



Planning Commission Meeting July 17, 2024 Item No. {{item.Number}} Staff Report

TO: Planning Commission

FROM: Nakeisha Lyon, AICP, City Planner

DATE: July 17, 2024

SUBJECT: For possible action: Matters pertaining to a proposed Master Plan Amendment and Zoning Map Amendment for approximately 3.00 acres located at 1400 Utah Street:

- A. Public hearing on a proposed Master Plan Amendment and Zoning Map Amendment
- B. MPA-24-057 – Resolution No. 1259: Adoption and recommendation to the City Council on a proposed amendment to the Master Plan Future Land Use Map to change the land use designation from PUB, Public/Quasi-Public to MDR, Medium Density Residential
- C. AM-24-379 - Resolution No. 1260: A recommendation to the City Council on a proposed amendment to the Zoning Map to change the zoning district from R1-80, Single Family Residential to R-3, Multiple Family Residential.

Action Requested:

That the Planning Commission conduct the required public hearing and consider adoption of the attached resolutions (Attachments 1, 3) for a recommendation on a proposed Master Plan Future Land Use Map Amendment and Zoning Map Amendment. Maps showing the location and proposed designations are attached (Attachments 2, 4).

Overview:

The property owner has requested the review and adoption of the amendments for the appropriate future land use and zoning for proposed multi-family residential development on the subject property.

Background Information:

Applicant(s): Richard Ladwig

Property Owner(s): Boulder City United Methodist Church (BCUMC)

Assessor's Parcel No(s): 186-10-301-003

Overlay Districts: The subject properties are not within any overlay districts.

Master Plan Future Land Use Map Designation	Current:	PUB, Public/Quasi-Public
	Proposed:	MDR, Medium Density Residential
Zoning Map Districts	Current:	R1-80, Single Family Residential
	Proposed:	R-3, Multiple-Family Residential

Description of Request: The BCUMC has submitted these applications (Attachment 6) requesting to amend the master plan and zoning designations to allow for multi-family residential development on the subject property. The applicant intends to construct a 50 unit apartment building to serve low income individuals ages 55 and older, known as senior housing. The proposed apartment building contains 42 one-bedroom units, and 8 two-bedroom units, and is designed to include a 6,500 square foot multi-purpose room to serve as a church and event space, tenant storage, and amenity space for residents.

Land Management Process and Deed Restrictions

In 2006, the City sold the subject property to the BCUMC for the purpose of constructing a church for \$195,000 per Agreement No. 06-1048 as codified per Ordinance No. 1281. The sale or lease of City owned real property must meet the requirements of Chapter 2 of Title 9, Land Management for City Owned Property of the Boulder City Code of Ordinances. Per Sec. 9-2-8, the sale or lease of real property to a bona fide nonprofit corporation meeting the requirements of Section 141.1 of the Boulder City Charter is exempt from the Land Management Process. Therefore, the sale of the land did not require voter approval.

Sec. 9-2-4.B.4 states that “any transfers of land to nonprofit organizations may be subject to restrictive covenants of exclusive use for the purpose intended, for example religious use”. Section Two: Restrictions and Reversion of Agreement No. 06-1048 includes a use restriction and exception to use restriction which states that the subject property “shall be used, kept and maintained as a place of divine worship of the United Methodist ministry and members of The United Methodist Church”. As the quitclaim deed subjects the parcel to the provisions of Agreement No. 06-1048, the use restriction is applicable. Therefore, Agreement No. 06-1048 (Ordinance No. 1281) must be amended by the City Council for the property to be used for residential purposes. The City Council will consider this amendment concurrently with and make a decision prior to consideration of the proposed Master Plan Amendment and Zoning Map Amendment.

Building Height and Density

Based on a preliminary review of the applicant's proposal, site plans, and elevations, the apartment building is proposed to be three-stories tall with a building height in excess of the 25'. The proposed elevations denote a proposed height of up to 37'-6" feet which is 12'-6" taller than the maximum height allowed per Sec. 11-5-9 of the Boulder City Zoning Ordinance. This provision states that the height of a structure shall not exceed twenty five feet (25') and the number of stories in a building shall not exceed two (2) stories.

Therefore, should the City Council approve an amendment to the Sales Agreement, adoption of the Master Plan Amendment and Zoning Map Amendment, a **variance** must be reviewed by City staff and approved by the Planning Commission to allow for the proposed three-stories and a building height over 25'.

The applicant has proposed 50 dwelling units on the 3.00 acre parcel. Sec. 11-5-3 permits the use of multiple-family dwellings when the proposed density is less than 11 units per net acre (excluding areas within overhead utility easements). Sec. 11-5-4 **conditionally permits** the use of multiple-family dwellings when the proposed density is 11 units or greater per net acre (excluding areas within overhead utility easements). Based on dwelling unit per net acre calculations, the applicant is proposing approximately 16.67 dwelling units per net acre.

Therefore, should the City Council approve an amendment to the Sales Agreement, adoption of the Master Plan Amendment and Zoning Map Amendment, a **conditional use permit** must be reviewed by City staff and approved by the Planning Commission to allow for a density in excess of 11 units per net acre.

When the use of a church is a primary use of a R-3 zone, a conditional use permit is required. The proposed 7,680 sf church space is also a multi-purpose room and event space. Based on the size of this space, staff has determined this area to be accessory to the permitted use, Per 11-5-3.F, these types of uses are customarily incidental to any permitted residential use. Therefore, City staff has deemed that a conditional use permit is not necessary.

Master Plan Amendment:

As the use of "multiple-family dwellings" is not consistent with the intent, land use policies and criteria of the current future land use designation of PUB, Public/Quasi-Public, the applicant is requesting to change this designation to MDR, Medium Density Residential, to allow for multi-family residential development on the subject property in order to propose an apartment building to serve low income individuals ages 55 and older, known as senior housing.

Chapter 278 of the Nevada Revised Statutes (NRS) provides the applicable standards and procedures for amendments to a master plan. Per NRS 278.210.2, a neighborhood meeting is required to be held by the applicant prior to a public hearing to amend the

master plan. The intent of the neighborhood meeting is to provide an explanation of the proposed amendment to the public. Details regarding the neighborhood meeting are provided below in the Public Notice Requirements of this staff report.

As denoted in NRS 278.210.3, the Planning Commission must adopt and recommend a master plan amendment to the City Council. Upon the Planning Commission's adoption of the amendment, any further changes made by the City Council must first be reviewed by the Planning Commission for a report per NRS 278.220.4.

In accordance with NRS 278.220.2, **the Planning Commission must find that the amendment to the master plan conserves and promotes public health, safety and general welfare.**

Below are the relevant policies contained within the City's adopted Master Plan for consideration by the Planning Commission:

Chapter 4: Land Use

MDR 1: CHARACTERISTICS: The Medium-Density Residential category shall incorporate a mix of single and multifamily housing types in a neighborhood setting in combination with compatible non-residential land uses, such as educational facilities, churches, schools, and public and private parks and recreational facilities. Appropriate housing types may include a combination of one or more of the following: small lot single-family, duplexes, town homes, apartments, manufactured homes, mobile homes, or condominiums.

MDR 2: APPROPRIATE DENSITY RANGE: Lot sizes in the Medium-Density Residential category shall be accordance with the underlying zoning districts, as they may be amended. Current requirements range from 7,000 square feet for detached single family homes, 8,000 for duplexes, and 10,000 square feet for other residential uses. Higher density attached single-family homes and apartments are also permitted with densities ranging up to 17 dwelling units per acre (2,500 square feet per unit).

MDR 3: LOCATION: Medium Density Residential neighborhoods should be located close to arterial streets and be bounded by collector streets where possible, with a direct connection to work, shopping, and leisure activities.

Chapter 10: Housing and Neighborhood

HN 6: AFFORDABLE HOUSING: State Law, pursuant to NRS 278.150.4 and 278.160.1(e) as amended in 2007, requires that all cities located within a county with a population of over 400,000 persons address certain elements within their housing plans. Assembly Bill 439 of the 2007 session of the Nevada Legislature further requires that these cities address at least six of twelve measures to address

the subject of affordable housing. There are two significant factors that are unique to Boulder City which make compliance with these requirements challenging:

- **A Growth Control Ordinance adopted by the voters in 1979 (presently Chapter 41 of Title 11), and**
- **A charter amendment (Article XV, Section 140.1.A) adopted by the voters which prohibits the City Council from selling more than an acre of land without voter approval first.**

Despite these two restrictions, Boulder City does hereby adopt the following policies pursuant to AB 439:

- **The City shall subsidize, at its own expense, in whole or in part, impact fees and fees for the issuance of building permits collected pursuant to NRS 278.580.**
- **The City shall establish a process that expedites the approval of plans and specifications relating to maintaining and developing affordable housing.**
- **The City shall provide density bonuses for affordable housing developments that are financed, wholly or in part, with low income tax credits, private activity bonds or money from a governmental entity for affordable housing, including, without limitation, money received pursuant to 12 U.S.C. § 1701q and 42 U.S.C. § 8013 (federal programs for housing for the elderly and disabled).**
- **The City shall offer density bonuses or other incentives to encourage the development of affordable housing.**

In addition to the above, Boulder City shall endeavor to make city lands available for affordable housing, in conjunction with the following measures of AB 439, and in accordance with the requirements of the Boulder City Charter:

- **Selling land owned by the city or county, as applicable, to developers exclusively for the development of affordable housing at not more than 10 percent of the appraised value of the land, and requiring that any such savings, subsidy or reduction in price be passed on to the purchaser of housing in such a development.**
- **Donating land owned by the city or county to a nonprofit organization to be used for affordable housing.**
- **Leasing land by the city or county to be used for affordable housing.**

Zoning Map Amendment

As the use of “multiple-family dwellings” is not permitted in the current zoning designation of R1-80, Single Family Residential, the applicant is requesting to change this designation to R-3, Multiple-Family Residential to allow for multi-family residential development on the subject property in order to propose an apartment building to serve low income individuals ages 55 and older, known as senior housing.

Chapter 33 of the Boulder City Zoning Ordinance, Title 11 Requirements provides the applicable standards and procedures for zoning map and text amendments.

Per 11-33-5, if the Planning Commission decides to recommend an amendment to the zoning map, this must be made by resolution (Attachment 3).

The recommended amendment must be submitted to the City Council accompanied by a report of finding, summary of hearings, and recommendations of this Commission as denoted in 11-33-6.

As denoted in 11-33-9, in order to amend this Title, the following findings must be made by the City Council:

A. That the proposed amendment is in general conformance with the adopted Comprehensive Plan for the City.

As a component of this application, a Master Plan Future Land Use Map Amendment has been submitted as denoted above and required to address general conformance with the adopted Comprehensive Plan.

B. That the proposed amendment promotes the health, safety, morals or the general welfare of the City.

In determining the above stated, the deliberating body shall, but is not limited to, considering the following factors:

Present land use: The subject property is currently vacant.

Present zoning in adjacent areas: The subject property is surrounded by and located within city limits. The adjacent areas to the west and south are zoned GM, Government Municipal. The property to the west and south is owned by the City. The Boulder City Municipal Cemetery is located within a portion of this property to the west adjacent to the subject property. The remainder of the property is vacant with several dirt roads and ATV trails. The vacant portion of the City property is not listed on the Land Management Process List. The adjacent areas to the east and north are zoned R1-7, Single-Family Residential. The Lewis Homes Subdivision (Boulder City Subdivision No. 21) is located to the east. Portions of Utah Street run along the northeastern boundary of the subject property.

Impact on utilities: No impacts are anticipated at this time regarding utilities as it relates to the zoning amendment. Any future use of the subject property must comply with all applicable requirements as administered by the City's Utilities Department. Upon the submittal of building permits, the Utilities Department will evaluate all utility needs for the subject property. Utilities such as gas, cable, fiber optics, and telephones are provided by private utility companies and the applicant must coordinate their needs with these companies directly.

Noise: No impacts are anticipated at this time regarding noise as it relates to the zoning amendment. Any future use of the subject property must comply with Chapter 6 of Title 7 of the Boulder City Noise Ordinance. Noise complaints, if they occur, are handled by the City's Code Enforcement Division.

Drainage: Please see the required drainage report from the City Engineer (Attachment 5).

Character of existing neighborhoods: The existing neighborhood is predominantly single family residential homes ranging from one to two stories with one dwelling unit permitted per lot located to the east. The subject property is adjacent to the Boulder City Municipal Cemetery which is located to the west. The proposed zoning allows for a higher density of development permitting single-family, two-family, and multiple-family residential uses of less than 11 units per net acre. Uses such as multiple-family residential dwellings of 11 units per net acres or more, educational, religious, cultural, recreational and social clubs are conditionally permitted within the R-3 zoning district.

Neighborhood Meeting Requirement and Summary

Neighborhood Meeting: As denoted above, the applicant is required to hold a neighborhood meeting to explain the proposed master plan amendment. This meeting was held on May 6, 2024 at 6 pm at the Boulder City Library. Notice of the neighborhood meeting was provided by the applicant to residents within a 750' radius of the subject property in accordance with NRS requirements.

The BCUMC provided an overview of the proposed project, their master plan and zoning amendments, and made themselves available for questions from the residents who attended. Residents expressed concerns with the following:

- Overall functionality, operation, and longevity of the proposal (i.e. The U.S. Department of Housing and Urban Development (HUD) regulations, income and rent restrictions, property management, and funding stipulations subject to the proposal, partnership between the owner and a private developer)
- Meeting City code and regulations (i.e. land acquisition, variance requirements for building height)
- Increased demand on City services and infrastructure (increased demand on Fire/EMS)
- Traffic and transportation concerns (i.e. existing and future traffic violations for the stop sign located at the intersection of Bronco Road and Utah Street, increased parking demand, increased traffic generation, and ingress/egress to Utah Street)

City Code and Regulations

As stated in the Description of Request in the Background Section of this report, the City sold the subject property to the BCUMC in 2006 for the purpose of constructing a church for \$195,000 per Agreement No. 06-1048 as codified per Ordinance No. 1281. The sale or lease of City owned real property must meet the requirements of Chapter 2 of Title 9, Land Management for City Owned Property of the Boulder City Code of Ordinances. Per Sec. 9-2-8, the sale or lease of real property to a bona fide nonprofit corporation meeting the requirements of Section 141.1 of the Boulder City Charter is exempt from the Land Management Process. Therefore, the sale of the land did not require voter approval. If waived by the City Council, a property appraisal is also not applicable.

Sec. 9-2-4.B.4 states that “any transfers of land to nonprofit organizations may be subject to restrictive covenants of exclusive use for the purpose intended, for example religious use”. Section Two: Restrictions and Reversion of Agreement No. 06-1048 includes a use restriction and exception to use restriction which states that the subject property “shall be used, kept and maintained as a place of divine worship of the United Methodist ministry and members of The United Methodist Church”. As the quitclaim deed subjects the parcel to the provisions of Agreement No. 06-1048, the use restriction is applicable. Therefore, Agreement No. 06-1048 (Ordinance No. 1281) must be amended by the City Council for the property to be used for residential purposes. The City Council will consider this amendment concurrently with and make a decision prior to consideration of the proposed Master Plan Amendment and Zoning Map Amendment.

As stated in the Description of Request in the Background Section of this report, based on a preliminary review of the applicant’s proposal, site plans, and elevations, the apartment building is proposed to be three-stories tall with a building height in excess of the 25’. Sec. 11-5-9 of the Boulder City Zoning Ordinance states that the height of a structure shall not exceed twenty five feet (25’) and the number of stories in a building shall not exceed two (2) stories. Therefore, upon the City Council amendment to the Sales Agreement, and adoption of the Master Plan Amendment and Zoning Map Amendment, a **variance** must be reviewed by City staff and approved by the Planning Commission to allow for the proposed three-stories and a building height over 25’.

Impacts on City Services

Some residents expressed concerns regarding an increased demand on City services and infrastructure specifically on Fire/EMS. In regards to the zoning amendment, the Boulder City Fire Department has no comments or objections. Upon the application of a building permit related to the development of the apartment building, the Fire Department will address any access and life safety system concerns. These include fire sprinklers, fire monitoring, fire alarms, and the economic impacts of the development.

Traffic and Transportation Considerations

Many residents indicated traffic and transportation concerns such as existing traffic violations for the stop sign located at the intersection of Bronco Road and Utah Street.

Several residents indicated that vehicles run the stop sign on a regular basis and increased traffic generated by this proposal may create further accidents and conflicts.

The Police Department has not received any formal complaints regarding this stop sign or speeding in the area, nor have there been any traffic accidents at this intersection over the last 10 years. The Police Department has conducted general traffic enforcement in the general area as it relates to this stop sign, parking, and off highway vehicles in the past. Any concerns or complaints about traffic issues may be reported to the Police Department.

Several residents expressed concerns with increased parking demand, traffic generation, and vehicular conflicts in regards to the ingress/egress proposed along Utah Street. The proposed parking to serve the project is 116 vehicular parking spaces, which meets the City's requirement of 1 space per unit for senior housing per 11-23-2 of the Boulder City Zoning Ordinance. Based on the proposed 50 dwelling units and 6,500 sf of church/multi-purpose space, the City Engineer estimates a peak hour trip generation of 12 trips in the AM and 16 trips in the PM. Per the Regional Transportation Commission of Southern Nevada (RTC) standards, an agency must require a project that will generate 100 trips in a peak hour to conduct a traffic impact study (TIS). Further, it is up to the discretion of the agency (i.e. the City) if they would like to require a traffic impact study. Public Works is not requiring a TIS at this time.

The City Engineer does not foresee the need for an additional bus stop in this area as two bus stops existing less than a ½ mile from the subject property, and the Southern Nevada Transit Coalition provides the Silver Rider throughout Boulder City which provides door to door service. The City Engineer denoted no issues with the proposed access road along Utah Street. This location may change as the proposal moves forward throughout the City processes and will be finalized during the building permit review process.

Additionally, on Saturday, April 20, 2024, the BCUMC Building Team conducted a neighborhood walk to the residences within the 750' radius of the subject property. Their team visited 79 homes and left a door hangers inviting the residents to attend the community meeting on May 6, 2024 in addition to the mailing notices required by State law. During these door to door visits, their team provided an overview of the proposed project, explained the benefit to the broader community by providing housing for seniors, and shared the current draft site drawings.

The applicant's team denoted that roughly 41 residents answered their door and spoke with a BCUMC representative, with approximately the majority of these residents sharing positive feedback regarding the proposal. Several residents listened to the project summary, but made no reference to whether or not they supported the project. Others residents stated they did not have time to discuss the project. Only three individuals expressed concerns during the neighborhood walk regarding the building height, increased demand on services and impact on the neighborhood character. The majority

of the residents indicated they would attend the neighborhood community meeting and a summary has been provided of the questions and concerns received on May 6, 2024.

Public Notice Requirements

These amendments were previously scheduled for review and consideration by the Planning Commission on June 12, 2024. Public notice procedures were followed in accordance with State law as follows:

- Notice was mailed to all property owners within 750' of the subject property, with a minimum of 30 owners to be notified on May 30, 2024. This is applicable to the zoning map amendment, however information for the master plan amendment was also included.
- Notice was posted on the subject property on May 30, 2024. This is applicable to the zoning map amendment.
- Notice was published in the Las Vegas Review Journal (LVRJ) on June 2, 2024. This is applicable to both amendments.
- Signs and notices references the Planning Commission public hearing only. Separate signage, mailings, and newspaper notices will be prepared, mailed, posted, and published in accordance with State law prior to the City Council public hearing.

On June 4, 2024, the applicant requested to postpone the review of their applications to the next Planning Commission Meeting.

- Notice of this postponement was mailed to all property owners within 750' of the subject property, with a minimum of 30 owners to be notified on June 4, 2024. This is applicable to the zoning map amendment, however, information for the master plan amendment was also included.
- A postponement sign was posted on the subject property on June 4. This is applicable to the zoning map amendment, however, information for the master plan amendment was also included.
- Signs and notices references the Planning Commission public hearing only. Separate signage, mailings, and newspaper notices will be prepared, mailed, posted, and published in accordance with State law prior to the City Council public hearing.

For the July 17, 2024 Planning Commission meeting, the following public notice requirements were followed:

- Notice was mailed to all property owners within 750' of the subject property, with a minimum of 30 owners to be notified on July 3, 2024. This is applicable to the zoning map amendment, however information for the master plan amendment was also included.
- Notice was posted on the subject property on July 3, 2024. This is applicable to the zoning map amendment.
- Notice was published in the Las Vegas Review Journal (LVRJ) on July 6, 2024. This is applicable to both amendments.
- Signs and notices references the Planning Commission public hearing only. Separate signage, mailings, and newspaper notices will be prepared, mailed, posted, and published in accordance with State law prior to the City Council public hearing.

Written Comments

Written Comments received have been attached per Attachment 7 for review and consideration of the Planning Commission.

All written comments received for the June 12, 2024 Planning Commission Meeting have been included.

In summary, as of July 10, 2024 at 3:30 pm, 66 written comments have been submitted, 62 in opposition, and 4 in favor. Any further written comments will be provided to the Planning Commission at the July 17, 2024 meeting.

Department Recommendation:

That the Planning Commission hold the public hearing and consider the two resolutions.

Requested Action: That the Planning Commission hold the public hearing, deliberate and then make TWO motions to either recommend approval or denial of the requests, using alternate draft motion language as follows (subject to modification as noted above):

MASTER PLAN:

RECOMMEND APPROVAL: "I move to approve Resolution No. 1259, based on the findings that the amendment to the master plan conserves and promotes public health, safety and general welfare.

or

RECOMMEND DENIAL: "I move to approve Resolution No. 1259, based on the findings that the amendment to the master plan does not conserve and promote public health, safety and general welfare.

REZONING:

RECOMMEND APPROVAL: "I move to approve Resolution No. 1260, which is in conformance with the findings as denoted in 11-33-9 of the Boulder City Zoning Ordinance.

or

RECOMMEND DENIAL: "I move to recommend denial of Resolution No. 1260, which is not in conformance with the findings as denoted in 11-33-9 of the Boulder City Zoning Ordinance.

Attachment:

1. Resolution No. 1259 (Master Plan Amendment)
2. Exhibit Map for Master Plan Amendment (before & after)
3. Resolution No. 1260 (Zone Map Amendment)
4. Exhibit Map for Zone Map Amendment (before & after)
5. Drainage Report
6. Application Documents
7. Public Comments