

01/19/22 BCC AGENDA SHEET

MULTIPLE FAMILY
RESIDENTIAL DEVELOPMENT
(TITLE 30)

UPDATE
BOULDER HWY/GIBSON RD

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
NZC-21-0639-CM BOULDER 1-674, LLC:

ZONE CHANGE to reclassify 9.2 acres from a C-2 (General Commercial) 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)** multiple family residential development; and **2)** finished grade.

Generally located on the northeast side of Boulder Highway, 1,000 feet northwest of Gibson Road within Whitney (description on file). JG/jt/jo (For possible action)

RELATED INFORMATION:

APN:
161-35-201-009

WAIVER OF DEVELOPMENT STANDARDS:
Increase building height to 40 feet where 35 feet is the maximum allowed per Table 30.40-3 (a 14% increase).

DESIGN REVIEWS:

1. Multiple family residential development.
2. Increase finished grade to 54 inches where a maximum of 18 inches is the standard per Section 30.32.040 (a 200% increase).

LAND USE PLAN:
WHITNEY - COMMERCIAL GENERAL

BACKGROUND:
Project Description

General Summary

- Site Address: N/A
- Site Acreage: 9.2
- Number of Units: 228
- Density (du/ac): 24.9
- Project Type: Multiple family residential development
- Number of Stories: 3

- Building Height (feet): 40
- Open Space Required/Provided: 22,800/52,000
- Parking Required/Provided: 381/390

Neighborhood Meeting Summary

Notices for a neighborhood meeting were mailed to property owners within 1,500 feet of the site. A virtual neighborhood meeting was held on July 12, 2021, and 4 neighbors attended the meeting. The neighbors asked questions about timing for development and access, but there was no opposition to the project.

Site Plan

The site plan depicts a proposed multiple family residential development consisting of 5 residential buildings and a clubhouse. Overall setbacks are approximately 90 feet to the southwest property line along Boulder Highway, 70 feet to the south property line, 80 feet to the east property line, 50 feet to the north property line, and 70 feet to the northwest property line. Carports are set back 10 feet from the northwest property line and the east property line.

Access to the site is provided by 2 separate driveways from Boulder Highway. Drive aisles and parking spaces are located around the residential buildings and within a north/south powerline easement that runs through the center of the site. A trash enclosure is located near each residential building, and the clubhouse is located near the main central driveway from Boulder Highway.

Landscaping

A 15 foot wide landscape buffer with trees spaced 20 feet on center is provided adjacent to the property line along Boulder Highway. The property line along Boulder Highway is located approximately 35 feet from the paved portion of the right-of-way, and the plans indicate a powerline easement running through this area. Ten foot wide landscape buffers with trees spaced 20 feet on center are provided along the perimeter of the site. Within the interior of the site, landscaping is provided within the parking lots, within the north/south centralized powerline easement (adjacent to parking spaces), and around the base of the buildings. A pool and spa are located between 3 of the residential buildings on the western portion of the site.

Elevations

Each residential building is 3 stories and 40 feet high to the peak of pitched asphalt tile roofs. Exterior materials include painted stucco, black fascia, black guardrails, and vinyl accents around the windows. The single story clubhouse is 24 feet high to the peak of a pitched roof and includes the same exterior materials as the residential buildings.

Floor Plans

The unit mix includes 132, one bedroom units, 87, two bedroom units, and 9, three bedroom units. Two options are provided for the 1 bedroom units which include a 696 square foot unit and a 742 square foot unit. The 2 bedroom units are 1,059 square feet, and the 3 bedroom units are 1,158 square feet. A lounge, offices, restrooms, and a fitness area are included in the 4,000 square foot clubhouse.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant indicates that the multiple family residential development is appropriate at this location, which is near other multiple family residential developments. Also, this project will include a variety of outdoor amenities for the residents. Increasing the building height to 40 feet will allow for additional roof slope, and the area above 35 feet will not include living space. Lastly, the increase in finished grade is due to the topography of the site and to ensure that the earthworks will balance.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-0361-07	Reclassified the site to C-2 zoning for a shopping center	Approved by BCC	May 2007
TM-0106-07	One lot commercial subdivision - expired	Approved by BCC	May 2007

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Commercial General & Residential Urban Center (18 to 32 du/ac)	H-2 & R-3	Undeveloped & multiple family residential
South	City of Henderson	Corridor/Community Mixed-Use (MC)	Undeveloped
East	Residential Urban Center (18 to 32 du/ac)	R-3	Single family residential planned unit development
West	Residential High-Rise Center (greater than 32 du/ac)	M-D & M-1	Adult use, mini-warehouse facility & office/warehouse

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.*

Since the most recent adoption of the Whitney Land Use Plan, the area has experienced an increased demand for residential development. Also, Clark County, City of Las Vegas, and City of Henderson have completed joint studies with the Regional Transportation Center of Southern Nevada to provide safety improvements along Boulder Highway along with a bus rapid transit system. Reclassifying the subject site to multiple family residential zoning will create an opportunity to develop additional residential units in an area where future residents will utilize the bus rapid transit system.

- 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.*

North of the site, a multiple family residential development is zoned R-3 and developed with over 16 dwelling units per acre on 23 acres. East of the site is a single family residential development zoned R-3 with a density of 12.5 dwelling units per acre on 14.5 acres. Therefore, the proposed R-4 zoning, which allows up to 25 units per acre, is adjacent to 2 large residential developments with compatible density. Furthermore, the parcels to the northwest are undeveloped and planned for Commercial General uses, the parcel to the southeast is undeveloped and located in the City of Henderson, and the parcels directly across Boulder Highway to the west are developed with office/warehouse use. As a result, the density of the uses allowed by the nonconforming zoning is compatible with existing and 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.*

There has been no indication from the public utility purveyors that the proposed nonconforming zone boundary amendment will negatively impact public facilities and services. However, the Clark County School District indicates that the development will yield an additional 64 students. Both Stevens Elementary School and Basic High School, which service the area, are over-capacity for the 2021-2022 school year.

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

Goal 2 of the Comprehensive Master Plan encourages a mix of commercial and multiple family residential uses, among other uses, within proximity to each other. This R-4 zoning will be near office/warehouse development across Boulder Highway, which could provide services and employment opportunities to future residents on this site. Also, Goal 7 encourages housing alternatives to meet a range of lifestyle choices, ages, and affordability levels. This R-4 zoning will create the opportunity for additional multiple family residential development. Lastly, Growth Management Policy 1 encourages development of vacant parcels within serviced areas. Here, multiple family residential zoning will be more likely to encourage development of this vacant parcel that is serviced by utilities and infrastructure. As a result, the proposed nonconforming zoning conforms to applications goals and policies.

Summary

Zone Change

Additional demand for housing and a future bus rapid transit system along Boulder Highway are changes that make the proposed nonconforming residential zoning appropriate. In addition, the R-4 zoning is compatible with adjacent existing and planned land uses, and the zoning will not create a negative impact on public services and infrastructure. Lastly, the request conforms to goals and policies in the Comprehensive Master Plan; therefore, staff can support the request.

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.

Boulder Highway is a 200 foot wide right-of-way, and buildings with additional height are appropriate along arterial streets. Also, the proposed buildings with increased height are set back over 80 feet to the east property line, which is adjacent to single family residences, and 50 feet to the north property line, which is adjacent to a multiple family residential building. Lastly, the increase in height will accommodate roof pitch, which increases the aesthetic appeal of the buildings. As a result, staff does not anticipate any negative visual impacts from the increased building height, and staff can support the request.

Design Review #1

The multiple family residential project complies with several policies in the Comprehensive Master Plan. For example, Urban Specific Policy 51 encourages several amenities for residents. The project will include a pool, spa, and clubhouse. Policy 55 encourages spatial distribution rather than massing of buildings. The buildings are oriented in various directions to avoid a monotonous linear pattern. Lastly, Policy 57 encourages multiple family developments to be located near transit stops. Here, bus stops are located along Boulder Highway, and a bus rapid transit system will be developed in the future; therefore, the multiple family residential development complies with several policies in the Comprehensive Master Plan, and staff can support the design review.

Public Works - Development Review

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 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

Approval. 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: December 21, 2021 – APPROVED – Vote: Unanimous

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 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;
- Nevada Department of Transportation approval.
- 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.

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 #0306-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Whitney - approval.

APPROVALS: 1 card

PROTESTS: 8 cards

APPLICANT: MORGAN STONEHILL, LLC

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