

10/05/21 PC AGENDA SHEET

MULTIPLE FAMILY DEVELOPMENT
(TITLE 30)

GRAND CANYON DR/TROPICANA AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-21-0423-TROP GC APTS, LLC:

ZONE CHANGE to reclassify 2.4 acres from a C-1 (Local Business) Zone and a C-2 (General Commercial) Zone to an R-5 (Apartment Residential) Zone.

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

DESIGN REVIEWS for the following: **1)** multiple family development; and **2)** site modifications to a previously approved multiple family development on 7.0 acres in an R-5 (Apartment Residential) Zone.

Generally located on the east side of Grand Canyon Drive and the south side of Tropicana Avenue within Spring Valley (description on file). JJ/md/jd (For possible action)

RELATED INFORMATION:

APN:

163-30-501-002; 163-30-518-003

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase wall height to 8 feet where 6 feet is the maximum permitted per Section 30.64.020 (a 33% increase).
2. Increase building height to 54 feet where 50 feet is the maximum permitted per Table 30.40-3 (an 8% increase).

LAND USE PLAN:

SPRING VALLEY - COMMERCIAL GENERAL

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 2.4 (zone change)/7.0 (overall)
- Number of Units: 92 (APN 163-30-518-003)/174 (APN 163-30-501-002)/266 (overall)
- Density (du/ac): 39 (APN 163-30-518-003)/38 (APN 163-30-501-002)/38.5 (overall)
- Project Type: Multiple family development
- Number of Stories: Up to 4
- Building Height (feet): Up to 54
- Open Space Required/Provided: 9,200/10,700

- Parking Required/Provided: 448/450 (overall)

Neighborhood Meeting Summary

This request is for a nonconforming zone change to reclassify a 2.4 acre portion of the project site (APN 163-30-518-003) on the southwest portion of the project, from a C-1 zone and a C-2 zone to an R-5 zone for a multiple family residential development. The applicant conducted a neighborhood meeting on October 7, 2020 as required by the non-conforming zone boundary amendment process. Seven members of the public attended the meeting, with questions regarding the timeline for construction, number of units facing south, and a request for specific types of trees within the landscape buffer along the south boundary of the project site. One neighbor spoke in support of the project.

History and Request

A nonconforming zone change to an R-5 zone for a 4 story multiple family development consisting of 174 dwelling units was approved via NZC-19-0886 by the Board of County Commissioners in February 2020 for APN 163-30-501-002 (east 4.7 acres). Waivers reducing the throat depth for the driveway along Tropicana Avenue to a minimum of 27 feet and an increase in building height up to 54 feet were also approved with the zone change. The previously approved waivers remain effective for the east portion of the project site, located on APN 163-30-501-002. The applicant is proposing a nonconforming zone change to an R-5 zoning district on APN 163-30-518-003 (southwest portion of the site). A design review is requested for parking lot modifications to the previously approved site plan associated with NZC-19-0886, consisting of 3 cross access points along the west property line of APN 163-30-501-002, providing connection to the proposed multiple family development on APN 163-30-518-003. Several parking spaces and landscape finger islands will be removed from the previously approved site plan to accommodate the cross access points; however, 450 parking spaces are provided for the overall multiple family development where 448 spaces are required. No additional site or building modifications are requested for the previously approved multiple family development on APN 163-30-501-002.

Site Plans

The plans depict a multiple family development situated on a 2.4 acre parcel consisting of 92 dwelling units with a density of 39 dwelling units per acre. The proposal consists of a single multiple family building which is centrally located within the project site. The building is set back 90 feet from the west property line, adjacent to Grand Canyon Drive; 73 feet from the south property line, meeting the required 2:1 setback when adjacent to the existing single family residential development (the plans show an intense landscape buffer per Figure 30.64-12 as required by Figure 30.56-10); 28 feet from the east property line, adjacent to the previously approved multiple family development; and 58 feet from the north property line, adjacent to the undeveloped C-2 zoned parcel. The development requires 9,200 square feet of open space where 10,700 square feet of open space is provided. Open space is centrally located within the building consisting of a fitness area, social club, and patio area. Access to the site is granted via 3 proposed cross access points along the east property line that will connect to the previously approved multiple family development (NZC-19-0886) to the east of the proposed development. Primary access to the east portion of the project site is granted via a previously approved driveway along Tropicana Avenue. No access to Grand Canyon Drive is proposed with this

development. A waiver of development standards request to increase wall height to 8 feet along the south property line, adjacent to the existing single family residential development, is proposed with this application. The increase in wall height will match the condition for an 8 foot high wall along the south property line of the previously approved multiple family development to the east. An existing 5 foot wide attached sidewalk is located adjacent to Grand Canyon Drive. The overall multiple family development, consisting of APN's 163-30-501-002 and 163-30-518-003, requires 448 parking spaces where 450 parking spaces are provided.

Landscaping

The plans depict a 15 foot wide landscape area located behind an existing 5 foot wide attached sidewalk adjacent to Grand Canyon Drive. Twenty-four inch box trees are planted 30 feet on center within the street landscape area, including shrubs and groundcover. A 10 foot wide intense landscape buffer, consisting of 24 inch box large evergreen trees, is provided along the south property line adjacent to the existing single family residential development. An 8 foot high decorative block wall is also proposed along the south property line. Parking lot landscaping is equitably distributed throughout the interior of the site.

Elevations

The 4 story multiple family residential building extends up to 54 feet in height, necessitating a waiver of development standards. The 3 story portion of the building is set back 73 feet from the south property line, adjacent to the existing single family residential development. Exterior materials include a stucco exterior, decorative metal awnings, railings around balconies, and faux stone tiles. The mass of the building is reduced by off-set surface planes and parapet walls along the roofline at varying heights.

Floor Plans

The plans depict 44, one bedroom units and 48, two bedroom units. Open space areas within the building feature a social club, fitness center, and patio area.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states it is important to note that the building ridgeline is at a height of 49 feet, 8 inches. The majority of the increased height will be composed of roof slope and not living space. The slight increase in height is to shield the mechanical units from view. The building meets the residential adjacency requirement. Also, the south elevation, facing the single family residential development, is only 3 stories. The proposed increase in wall height to 8 feet along the south property line will match the height of the previously approved wall, providing a uniform look for the entire development.

Prior Land Use Requests

Application Number	Request	Action	Date
NZC-19-0886	Reclassified a portion of the project site to R-5 zoning for a multiple family residential development	Approved by BCC	February 2020
VS-19-0887	Vacated patent easements and right-of-way	Approved by BCC	February 2020
WS-0821-02 (ET-0179-05)	First extension of time for alternative landscape and screening requirements in conjunction with a shopping center - expired	Approved by BCC	September 2005
VS-0664-03	Vacated various easements	Approved by PC	June 2003
WS-0821-02	Alternative landscape and screening requirements in conjunction with a shopping center - expired	Approved by BCC	August 2002
VS-0758-02	Vacated patent easements - recorded	Approved by PC	July 2002
TM-0221-02	1 lot commercial subdivision	Approved by PC	July 2002
ZC-0217-02	Reclassified the project site to C-1 and C-2 zoning for a future commercial development	Approved by BCC	April 2002

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Commercial General	C-1 & C-2	Undeveloped & shopping center
South	Residential Suburban (up to 8 du/ac)	R-2	Single family residential
East	Commercial General	R-2	Single family residential
West	Commercial General	C-1 & C-2	Retail center & undeveloped

Related Applications

Application Number	Request
VS-21-0424	A request to vacate a public access easement 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 the site is currently planned for Commercial General, which allows for intense commercial development. The Spring Valley Land Use Plan was last amended in October of 2014. Also, in April of 2015, the new Urban Land Use Policies were adopted. There are many commercial uses near the site as well as other approved multiple family projects in the immediate area, including the adjacent parcel to the east (APN 163-30-501-002), which was approved for an R-5 multiple family development via NZC-19-0886. The new site is also nearby The Mercer mixed-use development; therefore, a mixture of uses, including properly designed multiple family, is appropriate for the area.

Staff finds that since the 2014 adoption of the Spring Valley Land Use Plan, several multiple family and mixed-use development projects have been approved and/or developed within the surrounding area. For example, a U-V zoned mixed-use development and an R-4 zoned multiple family development (NZC-0898-16), located 355 feet and 690 feet to the northwest of the project site respectively, on the north side of Tropicana Avenue have been constructed since the adoption of the Land Use Plan. Furthermore, an R-5 zoned multiple family development (NZC-0418-16), located 1,000 feet to the northwest of the project site, on the north side of Tropicana Avenue, has been constructed since the adoption of the Spring Valley Land Use Plan. Tropicana Avenue is an arterial street planned for commercial and multiple family uses. The demand for additional multiple family housing constitutes a change in trends since the previous adoption of the Spring Valley Land Use Plan; therefore, staff finds the proposed R-5 zoning appropriate for the project 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 the site is currently zoned C-1 and C-2, and the Spring Valley Master Plan allows for Commercial General uses. The site is located between other intense commercial uses at Tropicana Avenue and Hualapai Way, as well as Tropicana Avenue and Tee Pee Lane. A properly designed multiple family project will be a good buffer to the residential development to the south of the new site as well as provide an adequate buffer for the balance of the new site that will remain zoned C-2 on the corner of Tropicana Avenue and Grand Canyon Drive. As mentioned above, on the northwest corner of Tropicana Avenue and Grand Canyon Drive is The Mercer mixed-use development and developing R-4 and R-5 zoned multiple family projects. Additionally, the site will be a continuation of the previously approved site to the east; therefore, the intensity and density of a multiple family development is appropriate for the area.

As noted above, NZC-0898-16 was approved by the Board of County Commissioners (BCC) in March 2017 for a senior housing multiple family development consisting of 182 units at 36.4 dwelling units per acre, and NZC-0418-16 was approved by the BCC in September 2016 consisting of 294 units at 29 dwelling units per acre. Furthermore, the adjacent parcel to the east, (APN 163-30-501-002 included with this application), was approved via NZC-19-0886 by the

BCC in February 2020 for an R-5 multiple family development consisting of 174 units at 35 dwelling units per acre; therefore, the proposed R-5 zoning is compatible with the density and intensity of the existing and planned land uses in the area, and should provide an appropriate transition from the commercial uses to the west and the previously approved multiple family development to the east.

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.*

According to the applicant, the proposed zone change will not result in any additional impacts on surrounding infrastructure not already contemplated in the area. Water and sewer utilities are located near the site and the applicant will provide the necessary infrastructure connecting the existing utilities to the site. The site is located near Tropicana Avenue, a 100 foot wide road, and on Grand Canyon Drive, an 80 foot wide road. There will be no substantial adverse effect to the schools as there are existing high schools, middle schools, and elementary schools in the general area. Plus, the proposed project doesn't have any 3 bedroom units. Instead, there are only 1 and 2 bedroom units, which in the applicant's experience do not necessarily result in many school age children living in the development. The multiple family vacancy rate in the area is approximately 3 percent where it usually ranges from 6 to 7 percent. The site will provide recreational amenities, which will not burden Clark County recreation facilities. Fire services and police services similarly will not be substantially affected by the development of the site. Finally, the applicant will mitigate any impacts the proposed development may have.

There has been no indication from service providers that this request will have an adverse or substantial effect on public facilities and services. The school district has indicated that this development would generate 13 additional elementary school, 6 middle school, and 7 high school students. The school district indicates Abston Elementary School, Fertitta Middle School, and Durango High School are under capacity by 154, 233, and 190 students, respectively.

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

The applicant states pursuant to the general policies of the new Urban Land Use Policies, Policy 10 "encourage[s] site design to be compatible with adjacent land use and off-site circulation patterns." Here, the site is located along a major arterial, Tropicana Avenue, and Grand Canyon Drive, so it has ideal circulation for multiple family development with a large capacity to handle traffic volume. Additionally, the new site and approved site will have cross-access, which will help keep vehicles on the site and off of the rights-of-ways. It is located near public facilities and mass transit stops necessary to support a multiple family development and is located adjacent to other residential neighbors and commercial complexes. Not only is the proposed development compatible with the general policy of the Urban Land Use Policies, but it is also compatible with the more specific multiple family residential policies of the Urban Land Use Policies including the following: 1) encourage multiple family developments to be located near transit stops and road networks that can accommodate higher residential densities; 2) encourage

spatial distribution rather than massing of buildings; 3) encourage multiple amenities within multiple family projects; and 4) encourage the use of drought tolerant landscaping.

Staff finds the proposed nonconforming zone boundary amendment conforms to several goals and policies in the Comprehensive Master Plan. Goal 2 of the Plan encourages providing opportunities to mix uses such as commercial, office, and multiple family residential near one another. Furthermore, Goal 10 promotes higher intensity activity centers with multiple uses such as business, commercial, and multiple family residential. Additionally, Growth Management, Community Design Policy 6 encourages the adjacency of living and employment opportunities; therefore, the location of the proposed R-5 residential zoning district is an appropriate and compatible use with the existing and planned residential and commercial developments within the surrounding area.

Summary

Zone Change

A substantial increase in commercial development in the area since the last adoption of the Spring Valley Land Use Plan has contributed to an increased demand for housing. In addition, the proposed R-5 zoning is compatible with the density and intensity of the surrounding development and planned uses. Utility purveyors have not indicated that the zoning would negatively impact public facilities and services, and the proposed zoning complies with goals and policies in the Comprehensive Master Plan; therefore, staff can support the nonconforming zone boundary amendment to R-5 zoning.

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 has no objection to the proposed increase in wall height along the south property line. A condition of ZC-19-0886 was to construct an 8 foot high, split face block wall along the south property line of APN 163-30-501-002 to provide additional buffering between the multiple family buildings and the adjacent single family residential development. The proposed 8 foot high block wall along the south property line of APN 163-30-518-003 is a continuance of the previously approved block wall. The proposed wall consists of split face block and provides additional mitigation between the multiple family building and existing residences; therefore, staff recommends approval.

Waiver of Development Standards #2

The increased building height is necessary to accommodate the vaulted ceilings within the dwelling units, in addition to screening the mechanical units that are cut into the roof. The screening for the mechanical units provides an additional architectural enhancement to the building. Furthermore, the south elevation of the multiple family building, oriented towards the

existing single family residential development, is only 3 stories. An 8 foot high decorative CMU block wall, in addition to an intense landscape buffer, are provided along the south property line to provide mitigation to the building height increase; therefore, staff recommends approval of the waiver request.

Design Reviews

Staff finds the proposed multiple family residential development complies with several goals and policies within the Comprehensive Master Plan. Urban Specific Policy 51 encourages several amenities such as usable open space, swimming pools, and community centers; Policy 54 encourages multiple family buildings to be oriented in varying directions to avoid the monotony of a linear pattern; and Policy 55 encourages design alternatives to reduce the visual mass of buildings. With this development, the project provides several amenities including open space, a swimming pool, clubhouse, and fitness center. Furthermore, the buildings include off-set surface planes, an aesthetically pleasing color palette, and parapet walls along the roofline at various heights; therefore, staff can support the design review request. Staff can also support the integration of the 2 project sites, as the proposed cross access points eliminate the need for a driveway along Grand Canyon Drive, a collector street, thereby reducing on-site and off-site traffic congestion; therefore, staff recommends approval.

Staff Recommendation

Approval. This item will be forwarded to the Board of County Commissioners' meeting for final action on November 3, 2021 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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

- Resolution of Intent to complete in 3 years;
- Per site plan on file;
- 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;

- Traffic study and compliance.
- Applicant is advised that off-site improvement permits may be required.

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 #0329-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Spring Valley - approval (no pine trees to be planted along the southern wall of APN 163-30-518-003).

APPROVALS:

PROTESTS:

APPLICANT: OVATION CONTRACTING, INC.

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