06/22/22 BCC AGENDA SHEET

UPDATE

MULTIPLE FAMILY RESIDENTIAL /CONVENIENCE STORE/GASOLINE STATION (TITLE 30)

EASTERN AVE/ROCHELLE AVE

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
NZC-22-0060-CHURCH ROMAN CATHOLIC LAS VEGAS:

ZONE CHANGES for the following: **1)** reclassify 3.9 acres from an R-1 (Single Family Residential) Zone and a U-V (Urban Village - Mixed Use) Zone to an R-4 (Multiple Family Residential - High Density) Zone; and **2)** reclassify 1.4 acres from a U-V (Urban Village - Mixed Use) Zone to a C-2 (General Commercial) Zone.
USE PERMITS for the following: **1)** reduce the setback for a convenience store from a residential use; and **2)** reduce the setback for a gasoline station from a residential use.
WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increase building height; **2)** eliminate landscaping; and **3)** alternative driveway geometrics.
DESIGN REVIEWS for the following: **1)** multiple family residential development; **2)** convenience store with gasoline station; **3)** alternative parking lot landscaping; and **4)** finished grade.

Generally located on the west side of Eastern Avenue, the south side of Rochelle Avenue, and the east side of Channel 10 Drive within Paradise (description on file). TS/jt/jo (For possible action)

RELATED INFORMATION:

APN:
162-23-604-001; 162-23-604-010

USE PERMITS:
1. Reduce the separation from a convenience store to a residential use to 42 feet where 200 feet is the minimum per Table 30.44-1 (a 79% reduction).
2. Reduce the separation from a gasoline station to a residential use to 25 feet where 200 feet is the minimum per Table 30.44-1 (an 88% reduction).

WAIVERS OF DEVELOPMENT STANDARDS:
1. Increase building height for a multiple family residential development to 39 feet where 35 feet is the maximum per Table 30.40-3 (a 12% increase).
2. Eliminate landscaping between a commercial use (convenience store with gasoline station) to a less intensive use (multiple family residential development) where landscaping per Figure 30.64-11 is required (a 100% reduction).
3. a. Reduce approach distance for the Channel 10 Drive driveway to 138 feet where 150 feet is the minimum per Uniform Standard Drawing 222.1 (an 8% reduction).

b. Reduce departure distance for the Eastern Avenue driveway to 128 feet where 190 feet is the minimum per Uniform Standard Drawing 222.1 (a 33% reduction).
c. Reduce throat depth for the Eastern Avenue driveway to 20 feet where 75 feet is the minimum per Uniform Standard Drawing 222.1 (a 73% reduction).
d. Reduce throat depth for the Rochelle Avenue driveway to 18 feet where 75 feet is the minimum per Uniform Standard Drawing 222.1 (a 76% reduction).

DESIGN REVIEWS:
1. Multiple family residential development.
2. Convenience store with gasoline station.
3. Allow alternative parking lot landscaping where landscaping per Figure 30.64-14 is required.
4. Increase finished grade to 48 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 33% increase).

LAND USE PLAN:
WINCHESTER/PARADISE - NEIGHBORHOOD COMMERCIAL
WINCHESTER/PARADISE - PUBLIC USE

BACKGROUND:
Project Description
General Summary
- Site Address: 4320 Channel 10 Drive

Multiple Family Residential Development
- Site Acreage: 3.9
- Number of Units: 96
- Density (du/ac): 25
- Number of Stories: 3
- Building Height (feet): 39
- Open Space Required/Provided: 9,600/14,578
- Parking Required/Provided: 161/169

Convenience Store/Gasoline Station
- Site Acreage: 1.4
- Square Feet: 4,088
- Number of Stories: 1
- Building Height (feet): 29 (convenience store)/18 (fuel canopy)
- Parking Required/Provided: 17/31

Neighborhood Meeting Summary
Notices were mailed to a 1,500 foot radius of the subject site notifying property owners of a neighborhood meeting. Nineteen neighbors attended the neighborhood meeting, which was held on August 9, 2021 at the Clark County Library. Concerns included traffic, homelessness, and security. Based on discussions with the neighbors, the applicant agreed to place amenities for dog walkers around the perimeter of the site.

Site Plan

The site plan depicts a convenience store and gasoline station in a C-2 zone located in the northeast portion of the site and a multiple family residential development in an R-4 zone located on the remainder of the site. Setbacks for the convenience store are 79 feet to the north property line along Rochelle Avenue, 42 feet from the west side of the convenience store to the future property line of the multiple family residential development, and 47 feet from the south side of the convenience store to the future property line of the multiple family residential development. A use permit is necessary to reduce the separation from the convenience store to the multiple family residential development.

The gasoline station canopy is set back 54 feet from the north property line along Rochelle Avenue, 88 feet from the east property line along Eastern Avenue, and 25 feet from the south side of the canopy to the future property line of the multiple family residential development. A use permit is necessary to reduce the separation from the gasoline station to the multiple family residential development.

Access to the convenience store and gasoline station is provided by a driveway on Rochelle Avenue and a driveway on Eastern Avenue. Waivers are necessary to reduce the throat depth for both driveways and to reduce the departure distance for the driveway on Eastern Avenue. An emergency crash gate is provided between the convenience store/gasoline station and the multiple family residential development.

The multiple family residential development consists of 4 residential buildings, a clubhouse, and an accessory structure. Overall setbacks are 26 feet to the north property line along Rochelle Avenue, 20 feet to the east property line along Eastern Avenue, 20 feet to the west property line along Chanel 10 Drive, and 5 feet for the accessory structure to the south property line, which is adjacent to a congregate care facility. The residential buildings are located around the perimeter of the site, and the clubhouse and pool are located near the center of the site.

Access to the multiple family residential development is provided by a driveway on Channel 10 Drive. A waiver is necessary to reduce the approach distance for this driveway. An emergency crash gate is also provided farther south from the main driveway along Channel 10 Drive. On the southern portion of the site, an existing drive aisle for the congregate care facility will cross over onto the property for the multiple family residential development. However, the congregate care drive aisle will be separated from the multiple family residential development with a wall. Parking spaces are located throughout the site and around the base of the buildings.

Landscaping

Street landscaping for the convenience store includes a 9 foot wide landscape strip behind an existing attached sidewalk along Rochelle Avenue and a 16 foot wide landscape strip behind an existing attached sidewalk along Eastern Avenue. Parking lot landscaping is located around the base of the convenience store. No landscaping is provided along the future south and west property lines, which are adjacent to the multiple family residential portion of the project. A waiver of development standards is necessary because landscaping is not provided along the future south and west property lines.

The multiple family residential portion of the project includes a 6 foot wide landscape strip behind an existing attached sidewalk along both Channel 10 Drive and Rochelle Avenue, and a 15 foot wide landscape strip behind the existing attached sidewalk along Eastern Avenue. Additional landscaping is provided within the parking lots, around the base of the buildings, and along the other property lines. A design review is necessary to allow half diamond landscape planters in the multiple family residential parking lot where landscape fingers are required. A design review is also necessary since other aspects of the multiple family residential parking lot do not comply with Figure 30.64-14; however, the minimum number of parking lot trees are in other parts of the project.

A clubhouse and pool are located near the center of the multiple family residential portion of the site, and a playground is located along the south property line, west of Building 4. Also, a dog park is in the southwest portion of the site. A total of 14,578 square feet of open space is provided where 9,600 square feet is required.

Elevations

Parapet walls along the roofline of the convenience store extend to various heights. The highest parapet wall is 29 feet; however, most of the building is 20 feet high. Exterior materials include painted stucco, stone veneer base, aluminum awnings, and foam cornices along the tops of the parapet walls. The fuel canopy is approximately 18 feet in height.

The residential buildings extend up to 39 feet in height to the parapet walls along the roofline. Exterior materials include painted stucco, decorative horizontal metal accents, and metal railing along the balconies.

The clubhouse is approximately 29 feet high and includes a roof canopy extending beyond the edges of the building. Exterior materials include painted stucco, storefront windows, and metal awnings.

Floor Plans

The convenience store is 4,088 square feet and includes an open floor plan for a future tenant. Meanwhile, the residential buildings include studios, 1 bedroom units, 2 bedroom units, and 3 bedroom units. Residential units range in size from 553 square feet to 1,277 square feet, and the clubhouse is 2,000 square feet.

Signage

Signage is not a part of this request.

Applicant's Justification

According to the applicant, the convenience store with gasoline station and multiple family residential complex are appropriate at this location. The applicant also indicates that the use permits, waivers, and design reviews to deviate from development standards are necessary and will not create any negative impacts.

For example, both the convenience store/gasoline station and multiple family residential development will be developed simultaneously. Therefore, the reduced separations and

elimination of a landscape buffer will only impact this overall project. Also, the increased height for the residential buildings is for architectural enhancements and not habitable space. Similarly, the alternative driveway geometrics for departure distance, approach distance, and throat depth are necessary to develop the site, and the driveways are placed at the optimal locations. Lastly, the increased finished grade is necessary to allow the site to drain to the street.

Overall, the applicant indicates that the development will replace vacant buildings on an underutilized site, and the project will add reinvestment to the area.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-19-0768	Reclassified the northern portion of the site to U-V zoning for a mixed-use development	Approved by BCC	December 2019
ADET-18-900521 (UC-0616-15)	Administrative extension of time for the congregate care facility	Approved by ZA	September 2018
UC-0616-15	Congregate care facility with additional parking located on the southwest parcel of this project	Approved by BCC	July 2016
UC-0146-91	Use permit to establish a community/recreation center and pre-school in conjunction with an existing private school (Saint Viator Catholic school) on the northern portion of the site	Approved by BCC	June 1991

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Corridor Mixed-Use & Public Use	C-1 & R-1	Undeveloped & Clark County School District educational facility
South & East	Neighborhood Commercial & Compact Neighborhood (up to 18 du/ac)	R-1, C-1, & R-3	Congregate care facility, mini-storage facility, office buildings, & multiple family complex
West	Urban Neighborhood (greater than 18 du/ac)	R-4	Multiple family complex

Related Applications

Application Number	Request
ADR-22-900269	An administrative design review is a related application for site modifications to the congregate care facility to the south.

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.*

Changing trends since the most recent adoption of the Paradise Land Use Plan supports the nonconforming zone boundary amendment to R-4, but not the nonconforming zone boundary amendment to C-2. Increasing demand for housing has created a surge in demand for additional residential units, and R-4 zoning is appropriate to allow a multiple family residential development. However, there has been no change in law, policies, trends, or facts that would make C-2 zoning appropriate for the northeast portion of the 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 density and intensity of uses allowed in an R-4 zone is compatible with existing and planned land uses surrounding the site. For example, existing R-4 zoned multiple family residential complexes are located northwest and west of the site. A mini-warehouse facility in a C-1 zone and a congregate care complex in an R-1 zone are located south of the site. A multiple family complex zoned R-3 and a C-1 zoned office complex are located across Eastern Avenue to the east. Lastly, a vacant C-1 zoned parcel planned for Corridor Mixed Use and a R-1 zoned Clark County School District office complex is located to the north across Rochelle Avenue.

Therefore, the site is surrounded by multiple family residential uses, a congregate care facility, a mini-warehouse, and office uses. R-4 zoning is compatible with these existing uses. Although the parcel on the northwest corner of Eastern Avenue and Rochelle Avenue is planned for Corridor Mixed Use, which could allow a conforming zone boundary amendment to C-2, the site is currently undeveloped and zoned C-1. As a result, C-2 zoning is not appropriate for 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 the public utility purveyors that the nonconforming zone boundary amendment will have a negative impact on public facilities and services. However, the Clark County School District indicates Rowe Elementary School, which will serve this site, is over capacity.

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

Goal 1.1 encourages diverse housing options, and Policy 1.1.2 encourages higher-density housing in areas with existing infrastructure and other services. Here, R-4 zoning will allow multiple family housing in an area with existing infrastructure that is nearby various services such as offices, a mini-warehouse facility, and neighborhood commercial uses along Eastern Avenue.

On the other hand, Goal 1.4 encourages the investment and care for established neighborhoods, and Policy 1.4.4 promotes infill and redevelopment that is compatible with the scale and intensity of the surrounding area. C-2 zoning is intended for commercial uses that are regionally serving rather than neighborhood serving. The intensity of uses and development standards allowed in a C-2 zone would not be appropriate for the established neighborhood uses in this area.

Therefore, the R-4 zoning is compatible with goals and policies in the Clark County Master Plan, while C-2 zoning is not consistent with goals and policies in the Master Plan.

Summary

Zone Change

Trends indicate that R-4 zoning would be appropriate for the site, while there has been no change in law, policies, trends, or facts that would make C-2 zoning appropriate for the northeast portion of the site. Similarly, R-4 zoning is compatible with the surrounding existing and planned land uses, while C-2 zoning is not. Lastly, the nonconforming zone boundary amendments will not negatively impact public infrastructure and services; however, the R-4 zoning is consistent with goals and policies in the Master Plan, while C-2 zoning is not. Therefore, staff can support zone change #1, but staff cannot support zone change #2.

Use Permits

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.

A minimum separation of 200 feet between convenience stores and gasoline stations and residential uses is necessary to help mitigate negative impacts from loitering, noise, odor, traffic and air quality. Even though the proposed reduction will be to future residents of the same project, these residents will be negatively impacted from the reduced separation from the convenience store and gasoline station. As a result, staff cannot support the use permits.

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 does not anticipate any negative visual impacts from the increased building height. The elevations are aesthetically pleasing, and the design includes sufficient articulation to reduce the apparent mass and bulk of the residential buildings. Furthermore, the site is not adjacent or abutting any single family residences, which could be impacted by the increased height. Therefore, staff can support the request.

Waiver of Development Standards #2

Policy 1.4.5 encourages buffers and development transitions to mitigate the impacts of higher intensity uses proposed adjacent to residential uses. Landscape buffers could help reduce the negative impacts from the convenience store and gasoline station such as loitering, noise, odor, traffic and air quality, especially since the minimum separation between the uses is also reduced. There are no proposed mitigating measures that could help reduce the negative impacts from the convenience store and the gasoline station on the multiple family residential complex. Therefore, staff cannot support the waiver of development standards.

Design Review #1

Overall, the multiple family residential complex complies with the standards of approval for a design review. For example, the residential complex is compatible with adjacent development, building materials are appropriate for the area, and the design creates an orderly and aesthetically pleasing environment. However, a portion of the drive aisle for the adjacent congregate care facility is located on the site of the multiple family residential complex. As a result, staff can support the request with a condition for a cross access agreement.

Design Review #2

Staff cannot support the zone change to C-2 to allow a convenience store and gasoline station, and staff also cannot support the use permit to reduce the separation from the convenience store and gasoline station from the multiple family residential complex. Furthermore, staff cannot support the elimination of landscaping to a less intense use. Therefore, staff also cannot support the design review for the convenience store and gasoline station. The cumulative impacts of the C-2 zoning, reduced separation, and elimination of landscape buffers will be detrimental to the future multiple family residents.

Design Review #3

Although half diamond planters are not the preferred County design for parking lot landscaping, staff can support design review #3 since additional trees are located throughout the site. Moreover, the additional trees will compensate for portions of the parking lot landscaping that do not comply with Figure 30.64-14.

Public Works - Development Review

Waiver of Development Standards #3a & #3b

Staff does not object to the location of either driveway on Channel 10 Drive or Eastern Avenue as the driveways have been placed to make the most efficient use of the site while also avoiding sight visibility zone obstructions, such as the utility poles.

Waiver of Development Standards #3c & #3d

Staff can support the request to reduce the throat depth for the driveway on Rochelle Avenue and Eastern Avenue. The driveways only serve as ingress and egress for the convenience store and gasoline station, with no access from the multifamily units other than by an emergency access gate. Therefore, there will be limited traffic split between the 2 driveways and with the design of the landscape planters at the driveway entrances, staff finds that the provided throat depth will be sufficient.

Design Review #4

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 of zone change #1, waivers of development standards #1 and #3, and design reviews #1, #3 and #4; denial of zone change #2, use permits, waiver of development standards #2, and design review #2. 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 Master Plan, Title 30, and/or the Nevada Revised Statutes.

PLANNING COMMISSION ACTION: June 7, 2022 – APPROVED – Vote: Unanimous

Current Planning

- Resolution of Intent to complete in 3 years;
- Record cross access agreement with APN 162-23-604-009;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; 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;
- Reconstruct unused driveways with full off-site improvements;
- Install "No Parking" signs on all street frontages;
- Extend the median on Eastern Avenue south to a point that is 50 feet south of the point of curve on the south side of the driveway, or as otherwise required by Public Works - Development Review.
- Applicant is advised that off-site improvement permits may be required; that driveways must be located in areas where there will be no conflicts with sight visibility zones; and 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 #0074-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require a new POC analysis.

TAB/CAC:
APPROVALS:
PROTESTS: 10 letters

APPLICANT: STV, LLC
CONTACT: LUCY STEWART, LAS CONSULTING, 1930 VILLAGE CENTER CIRCLE, BLD 3 STE 577, LAS VEGAS, NV 89134