 116% increase).

**LAND USE PLAN:**

WHITNEY (EXISTING) - CORRIDOR MIXED-USE

WHITNEY (PROPOSED) - URBAN NEIGHBORHOOD (GREATER THAN 18 DU/AC)

**BACKGROUND:****Project Description**

## General Summary

- Site Address: N/A
- Site Acreage: 11.2
- Number of Units: 279
- Density (du/ac): 24.9
- Project Type: Senior housing
- Number of Stories: 3
- Building Height (feet): 41 (Buildings 1 & 2)/16 feet, 10 inches (Buildings 3 & 4)
- Open Space Required/Provided: 63,943/73,352
- Parking Required/Provided: 279/ 309

Site Plans

The plans depict a proposed senior housing facility consisting of 3 buildings with 1 building located north of the Duck Creek Flood Channel and 3 buildings located south of the Duck Creek Flood Channel. There will be a total of 279 units with a density of 24.9 dwelling units per acre. The complex will provide 1 and 2 bedroom units. The setbacks of the southerly buildings are as follows: 20 feet to the south property line (Russell Road); 80 feet to the north property line (Duck Creek Flood Channel); 78 feet to the east property line; and 81 feet to the west property line. The setbacks of the northerly building are as follows: 58 feet to the south property line (Duck Creek Flood Channel); 96 feet to the north property line (Emerald Avenue); 90 feet to the east property line; and 58 feet to the west property line (Duck Creek Flood Channel). Trash enclosures are provided at the 4 corners of Building 1 and at the north and south ends of Building 2 with another enclosure at the northeast corner of the north portion of the site. Open space and landscaping are equitably distributed throughout the development and consist of active and passive open space areas which include swimming pools, bocce ball courts, dog park, putting green, and pickleball courts. There is gated access to the development from Russell Road to the south, and to Emerald Avenue with a bridge across the Duck Creek Flood Channel connecting the 2 development areas, necessitating the included waiver. The entry courtyard along Russell Road includes a call box island with throat depth of 60 feet and visitor parking area along the south elevation of Building 1. Gated vehicle access is located on either side of the vehicle courtyard. The gated entry along Emerald Avenue includes a call box island with throat depth of 87 feet which accesses 2 entry gates to the northern portion of the development.

Internal circulation within the project consists of 24 foot wide drive aisles. Surface parking is provided for both visitors and residents with most of the spaces being covered.

Landscaping

Street landscaping consists of a 15 foot wide landscape area with a detached sidewalk along all public street frontages (Russel Road and Emerald Avenue). The perimeter landscaping includes

a 6 foot 7 inch wide landscape planter along the east interior property line with the trees 10 feet on center. Landscape materials include trees, shrubs, and groundcover. Interior to the site, open space and landscaping are equitably distributed throughout the development and consist of active and passive open space areas which include 3 recreational open space areas, swimming pools and deck area located adjacent to each building with a walking path on the north side of the Duck Creek Flood Channel. The increased retaining wall with open screen fencing is located along the east property of the north portion of the site. The amount of passive and active open space is depicted at 73,352 square feet where 63,943 square feet is required.

Elevations

Buildings 1 and 2 are 3 stories, 40 feet 6 inches high, and Buildings 3 and 4 are 16 feet 10 inches high and all consist of stucco, decorative cornice molding, stacked stone, and metal balconies. The buildings are being designed to break-up the roofline and enhance the overall look of the buildings. The exterior walls have a stucco finish painted in subdued earth tone colors. The units in Buildings 1 and 2 include balconies with wrought iron railings, while the units in Buildings 3 and 4 include “front porch” and “yard” areas. The clubhouse, leasing office, and various additional amenities are internal to Buildings 1 and 2.

Floor Plans

The plans show a mix of 1 and 2 bedroom units consisting of 191, one bedroom units and 88, two bedroom units. The residential units are between 610 square feet and 822 square feet in area.

Signage

Signage is not a part of this request.

Applicant’s Justification

The applicant indicates the request is compliant with multiple land use goals and policies and the R-4 zoning and multiple family residential development is consistent and compatible with other multiple family developments in the immediate area.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
NZC-18-0965	Reclassified 12.2 acres from R-2, C-2, and M-1 to R-3 zoning for a senior housing complex - expired	Approved by BCC	February 2019
ZC-0262-03	Reclassified a portion of the overall site to C-2 zoning for a future commercial development	Approved by BCC	March 2003

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Urban Neighborhood (greater than 18 du/ac) & Corridor Mixed-Use	R-3 & R-4	Multiple family residential & undeveloped

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
South	Urban Neighborhood (greater than 18 du/ac) & Corridor Mixed-Use	C-2 & R-2	Undeveloped & single family residential
East	Corridor Mixed-Use	C-2	Commercial development
West	Public Use; Business Employment; & Corridor Mixed-Use	M-1 & M-2	Duck Creek Wash & undeveloped

**Related Applications**

<b>Application Number</b>	<b>Request</b>
PA-23-700005	Master Plan Amendment from Corridor Mixed-Use (CM) to Urban Neighborhood (UN) is a companion item on this agenda.
VS-23-0068	A vacation and abandonment of portions of rights-of-way (Russell Road and Emerald Avenue) 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

Staff finds the proposed zoning 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. Furthermore, the proposed zoning complies with Goal 1.2 that encourages expanding the number of long-term affordable housing units available in Clark County. Additionally, the proposed zoning is compatible with the surrounding area as R-3 and R-4 zoning is either constructed or planned to the north. Staff can support this request.

Use Permits & Design Review #1

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

The applicant is requesting a use permit to allow this site to be developed as a senior housing project. Per Title 30, senior housing is defined as a multiple family dwelling with all units intended for and occupied by at least 1 person 55 years of age or older and facilities and services to support senior living must be incorporated into the development. As a result, traffic, impact on schools, and other infrastructure and service demands may be reduced, as compared to a non-age restricted multiple family development. In addition, the use complies with County goals to provide housing alternatives to meet a range of lifestyle choices, ages, and affordability levels.

Due to the modern design of the buildings, access to both sides of the development via the bridge across the flood channel, along with amenities provided, staff can support these requests.

#### 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 can support the request to increase the height of the multiple family buildings. The multiple family residential development to the north and the single family residential to the south are separated by streets and that would not be impacted by the height increase. Additionally, the design of the buildings includes a minimal height increase to screen roof mounted mechanical equipment and is mitigated by providing varying rooflines and surface planes to break-up the visual mass of the buildings. Staff can support this request.

#### Waiver of Development Standards #2

Staff finds the increased retaining wall height is minimal and provides a level grade to allow for less steps within the senior housing complex. Therefore, staff can support this request.

#### **Public Works - Development Review**

#### Waiver of Development Standards #3

Although the throat depth distance to the call boxes do not comply with the minimum standard, the applicant has placed the gates farther into the site, which will provide more room for vehicles to exit the right-of-way, reducing stacking in the right-of-way to avoid collisions. Therefore, staff has no objection to this request.

#### Waiver of Development Standards #4

The applicant is responsible for maintenance and up-keep of any non-standard improvement; the County will not maintain any bridge placed over the channel. Staff can support waiver of development standards #4 but the applicant must execute and sign a License and Maintenance Agreement for any non-standard improvements within the right-of-way.

#### Design Review #2

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**

- 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 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 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 use permits, waivers of development standards, and design reviews must commence within 2 years of approval date or they will expire.

#### **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;
- The bridge over the flood channel and trail must be high enough and provide unobstructed access for maintenance vehicles and pedestrians to travel on access roads and the trail;
- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way.
- 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: and 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.

**Department of Aviation**

- Applicant is advised that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed.

**Fire Prevention Bureau**

- Applicant is advised to submit plans for review and approval prior to installing any gates, speed humps (speed bumps not allowed), and any other Fire Apparatus Access Roadway obstructions.

**Clark County Water Reclamation District (CCWRD)**

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0072-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Whitney - approval.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** MARK ORSHOSKI

**CONTACT:** ELISHA SCROGUM, TANEY ENGINEERING, 6030 S. JONES BLVD., SUITE 100, LAS VEGAS, NV 89118