



Planning Commission Agenda Item

Date: October 9, 2024

Item No: 4

TO: Planning Commission

FROM: Alfredo Melesio, Jr., AICP, EDFP, Director of Land Development & Community Services
Prepared By: Sharienne Dotson, Principal Planner

SUBJECT: ZN-16-2024 TUNNEL TO TOWERS (Public Hearing). Applicant: Tunnel to Towers. Request: A Property Reclassification of 5.07 Acres from C-1 (Neighborhood Commercial District) to a PUD (Planned Unit Development District) Consisting of 112 Multi-Family Dwelling Units. Location: Approximately 270 Feet North of the Northwest Corner of Centennial Parkway and Pecos Road. (APNs 124-24-810-005 and 124-24-810-006). Ward 2. (For Possible Action)

RECOMMENDATION: DENIAL

PROJECT DESCRIPTION:

The applicant is requesting a reclassification from C-1, Neighborhood Commercial District to a PUD, Planned Unit Development District, consisting of 112 multi-family residential units (veteran's housing development). The subject site is two (2) parcels totaling 5.07 acres generally located approximately 270 feet north of the northwest corner of Centennial Parkway and Pecos Road. The Comprehensive Master Plan Land Use designation for the subject site is Community Commercial (*proposed to Multi-Family*).

BACKGROUND INFORMATION:

Previous Action

A Task Force meeting was held on August 22, 2024 (TF-31-2024) to discuss the proposed amendment to the Comprehensive Plan to change the land use from Community Commercial to Multi-Family Residential, and to change the zoning from C-1, Neighborhood Commercial District to a PUD, Planned Unit Development District.

A neighborhood meeting was held on August 19, 2024 at 5:30 pm at the Skyview YMCA, located at 3050 E. Centennial Pkwy. North Las Vegas. The meeting summary stated that two (2) Council Members attended and one (1) member of the community attended. The community member had questions regarding the Tunnel to Towers Foundation. According to the summary, the community member expressed support of the proposed project.

On April 9, 2008, Planning Commission approved T-1317, a tentative map to allow a one (1) lot commercial subdivision on the subject properties that included the two parcels to the south for a commercial subdivision.

In 2006, with the adoption of the Comprehensive Master Plan (AMP-40-06) the designated land use was changed to Community Commercial.

On March 6, 2002, City Council approved ZN-13-02 (Ordinance No.1596), a property reclassification from M-1, Business Park Industrial District, to C-1, Neighborhood Commercial District.

RELATED APPLICATIONS:

Application #	Application Request
AMP-05-2024	An amendment to the Comprehensive Master Plan to change the land use designation from Community Commercial to Multi-Family.

GENERAL INFORMATION:

	Land Use	Zoning	Existing Use
Subject Property	Community Commercial	C-1, Neighborhood Commercial District	Undeveloped Land
North	Multi-Family Residential	R-3, Multi-Family Residential District	Multi-Family Subdivision; Undeveloped Land
South	Community Commercial	C-1, Neighborhood Commercial District	Convenience Food Store with Gas Pumps and Retail
East	Single-Family Medium	Open Land District	Detention Basin
West	Community Commercial	C-1, Neighborhood Commercial District	Undeveloped Land

DEPARTMENT COMMENTS:

Department	Comments
Public Works:	See Memorandum.
Police:	No Comment.
Fire:	No Comment.
Economic Development	See Memorandum.
Clark County School District:	No Comment.

Clark County Department of Aviation:	No Comment.
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ANALYSIS:

The applicant is requesting a property reclassification from C-1, Neighborhood Commercial District to a PUD, Planned Unit Development District, consisting of 112 multi-family residential units and accessory counseling services, retail and restaurant limited to the residents of the building. The proposed site consists of two (2) parcels totaling 5.07 acres with a density of 22.1 dwelling units per acre generally located approximately 270 feet north of the northwest corner of Centennial Parkway and Pecos Road. The applicant has also submitted an application to change the land use designation from Community Commercial to Multi-Family (AMP-05-2024). The applicant has indicated that the development will be restricted to housing and services for homeless veterans.

Community commercial development is needed in this area, and based on the reasons provided in the staff report for the application AMP-05-2024, the city recommended denial of application AMP-05-2024. If the Planning Commission follows Staff’s recommendation and denies AMP-05-2024, this property reclassification must be denied because a non-conforming zone change is not allowed under state and local law.

The subject site is the northern half of a developing commercial center currently consists of four (4) parcels totaling 8.67 net acres. Presently, the Pecos & Centennial Commercial Center includes a commercial building with multiple suites located on the southwest parcel, and there is a Green Valley Grocery convenience store with gas pumps and a car wash on the southeast corner of the center. The two (2) northern parcels that make up the subject site are vacant. There is an existing joint access commercial drive aisle from Pecos Road between the four (4) parcels for the existing and future portion of the Pecos & Centennial Commercial Center. Adjacent to the Pecos & Centennial Commercial Center is an additional 9 net acres of commercial land. The combined 18+ acres of commercial land could be developed into a neighborhood-scale shopping center.

The applicant is requesting a property reclassification to a PUD, Planned Unit Development District. The purpose of a PUD is to serve as an alternative to conventional zoning and development approaches and processes. The use of a PUD encourages innovations in residential, commercial and industrial development and encourages a more creative approach in the utilization of land. However, the PUD District is not to be used as a way to circumvent the City’s traditional regulations and open space requirements. Further, the intent of the PUD district is not to be used as a way to circumvent Title 17 traditional regulations as in height, parking spaces and open space requirements.

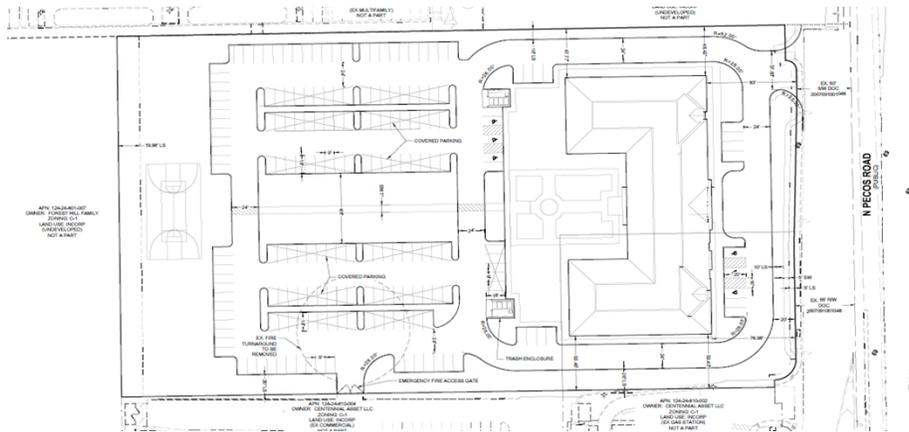
The applicant is proposing to construct a single multi-family structure with 112 studio apartments that appear more like motel rooms with kitchenettes. An appropriate property reclassification for the proposed project would be the R-3, Multi-Family Residential District. The letter of intent states the PUD classification is necessary to include personal services for the residents only. According to the applicant, the proposed personal services

will include the following: comprehensive supportive services center, workforce center, clothing room, therapy center, canteen, and warming pantry. The personal services should be considered accessory convenience uses for the proposed project and intended for residents only.

The Title 17 Zoning Ordinance (17.20.030.F.1) has provisions to allow Accessory Convenience Uses to be designed and integrated into R-2 and R-3 residential developments with an approved special use permit. The accessory convenience uses referred to as personal services by the applicant should generally be located within the center of the development with convenient access by all residents. It is intended that the site be designed and that these uses be located to accommodate residents only. The uses should not be exposed to or visible from surrounding properties or rights-of-way. A maximum of 600 square feet may be allocated for the accessory convenience uses within a development approved for up to 200-dwelling units. As the property reclassification request includes personal services, the services should be restricted to a maximum of 600 square feet. Signage of any type for advertising the uses, products, and/or services should be prohibited.

All activities associated with the personal services should be located inside the building. The personal services shall be managed and operated by the management company overseeing the property and may not occupy any area that is necessary for the development to comply with the open space requirements. The approved parking plan and site design shall not be impacted by the personal services nor should any parking spaces be specifically allocated for the personal services. A business license should only be issued after 100 units have been occupied. The on/off sale of beer, wine, liquor, and tobacco, should be prohibited within the commercial (retail) components. Any type of gaming, massage establishment, or personal services that include puncturing of skin and emitting noise or odors should be prohibited. The proposed floor plan includes a canteen and warming pantry as part of the personal services. Both of these services must comply with all Health District of Southern Nevada rules and regulations for food storage, handling and preparation including the appropriate air handling system and grease traps.

According to the site plan, the applicant is proposing one (1) three (3)-story building. The proposed building will contain 112 studio apartments throughout the three (3) story building. In addition, the proposed floor plans indicate multiple lounge areas, office spaces, reception area, therapy area, gym, multipurpose room, laundry area, a retail space, food service, and a work force office for the use of residents only. Access to the site will be from Pecos Road and a secondary emergency access point is provided through the commercial development to the south.



The residential building has a building height of forty-two (41) feet and an overall height of 42 ¼ feet where the maximum height for a multi-family building is 35 feet. The typical building height for a multi-family structure within the R-3, Multi-Family Residential District is 35 feet. The proposed building is 7 ¼ feet higher than the typical building. Recently, at the August 14, 2024, Planning Commission meeting, a variance (VN-06-2024) to allow a 58-foot high building where the maximum is 35 was approved for the adjacent property to the north. The variance was granted for a project that was designed to accommodate rental apartments for larger families with three and four bedroom units, which are typically not provided in multi-family developments. The site plan appears to comply with all the required setbacks for an R-3, Multi-Family Residential District development.

The proposed exterior elevations appear to be a combination of painted stucco, painted siding and white brick. In addition, the roof will consist of red tile and exterior balconies and patios will be stucco and painted with a white wrought iron fence. Architecturally, the submitted elevations are finished in earth tone or neutral colors and contain four-sided architecture. The elevations appear to comply with the Multi-Family Design Standards.



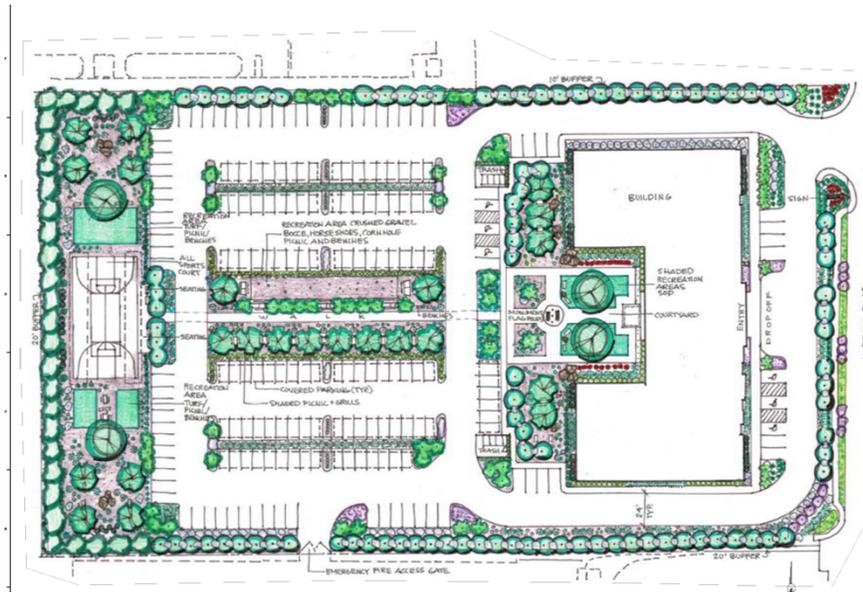
The proposed floor plans for the building show each studio apartment will have either a patio if located on the first floor, or a balcony, if located on the second or third floors. All dwelling units are required to have a minimum of 40 square foot balcony or an 80 square

foot patio. The floor plans appear to have 40 square foot balconies; however, the patios appear to be 65 square feet where 80 square feet is the required size. The patios will need to be revised to meet the minimum 80 square feet requirement. The revised required balconies and patios should be included on the floor plans to be submitted with the final development plan.

Multi-family design standards for buildings utilizing a long single hallway providing access to more than four (4) dwelling units must contain an elevator. The proposed building layout has all the individual dwelling units in the building being accessed from a single internal hallway on each floor. Access to the individual floors is being provided by two (2) enclosed staircases and two (2) elevators located on the north and south sides of the building. In this instance, the applicant is providing two (2) elevators, which complies with the dwelling unit access requirements of the Multi-Family Design Standards.

The applicant is proposing 197 parking spaces where 196 parking spaces are required. Additionally, the municipal code requires that each dwelling unit have one covered parking space; the site plan contains 112 covered carport spaces and complies with the parking requirements. The applicant did not submit elevations of the carports. The carports are required to use the same color and materials as the main buildings and will be reviewed at the time of final development plan. In addition, the proposed development should provide six (6) bicycle parking spaces. This is minor and can be addressed during the final development plan. The parking area should provide lighting by the submittal of a detailed light plan. The pole height has a maximum height of 20 feet.

The required open space for the development is 44,800 square feet (400 square feet per dwelling unit). Perimeter landscaping, parking areas, ornamental landscaped areas, any areas that are less than 20 feet in width and required balconies and patios cannot be counted toward the required open space. According to the landscape plan, the applicant is proposing approximately 53,432 square feet of outdoor open space. The amenities for the outdoor open space include: open turf area, shade structures, picnic tables, sports court, bocce ball, courtyards with seating areas, and horseshoe area. The interior amenities include: gym, lounges, and multi-purpose room. The landscape plan indicates the required 20-foot landscape buffer between the proposed use and the commercial property to the south and the west. The applicant has provided seventy-five (75) percent of the required open space within two main useable areas and is generally in compliance with the open space standards. The final amenities list will be reviewed with the final development plan.



All trash enclosures must be within 300 feet of each unit. The site plan indicates two (2) trash enclosures. Both trash enclosures appear to meet the maximum distance requirement. Elevations for the trash enclosures were not submitted, however, trash enclosures are required to use the same materials and colors of the principal building. Elevations for the trash enclosures can be reviewed during the building permit process.

Approval Criteria: (Zoning Map Amendments)

Pursuant to the North Las Vegas Municipal Code 17.12.070(B)(3)(b)(iii), the Planning Commission may recommend approval if the zoning map amendment meets all of the following criteria:

1. *The rezoning will promote the public health, safety, and general welfare.*
 - *The zoning change will not promote public health and general welfare because the area is in need of commercial developments such as grocery stores to allow nearby residents more access to food options.*

2. *The rezoning is consistent with the comprehensive master plan and the purposes of this code;*
 - *The proposed property reclassification to a residential PUD, Planned Unit Development District, is located in an area where commercial land is limited, particularly land that could accommodate a grocery store and other neighborhood supportive commercial services. This request is not compatible with the Comprehensive Master Plan.*

3. *The rezoning is consistent with the stated purpose of the proposed zoning district(s);*
 - *The proposed property reclassification to a residential PUD, Planned Unit*

Development District, would not be consistent with the purpose for this property. The current zoning classification of C-1, Neighborhood Commercial District is part of a currently developing commercial center to allow the surrounding residents access to needed commercial businesses, including food options.

4. *Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing developments;*
 - *The proposed property reclassification to PUD, Planned Unit Development District should not have a negative impact on the existing facilities and services.*
5. *The rezoning is not likely to result in significant adverse impacts upon the natural environment, or such impacts will be substantially mitigated;*
 - *The proposed property reclassification to PUD, Planned Unit Development District should not have a negative impact upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation.*
6. *The rezoning is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract; and*
 - *Staff does not support the property reclassification to a residential PUD Planned Unit Development District. Removing much needed commercial property in this area could have negative impacts on the existing residential development that is already lacking commercial support and services for this developing area.*
7. *Future uses on the subject tract will be compatible with uses on other properties in the vicinity of the subject tract.*
 - *The proposed project to develop 112 multi-family residential units is in an area that lacks commercial uses to support the needs of existing surrounding residents and any future residents. Staff does not support the conversion of commercial land in this area as it may have a negative impact on surrounding developments.*

The combined 18+ acres are prime for a neighborhood commercial development. The proposed development will remove 5 acres from a developing commercial area and reduce the ability to create a neighborhood commercial center for the surrounding neighbors.

For the reasons outlined by staff in the report on the application for Comprehensive Master Plan Land Use Amendment AMP-05-2024, staff does not support the requested Comprehensive Master Plan Land Use Amendment (AMP-05-2024) and staff cannot

support the requested zoning application (ZN-16-2024). Therefore, staff is recommending denial of the requested property reclassification (ZN-16-2024).

The intent of the request is for veteran's residential housing and support services and not for a multi-family residential development. If the Planning Commission determines approval is warranted, Staff would recommend the following conditions listed specific to a veteran's housing development.

Conditions:

Planning and Zoning:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. A Final Development Plan (FDP) is required.
3. Shall provide six (6) bicycle parking spaces.
4. All units are required to have a minimum of a 40 square foot balcony or an 80 square foot patio.
5. A deed restriction shall be filed on the property to only allow veterans as residents.
6. A maximum of 600 square feet may be allocated for all personal services establishments.
7. Signage for any personal service or commercial use shall be prohibited.
8. All activities associated with the personal services shall take place within the building.
9. The personal services area may not occupy any area that is necessary for development to comply with the open space requirements.
10. The personal services shall be managed and operated by the management company overseeing the property.
11. No parking spaces should be specifically allocated for personal services. The approved parking plan and site design shall not be impacted by the operation of the personal services.
12. The on/off sale of beer, wine, liquor, and tobacco shall be prohibited.
13. Any uses that include puncturing of skin and emitting noise or odors shall be prohibited.

14. Any type of gaming or massage establishment shall be prohibited.
15. The canteen and warming pantry shall comply with all Health District of Southern Nevada rules and regulations for food storage, handling, and preparation including air handling systems and grease traps.

Public Works:

16. All known geologic hazards shall be shown on any preliminary development plans and civil improvement plans submitted to the City. Subsequent identification of additional hazards may substantially alter development plans. The footprint of proposed structures shall be plotted on the subject civil improvement plans and a minimum width of five (5) feet shall be provided from the edge of any proposed structure to the nearest fault and/or fissure.
17. Approval of a drainage study is required prior to submittal of the civil improvement plans.
18. Approval of a traffic study is required prior to submittal of the civil improvement plans. Please contact Traffic Engineering at 633-2676 to request a scope.
19. Dedication and construction of the following streets and/or half streets is required per the Master Plan of Streets and Highways and/or City of North Las Vegas Municipal Code section 16.24.100:
 - a. Pecos Road (50' ½ street with median and overpave)
20. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
21. The existing shared use driveway, at the property line with the parcel to the south, must be relocated to meet all current standards and requirements.
22. The developer is required to construct a raised median within Pecos Road. The median shall be constructed per Clark County Area Uniform Standard Drawing numbers 218 and 219 "A" type island curb.
23. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' North Neighborhood Flood Control Master Plan, or as otherwise approved by the Director of Public Works or his designee.
24. The size and number of driveways and their locations are subject to review and approval by the City Traffic Engineer and must meet the standards set forth in North Las Vegas Municipal Code section 17.24.040 and Clark County Area Uniform Standard Drawing number 222.1, including throat depths. Conformance may require modifications to the site plan.

25. Commercial driveways are to be constructed in accordance with Clark County Area Uniform Standard Drawing number 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
26. Commercial driveways are to be constructed in accordance with Clark County Area Uniform Standard Drawing numbers 222.1, including throat depths, and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
27. The property owner is required to grant a roadway easement for commercial driveway(s).
28. The property owner is required to grant a public pedestrian access easement for sidewalk located within a common element when that sidewalk is providing public access adjacent to the right-of-way.
29. A revocable encroachment permit for landscaping within the public right of way is required, if applicable.
30. All Nevada Energy easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground if impacted by the proposed development of the parcel or if the pole impedes upon the proper ADA clearances for sidewalk. Under no circumstances will new down guy wires be permitted.
31. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e., telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
32. All off-site improvements must be completed prior to final inspection of the first building.

ATTACHMENTS:

Public Works Memorandum
Economic Development Memorandum
Letter of Intent
Site Plan
Building Elevations
Floor Plan
Landscape Plan
Neighborhood Meeting Notes
Clark County Assessor's Map
Location and Zoning Map