

SENIOR HOUSING  
(TITLE 30)

MILAGRO CT/HUALAPAI WY

PUBLIC HEARING  
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
**NZC-22-0200-HUALAPAI 215 APTS LLC:**

**ZONE CHANGE** to reclassify 2.6 acres from a C-2 (General Commercial) Zone to an R-5 (Apartment Residential) Zone.

**USE PERMIT** for a senior housing project.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** increase building height; **2)** reduce setback; **3)** modified wall requirements; and **4)** modified driveway design standards.

**DESIGN REVIEWS** for the following: **1)** senior housing project with associated structures and uses; and **2)** alternative parking lot landscaping.

Generally located on the north side of Milagro Court, 260 feet east of Hualapai Way within Spring Valley (description on file). JJ/rk/jo (For possible action)

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RELATED INFORMATION:

**APN:**

163-18-401-011

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Increase the building height up to 70 feet where 50 feet is the standard per Table 30.40-3 (a 40% increase).
2. Reduce setback for a carport to 9 feet where 20 feet is the standard per Table 30.40-3 (a 55% reduction).
3. Allow a standard 6 foot high screen wall along the north property line, where a 6 foot noise attenuated wall is required along a freeway per Figure 30.64-4.
4. Reduce throat depth to 14 feet where a minimum of 100 feet is the standard per Uniform Standard Drawing 222.1 (an 86% reduction).

**LAND USE PLAN:**

SPRING VALLEY - CORRIDOR MIXED-USE

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 2.6
- Number of Units: 125

- Density (du/ac): 48.6
- Project Type: Senior housing project
- Number of Stories: 5
- Building Height: 70 feet
- Open Space Required/Provided: 12,500/13,300 square feet
- Parking Required/Provided: 125/125

### **Neighborhood Meeting Summary**

The applicant conducted a neighborhood meeting on March 14, 2022, as required by the nonconforming amendment process, prior to formal filing of this application. All owners within 1,500 feet of the project site were notified about the meeting. There were 2 attendees present at the open house meeting for this item. One neighbor raised a concern about traffic and queuing on Milagro Court as it relates to truck access to the shopping center to the south. No other concerns were raised.

### **Site Plans**

The plans depict a proposed senior housing facility consisting of a single building near the center of the site. The property sits just south of CC 215. There will be a total of 125 units with a density of 48.6 dwelling units per acre. The complex will provide 1 and 2 bedroom units. The setbacks of the buildings are as follows: 61 feet to the south property line; 37 feet to the north property line; 84 feet to the east property line; and 59 feet to the west property line. Open space and landscaping are equitably distributed throughout the development and consist of active and passive open space areas, which include a swimming pool. There will be one access point to the development from the bulb of the cul-de-sac of Milagro Court to the south. Internal circulation within the project consists of 25 foot wide drive aisles. Parking will consist of surface parking for the visitors and surface spaces and some garages for the residents with a majority of the surface spaces being covered.

### **Landscaping**

The street landscaping is shown at an approximate width of 8 feet behind an attached sidewalk along Milagro Court. The perimeter landscape buffer includes a 6 foot wide landscape area along the north, east, and west property lines with the trees 30 feet on center. Instead of having landscape fingers around the perimeter parking lot (every 6 spaces) those trees will be installed within the 6 foot wide planter in lieu of the landscape fingers; thus, necessitating the request for design review #2. 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 recreational open space areas with a swimming pool and deck area. The recreation open space area is on the south side of the building surrounded by 3 sides of the building in a courtyard fashion. The amount of passive and active open space is depicted at 13,300 square feet where 12,500 square feet is required.

### **Elevations**

The plans depict the senior housing development will have unified and consistent modern architecture with multiple surface plane and building height variations. The building will range in height from 55 feet to 70 feet at its highest point. The major portions of the roof parapet are 55 feet to 60 feet high. The areas that extend up to 70 feet are to accommodate the stairwells and

mechanical units. The proposed building materials include stucco concrete panel walls with multiple surface plane variations consisting of walls that are off-set with varying color schemes. Accents consist of recessed lines, wrought iron railing, cornice treatments, and metal canopy shade structures located at various entrances.

Floor Plans

The plans show a mix of 1 and 2 bedroom units consisting of 84, one bedroom units and 41, two bedroom units. The residential units are between 590 square feet and 1,060 square feet in area. Indoor amenities will include kitchen, library, creative studio, social room, and fitness center.

Signage

Signage is not a part of this request.

Applicant’s Justification

The applicant indicates that the proposed use is appropriate for the area. The property is between a shopping center and the CC 215. Senior housing options are necessary and compatible with the surrounding area and the proposed development will have reduced impacts on schools and traffic as compared with a multiple family development. Furthermore, the development meets most required design standards for a multiple family project and the density and intensity of the project is compatible with the existing multiple family developments on the south side of Flamingo Road.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-0521-01	Reclassified this site to C-2 zoning for a hotel	Approved by BCC	June 2001

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North*	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-3	Multiple family apartment complex
South	Corridor Mixed-Use	C-2	Shopping center
East	Corridor Mixed-Use	C-2	Undeveloped
West	Corridor Mixed-Use	P-F	Water Reclamation building

\*Immediately to the north is the CC 215.

**Related Applications**

<b>Application Number</b>	<b>Request</b>
VS-22-0201	A request to vacate and abandon patent easements 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 states that since the property was not part of the commercial development to the south and without direct access to the nearby arterial streets (Hualapai Way and Flamingo Road), commercial development of the site is not desirable. Staff finds although this site is planned for commercial development (with the allowance of up to 18 du/ac), the location of the project lends itself to a senior housing development that would be ideal for the area. Furthermore, there have been multiple high density developments built on the south side of Flamingo Road within a half mile of 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 applicant indicates with a special use permit for senior housing, a multiple family use with a density up to 22 dwelling units per acre is permitted. The property is located between intense commercial uses immediately to the south and the CC 215 to the north. Staff finds senior housing options are necessary and compatible with the surrounding area. A properly designed multiple family housing development, especially age restricted housing, is an ideal use next to existing commercial and within easy walking distance for pedestrian connectivity.

- 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.*

Service providers have not indicated that this project will cause a substantial adverse effect on public facilities and services. The facility is intended for adults age 55 or older so there will not be an impact to schools. There are existing public services and facilities in this area which will be utilized by this project. The plans also depict open space on site for recreational uses including a swimming pool and deck area. This open space with the recreational uses for the residents of the facility will off-set any increased demand for use of parks by the residents.

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

The applicant indicates the project accomplishes the Goals and Policies within the Clark County Master Plan, per the following: 1) The project achieves Goal 1.1.1 by providing diversity in housing type that adds senior housing and differing income levels to the neighborhood; 2) Policy 1.1.2 is met by concentrating higher density housing with access to public transit; and 3) Policy 1.1.4 is achieved in that 100% of the senior apartments are designed for aging in place and the site is fully accessible. 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.

## **Summary**

### Zone Change

Based on the analysis above, staff finds that the trend in the area for higher density residential development makes this request appropriate at this location. The proposed scale, intensity and location of this project should not have any adverse effects on adjacent properties. The density is consistent with the nearby R-4, R-5 and UV zoned projects to the south of Flamingo Road. This project satisfies Countywide policies and goals in the Master Plan which encourages, in part, that new developments should be complementary and similar in intensity to the surrounding land uses and fully accessible between the various uses in the area; therefore, staff finds that the applicant has provided a compelling justification to warrant approval of this nonconforming zone change request.

### Use Permit

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. The use is compatible with the existing and planned developments in this area and the facility will meet or exceed Code requirements. The location of the project, in relation to planned and approved uses in the immediate area, is not anticipated to negatively impact the neighborhood.

### 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 increase in building height. The building height plate is less than 56 feet, and no residential units are above this height. The building will range in height from 55 feet to 70 feet at its highest point with most of the roof parapet at 60 feet high. Additionally, there is no existing residential in the immediate area and the height increase will not negatively impact the surrounding commercial uses. In addition, the requested building height is similar to approved heights in the area, specifically the office buildings to the west, the multiple family apartment complex at the southeast corner of Hualapai Way and Flamingo Road, and the approved R-5 zoned project behind the apartments mentioned above.

#### Waiver of Development Standards #2

The applicant is requesting to install carports 9 feet from the south property line adjacent to Milagro Court. The front portion of the property will have a decorative wrought iron fence with an 8 foot wide landscape buffer behind an attached sidewalk. Therefore, staff finds there will be an adequate buffer between the carports and the front property line, which should not have adverse impacts to the area.

#### Waiver of Development Standards #3

While staff does not typically support waiving noise attenuated walls along a freeway, the site's grade is significantly higher than the beltway, by approximately 30 feet; therefore, it is not anticipated there will be any adverse impacts from constructing a standard 6 foot high screen wall instead of a noise attenuated wall.

#### Design Review

The proposed multiple family development is located near the corner of 2 arterial streets, Hualapai Way and Flamingo Road. The senior housing project has been designed to avoid a monotonous linear pattern along the street frontage, thereby reducing the visual mass of the building. The project provides several amenities including open space, a swimming pool, spa, and fitness center. Furthermore, the building includes off-set surface planes, an aesthetically pleasing color palette, and parapet walls along the roofline at various heights.

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

##### Waiver of Development Standards #4

Staff can neither support the request to reduce the throat depth nor the driveway location. Although Milagro Court ends in a cul-de-sac adjacent to the subject site, the shopping center to the south already has access at the end of the cul-de-sac, which will conflict with traffic from the proposed development. Additionally, the parcel to the east, APN 163-18-401-025, may use Milagro Court for access in the future as it is the only street that parcel touches directly. Therefore, staff recommends that the driveway be moved to a central location on the site and that the minimum required throat depth of 100 feet be taken into account with the redesign.

#### **Staff Recommendation**

Approval of the zone change, use permit, waivers of development standards #1, #2 and #3, and the design review; denial of waiver of development standards #4. This item will be forwarded to the Board of County Commissioners' meeting for final action on June 22, 2022 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:**

### **Current Planning**

If approved:

- Resolution of Intent to complete in 3 years.
- 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; 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;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 30 feet and a portion of the cul-de-sac for Milagro Court.

### **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;
- All proposed single-family residential submittals will comply with code requirements for residential streets;
- Per 503.2.1.1 (Parallel Parking Permitted on Both Sides) where parallel parking is permitted on both sides of the fire apparatus access road, the minimum clear width of the fire apparatus road shall be 36 feet (10,972 mm), measuring 37 feet (11,277 mm) from back-of-curb to back-of-curb for L curbs, 38 feet (11,852 mm) from back-of-curb to back-of-curb for R curbs, and 39 feet (11,887 mm) from back-of-curb to back-of-curb for roll curbs;
- The prohibition of parallel parking on both sides for the purpose of narrowing the roadway width is not permitted for fire apparatus roads serving one- and two-family dwellings.

**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 #0019-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Spring Valley - no recommendation.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** JAN GOYER

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