

08/07/24 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-24-0232-SOUTH VALLEY INVESTORS, LLC:

AMENDED USE PERMIT for a multi-family residential development.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** allow alternative buffering and screening; **2)** increase fence height; **3)** reduce parking spaces (no longer needed); and **4)** parking space dimensions.

DESIGN REVIEW for a multi-family residential development on 19.48 acres in a CR (Commercial Resort) Zone.

Generally located on the south side of Erie Avenue, 575 feet west of Las Vegas Boulevard South within Enterprise. MN/rr/ng (For possible action)

RELATED INFORMATION:

APN:

177-32-701-004; 177-32-701-006

WAIVERS OF DEVELOPMENT STANDARDS:

1. Allow alternative buffering and screening along a freeway where landscaping and a screen wall is required by Section 30.04.02B.
2. Increase fence height to 6 feet within the front setback where 3 feet is allowed per Section 30.04.03B (a 100% increase).
3. Reduce the parking space requirement to 1,094 spaces where a minimum of 1,124 spaces is required per Table 30.04-2 (a 2.7% reduction) (no longer needed).
4. Reduce parking space vertical clearance to 7 feet for carports and parking structures where a minimum of 14 feet is required per Table 30.04-4 (a 50% reduction).

LAND USE PLAN:

ENTERPRISE - ENTERTAINMENT MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 19.48
- Project Type: Multi-family development
- Number of Units: 736
- Density (du/ac): 38
- Number of Stories: 4
- Building Height (feet): 54
- Square Feet: 865,216

- Open Space Required/Provided: 73,600/73,600
- Parking Required/Provided: 1,124 (970 per parking demand study)/1,094
- Sustainability Required/Provided: 5/5

Site Plans

The plans depict a multi-family development located on a 19.48 acre site comprised of 2 separate apartment projects located next to each other. Project 1 is located on the west side of the site adjacent to I-15 while Project 2 is located immediately to the east. Each project has 2, four story multi-family buildings and 1, two level parking garage. Each multi-family building features an open interior courtyard which provides a portion of the open space requirements. There is a total 736 dwelling units proposed with 368 units in each project. All four multi-family buildings front along Erie Avenue and have a minimum front yard setback of 20 feet on the north side of the site. The minimum side yard setbacks for the multi-family buildings are 152.3 feet from the west side property line adjacent to I-15, 27.5 feet from the east side property line, and 157.7 feet from the south property line. The 2 parking garages are in the southwestern corner of each project area and are setback a minimum of 20 feet from the south property line. Carports are also provided in each project and have a minimum setback of 7.6 feet in Project 1 and 5.7 feet in Project 2 from the south property line.

The proposed development requires 1,124 parking spaces where 1,094 parking spaces are provided. A parking demand study was provided to demonstrate that the demand for the entire site would be 970 spaces. Each parking garage provides 242 spaces for a total of 484 garage spaces as well as bicycle storage areas. There are 70 uncovered surface parking spaces and 235 carport surface parking spaces in each project for a total of 140 uncovered and 470 covered surface spaces. Each project provides 26 electric vehicle spaces where 17 spaces are required and 140 EV capable spaces where 137 EV capable spaces are required. An outside dog run and trash enclosures are also located near the southern carport areas for each project.

The sole means of access for Project 1 is granted via a single driveway with a call box set back 171.7 feet and a security gate set back 297.5 feet from Erie Avenue, respectively. An emergency access driveway is provided to Erie Avenue on the far west edge of the site. Project 2 also has access via a single driveway with a call box set back 168.9 feet and a security gate set back 297.4 feet from Erie Avenue, respectively. Project 2 features an exit only driveway on the western side of the project area. There is no cross-access proposed between the two project areas. A 6 foot tall decorative metal picket fence is located along Erie Avenue and is the subject of a waiver request. A decorative 8 foot tall screen wall is proposed along the west side of Project 1. A 6 foot decorative screen wall is also proposed along the boundary between the two projects and along the eastern property line of Project 2. An existing billboard is located at the southwest corner of the site.

Landscaping

The plans depict a proposed street landscape buffer along Erie Avenue consisting of a 5 foot wide detached sidewalk, a 5 foot wide landscape strip between the street and sidewalk, and an 5 foot wide landscape strip on the other side of the sidewalk. The landscape area includes a 15 foot wide pedestrian realm that is proposed to include one bench and one waste receptacle in front of each of the four buildings. The street landscape consists of 3 species of medium trees

spaced 20 feet on center and generally staggered on each side of the sidewalk except where the site visibility zone prevents their planting, along with 5 species of 5 gallon shrubs. Each tree is proposed to have a 2.5 inch caliper at the time of planting, and all species chosen are projected to have a height of 30 feet and a canopy of 368 square feet to 530 square feet at maturity. A total of 67 medium street trees and 201 shrubs are required and provided.

Parking lot landscaping consists of 5 species of medium trees each proposed to have a 2.5 inch caliper at the time of planting, with heights of 25 feet to 30 feet and canopies of 236 square feet to 530 square feet at maturity. There are 102 parking lot trees required, and 119 trees are provided. All proposed trees and shrubs are low-water use species.

Elevations

The plans depict 4, four story buildings with a maximum height of 54 feet with the roof at 46 feet 5 inches in height. The buildings consist of varying rooflines that include parapet walls. The exterior of the buildings consists of painted stucco, fiber cement board and batten, stone finishes, metal accents, and vinyl and storefront windows. Apartments on the second, third, and fourth floors feature balconies. All buildings will be painted with neutral earth tone colors and rooftop equipment will be screened by parapet walls from public view and the right-of-way.

One building entrance is provided from the street for Building 2 in each project, in addition to one side and one rear entrance. Building 1 in each project features three side entrances, and one rear entrance, but has no entrance facing the street.

Floor Plans

The plans depict a total of 736 units with 368 units per project. A total of 418 one bedroom, 286 two bedroom, and 32 three bedroom units are proposed for the entire site. Most units will feature a patio or balcony. Each project area has a total of 432,608 square feet of multi-family building space. Building 1 in each project is 239,556 square feet, while Building 2 is 193,052 square feet. In each project, Building 1 includes an 87,810 square foot clubhouse/amenity area with such items as a fitness center, pool, and spa, as well as leasing office.

Applicant's Justification

The applicant states that the proposed multi-family development is appropriate and compatible with the surrounding area as it is located between two major roads, Las Vegas Boulevard South and I-15 and it is adjoining another major multi-family development to the south of similar scale with 754 units and buildings with a maximum height of 50 feet. The applicant states that this urban area can easily accommodate the proposed density of 37.78 units per acre. In the CR zone multi-family must meet the RM50 standards which limits the density to 100 units per acre. As designed the site is well under the density threshold. The applicant states that they provide more open space than the 73,600 square feet required by Code.

The applicant states that the parking reduction is minimal and justified by the expected variety of work schedules for residents, which is further supported by a traffic study. The applicant states that the waiver for alternative landscaping and buffering was previously granted. The reduced parking space height is the standard height for carports and parking structures. The applicant

states that the increased fence height in the front setback will enhance the frontage aesthetically and enclosed the project from the northern and eastern portions of the site.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-22-0504	Multi-family residential development, waivers for landscaping and reduced setback, and design reviews	Approved by BCC	November 2022
VS-22-0506	Vacated and abandoned patent easements	Approved by BCC	November 2022
VS-18-0862	Vacated and abandoned patent easements	Approved by PC	July 2019
ZC-0806-05	Reclassified a 2.5 acre portion of the project site to H-1 zoning for future development	Approved by BCC	July 2005
ADR-0158-04	Off-premises sign	Approved by ZA	February 2004
ZC-0674-01	Reclassified a portion of the project site to H-1 zoning for a future resort hotel	Approved by BCC	November 2001

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Entertainment Mixed-Use	CR	Undeveloped
South	Entertainment Mixed-Use	CR	Multi-family residential
East	Entertainment Mixed-Use	CG & CR	Undeveloped
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	PF	I15 & elementary school

The subject site is within the Public Facilities Needs Assessment (PFNA) area.

Related Applications

Application Number	Request
VS-24-0233	A request to vacate and abandon patent easements is a companion item on this agenda.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request is consistent with the Master Plan and is in compliance with Title 30.

Analysis

Comprehensive Planning

Use Permit

A special use permit is considered on a case by case basis in consideration of the standards for approval. Additionally, the use shall not result in a substantial or undue adverse effect on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety,

and general welfare; and will be adequately served by public improvements, facilities, and services, and will not impose an undue burden.

Multi-family residential developments require the approval of use permit in the CR zone to permit the use and demonstrate that the development is appropriate for the given location. The proposed development complies with Goal 1.1 of the Master Plan that encourages opportunities of diverse housing options to meet the needs of residents of all ages, income levels and abilities. The project also complies with Policy 1.32 that encourages a mix of housing options, both product types and unit sizes within larger neighborhoods and multiple family developments. Per the Master Plan, multi-family residential uses are encouraged as a supporting use in the Entertainment Mixed-Use category to support the expansion of housing options within proximity of services, amenities, and jobs. The proposed use complies with several goals and policies of the Master Plan; therefore, staff recommends approval.

Waivers of Development Standards

The applicant shall have the burden of proof to establish that the proposed request is appropriate for its proposed location by showing the following: 1) the use(s) of the area adjacent to the subject property will not be affected in a substantially adverse manner; 2) the proposal will not materially affect the health and safety of persons residing in, working in, or visiting the immediate vicinity, and will not be materially detrimental to the public welfare; and 3) the proposal will be adequately served by, and will not create an undue burden on, any public improvements, facilities, or services.

Waiver of Development Standards #1

Section 30.04.02B requires buffering and screening for development adjacent to a freeway in Urban Areas. The requirement is for a 15 foot landscape buffer consisting of a double row of evergreen trees planted 20 feet on center with an 8 foot decorative fence. The applicant is requesting to provide an alternative location for the screen wall and to waive the landscaping requirement. An 8 foot tall buffer wall is provided, however, it is setback 75 feet from the freeway right-of-way. The reason is that there is an existing 60 foot wide roadway and public utility easement along with an existing 20 foot wide power right of entry and easement and an existing 10 foot wide billboard route with the 75 foot wide area. This area may accommodate a future frontage road. The series of easements also prevents the planting of trees within the area that is normally required for the buffer. A previous approval for a similar waiver was granted for UC-22-0504 on the subject site. Staff has no objection to the location of the freeway buffer wall along the west side of the site. The configuration of the buffer wall as depicted, should not have a negative impact on the development or the surrounding properties. Therefore, staff recommends approval of this request.

Waiver of Development Standards #2

The applicant is proposing a 6 foot high metal picket fence located behind the street landscape area along Erie Avenue. When detached sidewalks are present, the front setback is measured from a line 5 feet behind the curb where the property line is located effectively requiring a 25 foot setback from the property line. In this case the fence is proposed to be 20 feet from the back of curb, placing it within the front setback by 5 feet. In commercial districts, fences within a front setback are limited to 3 feet in height. The metal picket design as well as the provision of

pedestrian gates in the fence where building entrances are provided as indicated on the site plan will serve to mitigate any visual barriers between the street and the buildings. Also, sight visibility zones will not be impacted. Therefore, staff can support this request.

Waiver of Development Standards #4

The applicant has requested a waiver to reduce the clearance height of 14 feet as required by code to 7 feet for all parking spaces under carports and within the parking garages. Out of 1,094 parking spaces provided, 706 spaces or 64.5% of all spaces, would be affected. This includes all carport parking and ground level 1 garage parking. The applicant states that a 7 foot clearance height is standard for carports and parking structures. Based on this information, staff can support this request.

Design Review

Development of the subject property is reviewed to determine if 1) it is compatible with adjacent development and is harmonious and compatible with development in the area; 2) the elevations, design characteristics and others architectural and aesthetic features are not unsightly or undesirable in appearance; and 3) site access and circulation do not negatively impact adjacent roadways or neighborhood traffic.

In accordance with the Code, for multi-family development at least 1 main building entrance shall face an adjacent street. In both projects, Building 2 provides a direct entrance which faces Erie Avenue. However, in both projects Building 1 does not provide an entrance that faces the street. However, direct pedestrian access from the public sidewalk leading to multiple building entrances on the side and rear of Building 1 is provided. Therefore, the purpose of having pedestrian oriented building entrances is still met, even though the entrance itself does not directly face the street.

One through-access drive is proposed for each project instead of 2 access drives as required for multi-family projects greater than 5 acres. In the case of Project 2 a second driveway is provided, however, it is exit only and for Project 1 the second driveway is for emergency access only. From a safety perspective the provision of an exit only driveway and an emergency access driveway are probably adequate given 368 units for each project area.

The applicant is proposing to provide 1,094 parking spaces where 1,124 parking spaces are required. A Parking Demand Study has been provided in support of this request. The study indicates that Las Vegas leads the nation in having the lowest percentage of employees leaving for work during conventional times. Similarly, multi-family residential developments do not experience the peak parking hour constraints as developments in other urban area with more traditional work times do. Additionally, the parking study cites ITE Parking Generation, 5th Edition which indicates the peak period parking demand for the development as calculated is expected to be 970 spaces. This is 13.7% less than the required number of spaces and less than what is proposed to be provided. Public transportation and ride share services are also available in the area.

Staff finds the proposed multi-family residential development complies with several goals and policies within the Master Plan. Policy 6.2.1 encourages the design and intensity of new

development to be compatible with established neighborhoods and uses in terms of its height, scale, and overall mix use uses. The proposed development is consistent and compatible with the multi-family development to the south and previously approved commercial development to the east. Therefore, staff can support this request.

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:

Comprehensive Planning

- Expunge UC-22-0504;
- Prior to the issuance of building and grading permits, or subdivision mapping, mitigate the impacts of the project including, but not limited to, issues identified by the technical reports and studies, and issues identified by the Board of County Commissioners or commit to mitigating the impacts of the project by entering into a Development Agreement with Clark County;
- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance.
- Applicant is advised within 2 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; 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; changes to the approved project will require a new land use application; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 35 feet to the back of curb for Erie Avenue and 60 feet for the frontage street on the west portion of the APN 177-32-701-006;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for any collector street or larger;
- 90 days to record required right-of-way dedications and any corresponding easements for any collector street or larger.
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

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.
- 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 initiated for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0394-2023 to obtain your POC exhibit; and that wastewater flow rates that exceed CCWRD estimates may require another POC analysis.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: THE NRP GROUP, LLC

CONTACT: KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DRIVE, SUITE 650, LAS VEGAS, NV 89135