

10/04/23 BCC AGENDA SHEET

MULTIPLE FAMILY RESIDENTIAL  
(TITLE 30)

LAS VEGAS BLVD S/BARBARA LN

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ZC-23-0548-LV BARBARA, LLC:**

**ZONE CHANGE** to reclassify 9.0 acres from an H-2 (General Highway Frontage) Zone and an R-E (Rural Estates Residential) Zone to an H-1 (Limited Resort and Apartment) Zone.

**USE PERMIT** for a multiple family residential development.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduce setbacks; and **2)** allow non-standard improvements (landscaping) within a right-of-way.

**DESIGN REVIEWS** for the following: **1)** a multiple family residential development; **2)** alternative parking lot landscaping; and **3)** finished grade.

Generally located on the northwest corner of Las Vegas Boulevard South and Barbara Lane (alignment) within Enterprise (description on file). MN/al/syp (For possible action)

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RELATED INFORMATION:

**APN:**

191-05-601-020

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce the rear (north) setback to 10 feet where a minimum of 20 feet is required per Table 30.40-7 and Table 30.40-3 (a 50% reduction).
2. Allow non-standard improvements (landscaping) within the Las Vegas Boulevard South right-of-way where off-site improvements per Section 30.52.050 are required.

**DESIGN REVIEWS:**

1. A multiple family residential development.
2. Allow alternative parking lot landscaping where landscaping per Figure 30.64-14 is required.
3. Increase finished grade by 75 inches where a maximum of 36 inches is standard per Section 30.32.040 (a 108.3% increase).

**LAND USE PLAN:**

ENTERPRISE - ENTERTAINMENT MIXED-USE

## **BACKGROUND:**

### **Project Description**

#### General Summary

- Site Address: N/A
- Site Acreage: 9
- Number of Units: 188
- Density (du/ac): 20.9
- Project Type: Multiple family residential development
- Number of Stories: 3
- Building Height (feet): 47
- Square Feet: 282,298
- Open Space Required/Provided: 18,800/36,316
- Parking Required/Provided: 337/337

#### Site Plan

The plan depicts a multiple family residential development consisting of 188 units with a density of 20.9 dwelling units per acre. The 188 units will be divided between 9 buildings located along the perimeter of the site. The site has frontage along Las Vegas Boulevard South (east side), Barbara Lane (south side), and Parvin Street (west side) with access to the site from Barbara Lane which is the front of the development. The plan shows the buildings being set back a minimum of 10 feet from the rear (north) property line. Parking is evenly distributed throughout the site. A clubhouse is centrally located within the development and open space adjacent to the clubhouse will include a pool, picnic, and BBQ areas. The plan depicts an existing 6 foot high decorative block wall located along the north property line. The plans show a 6 foot high decorative fence located along the 3 public streets, setback for landscaping.

#### Landscaping

Adjacent to each of the public streets the plan depicts minimum 15 foot wide landscape areas with detached sidewalks, 2 off-set rows of trees, shrubs, and groundcover. Additional landscaping is depicted along the entrance to the development and within the parking areas. The development is required to have a minimum of 18,800 square feet of open spaces and the plans depict 36,316 square feet of useable open space for recreational areas. The plans indicate that the right-of-way for Las Vegas Boulevard South will not be developed to the full width of the dedicated roadway. The plans show landscaping to be added in the right-of-way between the curb line and the property line.

#### Elevations

The plans show that 8 of the buildings for the residential units are 3 stories and the remaining residential building is 2 stories. The 3 story buildings are up to 47 feet in height and the 2 story building has a height of 26 feet. The clubhouse building is 2 stories with a maximum height of 28 feet. All the buildings have flat roofs behind parapet walls. The buildings have architectural enhancements which include variations in roof height to break-up the roofline, pop-outs and recesses to break-up the sides of the buildings, and variations in color and materials.

### Floor Plan

The clubhouse has an area of 12,291 square feet which includes a gym, theater, restrooms, business center, offices, seating areas, multi-purpose space, and storage space. The 9 buildings for the 188 residential units have a total area of 270,007 square feet. The plans depict 68, one bedroom units, 108, two bedroom units, and 12, three bedroom units. The dwelling units will be between 700 square feet and 1,256 square feet in area.

### Signage

Signage is not a part of this request.

### Applicant's Justification

The applicant indicates that the proposed zone change is in conformance with the Master Plan. The proposed multiple family residential development is consistent and compatible with other developments in the area. Similar waivers of development standards have been approved for other developments along Las Vegas Boulevard South. The approval of this application will be a continuation of an existing trend for multiple family residential development in this area.

### **Surrounding Land Use**

|       | <b>Planned Land Use Category</b> | <b>Zoning District</b> | <b>Existing Land Use</b>    |
|-------|----------------------------------|------------------------|-----------------------------|
| North | Entertainment Mixed-Use          | H-1                    | Multiple family residential |
| South | Entertainment Mixed-Use          | H-2 & R-E              | Undeveloped                 |
| East  | Entertainment Mixed-Use          | R-3                    | Multiple family residential |
| West  | Entertainment Mixed-Use          | R-E                    | Undeveloped                 |

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

### **Related Applications**

| <b>Application Number</b> | <b>Request</b>                                                                                                                                  |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| ZC-23-0550                | A request to reclassify the parcels to the south to an H-1 zone for a multiple family residential development is a related item on this agenda. |

### **STANDARDS FOR APPROVAL:**

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

### **Analysis**

#### **Comprehensive Planning**

##### Zone Change

The proposed reclassification of this site to an H-1 zone is in conformance with the Master Plan. A portion of this site is zoned H-2 which is an outdated zoning district that the County is trying to eliminate. Reclassifying this site from H-2 zone to an H-1 zone will further the County's goal to eliminate the H-2 zoning district. The adjacent property to the north is being developed as a multiple family residential development in an H-1 zone; therefore, the proposed use of this site as a multiple family residential development is consistent and compatible with the area. For these reasons staff can support the zone change.

### Use Permit

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

The site is located between I-15 to the west and Las Vegas Boulevard South to the east. This area has seen a trend with multiple family residential developments. There is currently a similar project under development on the adjacent property to the north. Therefore, staff finds the proposed use is appropriate for this location and can support the use permit.

### 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

The site has frontage along 3 streets with the east side of the development adjacent to Las Vegas Boulevard South, which in many cases would typically be the front of the developments in this area. However, access to the development will be from Barbara Lane, making this the front of the development and the northern property line the rear. The development is designed so that the buildings will all be a minimum of 20 feet from the public streets. Since this multiple family residential project is in an H-1 zone, it is required to meet the development standards of the R-5 zoning district, which requires a 20 foot rear setback. The reduced setback will not have a negative impact on the adjacent development to the north which is another multiple family residential development. Therefore, staff can support this waiver.

#### Design Reviews #1 & #2

The project has useable open space which include a swimming pool, a clubhouse building, and smaller areas that can be used for recreation. The buildings are oriented at different directions to avoid a monotonous linear pattern and the location on Las Vegas Boulevard South includes access to transit options and a large road network to handle the additional density. The parking lot landscaping is not in compliance with the standards of Figure 30.64-14; however, the required number of trees are provided and are distributed evenly throughout the development. Therefore, staff can support these design reviews.

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

#### Waiver of Development Standards #2

The applicant is responsible for maintenance and up-keep of any non-standard improvement; the County will not maintain any landscaping and sidewalks placed in the right-of-way. Staff can support the waiver of development standards #2 but the applicant must execute and sign a License and Maintenance Agreement for any non-standard improvements within the right-of-way.

### Design Review #3

This design review represents the maximum grade difference within the boundary of this application. This information is based on preliminary data to set the worst case scenario. Staff will continue to evaluate the site through the technical studies required for this application. Approval of this application will not prevent staff from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approval.

### **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**

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- 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 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; and that the use permit, 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;
- Right-of-way dedication to include 25 feet to the back of curb for Barbara Lane, 25 feet to the back of curb for Parvin Street, and associated spandrels;
- Right-of-way dedication for Las Vegas Boulevard South to accommodate a proportionate share of a 200 foot wide right-of-way;
- 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.

**Fire Prevention Bureau**

- Access to all points of buildings within 250 feet.
- Applicant is advised that fire/emergency access must comply with the Fire Code as amended.

**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 #0294-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** NEVADA WEST PARTNERS

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