

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ET-26-400017 (ZC-23-0935)-DIAMOND INDIAN SPRINGS III, LLC:**

**WAIVERS OF DEVELOPMENT STANDARDS FIRST EXTENSION OF TIME** for the following: **1)** alternative street landscaping; **2)** reduce height/setback ratio; **3)** reduce gate setbacks; **4)** waive full off-site improvements; and **5)** driveway geometrics.

**DESIGN REVIEWS** for the following: **1)** alternative parking lot landscaping; **2)** multi-family residential development; and **3)** finished grade on 6.84 acres in an RM18 (Residential Multi-Family 18) Zone.

Generally located north of Boulder Lane and east of MacFarland Avenue within Indian Springs.  
AB/hw/cv (For possible action)

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RELATED INFORMATION:

**APN:**

059-09-201-012

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Allow 15 feet of street landscaping without a sidewalk where 15 feet of landscaping, including a 5 foot detached sidewalk, is required per Figure 30.64-17.
2. Reduce the height/setback ratio from the northern property line for a proposed multiple family residential building to 10 feet where 55.5 feet is required per Figure 30.56-10 (an 82% reduction).
3. Reduce the setback for an access gate from the street to 20 feet where 50 feet is required per Section 30.64.020 (a 60% reduction).
4. Waive off-site improvements (curbs, gutters, streetlights, sidewalks, and paving) where off-site improvements are required per Section 30.52.050.
5. Reduce driveway departure distance to 134 feet where 190 feet is the standard per Uniform Standard Drawing 222.1 (a 29% reduction).

**DESIGN REVIEWS:**

1. Allow alternative parking lot landscaping where parking lot landscaping is required per Figure 30.64-14.
2. Multi-family residential development.
3. Increase finished grade to 60 inches where a maximum 36 inches is the standard per Section 30.32.040 (a 67% increase).

**LAND USE PLAN:**

NORTHWEST COUNTY (INDIAN SPRINGS) - COMPACT NEIGHBORHOOD (UP TO 18 DU/AC)

## **BACKGROUND:**

### **Project Description**

#### General Summary

- Site Address: N/A
- Site Acreage: 6.84
- Project Type: Multi-family residential development
- Number of Units: 123
- Density (du/ac): 18.0
- Number of Stories: 2
- Building Height (feet): 24.5 (Residential buildings)/20 (clubhouse)/12 (Garages)/10 (Covered parking structures)
- Open Space Required/Provided: 24,800/30,688
- Parking Required/Provided: 219/219

#### Site Plans

The previously approved plans showed the multi-family residential development will consist of a total of 16 buildings and a clubhouse for a total of 123 units and 1 model unit, which will not contain cooking facilities and will not be habitable. The plans showed the residential buildings will be situated with 2 rows of 7 buildings each, and 1 row of 3 buildings running along MacFarland Avenue. The buildings are rectangular and “H”-shaped with varying orientations. The clubhouse is in the northwest corner of the central block of buildings. The clubhouse and residential buildings are set back between 10 feet and 55 feet from the northern property line, with the residential buildings set back approximately 25 feet from MacFarland Avenue, 20 feet from Boulder Lane, and 108 feet from the eastern property line. The site also contains 5 garage buildings located along the northern and eastern edges of the site. These garage buildings are shown to be set back 5.5 feet from the northern property line and 15 feet from the eastern property line. All buildings are shown separated by 10 feet to 42 feet of space. Access to the site is provided by a gated 40 foot wide driveway along MacFarland Avenue and a 35 foot wide gated residents only driveway along Boulder Lane. There are 219 parking spaces provided along the edges of the site and are at scattered intervals along the edges of the central block. Covered parking spaces are provided along the central block and along the northern portions of the site. Finally, the cross sections showed a maximum fill increase of 5 feet (60 inches) was required.

#### Landscaping

The approved plans showed landscaping was provided throughout the site, along the perimeters and within the parking lot. Along the streets, a 15 foot wide landscape strip is provided behind the right-of-way line with no sidewalk provided. The street landscaping strip contains 10 large trees along MacFarland Avenue and 32 large trees along Boulder Lane spaced approximately 30 feet apart. Along the northern and eastern property lines, a buffer to a less intense use per Figure 30.64-11, is provided. The buffer strip along the northern property line is 5.5 feet wide, while the strip along the eastern property line is 15 feet wide. Both buffer landscaping strips contain large trees spaced 30 feet apart in front of a 6 foot decorative CMU block wall.

Within the interior of the site, medium trees are provided within 7 foot wide landscaping finger islands every 3 to 12 parking spaces and are well distributed around the residential buildings

throughout the site. However, in some locations either no landscape finger islands are provided or the trees were separated from the parking areas by walkways, which required a design review.

Overall, the site contains several community and open recreational spaces particularly within the central block. There is 24,800 square feet of open space required where 30,688 square feet is provided through dog parks, BBQ area, children's play area, pool area, and clubhouse. Finally, the plans show a 6 foot high CMU block wall will be provided along the northern and eastern property lines and a 6 foot high wrought iron fence set back 15 feet for landscaping will be provided along the southern and western property lines.

### Elevation

The previous elevations showed the residential buildings will have 3 different elevations with a similar design style. Two of the elevations will be 2 stories with a height of 24.5 feet tall with the third elevation being 1 story with a height of 15.5 feet tall. Each of the 2 story buildings will contain 8 units, with 10 of the buildings containing 2 bedroom units, and the other 5, 2 story buildings containing 1 bedroom units. The 1 story building will contain four, 1 bedroom units. The exteriors of all residential buildings show the buildings will have a flat roof and will be constructed of painted concrete plaster. The exteriors will primarily be white and silver with an alternating pattern. Grey painted metal paneling with accent window areas along the building were provided. In addition, grey painted metal fin awnings, balcony railings, and staircase areas will also be provided. The north and south portions of the building will contain the main access areas along with a significant amount of fenestration.

The clubhouse is shown to be a maximum of 20 feet tall up to a decorative chimney-like structure with most of the building only reaching 16 feet tall. The clubhouse will have a complementary flat roof. The exterior of the building is mostly silver painted concrete plaster with white plaster and grey painted metal paneling. Access to the building is provided along the eastern and western sides of the building with a double door commercial door system. A wall of large windows can be found on each side of the doors that open out to a metal covered canopy area. Metal mailboxes are found along the western side of the building with the eastern side of the building containing additional ceramic tile accents.

The covered parking structures are shown to be 10 foot high metal structures. The garage buildings are shown to be 12 feet high with a slanted metal roof. The exterior of the garage buildings is silver painted concrete plaster on all sides with grey painted metal garage doors facing inward towards the development.

### Floor Plan

The previous floor plans showed there will be 1 and 2 bedroom units throughout the development. Each floor of the residential buildings will contain a total of 4 units each. The plans show the 1 bedroom units will be 745.5 square feet with a 55.5 square foot patio. The 1 bedroom units contain an open concept living room, dining area, and kitchen space along with washer/dryer closet, 1 bathroom, and 1 bedroom with a walk-in closet. The 2 bedroom units are shown to be 1,014 square feet with a 46 square foot patio. The 2 bedroom units contain an open concept living room, dining area, and kitchen space along with washer/dryer closet with each bedroom containing an ensuite bathroom and walk-in closet. The clubhouse is shown to be a

total of 3,851 square feet containing the main 2,171 square foot enclosed building space, a 385 square foot covered entry, a 956 square foot covered patio, and a 339 square foot breezeway. The enclosed space includes 176 to 185 square foot office spaces, a 773 square foot leasing area, and a 610 square foot gym along with bathrooms and a storage area.

#### Previous Conditions of Approval

Listed below are the approved conditions for ZC-23-0935:

#### Comprehensive Planning

- Prior to issuance of any building permit for a residential unit, applicant agrees to pay \$250 per unit towards a community benefit in Indian Springs;
- Developer to install a 4 foot wide asphalt path on MacFarland Avenue and Boulder Lane for pedestrian use which shall be privately maintained;
- Parking lot lighting within the multiple family portion of the development shall be provided near the row of parking adjacent to Boulder Lane;
- West facing wall lighting shall be provided on the exterior of the multiple family buildings adjacent to MacFarland Avenue;
- Parking lot lighting within the multiple family portion of the development shall be provided along the north boundary and shall have a shoebox cover to minimize lighting on adjacent properties to the north;
- Low level street lighting to be installed at the entrance into project;
- Provide large Evergreen trees every 10 feet on center between the northern property line and the proposed Building 1;
- The gate along Boulder Lane shall be exit only;
- The model unit shall not be habitable nor modified to allow for cooking facilities;
- Design review for significant changes to the plans;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised within 2 years from the approval date the waivers of development standards and design reviews must commence or the application will expire unless extended with approval of an extension of time; the County has adopted a rewrite to Title 30 effective January 1, 2024, 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 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;
- 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;

- Right-of-way dedication to include a spandrel at the northeast corner of Boulder Lane and MacFarland Avenue;
- Execute a Restrictive Covenant Agreement (deed restrictions).
- Applicant is advised 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.

**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 to show fire hydrant locations on-site and within 750 feet.
- 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; that fire/emergency access must comply with the Fire Code as amended; and that fire protection may be required for this facility and to contact Fire Prevention for further information at (702) 455-7316.

**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 #0411-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**Applicant’s Justification**

Progress on the project has been stalled since the applicant has been seeking approval for connection to the local water system from the local purveyor for the last 3 years. As a result, the applicant is waiting on the results of meetings and hearings with the Public Utilities Commission of Nevada to be able to move forward.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-23-0935	Zone change from R-T to R-3 for a 123 unit multi-family development	Approved by BCC	April 2024

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North & West	Compact Neighborhood (up to 18 du/ac)	RS5.2	Manufactured home park
South	Edge Neighborhood (up to 1 du/ac); Mid-Intensity Suburban Neighborhood (up to 8 du/ac); & Public Use	RS40, RS5.2, & PF	Undeveloped & single-family residential
East	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS5.2	Single-family residential subdivision

## **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**

Title 30 standards of approval for an extension of time state an application may be denied if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws, regulations, or policies affecting the subject property. Additionally, the applicant must demonstrate the project is progressing through the applicable development permit or licensing process.

Staff finds there have been no proposed changes to the approved uses and layout of the subject site. Additionally, no substantial changes have occurred in the surrounding area. Staff also finds that MSM-23-600067 was recorded and therefore the project site is now a separate parcel from the existing manufactured home park to the north. Additionally, the applicant has indicated they are in the process of securing connections to the local water system. The presence of these actions indicates the applicant is making progress towards the commencement of the proposed project and since this is the first extension of time request, staff recommends approval.

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

There have been no significant changes in this area. Staff has no objection to this extension of time.

#### **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**

- Until April 3, 2028 to commence or the application will expire unless extended with approval of an extension of time.
- Applicant is advised 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; the County has adopted a rewrite to Title 30 effective January 1, 2024, 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 the application; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

**Public Works - Development Review**

- Compliance with previous conditions.

**Fire Prevention Bureau**

- No comment.

**Clark County Water Reclamation District (CCWRD)**

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTEST:**

**APPLICANT:** DIAMOND INDIAN SPRINGS III LLC

**CONTACT:** DC PETERSEN PROFESSIONAL CONSULTING, 5052 S. JONES  
BOULEVARD, SUITE 165, LAS VEGAS, NV 89118