UPDATE
HOLLYWOOD BLVD/ALTO AVE
(ALIGNMENT)

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
NZC-0097-17 – MOSAIC HOLLYWOOD 247, LLC:

HOLDOVER AMENDED ZONE CHANGE to reclassify 73.6 acres (previously notified as 69.6 acres) portion of a 247.6 acre parcel from R-E (Rural Estates Residential) Zone, R-E (Rural Estates Residential) (AE-65) Zone, R-E (Rural Estates Residential) (AE-65) (LOZ-3) Zone (previously not notified), P-F (Public Facility) Zone, P-F (Public Facility) (AE-65) Zone, P-F (Public Facility) (AE-65) (LOZ-3) Zone (previously not notified) to R-2 (Medium Density Residential) Zone; R-2 (Medium Density Residential) (AE-65) Zone; R-3 (Multiple Family Residential) Zone (no longer needed); and R-3 (Multiple Family Residential) (AE-65) Zone (no longer needed).

USE PERMITS for the following: 1) allow a High Impact Project (no longer needed); and 2) allow an attached single family residential development in an R-3 zone (no longer needed).

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduce setbacks (no longer needed); and 2) increase the percentage of hardscape allowed within the front and side yards (no longer needed).

DESIGN REVIEWS for the following 1) a proposed single family residential development on 73.6 acres (previously notified as 50.3 & 51.9 acres) in an R-2 zone; 2) a proposed multi-family residential condominium development on 10.3 acres (previously notified as 19.3 acres) in an R-3 Zone (no longer needed); and 3) a proposed attached single family residential development on 11.4 acres (no longer needed).

Generally located on the east side of Hollywood Boulevard and the north side of Alto Avenue (alignment) within Sunrise Manor (description on file). MK/pb/mcb (For possible action)

RELATED INFORMATION:

APN:
140-14-101-002 ptn (previously 140-14-101-001 ptn)

WAIVERS OF DEVELOPMENT STANDARDS:
1. a. Reduce front yard setbacks for the residences to 7 feet where 20 feet is required per Section 30.40.130 (a 65% reduction) (previously not notified) (no longer needed).
   b. Reduce rear yard setbacks for the residences to 5 feet where 15 feet is required per Section 30.40.130 (a 66.6% reduction) (previously not notified) (no longer needed).
2. Increase the percentage of hardscape allowed within the front and side yards to 100% where a maximum of 60% is permitted per Section 30.64.030 (previously not notified) (no longer needed).
BACKGROUND:
Project Description
General Summary
- Site Address: 2450 N. Hollywood Boulevard
- Site Acreage: 73.6 portion of a 247.6 acre parcel
- Number of Lots/Units: 481 (single family residential)/8 (common)
- Density: 6.5 (du/ac)
- Minimum/Maximum Lot Size (square feet): 4,000/10,987
- Project Type: Single family residential development
- Number of Stories: 2
- Building Height: Up to 28 feet 8 inches
- Square Feet: 2,031 to 2,574

Neighborhood Meeting Summary
The applicant conducted a neighborhood meeting on January 17, 2017, as required by the nonconforming amendment process, prior to formal filing of this application. All owners within 1,500 feet of the project site were notified about the meeting. Approximately 41 people attended the meeting. The neighbors expressed concerns about the multi-family component of the project. The applicant has fulfilled all provisions of Title 30 regarding pre-submittal and submittal of a nonconforming zone boundary amendment.

Overall Site Plans
The 73.6 acres proposed for development is located on the northwestern portion of the 247.6 acre parcel, north of the Alto Avenue (alignment) approximately 200 feet south of the LOZ-3 boundary that extends from Nellis Air Force Base located farther to the north. The applicant has modified the project several times and submitted several sets of revised plans depicting a total of 591 residential units comprised of 3 housing product types including single family detached in an R-2 zone, single family attached in an R-3 zone, and multi-family residential condominiums om an R-3 zone. The applicant has submitted revised plans now showing the entire 73.6 acres site is being developed as a single family residential development consisting of 481 lots in an R-2 zone. The total acreage and boundaries for the project have not changed.

Single Family Residential in an R-2 Zone
Site Plans
The revised plans depict a single family residential development consisting of 481 residential lots and 8 common lots on 73.6 acres at a density of 6.5 dwelling units per acre. The lots range in size from 4,000 square feet to 10,987 square feet. The lots will have access to Alto Avenue and Hollywood Boulevard via 47 foot wide public streets with 5 foot wide sidewalks on both sides of the street. There are no changes to the original elevations or floor plans to the single family residential detached product.
**Landscaping**
A 15 foot wide landscape area with a detached sidewalk is located along Alto Avenue and Hollywood Boulevard.

**Elevations**
The plans depict three, 2 story models up to 28 feet 8 inches high. The single family dwellings will have similar building materials consisting of stucco finished walls with decorative stone veneer accents, window articulation on all sides, with concrete tile roofs.

**Floor Plans**
The plans depict homes from approximately 2,031 square feet to 2,574 square feet with 3 to 4 bedrooms and 2 car garages.

**Applicant’s Justification**
The applicant indicates that the proposed project is in accordance with development trends in the area and compatible with the existing single family residential development to the west. The applicant also states the project will not adversely impact public infrastructure facilities in the area and will conform to the policies of the Sunrise Manor Land Use Plan. The applicant indicates that the revised plans and the new housing project will result in lower density and intensity than the higher density/intensity product previously proposed.

**Prior Land Use Requests**

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Request</th>
<th>Action</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ZC-0403-07</td>
<td>Reclassified 48.8 acres on the southern portion of the site from R-E to P-F zoning for a school</td>
<td>Approved by BCC</td>
<td>June 2007</td>
</tr>
<tr>
<td>DR-1572-03</td>
<td>A middle school</td>
<td>Approved by BCC</td>
<td>January 2004</td>
</tr>
<tr>
<td>ZC-1646-02</td>
<td>Reclassified the southwest corner of this parcel from R-E to P-F zoning for an elementary school</td>
<td>Approved by BCC</td>
<td>December 2002</td>
</tr>
</tbody>
</table>

**Surrounding Land Use**

<table>
<thead>
<tr>
<th></th>
<th>Planned Land Use Category</th>
<th>Zoning District</th>
<th>Existing Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Nellis Air Force Base</td>
<td>R-U</td>
<td>Undeveloped</td>
</tr>
<tr>
<td>South</td>
<td>Public Facilities, Residential Suburban, and Residential Medium (3 du/ac to 14 du/ac)</td>
<td>R-E, P-F, &amp; R-1</td>
<td>Undeveloped portion of the subject parcel, schools, &amp; single family residential south of Carey Avenue</td>
</tr>
<tr>
<td></td>
<td>Public Facilities and Open Land (Open Space/Grazing/Vacant Land; Residential (up to 1 du/10 ac)</td>
<td>R-E</td>
<td>Undeveloped portion of the parcel &amp; other undeveloped parcels</td>
</tr>
<tr>
<td>West</td>
<td>Residential Suburban</td>
<td>R-2</td>
<td>Single family residential</td>
</tr>
</tbody>
</table>
Related Applications

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>TM-0019-17</td>
<td>A tentative map for 481 residential lots/units is a companion item on this agenda.</td>
</tr>
</tbody>
</table>

**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 nonconforming zone change amendment ordinance requires that the applicant provide compelling justification that approval of the nonconforming zoning is appropriate. A Compelling Justification means the satisfaction of the following criteria as listed below for proposed nonconforming zone boundary amendments:

1. *A change in law, policies, trends, or facts after the adoption 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.*

   Although, there are existing single family residential uses in an R-2 zone to the west of Hollywood Boulevard, this has been the case for several years. Amendments to the Sunrise Manor Land Use Plan were adopted September 8, 2010. The existing R-2 zoning classifications on the parcels to the west and south were established prior to the 2010 adoption of the Sunrise Manor Land Use Plan, so staff finds that there has been no change in law, policies, or facts that have substantially changed the character or condition of the area.

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.*

   Although, there are existing single family residential uses in an R-2 zone to the west, staff finds that Hollywood Boulevard is the boundary for those residential uses. The land to the east of the proposed project is designated Public Facilities and Open Land. The area designated Public Facilities has been reserved for schools and other uses required to support the community while the Open Land area consists of an active mine operation and slopes greater than 12% in Community District 6 which according to Community Districts Policy 2 of the Comprehensive Master Plan should be used as a mechanism to preserve open space and conservation areas within. Therefore, staff finds that R-2 zoning is not compatible with the adjacent area to the east. Furthermore, a portion of the parcel to the north is in the Live Ordinance Zone (LOZ-3) related to operations at Nellis Air Force Base. Therefore, staff finds the proposed project is not compatible with the use, density and intensity of the existing 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.**

Although the service providers who have replied to staff indicated that there will be no substantial adverse effects on public facilities and services, staff finds that 481 residential units added to this area will have impacts that were not anticipated when the Sunrise Manor Land Use Plan was adopted.

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

This is a request for a nonconforming zone change which conflicts with Urban Specific Policy 8 of the Comprehensive Master Plan that discourages nonconforming zone changes. Any approvals for nonconforming zoning requests should be conditioned to provide buffering from adjacent conforming properties. As stated above, a portion of parcel to the north is in the Live Ordinance Zone (LOZ-3) related to operations at Nellis Air Force Base which conflicts with Federal Land Use Policy 6 which encourages cooperation with the Air Force to reduce or mitigate development deemed incompatible with the mission of the military on and near Nellis Air Force Base, Creech Air Force Base, and the Nevada Test and Training Range and Urban Specific Policy 30 which states in part that residential development adjacent to any industrial or hazardous uses should be discouraged. In the event that a residential development is approved adjacent to an industrial or hazardous use, a separate disclosure statement should be issued to residents at time of sale. This request also conflicts with Aviation Specific Policies 1 which encourages development patterns and standards compatible with the continuing operation of Nellis Air Force Base. Furthermore, the land to the east of the proposed project is designated Public Facilities and Open Land. The area designated Open Land consists of an active mine operation and slopes greater than 12% in Community District 6. Staff finds that this request conflicts with Community Districts Policy 2 of the Comprehensive Master Plan which states that areas designated Community District 6 should be used as a mechanism to preserve open space and conservation areas within Clark County.

**Summary**

**Zone Change**

Staff finds that there has been no change in law, policies, or facts that have substantially changed the character or condition of the area. Staff is also concerned with the potential incompatibility between this development and existing land uses to the north and east. The issue of establishing a single family residential development in the immediate area through a nonconforming zone change and not part of a Comprehensive Land Use Plan update could have adverse impacts to the immediate area. Unexpected land use patterns may have significant impacts on traffic, noise, and lighting that may lead to dramatic changes in the existing area. Furthermore, this request conflicts with several policies in the Comprehensive Master Plan. Therefore, staff finds that the applicant has neither demonstrated nor satisfied the criteria for compelling justification to merit approval of the application.

Staff finds that a more sound and predictable approach to consider this proposed zoning would be through a Comprehensive Land Use Plan update which is currently in process. A land use plan update allows for more public review of the proposed land use intensity and pattern and
ensures a predictable consideration of the range of uses with corresponding impacts and a cohesive and uniform land use pattern in the surrounding area.

**Use Permits**
The applicant has submitted revised plans deleting this portion of the project and the use permits are no longer needed.

**Waivers of Development Standards**
The applicant has submitted revised plans deleting this portion of the project and the waivers of development standard are no longer needed.

**Design Reviews**
Approval of the design review is contingent upon the approval of the zone change. Since staff does not support the zone change, staff cannot support the design review. Furthermore, the design conflicts with several policies in the land use plan including Urban Land Use Policy 10 of the Comprehensive Master Plan which encourages site designs to be compatible with adjacent land uses and off-site circulation patterns, especially when the adjacent land use is a lower density or intensity. The plans depict a single family residential development that is a separate project with no connectivity which conflicts with Urban Specific Policy 7 which states that land uses that are complementary and are of similar scale and intensity should provide appropriate connectivity and not be segregated.

**Design Review #1 (Single Family Residential in an R-2 Zone)**
Staff is concerned that the subdivision layout is not consistent or compatible with the approved and planned land uses in the area. The project design and layout conflicts with Urban Specific Policy 43 which promotes projects that provide varied neighborhood design and/or innovative architecture. For example, projects should include a combination of the following: varied setbacks from residences to front property lines, reduced visual dominance of garages, varied rooflines, and/or varied architectural elements on all sides.

**Design Review #2 (Multi-Family Residential Condominiums in an R-3 Zone)**
The applicant has submitted revised plans deleting this portion of the project and the design review is no longer needed.

**Design Review #3 (Attached Single Family Residential Development in an R-3 Zone)**
The applicant has submitted revised plans deleting this portion of the project and the design review is no longer needed.

**Staff Recommendation**
Denial. 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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

**TAB/CAC:**  Sunrise Manor – denial.
**APPROVALS:**  4 cards
**PROTESTS:**  93 cards, 4 letters
PLANNING COMMISSION ACTION: March 21, 2017 – HELD – To 04/04/17 – per the applicant to rewrite/re-notify.

PLANNING COMMISSION ACTION: April 4, 2017 – HELD – To 05/02/17 – per staff to rewrite/re-notify and for the applicant to return to the Sunrise Manor Town Board.

PLANNING COMMISSION ACTION: May 2, 2017 – HELD – To 06/06/17 – per the applicant to rewrite/re-notify.

PLANNING COMMISSION ACTION: June 6, 2017 – HELD – To 07/18/17 – per the Planning Commission for the applicant to work with staff, hold a neighborhood meeting, and return to the Sunrise Manor Town Board.

PLANNING COMMISSION ACTION: July 18, 2017 – APPROVED – Vote: Aye: Dapper, Frasier, Kirk, Morley, Stone, Tagliaferri Nay: Kilarski

Current Planning
- A resolution of intent to complete in 3 years;
- Design review as a public hearing for significant changes to the plans;
- A Development Agreement to address issues identified by the Board of County Commissioners;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that 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.

Nellis Air Force Base
- Display maps (Title 30 Nellis AFB Air Enviroms and Noise Contours) in all sales offices (in addition to land use and zoning maps) and all model homes, stating that this project is in close proximity to Nellis AFB, which is an active Air Force installation, and owner/developer to work with Nellis AFB on approved maps;
- Sales personnel in the offices to disclose proximity to Nellis AFB to prospective buyers;
- Houses will be sound attenuated at least 35 decibels and meet all requirements of Clark County Code of Ordinances, Chapter 22.22, Noise Attenuation Construction Standards;
- All plans must be certified in accordance with sections 22.22.010 and 22.22.020 of the aforementioned code, including certification by a professional sound engineer before certificate of occupancy;
- Disclosure of proximity to the Live Ordnance Loading Areas;
- Disclosure of excessive noise coming from Nellis AFB during exercises;
- Disclosure that Nellis AFB aircraft depart and arrive daily at all hours, to include weekends;
- Any noise complaints will be sent to the developer, not Nellis AFB.
- Proposed disclosure statement submitted to the County for this application will run with the properties and be required to be signed by future purchasers of the properties.

Public Works – Development Review
- Drainage study and compliance;
• Traffic study and compliance;
• Full off-site improvements;
• Right-of-way dedication to include 45 feet to back of curb for Hollywood Boulevard, 35 feet to back of curb for Alto Avenue and associated spandrels.
• Applicant is advised that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

Clark County Water Reclamation District (CCWRD)
• Applicant is advised that a prior Point of Purchase (POC) request has been completed for this project, POC Tracking #000702-2016.

COUNTY COMMISSION ACTION: August 16, 2017 – HELD – To 09/06/17 – per the applicant.

COUNTY COMMISSION ACTION: September 6, 2017 – HELD – To 09/20/17 – per Commissioner Kirkpatrick.

APPLICANT: Mosaic Hollywood 247, LLC
CONTACT: Chris Thompson, RCI Engineering, 4325 Dean Martin Drive, Suite 330, Las Vegas, NV 89103