

MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT
(TITLE 30)

UPDATE
NEAL AVE/BERMUDA RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-21-0128-HKM NEVADA PROPERTIES:

ZONE CHANGE to reclassify 12.2 acres from a C-2 (General Commercial) Zone to an R-4 (Multiple Family Residential - High Density) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase building height; and 2) alternative landscaping.

DESIGN REVIEWS for the following: 1) a multiple family residential development; 2) alternative parking lot landscaping; and 3) finished grade.

Generally located on the southwest corner of Neal Avenue and Bermuda Road within Enterprise (description on file). MN/al/jd (For possible action)

RELATED INFORMATION:

APN:

191-04-602-012; 191-04-602-014; 191-04-602-017

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase building height to 38 feet where a maximum height of 35 feet is permitted per Table 30.40-3 (an 8.6% increase).
2. Permit alternative landscaping adjacent to Fairfield Avenue and a future private drive where landscaping per Figure 30.64-10 is required.

DESIGN REVIEWS:

1. A multiple family residential development.
2. Permit alternative parking lot landscaping where landscaping within parking lots is required per Figure 30.64-14.
3. Increase finished grade to 30 inches (2.5 feet) where a maximum of 18 inches (1.5 feet) is the standard per Section 30.32.040 (a 66.7% increase).

LAND USE PLAN:

ENTERPRISE - COMMERCIAL GENERAL

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 12.2

- Number of Units: 271
- Density (du/ac): 22.2
- Project Type: Multiple family residential development
- Number of Stories: 2 & 3
- Building Height (feet): 38
- Square Feet: 135,034
- Open Space Required/Provided: 27,100/41,782
- Parking Required/Provided: 483/489

Neighborhood Meeting Summary

This request is for a nonconforming zone change to reclassify approximately 12.2 acres from a C-2 zone to an R-4 zone for a multiple family residential development. The applicant conducted a neighborhood meeting on-line on October 26, 2020 as required by the nonconforming zone boundary amendment process. The required meeting notices were mailed to the neighboring property owners within 1,500 feet of the project site and 25 people attended the meeting. Concerns raised at the meeting included building heights, setbacks, landscaping, traffic along Bermuda Road, and the impact on schools.

Site Plan

The plan depicts a multiple family residential development consisting of 271 units on 12.2 acres with a density of 22.2 dwelling units per acre. The site has frontage along Bermuda Road, Neal Avenue, Fairfield Avenue, and a future private drive along the southeastern portion of the site. The development will be a gated community with access from Bermuda Road. The plan also depicts a gate onto Fairfield Avenue for emergency vehicles. No access is depicted from Neal Avenue or the future private drive. The 271 residential units will be divided between 17 buildings that are distributed throughout the site. A clubhouse and recreation area with a cabana are located in the central portion of the development. A maintenance building is attached to the east side of 1 of the residential buildings that is located on the southeastern corner of the site. The development is required to have 483 parking spaces and 489 parking spaces are provided which are distributed throughout the site. The plan indicates that there will be 46 garage spaces and 232 covered parking spaces. The plan depicts the perimeter of the development will be enclosed by a 6 foot high decorative fence. The plan shows the buildings will be set back a minimum of 20 feet from the public streets and a minimum of 10 feet from the future private drive.

Open Space & Landscaping

The project is required to have 27,100 square feet of open space and 41,782 square feet of open space is provided. The open space consists of a recreational area in the central portion of the development which includes a pool, spa, fire pits, and barbeque areas. Other open space includes a dog park in the southeastern portion of the site and landscape areas throughout the development. Landscaping along Bermuda Road consists of a 15 foot wide landscape area along the street outside of the perimeter decorative fence with trees, shrubs, groundcover and a detached sidewalk. Along Neal Avenue the plans depict an attached sidewalk along the street with a minimum 10 foot wide landscape area outside of the perimeter decorative fence consisting of trees, shrubs, and groundcover. An attached sidewalk is depicted along Fairfield Avenue with

a minimum 5 foot wide landscape area outside of the perimeter decorative fence consisting of trees, shrubs, and groundcover. Per Figure 30.64-10 the landscaping along Fairfield Avenue is required to have an average width of 6 feet and the plans appear to show an average of approximately 5 feet. No landscaping is depicted along the future private drive outside of the decorative fence. The proposed perimeter decorative fence is designed so that landscaping within the fenced area will be visible from the streets. Within the parking areas the plan depicts the use of landscape diamonds rather than landscape islands; however, the required number of trees for the parking areas are provided and distributed throughout the project.

Elevations

The buildings for the residential units are 2 to 3 stories with heights of 24 feet for the 2 story buildings and 38 feet for the 3 story buildings. The residential buildings all have pitched roofs with concrete tile roofing material and the exterior of these buildings consists of a stucco finish painted in earth tone colors with stone veneer. The cabana building and maintenance buildings are both 1 story with a maximum height of approximately 17 feet. These buildings have pitched roofs with concrete tile roofing material and stucco exteriors painted in earth tone colors. The clubhouse building is 1 story with a maximum height of approximately 28 feet. The clubhouse building has a pitched roof with concrete tile roofing material and the exterior of the building consists of a stucco painted in earth tone colors and stone veneer.

Floor Plans

The proposed development consists of a total of 135,034 square feet of building area, which is divided between 17 buildings for the 271 residential units, clubhouse building, cabana building, and a maintenance building. The residential units will consist of 120 one bedroom units, 139 two bedroom units, and 12 three bedroom units that are between 819 square feet to 1,331 square feet in area. The maintenance building has an area of approximately 433 square feet consisting of a restroom for maintenance staff, workspace, and storage areas. The cabana building has an area of approximately 1,149 square feet and consists of restrooms, an outdoor covered patio, pool equipment areas, and storage area. The clubhouse building has an area of approximately 6,562 square feet which consists of a fitness center, leasing offices, and multi-purpose rooms for the use of the residents.

Applicant's Justification

The applicant indicates that the City of Henderson approved a mixed-use development at the southwest corner of Bermuda Road and St. Rose Parkway, which included 2,900 residential units (single and multiple family) and up to 670,000 square feet of commercial, retail, and office uses. The approval of this mixed-use development has increased demand for residential development and the need for housing options in this area, which this development will provide. The increase in building height is to allow for architectural enhancements that improve the appearance of the development. The alternative parking lot landscaping is being requested to allow for a design which is able to provide required parking for the development. If the landscape islands were provided within the parking area it would require a reduction in required parking. The increase in finished grade is necessary to level the site for development for access per the American Disability Act design requirements and for drainage considerations.

Prior Land Use Requests

Application Number	Request	Action	Date
VS-1049-08	Vacated and abandoned government patent easements	Approved by PC	December 2008
ZC-0683-08	Reclassified the northern portion of the site to C-2 zoning for future commercial development	Approved by BCC	August 2008
ZC-0018-95	Reclassified the southern portion of the site to a C-2 zoning wholesale/retail landscape materials business	Approved by BCC	March 1995

Surrounding Land Use

	Planned land Use Category	Zoning District	Existing Land Use
North	Residential High (from 8 to 18 du/ac)	R-3	Multiple family residential
South	Commercial General & City of Henderson	C-2 & I-P	Undeveloped
East	Commercial General & City of Henderson	C-2 & RM-16	Tavern, single family residential, multiple family residential, & undeveloped
West	Residential Suburban (up to 8 du/ac)	R-1 & R-2	Single family residential

This site and the surrounding area are located in the Public Facilities Needs Assessment (PFNA) area.

Related Applications

Application Number	Request
VS-21-0127	A request to vacate rights-of-way 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.*

Since the adoption of the Enterprise Land Use Plan in October 2014 there have been major changes and development occurring along the St. Rose Parkway within the City of Henderson. Major employment centers are being developed on the south side of St. Rose Parkway within the City of Henderson. Additionally, the City of Henderson approved a mixed-use development in October 2020 at the southwest corner of Bermuda Road and St. Rose Parkway. Due to these changes in the area there is an increase demand for residential development and for different housing options. Therefore, staff finds that there has been a change in trends and facts that make this request appropriate.

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 proposed project is a multiple family residential development with a density of approximately 22.2 dwelling units per acre. To the north of this site are an existing multiple family residential development in an R-3 zone with a density of 18 dwelling units per acres and a multiple family residential project currently underdevelopment with a density of 22.5 dwelling units per acres. To the east, beyond the tavern, within the City of Henderson is a residential development with a density of 16 dwelling units per acre. To the south within the City of Henderson is a site approved for a mixed-use development (Henderson West) on 103 acres which was approved for 2,900 residential units with a density of 28.2 dwelling units per acre. Therefore, staff finds the density and intensity of the proposed development is compatible with exiting 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 public services and facility providers that this development would have an adverse effect on public facilities and services in this area. The Clark County School District has indicated that this development would increase student yield by 76 students for the schools that serve this area (38 elementary students, 18 middle school students, and 20 high school students). The School District also indicates that 2 schools that would serve this area (Webb Middle School & Liberty High School) are over capacity with current enrolment. As a residential development the project would create an increased demand for parks within the area; however, this is off-set by the on-site recreational areas being provided for the residents of the development.

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

The proposed development complies with Goal 7 of the Comprehensive Master Plan which encourages providing housing alternatives to meet a range of lifestyle choices, ages and affordability levels. The site is located on and accessed from Bermuda Road and is near St. Rose Parkway, which are major streets designed to accommodate high volumes of traffic. The site is also located in close proximity to other multiple family residential developments, office/commercial developments, and public facilities; therefore, the project complies in part

with Urban Specific Policy 10 of the Comprehensive Master Plan to encourage site designs to be compatible with adjacent land uses and off-site circulation patterns. The request also complies in part with Urban Specific Policy 53 to ensure that multiple family developments are compatible with adjoining land uses and densities. Additionally, the request complies in part with Urban Specific Policy 57 of the Comprehensive Master Plan to encourage multiple family developments to locate near road networks that can accommodate higher residential densities.

Summary

Zone Change

There has been a change in trends and facts in this area which make the proposed nonconforming zone change appropriate for this area. The density and intensity of the proposed project is compatible with existing and planned land uses in the surrounding area. With the amount of commercial development along St. Rose Parkway, it is unlikely that commercial development within the existing C-2 zone will extend as far to the north as planned. There is no indication of this project having a substantial adverse effect on public facilities and services in the area. In addition, the project will comply with other goals and policies. Based on the criteria listed above, staff finds the applicant has satisfied the requirements for a Compelling Justification to warrant approval of the zone change.

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

The request is to increase building height to 38 feet where 35 feet is the standard. The proposed increase is for architectural features and mechanical equipment screening and not for habitable space within the apartment units. The rooflines are broken-up by variations in height, so the buildings are not a solid mass at 38 feet in height. Setbacks from the property lines and the distribution of the buildings on the site also mitigate the massing effect of the structures. Additionally, with the current C-2 zoning, commercial buildings up to 50 feet in height could be allowed within 10 feet of the streets, which would have a greater visual impact on the abutting properties than the proposed heights of the buildings for this project. Therefore, staff can support this request.

Waiver of Development Standards #2

The proposed waiver of development standards is for landscaping area along the west side of the site adjacent to Fairfield Avenue and along the southern boundary of the site adjacent to a future private drive. The landscaping area along Fairfield Avenue will be a minimum of 5 feet in width where an average of 6 feet is required. However, additional landscaping material will be provided within the perimeter decorative fence that will be visible from the street along Fairfield Avenue. The area that is adjacent to the future private drive will face future commercial development and again landscaping material within the perimeter decorative fence will be visible from the future

private drive. Therefore, staff believes the proposed landscaping will be adequate for the site and can support this request.

Design Reviews #1 & #2

The proposed project provides open space in excess of Code requirements. Amenities within the open spaces include a dog park, pool and spa area, and open spaces large enough to allow for active recreational uses. The clubhouse is centrally located on the site and acts as a community center for the residents of the complex; therefore, staff finds the project complies with Urban Specific Policy 51 of the Comprehensive Master Plan for multiple family projects to provide several amenities such as usable open space, swimming pools, and community centers. Parking areas are distributed throughout the site; however, the applicant is requesting to use landscape diamonds rather than provide landscaping islands within the parking areas. The uses of landscape diamonds is being requested to maximize parking for the residents of the development and avoid a waiver of development standards for a parking reduction. The rooflines are broken-up by variations in height so that the buildings are not solid mass at 38 feet in height. Setbacks from the property lines and the distribution of the buildings on the site also mitigate the massing effect of the structures. This complies with Urban Specific Policy 55 of the Comprehensive Master Plan which encourages design alternatives and spatial distribution rather than the massing of buildings; therefore, staff can support the design reviews.

Public Works - Development Review

Design Review #3

This design review represents the maximum grade difference along 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 Henderson Executive airport, and is subject to potentially significant aircraft noise and continuing over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade the Airport to meet future air traffic demand.

Staff Recommendation

Approval. This item has been forwarded to the Board of County Commissioners meeting 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: May 4, 2021 – APPROVED – Vote: Aye: Stone, Kirk, Waltho, Frasier, Kilarski, Castello Nay: Nguyen

Current Planning

- Resolution of Intent to complete in 3 years;

- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- 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;
- Full off-site improvements.
- Applicant is advised 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; 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; 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 homes purchased or soundproofed.

Building Department - Fire Prevention

- 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; and that fire/emergency access must comply with the Fire Code as amended (trash enclosure doors cannot impede access lane widths).

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

#0346-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - denial.

APPROVALS: 2 cards

PROTESTS: 5 cards, 20 letters

APPLICANT: PICERNE DEVELOPMENT CORPORATION

CONTACT: KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DR., STE 650, LAS VEGAS, NV 89135