

UPDATE

MULTIPLE FAMILY DEVELOPMENT SOUTHERN HIGHLANDS PKWY/BRUNER AVE
(TITLE 30)

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-22-0149-DAF HOLDING, LLC:

ZONE CHANGE to reclassify 3.3 acres from an R-3 (Multiple Family Residential) Zone to an R-5 (Apartment Residential) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce parking; **2)** alternative street landscaping; **3)** reduce throat depth; and **4)** allow non-standard improvements within the right-of-way.

DESIGN REVIEWS for the following: **1)** multiple family development; and **2)** alternative parking lot landscaping on 3.5 acres in an R-5 (Apartment Residential) Zone and H-1 (Limited Resort and Apartment) P-C (Planned Community Overlay District) Zone.

Generally located on the east side of Southern Highlands Parkway, 645 feet north of Bruner Avenue (alignment) within Enterprise (description on file). JJ/md/jo (For possible action)

RELATED INFORMATION:

APN:

191-05-401-008 & 191-05-401-014 ptn

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce parking to 171 parking spaces where 178 parking spaces are required per Table 30.60-1 (a 4% reduction).
2. Permit alternative street landscaping where landscaping including a detached sidewalk is required per Figure 30.64-17 is required.
3. Reduce the throat depth to 27 feet where a minimum of 100 feet is required per Uniform Standard Drawing 222.1 (a 73% reduction).
4. Allow non-standard improvements (landscaping and detached sidewalk) within the right-of-way (Southern Highlands Parkway) where not permitted per Chapter 30.52.

DESIGN REVIEWS:

1. Multiple family residential development.
2. Permit alternative parking lot landscaping where landscaping per Figure 30.64-14 is required.

LAND USE PLAN:

ENTERPRISE - COMPACT NEIGHBORHOOD (UP TO 18 DU/AC)

ENTERPRISE - MID-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 8 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 3.5 (3.3 (R-5)/0.2 (H-1))
- Number of Units: 109
- Density (du/ac): 33.6
- Project Type: Multiple family development
- Number of Stories: 4
- Building Height (feet): 50
- Square Feet: 157,115
- Open Space Required/Provided: 10,900/15,300
- Parking Required/Provided: 178/171

Neighborhood Meeting Summary

This request is for a nonconforming zone change to reclassify 3.3 acres from an R-3 zoning district to an R-5 zoning district to allow a multiple family development. The applicant conducted a neighborhood meeting on November 1, 2021. Three neighbors attended the meeting and expressed concerns regarding the height of the building. As a result of neighborhood meeting, the height of the building was lowered to 50 feet, complying with the maximum permitted height within the R-5 zoning district.

Site Plans

The plans depict a multiple family residential development on an overall project site consisting of 3.5 acres. The proposed multiple family development, including the associated parking, landscaping, and open space, is located on a 3.3 acre parcel (APN 191-05-401-008) and consists of 109 dwelling units with a density of 33.6 dwelling units per acre. Access to the project site is granted via Southern Highlands Parkway; however, the driveway located at the southwest corner of the project site is located on a separately owned H-1 zoned parcel, APN 191-05-401-014. The H-1 zoned parcel features a secured 0.2 acre area measuring 20 feet in width that will be utilized as both a dog run for the development and a utility access easement. The H-1 zoned parcel does not require a zone change as the subject acreage is not counted towards the overall density of the project and is not required for the open space requirement for the development. The development consists of a single, 4 story multiple family building centrally located within the project site with the following setbacks: 1) 49 feet from the west property line, adjacent to Southern Highlands Parkway; 2) 55 feet from the south property line; 3) 60 feet from the north property line; and 4) 130 feet from the east property line, adjacent to I-15. Open space is centrally located within the project site consisting of a swimming pool, courtyard, clubhouse, sky deck (roof of building), and a dog run, located along the south boundary of the project site. The multiple family development requires 10,900 square feet of open space where 15,300 square feet of open space is provided. An existing 5 foot wide detached sidewalk is provided within the right-of-way, along Southern Highlands Parkway. A second access driveway is located at the northwest corner of the project site, adjacent to Southern Highlands Parkway. A waiver of development standards is required to reduce the throat depth for the second driveway located along Southern Highlands Parkway. The project site requires 178 parking spaces where 171 spaces are provided, necessitating a waiver of development standards to reduce on-site parking.

There is an existing off-premises sign located at the southeast corner of the project site, adjacent to I-15, that will remain in place with no alterations.

Landscaping

The plans depict a landscape area ranging between 8 feet to 26.5 feet in width along Southern Highlands Parkway, adjacent to an existing 35 foot wide landscape area within the right-of-way that includes a 5 foot wide detached sidewalk. Waivers are required for the non-standard improvements (landscaping) within the right-of-way, in addition to alternative street landscaping along Southern Highlands Parkway. Twenty-four inch box trees will be planted 20 feet on center, in addition to shrubs and groundcover, within the street landscape area adjacent to the existing landscaping and detached sidewalk along Southern Highlands Parkway. A 10 foot wide landscape area, with 24 inch box trees planted 20 feet on center, is proposed along the east property line adjacent to I-15. A 12-foot high decorative freeway buffer wall, per Code requirements, is also proposed along the east property line adjacent to I-15. An 8 foot wide landscape area, with 24 inch box trees planted 20 feet on center is located along the north property line, adjacent to the existing commercial development. A 5 foot wide landscape area with 24 inch box trees planted 20 feet on center is located along the south property line, adjacent to the existing multiple family development. A dog run area (APN 191-05-401-014) measuring 6 feet in width, is located between the south property of the project site and the north property line of the existing multiple family development. The dog run area will be enclosed by a proposed 6 foot high decorative tubular steel fence and an existing CMU block wall adjacent to the H-1 zoned multiple family development. In lieu of providing the required amount of landscape finger islands within the boundaries of the site, additional trees will be planted throughout the interior and perimeter of the development. The multiple family development requires a total of 26 trees within the interior of the parking lot where 23 trees are provided. However, the 3 additional trees that are required shall be located outside of the parking lot but within the boundaries of the site, requiring a design review for alternative parking lot landscaping.

Elevations

The plans depict a 4 story building extending up to 50 feet in height to the top of the parapet wall. The exterior of the building consists of stucco, stone veneer, and an aluminum storefront window system. A pitched concrete tile roof is located above the 4th floor balconies at various intervals along the east, west, north, and south elevations of the building. The elevations also depict first floor enclosed garage units located on the north, south, and east elevations. All rooftop mounted equipment will be screened from public view and the right-of-way by parapet walls. The building is painted with neutral, earth tone colors. The carport structures measure up to 9.5 feet in height and will be painted to match the building.

Floor Plans

The plans consist of 81, one bedroom and 28, two bedroom units distributed throughout the 4 story building. The first floor of the building contains a 6,600 square foot clubhouse area, while the 4th floor features a 1,600 square foot skydeck, located at the northeast portion of the building orientated towards I-15.

Signage

Signage is not a part of this request.

Applicant's Justification

Based upon existing apartment complexes throughout the Las Vegas Valley, this slight parking reduction will not negatively impact the project or surrounding areas. As shown with other developments, the amount of parking required by Code is generally much higher than what is used or needed with multiple family developments. The project includes 2 driveways to assist with traffic circulation and to reduce the number of cars funneling into a single access point. Additionally, the northern driveway is not the main entry for residents (gate is exit only) and will, therefore, not be utilized as often as the southern driveway where the call box is located. Moreover, both driveways will be right in/right out due to the existing median located within the right-of-way. The required 15 feet of landscaping, including a 5 foot wide detached sidewalk, will be located within the boundaries of the project site. The off-sites, including the landscaping and detached sidewalk, already exist in front of the site. In order to justify the request for alternative parking lot landscaping, the applicant is providing the 3 trees that would be located within those fingers in various other locations within the site to ensure the overall requirement is met.

Prior Land Use Requests

Application Number	Request	Action	Date
VS-18-0028	Vacated and abandoned patent easements - expired	Approved by PC	March 2018
ZC-17-0130	Reclassified to R-3 zoning for a congregate care and assisted living facility with a waiver to increase building height	Approved by BCC	April 2017

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	C-2	Commercial development
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	H-1	Multiple family development
East	Entertainment Mixed-Use	H-1 & R-4	I-15 & undeveloped
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single family residential

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 there have been multiple changes the last several years within the southwest sector. Large employment centers have been developed and now are operating in the southwest portion of the valley. A byproduct of the increased employment opportunities is a sharp increase in housing demand for the area. By way of example, many multiple family residential developments have recently been approved along Las Vegas Boulevard South, between St. Rose Parkway and Cactus Avenue. Even more recently, an R-5 multiple family residential development was approved just south of the site via application NZC-19-0528. This project is currently under construction. There are several other examples of multiple family developments recently approved throughout the south and southwest area of the valley, including the Zone5 Apartment complex located at the northwest corner of the 215 and Buffalo Drive. The Zone5 Apartment complex was approved by the Board of County Commissioners in 2013, via NZC-0633-12, for a nonconforming zone change to R-4 for a multiple family complex. The Zone5 Apartment complex was ultimately finished around the early part of 2016 and today is currently at a 98 percent occupancy rate. In addition to the Zone5, the following multiple family developments are between 95 percent and 100 percent occupancy: 1) Level 25 at Durango (Durango Drive & Post Road); 2) The Wyatt (Buffalo Drive and Badura Avenue); 3) South Beach (Russell Road and CC 215); and 4) Aspire (Tropicana Avenue and CC 215). Based on these recent apartment developments in the valley, and the overwhelming demand for additional housing, these trends support the request for the proposed development.

Immediately to the north of the proposed development is a C-2 zoned commercial development with a planned land use of Mid-Intensity Suburban Neighborhood. To the east of the project site is I-15. To the west of the proposed development, across Southern Highlands Parkway, is an existing single family residential development zoned R-2 with a planned land use of Mid-Intensity Suburban Neighborhood. To the south of the project site is an existing multiple family development zoned H-1 with a planned land use of Mid-Intensity Suburban Neighborhood. The proposed zone change to R-5 zoning for the multiple family development is inconsistent and incompatible with the existing R-2 zoning district to the west and the planned land use to the west and south.

- 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.*

According to the applicant, with the existing multiple family development adjacent to the south of the site, the commercial to the north and the I-15 to the east, the density or intensity of this proposed use is compatible with the surrounding area. The location of the project site is an ideal transitional parcel to the single family residential across Southern Highlands Parkway to the west. The site is located adjacent to existing multiple family residential, commercial, and I-15. With the existing and recent commercial/multiple family projects, the requested zone change is compatible with the surrounding area. Additionally, the existing single family to the west is approximately 170 feet away from the proposed project, property line to property line. Included with this submittal are drone photos taken from the top balcony on the 4th level to show the site line view to the residential homes across Southern Highlands Parkway. As shown on these photos, visibility into the backyards of the residential is not possible. Further, multiple family is the ideal type of residential development for an area surrounded by other multiple family property and commercial uses. Multiple family developments typically have larger setbacks and thus an increased ability to buffer from adjacent uses. In addition, relatively dense multiple family is generally planned for more urban intense areas. Thus, overall, the density and intensity is compatible with the area and the site is the ideal transitional piece as it is located between the I-15, existing multiple family, commercial uses, and single family to the west, across Southern Highlands Parkway.

The existing community character within the surrounding area consists of both multiple family and single family residential developments. The existing H-1 zoned multiple family development to the south of the project site was approved for 255 residential units at a density of 9.9 dwelling units per acre. The existing R-2 zoned single family residential development to the west of the project site was approved for 292 residential lots at a density of 6.7 dwelling units per gross acre. The proposed multiple family development consists of 109 units at a density of 33.6 dwelling units per acre. The intrusion of higher density and intensity multiple family uses can potentially create demands that were not planned for, such as a significant increase in vehicular traffic, which may lead to dramatic changes in existing neighborhoods.

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.*

The applicant states the proposed zone change will not result in any additional impacts on surrounding infrastructure not already contemplated in the area. The site will provide recreational amenities which will not burden Clark County recreation facilities. Additionally, providing only 1 and 2 bedroom units discourages families with school aged children to limit impacts on nearby schools. Finally, the applicant will mitigate any impacts the proposed development may have.

There has been no indication from service providers that this request will have an adverse or substantial effect on public facilities and services. The school district has indicated that this development would generate 15 additional elementary school, 7 middle school, and 8 high school students. The school district indicates Stuckey Elementary School and Tarkanian Middle School are under capacity by 152 and 232 students, respectively while Desert Oasis High School is over capacity by 687 students.

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

The applicant states the proposed development meets the goals and policies of the Master Plan due to the following reasons: 1) The site is located adjacent to existing multiple family residential and commercial uses with quick access to the I-15 and St. Rose Parkway. The site is located near public facilities and mass transit stops necessary to support multiple family development and it is near other multiple family development residential neighbors and commercial uses; 2) The multiple family units will have complete use of the clubhouse, pool, and other usable open space amenities; 3) Parking is placed around the building in small courts of parking throughout the site; and 4) The landscaping complies with all Title 30 requirements. Not only is the proposed development compatible with the general policies of the Master Plan, but it is also compatible with the more specific Multiple Family Residential policies of the Plan.

Staff finds the isolated nature of the requested R-5 zoning, in relation to the surrounding zoning districts, is not compatible with the existing land uses.

Summary

Zone Change

Staff finds that there has not been a change in law and policies that make this request appropriate for the area. The reclassification of this site to an R-5 zoning district for the proposed project would allow a density up to a maximum of 33.6 dwelling units per acre that is incompatible with the developed R-2 zoning district to the west, across Southern Highlands Parkway, and the H-1 zoning district to the south. Staff finds that the proposed request does not satisfy all of the requirements of a compelling justification to warrant approval of the nonconforming zone boundary amendment to R-5 zoning; therefore, staff recommends denial.

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

Although the reduction to on-site parking is minimal, staff finds the requested waiver is a self-imposed burden. Furthermore, since staff is not supporting the nonconforming zone boundary amendment, waivers of development standards and design reviews, staff cannot support this request.

Waiver of Development Standards #2

The request for alternative street landscaping should have minimal to no impact on the surrounding land uses and properties. However, since staff is not supporting the nonconforming zone boundary amendment, waivers of development standards, and design reviews, staff cannot support this request.

Design Reviews #1 & #2

The multiple family project provides several amenities including open space, swimming pool, clubhouse, and a sky deck. Furthermore, the building includes off-set surface planes, an aesthetically pleasing color palette, and parapet walls along the roofline at various heights. However, staff is concerned with the overall height, bulk, and mass of the building, as there is an existing R-2 single family residential development immediately to the west of the project site, across Southern Highlands Parkway, and an existing 2 story multiple family development south of the project. Staff finds the proposed alternative parking lot landscaping, including the distribution of the trees within the interior of the site complies with the Master Plan by encouraging screened parking areas and extensive landscaping. However, since staff is not supporting the nonconforming zone boundary amendment and waivers of development standards, staff cannot support the design reviews.

Public Works - Development Review

Waiver of Development Standards #3

Staff can support the request to reduce the throat depth for the driveway on Southern Highlands Parkway as the applicant has reduced the potential conflicts by providing extra landscape planters on the drive aisles to provide drivers more distance before they encounter any conflicting parking spaces. However, since Planning is recommending denial of the application, staff cannot support this waiver.

Waiver of Development Standards #4

The applicant is responsible for maintenance and up-keep of any non-standard improvement; the County will not maintain any improvements placed in the right-of-way. Staff can support Waiver of Development Standards #4 but the applicant must execute and sign a License and Maintenance Agreement for any non-standard improvements within the right-of-way. However, since Planning is recommending denial of the application, staff cannot support this waiver.

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 Master Plan, Title 30, and/or the Nevada Revised Statutes.

PLANNING COMMISSION ACTION: May 3, 2022 – APPROVED – Vote: Aye: Stone, Kirk, Castello, Frasier III, Lee Nay: Kilarski Absent: Nguyen

Current Planning

- Resolution of Intent to complete in 3 years;
- 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 new application for a nonconforming zone boundary amendment may be required in the event the building program and/or conditions of the subject application are proposed to be modified

in the future; 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;
- Demonstrate legal access;
- Apply for a vacation of APN 191-05-499-004 and easements to Clark County that are no longer necessary;
- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way.
- Applicant is advised that the back of curb radius for the ingress side of the northern driveway must be a minimum of 25 feet; that off-site improvement permits may be required; and that signs, structures, and landscaping shall not encroach into public right-of-way, easements, or sight-visibility zones.

Fire Prevention Bureau

- 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 #0391-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - denial.

APPROVALS:

PROTESTS: 20 cards, 1 letter

APPLICANT: LOGAN CAPITAL ADVISORS

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