

MULTIPLE FAMILY RESIDENTIAL
(TITLE 30)

VALLEY VIEW BLVD/FLAMINGO RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ZC-22-0503-PHILLIPS R DEAN NON-GST MARITAL TRUST, ET AL:

ZONE CHANGE to reclassify 3.7 acres from an M-1 (Light Manufacturing) Zone to an H-1 (Limited Resort and Apartment) Zone.

USE PERMIT for a multiple family residential development.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increased building height; and **2)** reduced parking.

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

Generally located on the east side of Valley View Boulevard, 300 feet south of Flamingo Road within Paradise (description on file). MN/gc/syp (For possible action)

RELATED INFORMATION:

APN:

162-20-110-003 through 162-20-110-005

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase building height to 85 feet where a maximum of 50 feet is permitted per Table 30.40-3 (a 70% increase).
2. Reduce parking to 374 spaces where 424 spaces are required per Table 30.60-1 (an 11.8% reduction).

DESIGN REVIEWS:

1. Multiple family residential development.
2. Allow alternative parking lot landscaping where landscaping per Figure 30.64-14 is required.
3. Increase finished grade to 64 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 77.8% increase).

LAND USE PLAN:

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 3695 W. Flamingo Road & 4112 S. Valley View Boulevard

- Site Acreage: 3.7
- Number of Units: 258
- Density (du/ac): 69.7
- Project Type: Multiple family residential development
- Number of Stories: 7
- Building Height (feet): 85
- Open Space Required/Provided (square feet): 25,800/49,111
- Parking Required/Provided: 424/374

Site Plans

The plans show a multiple family residential development (apartments) consisting of 160, one bedroom units and 98, two bedroom units for an overall density of 69.7 dwelling units per acre. The site is allowed up to 100 dwelling units per acre since it is located within the MUD-1 Overlay District. The units are within 1, seven story building with 3 courtyards. The first 2 stories consist of parking with the residential units on floors 3 through 7. The 3 courtyards consist of open space located on the third floor. The courtyards consist of a pool, barbeque stations, seating areas, fire tables, and patio space. A clubhouse and fitness area are located inside the building, and a dog park/amenity space is located to the southwest of the building. A total of 49,111 square feet of open space is provided where a minimum of 25,800 square feet is required.

Access to the site is from a 24 foot wide private drive that spans across the site from Valley View Boulevard to Hotel Rio Drive. An existing access easement is maintained on the southwest corner of the site to allow access to the flood channel to the south of the site.

A total of 383 parking spaces are provided where 424 spaces are required. However, the applicant is requesting a reduction to 374 spaces to allow for unforeseen issues that may arise in the building permit process. The majority of parking is located within the first 2 levels of the building, but 29 surface parking spaces are provided to the east of the building.

The site will have a centralized trash room within the interior of the building, as opposed to the standard outdoor trash enclosure, where a valet trash service will collect and manage the trash.

Landscaping

The existing 6 foot wide attached sidewalk will remain along Valley View Boulevard. Adjacent to the attached sidewalk will be a 10 foot wide walkway and a 7 foot to 15 foot wide landscape area for an overall 17 foot to 25 foot wide pedestrian realm that will include benches. Alternative parking lot landscaping is proposed within the surface lot to the east of the building, where up to 13 parking spaces are located between landscape islands where normally 6 parking spaces are allowed.

Elevations

The plans depict a 7 story, 85 foot high, multiple family residential building. Building materials consist of stucco finish, stone veneer, decorative metal panels, metal rails and balconies, and aluminum storefront systems.

Floor Plans

The plans show parking and a lobby/leasing area on the ground floor, additional parking on the second floor, and 258 dwelling units on floors 3 through 7.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states the proposed development continues the trend of new apartments opening near the Las Vegas Strip. Furthermore, the applicant states that the request for reduced parking is similar to requests granted for other multiple family residential developments in the area.

Prior Land Use Requests

Application Number	Request	Action	Date
NZC-1779-04	Reclassified the site from M-1 to U-V zoning for a mixed-use development - expired	Approved by BCC	February 2005
UC-160-92	Restaurant, tavern, arcade, and billiards - expired	Approved by PC	June 1992

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Entertainment Mixed-Use & Public Use	M-1	NV Energy power substation & undeveloped
South	Entertainment Mixed-Use & Public Use	M-1 & H-1	Flood channel & multiple family residential
East	Entertainment Mixed-Use	M-1	Off-premises sign
West	Entertainment Mixed-Use	H-1	Shopping center & multiple family residential development with short-term/long-term lodging

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 request to H-1 zoning conforms to the Master Plan which designates this site as Entertainment Mixed-Use. Other H-1 zoned properties are located in the area including properties across Valley View Boulevard to the west, properties north of Flamingo Road, and a property to the south across the flood channel. Therefore, staff finds the proposed zoning is consistent and compatible with the existing and approved land uses in the area. Furthermore, the Master Plan states that multiple family residential uses are encouraged as a supporting use in Entertainment Mixed-Use areas to support the expansion of housing options within close proximity of services, amenities, and jobs.

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 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. Staff can support the request to allow a multiple family residential development in the H-1 zone as other multiple family residential developments already exist to the west and south of the site in the H-1 zoning district.

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

Staff can support the request for increased building height. Other buildings in the area are much higher including the Rio Resort Hotel to the north and the Palms Resort Hotel to the west. The existing multiple family residential development to the west was approved at a height of 94 feet which is higher than the proposed project on the subject site. Additionally, there are properties in the area that are zoned H-1 which would allow for heights up to 100 feet. A waiver for height is only required on this site because multiple family residential developments in the H-1 zone are required to follow R-5 zoning standards. Thus, staff finds the requested height increase is compatible with the surrounding area.

Waiver of Development Standards #2

The requested parking reduction of 11.8% is less than parking reductions that the Board of County Commissioners (BCC) has granted in the area for similar projects. The BCC approved a 15.6% reduction for the Lotus Apartments (3900 Spring Mountain Road) and a 19.7% reduction for the Jade Apartments (3150 W. Twain Avenue). Both facilities have been operating without any documented parking issues. Furthermore, the site is located within one-fourth mile of public transit being Route 202 Flamingo Road and Route 104 Valley View Boulevard; therefore, staff can support the parking reduction request.

Design Reviews #1 & #2

The request complies with Goal 1.1 and Policy 1.1.1 of the Master Plan which encourages the provision of diverse housing types at varied densities and in numerous locations to meet the needs of residents of all ages, income levels, and abilities. Furthermore, the request complies with Policy 1.4.4 which encourages in-fill developments in established neighborhoods while promoting compatibility with the scale and intensity of the surrounding area. The proposed building incorporates varying surface planes and other architectural enhancements to improve overall visual quality and to reduce the mass of the building. Staff can also support the alternative parking lot landscaping request. The request is only needed for a small surface parking lot (29 spaces) to the east of the building. Additionally, the area is minimally visible

from the public right-of-way since Hotel Rio Drive is at a much higher grade. Furthermore, the increase in number of parking spaces in between landscape islands is mitigated by the increase in the number of trees beyond what is required on the site.

Public Works - Development Review

Design Review #3

This design review represents the maximum grade difference within the boundary of this application. This information is based on preliminary data to set the worst-case scenario. Staff will continue to evaluate the site through the technical studies required for this application. Approval of this application will not prevent staff from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approval.

Department of Aviation

The development will penetrate the 100:1 notification airspace surface for Harry Reid International Airport. Therefore, as required by 14 CFR Part 77, and Section 30.48.120 of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

The property lies just outside the AE-60 (60-65 DNL) noise contour for the Harry Reid International Airport and is subject to continuing aircraft noise and over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade the Harry Reid International Airport facilities to meet future air traffic demand.

Staff Recommendation

Approval.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; 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; and that the use permit, waivers of development standards, and design reviews must commence within 2 years of approval date or they will expire.

Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Hotel Rio Drive improvement project;
- Coordinate with the Manager of the Public Works - Roads Division for a fence, to be installed by the applicant or owner at their own cost, which may include an expanded metal security fence with specifications and areas as required by the Manager;
- Reconstruct any unused driveways with full off-site improvements.
- 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; that no private improvements are permitted in the drainage easement; and that off-site permits may be required.

Department of Aviation

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.48 Part B of the Clark County Unified Development Code; applicant is advised that many factors may be considered before the issuance of a permit or variance, including, but not limited to, lighting, glare, graphics, etc.;
- No building permits should be issued until applicant provides evidence that a "Determination of No Hazard to Air Navigation" has been issued by the FAA or a "Property Owner's Shielding Determination Statement" has been issued by the Department of Aviation.
- Applicant is advised that the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments; that the FAA's airspace determinations include expiration dates; that separate airspace determinations will be needed for construction cranes or other temporary equipment; that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed.

Fire Prevention Bureau

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.

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 #0371-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Paradise - approval.

APPROVALS:

PROTESTS:

APPLICANT: FORE GREEN DEVELOPMENT

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