UPDATE
SENIOR HOUSING BLUE DIAMOND RD/QUARTERHORSE LN
(TITLE 30)

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
NZC-19-0218-NEMAN DAVID & LISA & NEMAN RAMIN & MICHELLE:

ZONE CHANGE to reclassify 5.0 acres from C-2 (General Commercial) Zone to R-4 (Multiple Family Residential - High Density) Zone.

USE PERMIT for senior housing.

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

DESIGN REVIEWS for the following: 1) senior housing; and 2) increase finished grade in the MUD-3 Overlay District.

Generally located on the southeast corner of Blue Diamond Road and Quaterhorse Lane within Enterprise (description on file). JJ/jt/ja (For possible action)

RELATED INFORMATION:

APN:
176-20-201-011; 176-20-201-012

WAIVERS OF DEVELOPMENT STANDARDS:
1. Increase building height to 49 feet 6 inches where 35 feet is the maximum per Table 30.40-3 (a 42% increase).
2. Increase wall height to 12 feet (6 foot retaining and 6 foot screen wall) where 9 feet (3 foot retaining and 6 foot screen wall) is the maximum per Section 30.64.050 (a 34% increase).

DESIGN REVIEWS:
1. Senior housing.
2. Increase finished grade to 42 inches where a maximum of 18 inches is the standard per Section 30.32.040 (a 133% increase).

LAND USE PLAN:
ENTERPRISE - COMMERCIAL GENERAL

BACKGROUND:
Project Description
General Summary
- Site Address: N/A
- Site Acreage (gross): 5
Neighborhood Meeting Summary
This is a nonconforming zone change request to reclassify the site from C-2 zoning to R-4 zoning for a senior housing project. The required neighborhood meeting, which was notified to a 1,500 foot radius from the subject site, was held on February 25, 2019 at the Enterprise Library. Five neighbors attended the meeting and asked questions about density, how the project will impact traffic, and length of time and frequency of visitors to the facility.

Site Plan
The site plan depicts a senior housing complex, consisting of a single, multi-story building located near the center of the site and extending in an east/west orientation. A single drive aisle loops around the building and provides access to the parking spaces located adjacent to the building and around the perimeter of the site. Most of the parking spaces are covered with carport structures. Access to the site is provided by a single driveway from Quarterhorse Lane, located at the southwest corner of the site. A second driveway on Quarterhorse Lane, located farther north towards Blue Diamond Road, is gated and reserved for emergency exit only. Multiple trash enclosures are located on the north and east sides of the building, away from the adjacent single family residences to the south. Accessible parking spaces and bicycle parking spaces are located around the base of the building.

Landscaping
Landscaping includes a 15 foot wide landscape strip along Blue Diamond Road with 2 offset rows of 24 inch box trees spaced 40 feet on center in each row. A 15 foot wide landscape planter is also shown along Quarterhorse Lane with 2 rows of 24 inch box trees on either side of a detached sidewalk. Along the south property line, an intense landscape buffer that ranges in width from 7 feet to 12 feet with 24 inch box trees spaced 20 feet on center provides a buffer to the adjacent single family residences. The intense landscape buffer allows the senior housing facility to be set back at a ratio of 2:1 from the residences. An 8 foot wide landscape strip with 24 inch box trees spaced 30 feet on center is located along the east property line. In addition, parking lot landscape fingers are located throughout the site. Trees will include Chiltalpa, African Sumac, and Mondel Pine.

Elevations
The architecture of the building is a southwest/Mediterranean design with pitched roofs, parapet walls, stucco pop-outs around the windows, faux shutters, decorative railing, accent columns, and awnings. The 4 story component, which is the northernmost portion of the building near Blue Diamond Road, extends up to 49 feet 6 inches to the top of the ridge. The southern portion

- Number of Units: 195
- Density (du/ac): 39
- Project Type: Senior housing
- Number of Stories: 4
- Building Height (feet): 49 feet 6 inches
- Open Space Required/Provided: 97,500/98,000
- Parking Required/Provided: 195/231
of the building, which is adjacent to the single family residential development, contains 2 story and 3 story components to create a transition in height, scale, and massing.

Floor Plans
Overall, the senior housing project will include 112 one bedroom units and 83 two bedroom units. Other facilities within the complex include a leasing office, great room and community kitchen, mail center, fitness center, computer/wellness/media rooms, and laundry room. All of the units also have individual laundry and kitchen facilities. Exterior amenities include a pool and 13,500 square feet of landscaped open space. Total usable open space is 98,000 square feet where 97,500 square feet is required.

Signage
Signage is not a part of this application.

Applicant’s Justification
According to the applicant, the request for R-4 zoning and the special use permit for a senior housing project will not create a greater impact to the area than a mixed-use multi-family development, which is allowed in the existing C-2 zone subject to a special use permit. In addition, the abutting property to the west is master planned for Residential High and zoned R-3, which allows multi-family projects. Since the proposed development is a senior housing project, it will have reduced impacts on schools and traffic as compared with a multi-family development.

The increase in height up to 49 feet 6 inches is for the peak of the sloped roof located on the northern portion of the site, near Blue Diamond Road and away from the adjacent single family residences to the south. Portions of the building closest to the single family residences are approximately 27 feet to the peak of the roof, which is similar in scale to a 2 story residence. Both the increase in wall height and the increase in finished floor height are due to the existing grade and to accommodate drainage on the site. As a result, the applicant states that the zone change, use permit, waivers of development, and design reviews for a senior housing project are appropriate at this site.

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-0622-08</td>
<td>Reclassified the western parcel to C-2 and a design review on both parcels for a motel with kitchens</td>
<td>Approved by BCC</td>
<td>September 2008</td>
</tr>
<tr>
<td>ZC-0841-03</td>
<td>Reclassified the eastern parcel to C-2 for future commercial use</td>
<td>Approved by BCC</td>
<td>July 2003</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>Residential Suburban (up to 8 du/ac)</td>
<td>H-2</td>
<td>Undeveloped</td>
</tr>
<tr>
<td>South</td>
<td>Residential Suburban (up to 8 du/ac)</td>
<td>R-2</td>
<td>Single family subdivision</td>
</tr>
</tbody>
</table>
**Surrounding Land Use**

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<tbody>
<tr>
<td>East</td>
<td>Commercial General</td>
<td>C-2</td>
</tr>
<tr>
<td>West</td>
<td>Residential High (8 du/ac to 18 du/ac)</td>
<td>R-3</td>
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</table>

*The subject site and surrounding area are in the Public Facilities Needs Assessment (PFNA) area and the MUD-3 and MUD-4 Overlay Districts.

**Blue Diamond Road is directly north of the subject site.**

**Related Applications**

<table>
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<tbody>
<tr>
<td>VS-19-0220</td>
<td>Vacation and abandonment of government patent easements and a portion of right-of-way is a companion item on this agenda.</td>
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</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 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 that a change in trends since the Enterprise Land Use Plan was adopted in 2014 and amended in 2018 makes the senior housing project appropriate. Since the site is designated for Commercial General Uses in the land use plan, which allows senior housing with a special use permit, and the adjacent site to the west is planned for Residential High, which allows multi-family housing, the proposed senior housing project in an R-4 zone is consistent with a trend towards multi-family housing in 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.*

The subject site is designated as Commercial General in the master plan, and this designation allows senior housing with a special use permit up to 22 dwelling units per acre. In addition, the parcel to the west is designated as Residential High, which allows up to 18 dwelling units per acre. Although the proposed senior housing project is denser (39 dwelling units per acre), the impact of a senior housing facility and the intensity of the use is less than a multi-family project.
The residents of a senior housing facility create no impact on schools and less of an impact on traffic. In addition, the building is designed to create a transition in height, scale, and massing to the adjacent single family residences to the south. As a result, the density and intensity of the use proposed with the nonconforming R-4 zone change is compatible with the existing and planned 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.

According to the applicant, the proposed zone change will not result in any additional impacts on surrounding infrastructure not already contemplated in the area. The applicant will provide the necessary infrastructure connecting the existing utilities, including water and sewer, to the site. In addition, the site is adjacent to Blue Diamond Road, a 200 foot wide state highway, and Quarterhorse Lane, an 80 foot wide right-of-way. Lastly, the age-restricted community will not impact schools, the project is providing recreational amenities for residents so impacts to Clark County recreational facilities should be minimal, and fire and police services should be minimally impacted.

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

The applicant states that the project complies with Urban Specific Policy 10 of the Comprehensive Master Plan, which encourages site designs that are compatible with adjacent land uses and off-site circulation patterns. Adequate vehicular capacity is available to the subject site, which is located at the intersection of Blue Diamond Road and Quarterhorse Lane. In addition, the applicant states that the project is compatible with the adjacent single family subdivision to the south, the planned multi-family uses to the west, and the planned commercial uses to the east. Furthermore, the applicant states that the project is consistent with other policies in the Comprehensive Master Plan for multiple family residential developments including polices related to massing of buildings, providing amenities such as pools and open space, and utilizing drought tolerant landscaping.

**Summary**

**Zone Change**

Although the nonconforming zone change request to R-4 is not in conformance with the range of residential densities indicated on the Enterprise Land Use Plan, staff finds there has been a change in trends to make the zoning appropriate. Both the parcel to the west and the subject site allow multi-family and senior housing, albeit at lower densities than the subject request. However, the senior housing project may generate a lower impact on services and infrastructure than a standard multi-family development or mixed-use development. As a result, staff can support the nonconforming zone change.

**Use Permit**

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Comprehensive Master Plan. One of several criteria the
applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

Per Title 30, senior housing is defined as a multi-family dwelling with all units intended for, and occupied by at least one person 55 years of age or older. As a result, traffic, impact on schools, and other infrastructure and service demands may be reduced for persons over the age of 55, as compared to a non-age restricted multi-family development. In addition, the use complies with Land Use Goal 7 to provide housing alternatives to meet a range of lifestyle choices, ages, and affordability levels. As a result, staff can support the use permit for senior housing.

**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**

Urban Specific Policy 51 in the Comprehensive Master Plan encourages all multiple family developments to utilize appropriate buffers, setbacks, landscaping, building height, and materials to increase compatibility with adjoining land uses and densities. Although a portion of the building will extend up to 49 feet 6 inches, this increased height is to the peak of a pitched roof located on the northern side of the building, closest to Blue Diamond Road. Nevertheless, buildings approximately 50 feet in height are more appropriate in a C-2 zone, but not in an R-4 zone. Multi-family projects in a R-4 zone are allowed at a higher density (as requested by the applicant), but the project must maintain a maximum height of 35 feet to ensure compatibility with adjacent single family residences in terms of height, scale, and massing.

Similar to a floor area ratio, the height and density help regulate the intensity and scale of developments. The proposed senior housing project could be allowed in a C-2 zone with a maximum density of 22 units per acre up to a maximum height of 50 feet. Or the senior housing project could be built in an R-4 zone with a maximum density of 39 units per acre up to a maximum height of 35 feet. However, the applicant is proposing to use the R-4 density (39 units per acre) and the C-2 height (approximately 50 feet). As a result, staff cannot support the increase in height up to 49 feet 6 inches in the R-4 zone since the combination of increased density and increased height is incompatible with the adjacent single family residences to the south.

**Waiver of Development Standards #2**

Increases in retaining wall heights are sometimes necessary to accommodate changes in grade and to ensure drainage functions correctly. Although the applicant is proposing landscaping consistent with Title 30 standards and Urban Specific Policy 53, which encourages appropriate drought tolerant landscaping with multi-family developments, the visual impacts of the increased retaining wall height will be amplified by the increase in overall height (approximately 50 feet) for the senior housing building. Since staff cannot support the design review or waiver of
development standards #1, staff also cannot support waiver of development standards #2 to increase the retaining wall height.

**Design Review #1**
Urban Specific Policy 55 encourages spatial distribution and design alternatives, such as varied elevations, roof forms, and surface planes, to reduce the apparent mass of buildings. In addition, Policy 55 also encourages a variety of building heights in multi-family developments with the lower portion of the building adjacent to surrounding residential uses. Although the southern portion of the building transitions from 2 stories, to 3 stories, to 4 stories; the 2 story and 3 story transition is only in the southernmost 30 feet of the building. As a result, the transition in scale and visual mass is minor, and the majority of the building is 4 stories.

Staff finds that the building mass could be reduced by adding a variety of surface plans and design elements. In addition, breaking-up the building into several smaller buildings could add visual interest and reduce the apparent mass and bulk. As a result, the architecture and design does not comply with Policy 55, and the design is not compatible with adjacent residential uses to the south. Therefore, staff cannot support the design review.

**Public Works - Development Review**

**Design Review #2**
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.

**Staff Recommendation**
Approval of zone change and use permit; and denial of waivers of development standards and design reviews. 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.

**STAFF CONDITIONS:**

**Public Works - Development Review**
If approved:
- 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.
- Applicant is advised 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.
PLANNING COMMISSION ACTION: May 21, 2019 – APPROVED – Vote: Unanimous

Current Planning
- Resolution of Intent to complete in 3 years;
- Design review as a public hearing for significant changes;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection;
- 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.
- 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.

Public Works - Development Review
- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- Emergency access driveway shall be a commercial pan driveway per Uniform Standard Drawing 224;
- Right-of-way dedication to include the spandrel at the northwest corner of the site if required by the Nevada Department of Transportation (NDOT) or Clark County;
- Off-site improvements along Blue Diamond Road to be coordinated with Nevada Department of Transportation (NDOT), and applicant to provide an approved NDOT encroachment permit to Public Works Development Review Division.
- 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.

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.

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 #0080-2019 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

WAIVER OF DEVELOPMENT STANDARDS #2 AND DESIGN REVIEW #2 WERE WITHDRAWN.

TAB/CAC: Enterprise - denial.
APPROVALS: 3 cards
PROTESTS: 12 cards
APPLICANT: JANET GOYER
CONTACT: JANET GOYER, 6021 S. FORT APACHE ROAD #100, LAS VEGAS, NV 89148