

11/16/21 PC AGENDA SHEET

MULTIPLE FAMILY DEVELOPMENT
(TITLE 30)

DECATUR BLVD/PYLE AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-21-0571-COUNTY OF CLARK (AVIATION):

AMENDED ZONE CHANGE to reclassify 9.6 acres from an R-E (Rural Estates Residential) Zone to an R-5 (Apartment Residential) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce parking; **2)** increase wall height (previously notified as building height); and **3)** reduce setback.

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

Generally located on the east side of Decatur Boulevard and the north side of Pyle Avenue within Enterprise (description on file). JJ/md/jo (For possible action)

RELATED INFORMATION:

APN:

177-30-201-004; 177-30-201-005; 177-30-204-006

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce parking to 357 parking spaces where 471 parking spaces are required per Table 30.6-1 (a 24.2% reduction).
2. Increase wall height to 8 feet where 6 feet is the maximum permitted per Section 30.64.020 (a 33% increase).
3. Reduce the side street (corner) setback for carports to 6 feet where a minimum setback of 20 feet is required Table 30.40-3 (a 70% reduction).

DESIGN REVIEWS:

1. Multiple family development.
2. Permit alternative parking lot landscaping where landscaping per Figure 30.64-14 is required.
3. Increase finished grade to 108 inches where a maximum of 18 inches is the standard per Section 30.32.040 (a 500% increase).

LAND USE PLAN:

ENTERPRISE - BUSINESS AND DESIGN/RESEARCH PARK

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 9.6
- Number of Units: 240
- Density (du/ac): 25.3
- Project Type: Multiple family development
- Number of Stories: 3
- Building Height (feet): 40 (multiple family buildings)/21.5 (recreation building)
- Square Feet: 60,148 (multiple family buildings)/8,000 (recreation building)
- Open Space Required/Provided: 24,000/80,919
- Parking Required/Provided: 471/357

Neighborhood Meeting Summary

This request is for a nonconforming zone change to reclassify 9.6 acres from an R-E zoning district to an R-5 zoning district to allow a multiple family residential development. The applicant conducted a neighborhood meeting on August 26, 2021. The required meeting notices were mailed to the neighboring property owners within 1,500 feet of the project site. Four people attended the meeting and expressed concerns with the requested zoning district and inquired about right-of-way improvements for Decatur Boulevard.

Request

The proposed multiple family development has been submitted as an affordable housing project. Per the Housing Element within the Clark County Comprehensive Master Plan, income levels referenced within the Element are defined by the Federal Department of Housing and Urban Development as follows: (1) a “moderate-income household” is any household earning up to 80 percent of the area median income; (2) a “low-income household” is any household earning up to 50 percent of the area median income; and (3) an “extremely low-income household” is any household earning up to 30 percent of the area median income. “Assisted housing” generally means owner-occupied or rental housing that is subject to restrictions on rent or sale prices as a result of one or more project-based governmental subsidies.

Site Plans & Request

The plans depict a multiple family residential development situated on a 9.6 acre project site consisting of 240 dwelling units with a density of 25.3 units per acre. The proposal consists of 7 multiple family buildings within the boundaries of the project site. A recreational building is centrally located within the project site, between building 2 and building 6. Building 1 is set back 27 feet from the west property line, adjacent to Decatur Boulevard, and 38 feet from the south property line along Pyle Avenue. Building 2 is set back 75 feet from the south property line and 60 feet from the southeast property line, adjacent to the existing tavern. Building 7 is set back 27 feet from the west property line along Decatur Boulevard. Building 5 is set back 21 feet from the north property line, adjacent to the undeveloped parcels, and 35 feet from the east property line along Ullom Drive. Building 3 and building 4 are set back 80 feet from the east property line adjacent to Ullom Drive. The development requires 24,000 square feet of open

space where 80,919 square feet of open space is provided. Open space is centrally located within the project site and consists of a recreational building, swimming pool, playground area, dog park, and greenspace. All 7 multiple family buildings, and the recreation building, are connected by a series of 5 foot wide pedestrian walkways within the interior of the site. A 5 foot wide detached sidewalk is provided along Pyle Avenue and Decatur Boulevard, per Code requirements. Access to the project site is granted via a single driveway along Decatur Boulevard, with ingress and egress to the development controlled by a security gate. A secondary pedestrian access gate is located at the northeast corner of the project site, adjacent to Ullom Drive, connecting to a proposed 5 foot wide attached sidewalk. The multiple family development requires 471 parking spaces where 357 parking spaces are provided, necessitating a waiver of development standards to reduce parking. Two carports are located along the eastern portion of the site, with a setback of 6 feet from Ullom drive, requiring a waiver of development standards to reduce the side street (corner) setback. An increase to finished grade is also part of this request, with the largest increase occurring within the central portion of the project site.

Landscaping

The plans depict a 15 foot wide landscape area along Decatur Boulevard and Pyle Avenue featuring a 5 foot wide detached sidewalk. Twenty-four inch box trees, in addition to shrubs and groundcover, are planted within the street landscape areas. A 6 foot wide landscape area, located behind an attached 5 foot wide sidewalk, is proposed along Ullom Drive. Twenty-four inch box trees, in addition to shrubs and groundcover, are planted within the street landscape area. A decorative 8 foot high block wall is proposed along the north property line of the project site and behind the street landscaping along Ullom Drive, requiring a waiver of development standards for increased wall height. In lieu of providing the required amount of landscape finger islands within the interior of the site, specifically where carports are proposed, additional trees have been distributed throughout the interior of the development. The development requires a total of 90 medium trees within the interior of the parking lot. The site has been designed to include an additional 36 trees (111 medium trees and 15 large trees) that will be distributed throughout the interior of the project site.

Elevations

The 3 story multiple family residential buildings extend up to 40 feet in height up to the top of the parapet wall. The exterior materials of the buildings consist of stucco and decorative wrought iron railings around the third floor balconies. The recreation building measures 21.5 feet in height up to the top of the parapet wall. The exterior of the building consists of stucco and foam trim. The mass of the buildings area reduced by off-set surface planes, parapet walls, and pitched concrete tile roofs along the roofline at varying heights. All rooftop mounted equipment will be screened from public view and the right-of-way by parapet walls. All buildings are painted with neutral, earth tone colors. The carport structures measure 9.5 feet in height consisting of cold formed steel structural members. The carports will be painted to match the buildings.

Floor Plans

The plans consist of 36 one bedroom units, 120 two bedroom units, and 84 three bedroom units. The recreation building measures 8,000 square feet and consists of an exercise room, lounge area, computer room, activity room, multi-purpose room, kitchen, restroom and shower facilities

for the pool area, mail room, leasing offices, pool equipment room, storage area, and an outside patio.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant, Nevada Hand, focuses on providing high quality affordable housing to families, seniors, and those needing assisted living. The applicant states to help Clark County achieve its affordable housing goals in the Comprehensive Master Plan Housing Element (2019), this property was selected because of the need for affordable family housing in the area and its excellent location being close to shopping, a new school, and a Boys and Girls Club.

The applicant states they own and manage over 7,000 apartments locally. The ratio of cars owned by low-income family residents ranges between 1.10 to 1.36 cars per apartment, supported by our recent property survey below. Unused impervious asphalt contributes to the heat island affect, thus the off-setting benefit. The parking provided for the proposed development exceeds the projected demand. The proposed increase to the wall height will reduce the chance of people climbing over the wall and entering the development. The increased wall height will also provide more privacy for the residents of the development. The site as designed is providing additional large and medium trees along the perimeter of the site and the interior to meet or exceed the required number thus meeting the standards for alternative parking lot landscaping. The applicant states the increase in finished grade is necessary to ensure the building is set high enough above the grade along Decatur Boulevard and Pyle Avenue to provide adequate flood protection for the site.

Prior Land Use Requests

Application Number	Request	Action	Date
LUP-20-700109	Redesignate the land use category from BDRP (Business and Design/Research Park) to RUC (Residential Urban Center)	Withdrawn by BCC	July 2020
LUP-20-700108	Redesignate the land use category from BDRP (business and design/research park) to RUC (Residential Urban Center)	Withdrawn by BCC	July 2020
LUP-20-700107	Redesignate the land use category from BDRP (Business and Design/Research Park) to RUC (Residential Urban Center)	Withdrawn by BCC	July 2020

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Business and Design/Research Park	R-E	Undeveloped
South	Residential High (8 to 18 du/ac)	RUD	Undeveloped
East	Business and Design/Research Park	RUD & C-2	Tavern & undeveloped

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
West	Office Professional & Residential Medium (3 to 14 du/ac)	R-2 & R-E	Single family residential development & undeveloped

The subject property and the surrounding area are located within the Public Facilities Needs Assessment (PFNA) area.

Related Applications

Application Number	Request
VS-21-0572	A request to vacate patent easements and 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.*

The applicant states the property is situated in an area that is currently undergoing significant development. The area is quickly becoming a residential area. Decatur Boulevard currently serves as a major gateway to Southern Highlands as well as the Blue Diamond Corridor. With the significant growth along Blue Diamond and the south end of the Las Vegas Strip the need for affordable housing has become a local and regional dilemma. This development fits the need as it will be an affordable housing option for residents of Clark County.

Staff finds that since the 2014 adoption of the Enterprise Land Use Plan, several residential developments have been approved and/or are currently under development within the surrounding area. Immediately to the east of the proposed development, across Ullom Drive, is a previously approved single family residential development (NZC-20-0477) zoned RUD with a planned land use of Business and Design/Research Park. To the south and southeast of the project site, across Pyle Avenue, are 2 recently approved single family residential developments zoned RUD (ZC-20-0513) and R-2 (ZC-20-0265) with planned land uses of Residential High and Residential Suburban, respectively. Immediately to the west of the proposed development, across Decatur Boulevard, is an existing R-2 zoned single family residential development. To the southwest of

the project site, across Pyle Avenue, is an existing R-2 zoned single family residential development currently under construction. The trend for additional residential development within the immediate area makes the proposed R-5 zoning 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 applicant indicates the proposed project will not adversely affect the neighborhood as multiple family housing provides for a mix of housing options and is typically deemed a low impact use. Also, the development will only have access from Decatur Boulevard which is a major collector thus minimizing any impact to the other adjacent roads. In addition to this the neighborhood businesses will only benefit from the support of the new residents.

Immediately to the east of the project site, across Ullom Drive, is a previously approved single family residential development (NZC-20-0477) zoned RUD with a density of 9.8 dwelling units per acre and a planned land use of Business and Design/Research Park. To the south of the proposed development, across Pyle Avenue, is a recently approved planned unit development consisting of townhouses zoned RUD (ZC-20-0513) with a density of 15.6 dwelling units per acre. To the southeast of the project site, across Pyle Avenue, is a previously approved single family residential development (ZC-20-0265) with a density of 7 dwelling units per acre and a planned land use of Residential Suburban. To the west of the project site is an existing single family residential development zoned R-2 with a density of 6.7 dwelling units per acre and a planned land use of Residential Medium. Furthermore, to the southwest of the proposed development, across Pyle Avenue, is a single family residential development currently under construction zoned R-2 with a density of 6.4 dwelling units per acre and a planned land use of Residential Medium. Therefore, the proposed R-5 zoning is compatible with the density and intensity of the existing and planned land uses in the area. The multiple family development should provide an appropriate transition from the R-2 zoned single family residential development to the west and the previously approved RUD single family residential 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, there will not be an adverse effect on these facilities and services, as the proposed development is multiple family housing. Multiple family presents minimal effect on schools or roads as seniors tend to drive less often and have fewer cars. There will be no access on Pyle Avenue or Ullom Drive, so the development would not affect the single-family neighborhoods to the north, south, and east. The building will have the proper and latest fire suppression equipment included in its design. The access to the site will be off Decatur Boulevard which is a major collector and the impact should not affect current traffic. Water and sewer provisions are adjacent to the site in Pyle Avenue and Ullom Drive. Drainage is not an issue as those concerns are addressed in pre-development studies and civil drawings in the design phase of the project, with appropriate actions put into place.

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 33 additional elementary school, 16 middle school, and 18 high school students. The school district indicates Ortwein Elementary School is under capacity by 154 students. Tarkanian Middle School and Desert Oasis High School are over capacity by 447 and 595 students, respectively.

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

The applicant states the project meets the plans, goals, and policies of the Clark County's Consolidated Plan, to bring much needed affordable and senior housing to Southern Nevada, a critical need across the Nation. In Nevada, in 2019, a shortage of over 90,292 (or 19 percent of renter households that are low income is indicated, with a shortage of over 73,158 rental homes affordable and available for low-income renters. The numbers continue to increase without the construction of more affordable housing to meet the need. This project will create 240 new units of affordable, market and low-income units for the area. Although this is a nonconforming use according to the County's current land use standards, the evolution of the neighborhood indicates that a project of this nature can not only conform but enhance the area, adding diversity and vitality, one of the current goals of affordable housing.

The Comprehensive Master Plan Housing Element states that providing affordable housing to low-income households is critical to ensuring that all residents have access to the diverse housing opportunities that exist in Clark County, and that existing disparities are reduced rather than exacerbated. Research shows that investing in affordable housing for lower income households yields a host of positive social and economic outcomes in areas such as education, employment, physical and mental health, and a more sustainable/stable community, especially for children and families. Sustaining a strong economy requires a sufficient affordable housing supply for everyone throughout the income spectrum.

Staff finds the proposed nonconforming zone change complies with multiple goals and policies of the Comprehensive Master Plan Housing Element, including the following: 1) Encourage development of affordable housing units whenever possible as a share of the countywide need for affordable housing, consistent with the County HUD Consolidated Plan; 2) Maintain housing affordability over extended periods, usually 20 years to 50 years; 3) Reduce the cost burden for households by supporting the creation and preservation of affordable housing; 4) Implement Clark County's Housing Element through the combination of its adopted HUD Consolidated Plan and Land Use Plans; 5) Ensure housing opportunities for low-income households are dispersed throughout the County to support inclusion close to amenities and employment opportunities; 6) Encourage acquisition of housing by non-profit organizations, land trusts or tenants, thereby protecting housing from upward pressure on prices and rents; and 7) Achieve a mix of quality housing types that are attractive and affordable to a diversity of ages, incomes, mobility, household types, household sizes, and cultural backgrounds.

Summary

Zone Change

A substantial increase in residential development in the area since the last adoption of the Enterprise Land Use Plan has contributed to an increased demand for affordable 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

The applicant has provided quantitative parking data from the other multiple family developments they own and operate. Although a 24.2 percent reduction to parking is significant, alternative modes of transportation, such as mass transit, are located nearby on Decatur Boulevard within walking distance of the development. Staff finds the reduced parking should have minimal to no impact on the surrounding properties; therefore, recommends approval.

Waiver of Development Standards #2

Staff has no objection to the proposed increase in wall height along the north property line, adjacent to the undeveloped land planned for Business and Design/Research Park, and along the east property line, adjacent to Ullom Drive. The block wall will be decorative in nature and will provide additional security and privacy for the residents of the development. Furthermore, the decorative block wall is set back behind the required landscape area of 6 feet, along Ullom Drive. The increased wall height should have minimal to no impact on the surrounding land uses and properties; therefore, staff recommends approval.

Waiver of Development Standards #3

Staff typically does not support requests to significantly reduce the setback for proposed structures. However, the setback reduction only applies to 2 carports located along the eastern portion of the project site. The carports are located behind a proposed 8 foot high decorative block wall, which is located behind a landscape area measuring 6 feet in width adjacent to a 5 foot wide attached sidewalk along Ullom Drive. The reduced carport setbacks should have minimal to no impact on the surrounding land uses and properties; therefore, staff recommends approval.

Design Review #1

The proposed multiple family development is located at the corner of an arterial street, Decatur Boulevard, and a collector street, Pyle Avenue. Access to the project site is granted via Decatur

Boulevard only, thereby reducing the potential for additional vehicular traffic onto Ullom Drive, a local street. 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.

Design Review #2

Staff finds the proposed alternative parking lot landscaping, including the distribution of the trees and landscape finger islands complies with the Comprehensive Master Plan by encouraging screened parking areas and extensive landscaping. The multiple family development requires a total of 90 medium trees within the interior of the parking lot. The site has been designed to include an additional 36 trees (111 medium trees and 15 large trees) that will be distributed throughout the interior of the development. The proposed landscaping will reduce the “heat island” effect, and improve the aesthetics of the project site and the surrounding area. Staff finds that the request to permit alternative parking lot landscaping within the interior of the site is reasonable. Approximately 36 additional trees will be planted within the interior of the site, in lieu of the required landscape finger islands. The trees will provide additional shade and improve the overall aesthetics of the multiple family development; therefore, staff recommends approval.

Public Works - Development Review

Design Review #3

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 McCarran 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 McCarran International Airport facilities to meet future air traffic demand.

Staff Recommendation

Approval. This item will be forwarded to the Board of County Commissioners’ meeting for final action on December 22, 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;
- Limited to certified affordable housing only;
- 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;
- Coordinate with Public Works - Design Division for the Decatur Boulevard improvement project;
- Dedicate any right-of-way and easements necessary for the Decatur Boulevard improvement project.
- Coordinate with Public Works - Design Division for the Silverado Ranch Detention Basin improvement project;
- Dedicate any right-of-way and easements necessary for the Silverado Ranch Detention Basin improvement project;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for the above mentioned projects;
- 90 days to record required right-of-way dedications and any corresponding easements for the above mentioned projects;
- If required by the Regional Transportation Commission, provide a standard bus turnout and shelter pad along Decatur Boulevard on the northeast corner of the intersection with Pyle Avenue.

- Applicant is advised that the installation of detached sidewalks will require the recordation of this vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control; 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.

Building Department - Fire Prevention

- Applicant is advised that fire/emergency access must comply with the Fire Code; and 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.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: ROBERT FEIBLEMAN

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