

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WC-25-400049 (ZC-0576-99)-FORT APACHE DOMINUS, LLC:

WAIVER OF CONDITIONS of a zone change restricting the maximum density to 15.02 dwelling units per acre in conjunction with an existing multi-family residential development and a daycare on 16.9 acres in an RM18 (Residential Multi-Family 18) Zone.

Generally located on the north side of Tropicana Avenue and the east side of Tee Pee Lane within Spring Valley. JJ/lm/kh (For possible action)

RELATED INFORMATION:

APN:

163-19-813-000; 163-19-813-001

LAND USE PLAN:

SPRING VALLEY - COMPACT NEIGHBORHOOD

SPRING VALLEY - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 9552 W. Tropicana Avenue
- Site Acreage: 16.9
- Project Type: Multi-family residential
- Number of Units: 274
- Density (du/ac): 15.02 (existing)/16.8 (proposed)
- Number of Stories: 2

History & Request

The approved development includes a 274 unit multi-family residential development located on the north portion of the site with an existing daycare facility located on the southerly portion of the site. The development was zoned via 2 applications. The first application, ZC-1870-98, approved 15.6 acres to R-2 (currently RS3.3) and R-3 (currently RM18) zones for a 276 unit apartment complex with a condition of approval requiring a minimum of 1.2 acres open space area. The second application was for a 2.6 acre parcel located in the southeast portion of the current parcel which was rezoned to R-3 (currently RM18) via ZC-0576-99 for an additional 46 unit apartment complex with a condition of approval requiring a minimum of 0.42 acres open space area and restricting the density to 15.02 dwelling units per acre. The projects were essentially combined with a request for Planned Unit Development (PUD), UC-0940-99, on 18.24 acres for a 274 unit multi-family residential development within the R-2 (currently RS3.3)

zoned portion of the site with 6.9 acres of open space (including APN 163-19-813-002 for 0.76 acres), which was in excess of the 1.62 acres required by the zone change applications.

The applicant is now requesting to subdivide the parcel and separate the southwest 0.6 acre portion of the parcel where the daycare building is located. This will leave the remainder 16.3 acre portion of the parcel at 16.8 units per acre, which exceeds the restricted density of 15.02 imposed by ZC-0576-99. The intent of this request is to waive the condition to allow density at 16.8 dwelling units per acre.

The daycare area on 0.6 acres, which would leave 5.54 acres of open space after the current parcel is divided.

Previous Conditions of Approval

Listed below are the approved conditions for ZC-0576-99:

- Subject to 10 foot wide minimum landscaping or 20 feet to meet landscaping requirement per Code with A-1 landscaping to match landscaping of parcel to the north; a minimum of 0.42 acres of open area; design review as public hearing when consolidated with the project to the north and west; drainage and traffic studies to be coordinated with ZC-1870-98; vacate RS2477 alignment to the west and combine parcels to prevent land locking; and all applicable standard conditions for this application type. The applicant is advised that the overall density of the project may need to be reduced because portions of the previously approved under ZC-1870-98 was reduced to R-2 which allows a maximum density of up to 10 dwelling units per acre. Applicant is further advised that the property is subject to significant aircraft noise. 274 units maximum; 15.02 dwelling units per acre maximum.

Applicant's Justification

The applicant indicates they want to subdivide the property without any changes to the existing 274 units or the daycare center with the 2 uses on separate parcels. The proposed revised density of 16.8 dwelling units per acre is compatible with existing multi-family (apartments) development, the Master Plan, companion rezone request, and with the surrounding area.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-23-0290	Daycare facility within an existing apartment development - expired	Approved by PC	August 2023
UC-1547-00	Freestanding daycare building in conjunction with an existing apartment complex - expired	Approved by PC	December 2000
UC-0940-99	Planned unit development - expired	Approved by PC	August 1999

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-1870-98 (WC-0218-99)	Waiver of conditions of a zone change which clarified zoning along Tompkins Avenue and landscaping requirement	Approved by BCC	July 1999
ZC-0576-99	Reclassified a 2.6 acre portion of this site to R-3 zoning for a multi-family development	Approved by BCC	June 1999
ZC-1870-98	Reclassified 15.6 acres to R-3 zoning for a multi-family development (subject to R-2 zoning 150 feet wide along the entire west property line and a portion of the north property line)	Approved by BCC	January 1999

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS5.2 & RS20	Single-family residential
South	Corridor Mixed-Use	CG	Vehicle maintenance building & retail center
East	Compact Neighborhood (up to 18 du/ac) & Corridor Mixed-Use	RM18 & CG	Multi-family residential & plant nursery
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac) & Corridor Mixed-Use	RS3.3 & CG	Single-family residential & shopping center

Related Applications

Application Number	Request
ZC-25-0289	A zone change to reclassify a portion of the site from RS3.3 to RM18 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**

A waiver of conditions may be approved upon a finding that the condition will no longer fulfill its intended purpose.

Staff finds that the proposed request to remove the density maximum is appropriate for the area. The uses were constructed over 20 years ago with no known issues, and the request will not have a negative effect on the neighboring area. The request will not result in any physical changes to the site, nor to the existing daycare center on the southerly portion of the site approved via UC-1547-00. The number of units will stay the same, and the 2 uses share parking and access to

Tropicana Avenue; therefore, staff does not anticipate any impact to the parking. The prior approved zone change applications imposed conditions for open space, and with the creation of a separate daycare parcel, the development will still provide open space in excess of the required number. In addition, the request is consistent with the density allowed under the Compact Neighborhood planned land use category which allows up to 18 dwelling units per acre. Therefore, staff can support this request.

Staff Recommendation

Approval.

Approval of the waiver of conditions request constitutes a finding by the Commission/Board that the conditions will no longer fulfill its intended purpose.

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

- Record perpetual cross access, ingress/egress, and parking easements/agreement for the multi-family development and the portion of the property containing the vacant daycare center, unless a waiver of development standards to reduce parking is required and obtained for the vacant daycare site.

Public Works - Development Review

- No comment.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that the property is already connected to the CCWRD sewer system; and if any existing plumbing fixtures are modified in the future, then additional capacity and connection fees will need to be addressed.

TAB/CAC: Spring Valley - approval.

APPROVALS:

PROTEST:

APPLICANT: NEVADA HAND, INC.

CONTACT: AIMEE ENGLISH, LR NELSON CONSULTING ENGINEERS, 6765 W. RUSSELL ROAD, SUITE 200, LAS VEGAS, NV 89118