

05/18/22 BCC AGENDA SHEET

MULTIPLE FAMILY  
RESIDENTIAL DEVELOPMENT  
(TITLE 30)

HACIENDA AVE/JERRY TARKANIAN WY

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**NZC-22-0090-BELTWAY DEWEY, LLC:**

**ZONE CHANGE** to reclassify 10.3 acres from an R-E (Rural Estates Residential) Zone and an R-2 (Medium Density Residential) Zone to an R-5 (Apartment Residential) Zone.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** increase building height; **2)** reduce landscaping; and **3)** alternative driveway geometrics.

**DESIGN REVIEWS** for the following: **1)** multiple family residential development; and **2)** finished grade in the CMA Design Overlay District.

Generally located on the south side of Hacienda Avenue, the west side of Jerry Tarkanian Way, and the north side of Diablo Drive within Spring Valley (description on file). JJ/jt/jo (For possible action)

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RELATED INFORMATION:

**APN:**

163-29-301-013; 163-29-301-014; 163-29-315-019

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Increase building height to 60 feet where 50 feet is the maximum per Table 30.40-3 (a 20% increase).
2.
  - a. Reduce landscaping to a less intense use where landscaping per Figure 30.64-11 with 1 tree per 30 feet is required.
  - b. Reduce parking lot landscaping where landscaping per Figure 30.64-14 is required.
3. Reduce the setback to a call box to 61 feet where 100 feet or more is required depending on a traffic study per Uniform Standard Drawing 222.1 (a 39% reduction).

**DESIGN REVIEWS:**

1. Multiple family residential development.
2. Increase finished grade to 103 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 186% increase).

**LAND USE PLAN:**

SPRING VALLEY - MID-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 8 DU/AC)

## **BACKGROUND:**

### **Project Description**

#### General Summary

- Site Address: N/A
- Site Acreage: 10.3
- Number of Units: 326
- Density (du/ac): 32
- Project Type: Multiple family residential development
- Number of Stories: 5
- Building Height (feet): 60
- Open Space Required/Provided: 32,600/36,000
- Parking Required/Provided: 531/531

#### **Neighborhood Meeting Summary**

Notices were mailed to property owners within a 1,500 foot radius of the site notifying them of a neighborhood meeting on December 13, 2021 at the Desert Breeze Community Center. Three neighbors attended the meeting, and the neighbors' concerns included traffic, height of the building, density, and views from the multiple family units into the single family residential houses to the west.

#### Site Plan

The site plan depicts 2 multiple family residential buildings with a centrally located clubhouse on the linear, north/south oriented site. Overall setbacks for the residential buildings include 166 feet to the north property line along Hacienda Avenue, a minimum of 80 feet to the east property line along Jerry Tarkanian Way, 150 feet to the south property line along Diablo Drive, and 93 feet to the west property line.

Gated ingress/egress is provided from a driveway that is centrally located along Jerry Tarkanian Way. A waiver of development standards is necessary to reduce the setback for the call box. An additional exit-only gated driveway is provided on the north side of the site to Hacienda Avenue, and an additional exit-only gated driveway is provided on the south side of the site to Diablo Drive. Parking spaces (many of which include carport shade covers), drive aisles, and trash enclosure are located around the perimeter of the site.

A utility/drainage easement located along the west side of the site ranges in width from 20 feet to 30 feet. This utility/drainage easement will remain open to function as a pedestrian path and open area buffer between the multiple family residential development and the single family subdivisions to the west.

#### Landscaping

Landscaping along the east side of the site, adjacent to Jerry Tarkanian Way, includes a 15 foot wide landscape area with a detached sidewalk. A 6 foot high perimeter wrought iron fence with CMU block columns is provided behind the 15 foot wide landscape area, and an additional 8 foot wide landscape area is provided behind the fence. A detached sidewalk with a 15 foot wide landscape area is provided along the north property line, adjacent to Hacienda Avenue. The 6

foot high fence is provided behind the 15 foot wide landscape area along Hacienda Avenue, and an additional 8 foot wide landscape area is provided behind the fence.

Landscaping along the south property line, adjacent to Diablo Drive, includes an attached sidewalk, a 5 foot wide landscape area, a 6 foot high fence, and an additional 8 foot wide landscape area behind the fence.

A waiver of development standards is necessary for landscaping along the west property line since a 5 foot wide landscape area is provided adjacent to the utility/drainage easement where landscaping per Figure 30.64-11 with 1 tree per 30 feet is required. A waiver of development standards to reduce parking lot landscaping is also necessary along the western portion of the site. Parking lot landscape fingers adjacent to the utility/drainage easement do not include the required 8 foot wide landscape strip in front of the space.

Landscaping is also provided throughout the parking lots, around the base of the buildings, and within courtyards between wings of the buildings. A total of 36,000 square feet of open space is provided where 32,600 square feet is required. Open space includes a dog park, pool, courtyards, and other amenities.

#### Elevations

The 5 story residential buildings extend up to 60 feet in height, and exterior materials include painted stucco and faux wood veneer. Parapet walls along the roofline vary in height, and off-set surface planes help reduce the visual mass of the building. In addition, the residential buildings are tiered in height to reduce the impact on the adjacent single family residences to the west. For example, the westernmost portions of the buildings are 3 stories, the central portions of the buildings are 4 stories, and the eastern portion of the buildings are 5 stories, which is adjacent to Jerry Tarkanian Way. The design of the residential buildings meet the 3:1 height/setback requirement adjacent to single family residences. Lastly, the 2 story clubhouse includes similar exterior materials with the residential buildings.

#### Floor Plans

The residential buildings include 54 studio units, 158 one bedroom units, and 114 two bedroom units. The units range in size from 538 square feet for the studio units to 1,208 square feet for certain floor plans for the two bedroom units. Included in the 10,000 square foot clubhouse are a lounge, leasing office, kitchen, mailroom, restrooms, and a fitness area.

#### Signage

Signage is not a part of this request.

#### Applicant's Justification

According to the applicant, the multiple family residential development is appropriate since the site is adjacent to Jerry Tarkanian Way and the CC 215. In addition, the buildings are tiered in height away from the single family residences to the west. As a result, the increase in building height, will not create any negative visual impacts. Similarly, the applicant indicates that most of the increase in finished grade will occur along the east portion of the site, which will not create

any additional impacts to the single family residences to the west. The increase in finished grade is necessary to allow for proper drainage.

Furthermore, the applicant indicates that the other waivers of development standards will not create any negative impacts. For example, the reduced distance to the call box is necessary due to the linear, north/south orientation of the site and the shallow east/west distance. Additional stacking of vehicles is allowed on-site since the gates are not located directly next to the call box. As a result, vehicles will not stack onto Jerry Tarkanian Way. Moreover, 2 exit-only driveways are provided on the north and south sides of the site.

Lastly, the reduced landscaping along the western portion of the site is due to the utility/drainage easement. A sewer line runs through this easement, and trees are not recommended near the sewer line due to invasive roots that could damage the sewer. Instead, shrubs and groundcover will be included in the landscaping, and the easement will be utilized as a pedestrian path connecting Hacienda Avenue and Diablo Drive along the west side of the site.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ET-20-400154 (NZN-0052-17)	Extension of time to reclassify 9.6 acres from R-E to C-2 zoning for a proposed office and retail complex	Approved by BCC	February 2021
ZC-20-0301	Reclassified the western portion to C-P zoning and a design review for an office complex on the entire site	Withdrawn	August 2020
VS-20-0302	Vacation and abandonment of easements	Withdrawn	August 2020
TM-20-500100	1 lot commercial tentative map	Withdrawn	August 2020
ET-20-400043 (NZN-0052-17)	Extension of time to reclassify 9.6 acres from R-E to C-2 zoning for a proposed office and retail complex	Withdrawn	August 2020
NZN-0052-17	Reclassified 9.6 acres from R-E to C-2 zoning for a proposed office and retail complex	Approved by BCC	April 2017
VS-0238-16	Vacated and abandoned a drainage easement	Approved by PC	June 2016
VS-0426-15	Vacated and abandoned Lone Mesa Drive	Approved by BCC	August 2015
VS-0390-15	Vacated and abandoned a portion of Jerry Tarkanian Way	Approved by PC	August 2015
NZN-0624-13	Reclassified 50 acres, including the western portion of this site, to R-2 zoning for a single family residential development	Approved by BCC	December 2013

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Corridor Mixed Use	R-4	Multiple family residential
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac) & Business Employment	R-2 & C-2	Single family residential & office building
East	Business Employment	C-2	CC 215 & office complex
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	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.*

There has been no change in law, policies, trends, or facts after the most recent adoption of the Master Plan that would make the proposed R-5 zoning appropriate. While there has been an increased demand for housing, R-5 zoning is too intense for the area. Single family residences in the R-2 zone are located directly west of this site, and R-4 zoning with a multiple family development at a density of less than the R-5 zoning, is north of the site. As a result, the uses allowed in the Mid-Intensity Suburban Neighborhood planned land use remain most appropriate for this site.

- 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 residential density allowed in an R-5 zoning district is not compatible with existing single family residences to the west. R-5 zoning allows up to 50 units per acre, while the single family subdivisions to the west were constructed with less than 8 dwelling units per acre. Although an R-4 zoned multiple family residential development is located north of the site and a C-2 zoned office building is located south of the site, the linear, north/south orientation of the site results in a narrow development with relatively small frontages to the north and south. For example, the western side of the project, which is adjacent to the single family residences, is approximately 1,300 feet in length, while the north and south sides of the site are approximately 300 feet. As a result, development on this site will mostly impact the single family residences to the west.

Lastly, although Jerry Tarkanian Way and the CC 215 are located on the east side of the site and more intense development is generally encouraged along a freeway, the development must also be compatible with the single family residences to the west.

- 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 utility purveyors that the proposed nonconforming zone change will negatively impact public facilities and services. Furthermore, the Clark County School District indicates that enrollment at the elementary school, middle school, and high school that service this area are all under capacity.

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

The proposed R-5 zoning does not conform to applicable policies in the Master Plan. For example, Policy 1.4.4 encourages in-fill development that is compatible with the scale and intensity of the surrounding area. Here, R-5 zoning would allow development that is not compatible with the scale and intensity of the single family subdivisions to the west. Furthermore, Policy 6.2.3 encourages appropriate transitions for character of development and neighborhood compatibility. Here, an R-5 zoned property adjacent to R-2 zoned single family subdivisions will not allow for the proper transitions in density and height without creating negative impacts for the existing residents. As a result, the nonconforming zone boundary amendment does not comply with applicable policies in the Master Plan.

## **Summary**

### Zone Change

There have been no changes since the most recent adoption of the Master Plan that would make the nonconforming zone boundary amendment appropriate, and the request is not compatible with the existing single family residential subdivisions to the west. Although there has been no indication that the proposed nonconforming zone boundary amendment would create any negative impacts on public utilities and services, the request does not comply with policies in the Master Plan. As a result, staff cannot support the request.

### 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

Policy 6.2.1 encourages context-sensitive design of new development that is compatible with established neighborhoods in terms of height and scale. While the proposed multiple family

residential development is tiered from 3 stories on the west side up to 5 stories on the east side of the site, the overall height of 60 feet is out of context for the area. A 3 story to 5 story multiple family housing development will create a negative visual impact on the adjacent 1 story and 2 story homes to the west. As a result, staff cannot support the increased building height.

#### Waiver of Development Standards #2

Although an easement with a sewer line is located along the western side of the site, the project could include additional trees outside of the easement to act as an additional landscape buffer. In addition to the positive environmental impacts, the trees would help create an additional visual buffer between the residences to the west and the proposed development on the subject parcel. Therefore, staff cannot support the waiver of development standards to reduce landscaping.

#### Design Review #1

Overall, the proposed multiple family residential development is out of context for the area. While the east side of the site is adjacent to a freeway, the west side of the site is adjacent to single family residential subdivisions. The increased height will create a negative visual impact for the residents, and the overall density of 32 units per acre is too dense. As a result, staff cannot support the design review.

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

##### Waiver of Development Standards #3

Although the throat depth distance to the call box does 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. However, since Planning is recommending denial of the application, staff cannot support this waiver.

#### 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. However, since Planning is recommending denial of the application, staff cannot support this waiver.

#### **Department of Aviation**

APN 163-29-301-013 is subject to certain deed restrictions which (1) prohibit uses incompatible with airport operations including those presented in this land use application from being developed, and (2) prohibit these parcels from being used to enhance incompatible uses on adjacent parcels. Applicant must contact the Clark County Department of Real Property Management to apply for a Deed Restriction Modification to amend existing deed restrictions which prohibit said use. Permits will not be issued and maps will not be recorded until all required fees associated with the amended deed restrictions, which would permit currently prohibited uses included in this application, have been paid and the new CC&Rs are recorded. If applicant fails to pay the required deed modification fees and record the new CC&Rs, then

permits for uses prohibited by existing recorded deed restrictions must not be issued and mapping of uses prohibited by existing recorded deed restrictions must not be recorded.

### **Staff Recommendation**

Denial. This item will be 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 Master Plan, Title 30, and/or the Nevada Revised Statutes.

### **PRELIMINARY STAFF CONDITIONS:**

#### **Current Planning**

If approved:

- 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 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 - Director's Office for the Beltway Frontage Road Phase 1 improvement project;
- Dedicate any right-of-way and easements necessary for the Beltway Frontage Road Phase 1 improvement project.
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for the Beltway Frontage Road Phase 1 improvement project;
- 90 days to record required right-of-way dedications and any corresponding easements for the Beltway Frontage Road Phase 1 improvement project;
- Vacate any unnecessary easements.

- 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 dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

**Department of Aviation**

- Compliance with most recent recorded airport-related deed restrictions for APN 163-29-301-013.

**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 #0384-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Spring Valley - denial.

**APPROVALS:** 2 cards

**PROTESTS:** 10 cards, 1 letter

**PLANNING COMMISSION ACTION:** April 19, 2022 – HELD – To 05/03/22 – per the applicant.

**PLANNING COMMISSION ACTION:** May 3, 2022 – HELD – To 06/07/22 – per the applicant.

**APPLICANT:** LENNAR MULTIFAMILY COMMUNITIES, LLC

**CONTACT:** CASSANDRA WORRELL, 520 SOUTH FOURTH STREET, LAS VEGAS, NV 89101