

MUTIPLE FAMILY DEVELOPMENT  
(TITLE 30)

**UPDATE**  
BADURA AVE/REDWOOD ST

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**NZC-21-0285-RAINBOW NORTH SPE OWNER, LLC:**

**ZONE CHANGE** to reclassify 14.0 acres from an R-E (Rural Estates Residential) Zone and a C-2 (General Commercial) Zone to an R-4 (Multiple Family Residential (high density) Zone.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** increase building height; **2)** reduce parking; **3)** increase sign area; **4)** increase sign height; and **5)** allow an alternative security gate design and geometrics.

**DESIGN REVIEWS** for the following: **1)** multiple family development; and **2)** comprehensive sign plan in the CMA Design Overlay District.

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

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**RELATED INFORMATION:**

**APN:**

176-02-301-012 through 176-02-301-015; 176-02-301-021

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Increase building height to 39 feet where 35 feet is the maximum permitted per Table 30.40-3 (an 18% increase).
2. Reduce parking to 538 spaces where a minimum of 558 spaces are required per Table 30.60-1 (a 4% reduction).
3. Increase project ID sign area to 188 square feet where 70 square feet is the maximum permitted per Table 30.72-1 (a 169% increase).
4. Increase project ID sign height to 12 feet where 10 feet is the maximum permitted per Table 30.72-1 (a 20% increase).
5. 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. Comprehensive sign plan.

**LAND USE PLAN:**

ENTERPRISE - BUSINESS AND DESIGN/RESEARCH PARK

## **BACKGROUND:**

### **Project Description**

#### General Summary

- Site Address: N/A
- Site Acreage: 14
- Number of Units: 336
- Density (du/ac): 24.0
- Project Type: Multiple family development
- Number of Stories: 3
- Building Height (feet): Up to 39
- Open Space Required/Provided: 33,600/38,600
- Parking Required/Provided: 558/538

#### **Neighborhood Meeting Summary**

The applicant conducted a neighborhood meeting on February 17, 2021, as required by the nonconforming amendment process. All owners within 1,500 feet of the project site were notified about the meeting. There were 2 attendees present at the meeting for this item. The attendees had general questions about the design and layout of the development; however, they did not have any objection to the proposed project.

#### Site Plans

The plans depict a multiple family residential development consisting of 336 dwelling units distributed within fourteen, 3 story buildings. The site is 14 acres with a density of 24 dwelling units per acre. The complex will provide 1, 2, and 3 bedroom units. Minimum building setbacks are as follows: 20 feet to the north property line; 71 feet to the south property line; 87 feet to the east property line; and 52 feet to the west property line. The development requires 33,600 square feet of open space where 38,600 square feet of open space is provided. A clubhouse with a pool, sports court, and dog park are centrally located to the project site. Access to the site is granted by a proposed driveway located along Badura Avenue to the north, and an exit only driveway located along Arby Avenue to the south. Access to the site is controlled by security gates and a waiver of development standards is required as the security gates do not feature a center island or turnaround area as set forth in Uniform Standard Drawings. Internal circulation within the project consists of 24 foot wide drive aisles. Parking will consist of garage, covered, and surface parking spaces for both residents and visitors, which are distributed throughout the development.

#### Landscaping

The plans depict a 15 foot wide landscape area along Badura Avenue, Arby Avenue, and Redwood Street featuring a 5 foot wide detached sidewalk. A 10 foot wide landscape buffer per Figure 30.64-11 (1 row of trees spaced 20 feet apart) is proposed along the west property line. At each driveway entrance the plans show site amenity zones on both sides of the access points that will feature benches in the rear portions of the 15 foot wide street landscape element. Internal to the site, landscaping is equitably distributed throughout the parking lot and building footprints.

### Elevations

The residential buildings are 3 story structures with maximum heights up to 39 feet. Exterior materials include a smooth plaster finish, decorative metal awnings, and railings around balconies. The mass of the buildings are reduced by off-set surface planes and parapet walls along the roofline at varying heights. The clubhouse will be 1 story and is shown at a maximum height of 25 feet. The design of the building will match the architecture and color palate of the apartment complex.

### Floor Plans

The plans show a mix of 1, 2, and 3 bedroom units consisting of 216, one bedroom units, 96, two bedroom units, and 24 three bedroom units. The residential units are between 542 square feet and 1,446 square feet in area. The clubhouse is 8,827 square feet and consists of a leasing office, mail room, meeting rooms, message room, offices, fitness area, and restrooms.

### Signage

The sign types within this submittal package consists of project ID monument signs and wall signs. The project ID monument signs are 12 feet high and 188 square feet in area. The monument signs are located at the main driveway entrance along Badura Avenue and at the northwest and southwest corners of the project site. As for the wall signs, they have elements that are compatible with the materials used for the buildings in the complex and will consist of internally illuminated cabinets and panel channel letters. All wall signs meet Code for the allowable square footage and letter height.

### Applicant's Justification

The applicant indicates that the current land use designation for the subject site is Office Professional; however, since the adoption of the Enterprise Land Use Plan, there have been recent changes within the last several years in the southwest sector. Large employment centers have been developed and are now 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. The applicant contends that R-4 zoning is the appropriate zoning district for this site as it is near 7 other multiple family projects within the general area. Furthermore, the development meets most required design standards for a multiple family project and the density and intensity of the project are compatible with the newly proposed project directly south of this site.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
VS-18-0775	Vacated and abandoned patent easements	Approved by PC	November 2018
NZC-18-0551	Reclassified the west 10 acres of this site to C-2 zoning (currently under resolution of intent)	Approved by BCC	October 2018
ZC-0372-01	Reclassified the east 5 acres of this site to C-2 zoning	Approved by BCC	May 2001

### Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Business and Design/Research Park	C-2 & M-D	Fleet fueling facility & undeveloped
East	Business and Design/Research Park	M-D	Office/warehouse development
South	Commercial General & Business and Design/Research Park	C-2, M-1, & U-V (currently under resolution of intent)	Undeveloped
West	Commercial General	C-2	Shopping center

### 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 developments 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 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-4 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 west of the project site is a C-2 zoned retail development with a planned land use of Commercial General. Immediately to the south of the project site are undeveloped parcels zoned R-E and M-1 with a planned land use of Commercial General and Business and Design/Research Park. However, a nonconforming zone change to an R-5 zoning district consisting of 302 multiple family units at 34 dwelling units per acre is proposed on these parcels. To the southeast 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 southwest of the project site is a 5 acre, undeveloped C-2 zoned parcel previously approved for a shopping center. Immediately to the north is C-2 and M-D zoned parcels for a fleet fueling facility and undeveloped land. Therefore, the proposed R-4 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 compact lot single family and multiple family development to the southeast and the existing and planned land uses of commercial development to the north and 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. 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 Master 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-4 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-4 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-4 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 portion of the request.

#### Waiver of Development Standards #2

A separate parking study prepared by GCW Engineers is included with this submittal to justify the reduction in parking. The requested reduction of parking by 4% is minimal and the site is less than a quarter of a mile from Durango Drive, where bus services are available; therefore, staff can support this portion of the request.

#### Waivers of Development Standards #3 & #4

While the project is not meeting area and height allowed for monument signage, the signs are significantly shorter than the proposed buildings and are located on portions of Badura Avenue and Arby Avenue that are not adjacent to other existing residential uses. Additionally, the primary purpose for the increased square footage is to allow for the Calida's trademark by incorporating the flare of the dot on the letter "i" and the balance the letter "l". Therefore, staff can support this portion of the request.

#### Design Reviews

Staff finds the proposed multiple family residential development complies with several goals and policies within the Comprehensive Master Plan. Urban Specific Policy 20 encourages all signage should be compatible with building styles on-site and also with surrounding development. 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 recommends approval of this request.

#### **Public Works - Development Review**

##### Waiver of Development Standards #5

Although the throat depth distance to the call box does not comply with the minimum standard, the applicant has placed the gates farther into the site which will provide more room for vehicles to exit the right-of-way reducing stacking in the right-of-way to avoid collisions; therefore, staff has no objection to this request.

#### **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. 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;
- Provide site landscape amenity zones along public street frontage as shown on plans;
- 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;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 35 feet to the back of curb for Badura Avenue and 25 feet to the back of curb for Arby 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 or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.



**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 #0371-2020 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, waivers of development standards #1 and #5, and design review #1; denial of waivers of development standards #2, #3, #4 and design review #2.**

**APPROVALS: 5 cards**

**PROTESTS: 1 card**

**APPLICANT: RAINBOW NORTH SPE OWNER, LLC**

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