

MULTIPLE FAMILY DEVELOPMENT
(TITLE 30)

UPDATE
ARBY AVE/REDWOOD ST

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-21-0291-RAINBOW ARBY APTS, LLC:

ZONE CHANGE to reclassify 9.4 acres from a C-2 (General Commercial) Zone and an M-1 (Light Manufacturing) Zone to an R-5 (Apartment Residential) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increase building height; and **2)** allow an alternative security gate design and geometrics.

DESIGN REVIEWS for the following: **1)** multiple family development; **2)** alternative parking lot landscaping; and **3)** finished grade in the CMA Design Overlay District.

Generally located on the south side of Arby Avenue and the west side of Redwood Street within Enterprise (description on file). MN/md/jd (For possible action)

RELATED INFORMATION:

APN:

176-02-401-003 through 176-02-401-007

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase building height to 59 feet where 50 feet is the maximum permitted per Table 30.40-3 (an 18% increase).
2. Allow an alternative security gate design and geometrics where compliance with Uniform Standard Drawing 222.1 is required.

DESIGN REVIEWS:

1. Multiple family development.
2. Permit alternative parking lot landscaping where landscaping per Figure 30.64-14 is required.
3. Increased finished grade to 48 inches where a maximum of 18 inches is the standard per Section 30.32.040 (a 167% increase).

LAND USE PLAN:

ENTERPRISE – BUSINESS AND DESIGN/RESEARCH PARK

ENTERPRISE – COMMERCIAL GENERAL

BACKGROUND:

Project Description

General Summary

- Site Address: N/A

- Site Acreage: 9.4
- Number of Units: 302
- Density (du/ac): 34
- Project Type: Multiple family development
- Number of Stories: 4
- Building Height (feet): 59
- Open Space Required/Provided: 30,200/88,000
- Parking Required/Provided: 506/524

Neighborhood Meeting Summary

This request is for a nonconforming zone change to reclassify approximately 9.4 acres from a C-2 zone and an M-1 zone to an R-5 zoning district for a multiple family residential development. The applicant conducted a neighborhood meeting on March 8, 2021, as required by the nonconforming zone boundary amendment process. No members of the public attended the meeting.

Site Plans

The plans depict a multiple family residential development situated on a 9.4 acre project site consisting of 302 dwelling units with a density of 34 dwelling units per acre. The proposal consists of 2 multiple family buildings, which are centrally located within the project site. Building 1 is set back 160 feet from the north property line, adjacent to Arby Avenue, 140 feet from the east property line, adjacent to Redwood Street, and 110 feet from the west property line. Building 2 is set back 120 feet from the south property lines, 135 feet from the west property line, and 115 feet from the east property line, adjacent to Redwood Street. The development requires 30,200 square feet of open space where 88,000 square feet of open space is provided. Open space is centrally located between Building 1 and Building 2 consisting of a pool and courtyard. Additional open space areas within the buildings feature a fitness center and yoga studio, a social club and game room, a demonstration kitchen, lounge, creative studio, dog wash area, library and computer room, and various patio and balcony areas. Access to the site is granted by a proposed driveway located along Arby Avenue. Access to the site is controlled by security gates located at the northeast and northwest corners of Building 1. A waiver of development standards is required as the security gates do not feature a center island or turnaround area as set forth in the Uniform Standard Drawings. A 5 foot wide detached sidewalk is provided along Arby Avenue and Redwood Street. The multiple family development requires 506 parking spaces where 524 spaces are provided. An increase to finished grade is also part of this request, and will predominantly occur at the northeast corner of Building 1 and the project site.

Landscaping

The plans depict a 15 foot wide landscape area along Arby Avenue and Redwood Street featuring a 5 foot wide detached sidewalk. Twenty-four inch box trees, in addition to shrubs and groundcover, are planted within the street landscape areas. In lieu of providing the required amount of landscape finger islands within the interior of the site, specifically where carports are proposed within the north, south, east, and west portions of the site, additional trees have been distributed throughout the interior of the project site. The development requires 246 trees within

the parking lot and street landscape areas. The plans depict a total of 292 trees equitably distributed throughout the interior and perimeter of the project site.

Elevations

The 4 story multiple family residential buildings extend up to 59 feet in height, necessitating a waiver of development standards. Exterior materials include a stucco exterior, decorative metal awnings, railings around balconies, and faux stone tiles. The mass of the buildings are reduced by off-set surface planes and parapet walls along the roofline at varying heights.

Floor Plans

The plans depict 183, one bedroom units and 119, two bedroom units. Open space areas within the buildings feature a fitness center and yoga studio, a social club and game room, a demonstration kitchen, lounge, creative studio, dog wash area, library and computer room, and various patio and balcony areas.

Signage

Signage is not a part of this request.

Applicant's Justification

Residents will gain access through the security gate with a transponder. Since the design of the security gate is without a call box, the applicant's design of the entry way does not include a center island or turnaround area. Because of this design, the site does not need the center island or turnaround area as set forth in Uniform Standard Drawing 222.1; therefore, the applicant is requesting to waive these requirements. However, the distance between the gate and the Redwood Street right-of-way is approximately 55 feet which will allow drivers without access to safely turn around on site and help reduce the potential for vehicles stacking into the right-of-way. In an R-5 development, the maximum allowed height is 50 feet. Here, the 4 story buildings are approximately 59 feet in height. As a result, the applicant is requesting a waiver to increase the height of the 4 story buildings by 9 feet. The reason for the 9 feet increase in height is as follows: 1) each floor is approximately 9 feet in height; 2) the top floor will have vaulted ceilings; 3) unlike many other apartment structures, the mechanical units are not placed on top of the roof but rather the mechanical units are cut into the roof and therefore provide an enhanced architectural feature; and 4) the slight increase in height is not for residential use but rather an architectural enhancement.

Because of the carports on site, the applicant is not able to provide parking lot landscape islands every 6 parking spaces as required by Code. The applicant is providing parking lot landscape islands every 12 parking spaces. In lieu of providing the parking lot landscape islands every 6 parking spaces, the site is providing an additional 60 trees that otherwise are not required by Code. Since the site is providing the additional landscaping and the carports are an additional amenity, a design review for alternative parking lot landscaping is appropriate. The applicant is requesting to increase the finished grade to 48 inches where 18 inches is allowed. The slight increase in grade of an additional 30 inches is required in order to comply with ADA requirements.

Prior Land Use Requests

Application Number	Request	Action	Date
VS-18-0775	Vacated and abandoned patent easements - expired	Approved by PC	November 2018
ZC-18-0555	Reclassified the project site from C-2 and M-1 to U-V zoning for a mixed-used development project	Approved by BCC	October 2018
NZC-0844-13	Reclassified 25.3 acres from R-E, C-2, and M-1 to R-2 zoning for a single family residential development	Denied by BCC	October 2014
VS-1559-03	Vacated and abandoned a portion of right-of-way being Capovilla Avenue - recorded	Approved by PC	December 2003
ZC-1126-03	Reclassified a 5 acre portion of the project site from R-E to C-2 zoning	Approved by BCC	August 2003
ZC-0548-99	Reclassified a 4.1 acre portion of the project site from R-E to M-1 zoning	Approved by BCC	May 1999

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Business and Design/Research Park	C-2	Undeveloped
South	Business and Design/Research Park & Commercial General	C-2	Undeveloped
East	Residential High (8 du/ac to 18 du/ac)	R-3	Multiple family residential
West	Commercial General	C-2	Undeveloped

Related Applications

Application Number	Request
VS-21-0292	A request to vacate patent easements and right-of-way is a companion item on this agenda.

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 within the last several years with the recent development of multiple family residential in the area. Additionally, most of this corridor is located within the CMA and provides limited options for residential development despite the demand for housing opportunities in the area has become more prevalent. With recent changes and current development of these parcels, the trends in the area support the proposed development.

Staff finds that since the 2014 adoption of the Enterprise Land Use Plan, substantial commercial and employment centers have been approved and developed within the surrounding area. For example, Rainbow Boulevard is an arterial street that is predominately planned for commercial uses. The commercial development within the surrounding area has increased the demand for additional housing. The demand for additional housing, in conjunction with the increase in commercial development, constitutes a change in trends since the previous adoption of the Enterprise Land Use Plan that makes the proposed R-5 zoning appropriate.

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 current development of multiple family residences in the area, the density and intensity of this proposed use is compatible with the surrounding area. There are numerous existing multiple family developments in the area including but not limited to the following: 1) developed R-3 zoned multiple family development located at the southeast corner of Redwood Street and Arby Avenue, 2) multiple family developments about a quarter of a mile to the east of the site, and 3) several other multiple family developments within the CC 215 corridor between Rainbow Boulevard and Russell Road: (i) Level 25 at Durango (Durango Drive & Post Road), (ii) The Wyatt (Buffalo Drive and Badura Avenue), (iii) South Beach (Russell Road and CC 215), (iv) Aspire (Tropicana Avenue and CC 215), and (v) Zone5 (Buffalo Drive and CC 215). Other compatible uses around the site include: 1) the site is located near the CC 215 and Rainbow Boulevard interchange which is conducive for multiple family development; 2) the site is near commercial uses along the Rainbow Boulevard corridor between the CC 215 and Warm Springs Road; and 3) most of the corridor along the CC 215 between Jones Boulevard and Durango Drive is located within the CMA and, as a result, provides limited options for residential development despite the demand for housing opportunities in the area becoming more prevalent with the commercial and retail development.

The area to the northwest of the project site, across Arby Avenue, is a C-2 zoned retail development with a planned land use of Commercial General. Immediately to the north of the project site, across Arby Avenue, are undeveloped parcels zoned R-E and C-2 with a planned land use of Business and Design/Research Park. However, a nonconforming zone change to an R-4 zoning district consisting of 336 multiple family units at 24 dwelling units per acre is proposed on these parcels. To the east of the project site, across Redwood Street, is an R-3

zoned multiple family residential development consisting of 360 units with a density of 17.7 dwelling units per acre. To the west of the project site is a 5 acre, undeveloped C-2 zoned parcel previously approved for a shopping center. Immediately to the south of the project site is a proposed nonconforming zone boundary amendment for a multiple family development consisting of 330 units with a density of 21.4 dwelling units per acre. To the southwest of the project site, across Capovilla Avenue, is an existing shopping center zoned C-2. Therefore, the proposed R-5 zoning is compatible with the density and intensity of the existing and planned land uses in the area, and should provide an appropriate transition from the R-3 zoned multiple family development to the east, the proposed R-4 multiple family development to the south, and the previously approved shopping center to the west.

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 indicates 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. There are no 3 bedroom units proposed which limits the number of families with school aged children who might live at the development. 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 40 additional elementary school, 19 middle school, and 21 high school students. The school district indicates Alamo Elementary School is under capacity by 220 students. Canarelli Middle School and Sierra Vista High School are over capacity by 10 and 136 students, respectively.

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

The applicant states pursuant to the general policies of the new Urban Land Use Policies, Policy 10 "encourages site design to be compatible with adjacent land use and off-site circulation patterns." Here, the site is located near the CC 215 and Rainbow Boulevard interchange. It is located near public facilities and mass transit stops necessary to support multiple family development and it is located near other multiple family developments, residential neighbors, and office/commercial complexes. Not only is the proposed development compatible with the general policy of the Urban Land Use Policies, but it is also compatible with the more specific Multiple Family Residential policies of the Urban Land Use Policies.

Staff finds the proposed nonconforming zone boundary amendment conforms to several goals and policies in the Comprehensive Master Plan. Goal 2 of the Plan encourages providing opportunities to mix uses such as commercial, office, and multiple family residential near one another. Furthermore, Goal 10 promotes higher intensity activity centers with multiple uses such

as business, commercial, and multiple family residential. Additionally, Growth Management, Community Design Policy 6 encourages the adjacency of living and employment opportunities. Therefore, the location of the proposed R-5 residential zoning district is an appropriate and compatible use with the existing and planned residential and commercial developments within the surrounding area.

Summary

Zone Change

A substantial increase in commercial development in the area since the last adoption of the Enterprise Land Use Plan has contributed to an increased demand for housing. In addition, the proposed R-5 zoning is compatible with the density and intensity of the surrounding development and planned uses. Utility purveyors have not indicated that the zoning would negatively impact public facilities and services, and the proposed zoning complies with goals and policies in the Comprehensive Master Plan; therefore, staff can support the nonconforming zone boundary amendment to R-5 zoning.

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 does not have an objection to the increased building height as it should have minimal to no impact on the surrounding land uses. The increased building height is necessary to accommodate the vaulted ceilings within the dwelling units, in addition to screening the mechanical units that are cut into the roof. The screening for the mechanical units provides an additional architectural enhancement to the building; therefore, staff recommends approval of this request.

Design Review #1

Staff finds the proposed multiple family residential development complies with several goals and policies within the Comprehensive Master Plan. Urban Specific Policy 51 encourages several amenities such as usable open space, swimming pools, and community centers; Policy 54 encourages multiple family buildings to be oriented in varying directions to avoid the monotony of a linear pattern; and Policy 55 encourages design alternatives to reduce the visual mass of buildings. With this development, the project provides several amenities including open space, a swimming pool, clubhouse, and fitness center. Furthermore, the buildings include off-set surface planes, an aesthetically pleasing color palette, and parapet walls along the roofline at various heights; therefore, staff can support the design review request.

Design Review #2

Staff finds the proposed alternative parking lot landscaping, including the distribution of the trees and landscape finger islands complies with the Comprehensive Master Plan by encouraging screened parking areas and extensive landscaping. The multiple family development requires a total of 246 trees for the street landscape and interior parking lot areas. The site has been designed to include an additional 46 trees (292 trees overall) that will be distributed throughout the interior of the development. The proposed landscaping will reduce the “heat island” effect, and improve the aesthetics of the project site and the surrounding area. Staff finds that the request to permit alternative parking lot landscaping within the interior of the site is reasonable. Approximately 46 additional trees will be planted within the interior of the site, in lieu of the required landscape finger islands. The trees will provide additional shade and improve the overall aesthetics of the multiple family development; therefore, staff recommends approval.

Public Works - Development Review

Waiver of Development Standards #2

Staff cannot support the alternative security gate design. Only residents will be able to access the secondary entrance on Redwood Street. There is no turnaround area which will create multiple safety hazards if vehicles are not able to access the multiple family complex. There will be no safe movements to get back into the right-of-way and the potential stacking of vehicles may cause collisions.

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 property lies just outside the AE-60 (60-65 DNL) noise contour for the McCarran 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 McCarran International Airport facilities to meet future air traffic demand.

Staff Recommendation

Approval of the zone change, design reviews, and waiver of development standards #1; denial of waiver of development standards #2. This item has been forwarded to the Board of County Commissioners for final action.

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

PLANNING COMMISSION ACTION: August 3, 2021 – APPROVED – Vote: Unanimous

Current Planning

- Resolution of Intent to complete in 3 years with any extension of time to be a public hearing;
- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- 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;
- 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;
- Full off-site improvements;
- Right-of-way dedication to include 25 feet to the back of curb for Arby Avenue and a portion of a cul-de-sac for Capovilla Avenue;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements;
- 90 days to record required right-of-way dedications and any corresponding easements.
- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way in some areas and the dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control; and 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.

Department of Aviation

- Applicant is advised 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.

Building Department - Fire Prevention

- Applicant is advised to submit plans for review and approval prior to installing any gates, speed humps (speed bumps not allowed), and any other fire apparatus access roadway obstructions.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0256-2021-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require a new POC analysis.

TAB/CAC: Enterprise - approval of the zone change, waiver of development standards #1, and design reviews; denial of waiver of development standards #2 (add Current Planning condition: Terrace and landscape any combination of retaining and decorative walls over 9 feet in height along the public right-of-way).

APPROVALS: 5 cards

PROTESTS: 6 cards, 2 letters

APPLICANT: OVATION CONTRACTING, INC

CONTACT: KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DR., STE 650, LAS VEGAS, NV 89135