

09/03/25 BCC AGENDA SHEET

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ET-25-400079 (ZC-23-0067)-ELEGANCE RUSSELL, LLC:**

**USE PERMITS FIRST EXTENSION OF TIME** for the following: **1)** senior housing; and **2)** Project of Regional Significance.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** increase building height; **2)** increase retaining wall height; **3)** reduce throat depth; and **4)** allow non-standard improvements in the right-of-way.

**DESIGN REVIEWS** for the following: **1)** senior housing development; and **2)** finished grade on 11.2 acres in an RM32 (Residential Multi-Family 32) Zone.

Generally located north of Russell Road and west of Boulder Highway within Whitney. JG/lm/kh (For possible action)

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**RELATED INFORMATION:**

**APN:**

161-27-403-012; 161-27-803-003; 161-34-501-002

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Increase the building height up to 41 feet where 35 feet is allowed per Table 30.40-3 (a 17% increase).
2. Increase retaining wall height to 4.5 feet with 6 foot screen wall where a 3 foot retaining wall is allowed with 6 foot screen wall per Section 30.64.050 (a 50% increase).
3.
  - a. Reduce throat depth to the call box for driveway along Russell Road to 60 feet where a minimum of 100 feet is required per Uniform Standard Drawing 222.1 (a 40% reduction).
  - b. Reduce throat depth to the call box for driveway along Emerald Avenue to 87 feet where a minimum of 100 feet is required per Uniform Standard Drawing 222.1 (a 13% reduction).
4. Allow non-standard improvements (bridge) in the right-of-way (Duck Creek Flood Channel) where not permitted per Section 30.52.

**DESIGN REVIEWS:**

1. Senior housing development.
2. Increase finished grade to 6.5 feet where a maximum of 3 feet is the standard per Section 30.32.040 (a 116% increase).

**LAND USE PLAN:**

WHITNEY - URBAN NEIGHBORHOOD (GREATER THAN 18 DU/AC)

## **BACKGROUND:**

### **Project Description**

#### General Summary

- Site Address: N/A
- Site Acreage: 11.2
- Number of Units: 279
- Density (du/ac): 24.9
- Project Type: Senior housing
- Number of Stories: 3
- Building Height (feet): 41 (Buildings 1 & 2)/16 feet, 10 inches (Buildings 3 & 4)
- Open Space Required/Provided: 63,943/73,352
- Parking Required/Provided: 279/ 309

#### History

This application originally included a zone change from R-2 (Medium Density Residential), C-2 (General Commercial), and M-1 (Light Manufacturing) to R-4 (Multi-Family Residential - High Density) (now RM32), and the zoning was permanently approved.

#### Site Plans

The approved plans depict a proposed senior housing facility consisting of 3 buildings with 1 building located north of the Duck Creek Flood Channel and 3 buildings located south of the Duck Creek Flood Channel. There will be a total of 279 units with a density of 24.9 dwelling units per acre. The setbacks of the southerly buildings are as follows: 20 feet to the south property line (Russell Road); 80 feet to the north property line (Duck Creek Flood Channel); 78 feet to the east property line; and 81 feet to the west property line. The setbacks of the northerly building are as follows: 58 feet to the south property line (Duck Creek Flood Channel); 96 feet to the north property line (Emerald Avenue); 90 feet to the east property line; and 58 feet to the west property line (Duck Creek Flood Channel). Trash enclosures are provided at the 4 corners of Building 1 and at the north and south ends of Building 2 with another enclosure at the northeast corner of the north portion of the site. Open space and landscaping are equitably distributed throughout the development and consist of active and passive open space areas which include swimming pools, bocce ball courts, dog park, putting green, and pickleball courts. There is gated access to the development from Russell Road to the south, and to Emerald Avenue with a bridge across the Duck Creek Flood Channel connecting the 2 development areas, necessitating the included waiver. The entry courtyard along Russell Road includes a call box island with throat depth of 60 feet and visitor parking area along the south elevation of Building 1. Gated vehicle access is located on either side of the vehicle courtyard. The gated entry along Emerald Avenue includes a call box island with throat depth of 87 feet which accesses 2 entry gates to the northern portion of the development. Internal circulation within the project consists of 24 foot wide drive aisles. Surface parking is provided for both visitors and residents with most of the parking spaces being covered.

#### Landscaping

The approved plans depict street landscaping consisting of two, 5 foot wide landscape areas on each side of a detached sidewalk along all public street frontages (Russell Road and Emerald

Avenue). The perimeter landscaping includes a 6 foot 7 inch wide landscape planter along the east interior property line with the trees 10 feet on center. Landscape materials include trees, shrubs, and groundcover. Interior to the site, open space and landscaping are equitably distributed throughout the development and consist of active and passive open space areas which include 3 recreational open space areas, swimming pools and deck area located adjacent to each building with a walking path on the north side of the Duck Creek Flood Channel. The increased retaining wall with open screen fencing is located along the east property of the north portion of the site. The amount of passive and active open space is depicted at 73,352 square feet where 63,943 square feet was required.

#### Elevations

The approved plans depict Buildings 1 and 2 are 3 stories, 40 feet 6 inches high, and Buildings 3 and 4 are 16 feet 10 inches high and all consist of stucco, decorative cornice molding, stacked stone, and metal balconies. The buildings are being designed to break-up the roofline and enhance the overall look of the buildings. The exterior walls have a stucco finish painted in subdued earth tone colors. The units in Buildings 1 and 2 include balconies with wrought iron railings, while the units in Buildings 3 and 4 include “front porch” and “yard” areas. The clubhouse, leasing office, and various additional amenities are internal to Buildings 1 and 2.

#### Floor Plans

The approved plans show a mix of 1 and 2 bedroom units consisting of 191, one bedroom units and 88, two bedroom units. The residential units are between 610 square feet and 822 square feet in area.

#### Signage

Signage is not a part of this request.

#### Previous Conditions of Approval

Listed below are the approved conditions for ZC-23-0067:

##### Comprehensive Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- The projects 3 parcels must be fenced and posted within 60 days of BCC approval and remain fenced throughout construction, if at any time the property fence is damaged or cut, owner to replace or repair immediately;
- 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 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; and that the use permits, waivers of development standards, and design reviews must commence within 2 years of approval date or they will expire.

## 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;
- The bridge over the flood channel and trail must be high enough and provide unobstructed access for maintenance vehicles and pedestrians to travel on access roads and the trail;
- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way.
- 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: and that the installation of detached sidewalks will require the vacation of excess right-of-way 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.

## Fire Prevention Bureau

- 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](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0072-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

## Applicant's Justification

The applicant indicates they have completed a significant amount of work toward project completion, including architectural plans and construction drawings that have been completed and approximately 85% of the engineering work has been completed. The bridge structure over the County flood channel connecting the 2 sides of the project and the engineering design of the sewer connections still need to be completed. There have been difficulties obtaining the necessary financing for the project.

### Prior Land Use Requests

Application Number	Request	Action	Date
VS-23-0068 (ADET-25-900578)	First extension of time to vacate and abandon a portion of Russell Road and Emerald Avenue	Approved by Public Works	August 2025
ZC-23-0067	Reclassified the site to R-4 zoning along with use permits, waivers of development standards, and design reviews for a senior housing complex	Approved by BCC	May 2023
PA-23-700005	Redesignated the Master Plan land use category to Urban Neighborhood (UN)	Approved by BCC	May 2023
VS-23-0068	Vacated and abandoned a portion of Russell Road and Emerald Avenue	Approved by BCC	May 2023
NZC-18-0965	Reclassified 12.2 acres from R-2, C-2, and M-1 to R-3 zoning for a senior housing complex - expired	Approved by BCC	February 2019
ZC-0262-03	Reclassified a portion of the overall site to C-2 zoning for a future commercial development	Approved by BCC	March 2003

### Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Urban Neighborhood (greater than 18 du/ac) & Corridor Mixed-Use	RM18 & RM32	Multi-family residential & undeveloped
South	Urban Neighborhood (greater than 18 du/ac)	CG & RS3.3	Undeveloped & single-family residential
East	Corridor Mixed-Use	CG	Commercial development
West	Corridor Mixed-Use & Business Employment	IL & IH	Duck Creek Wash & undeveloped

### 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.

The applicant has demonstrated progress towards the commencement of the project, including installing the required fencing around the boundary of the parcels. For these reasons, staff can

support the extension of time request. However, staff may not be able to support any future extension of time requests if substantial progress is not demonstrated towards commencing the project, as the project was approved in 2023 and a new Development Code has since been adopted. The expectation is that moving forward, projects conform to the new regulations.

### **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 May 17, 2027 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 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 objection.

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

- No comment.

**TAB/CAC:** Whitney - approval.

#### **APPROVALS:**

#### **PROTEST:**

**APPLICANT:** ROBERT WEIDAUER

**CONTACT:** ROBERT WEIDAUER, 6655 S. EASTERN AVENUE, SUITE 200, LAS VEGAS, NV 89119