

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-24-0362-WIGWAM-PARVIN LIMITED PARTNERSHIP:

AMENDED WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increase building height; **2)** reduce street landscaping (no longer needed); and **3)** reduce parking lot landscaping (no longer needed).

DESIGN REVIEW for modifications to a previously approved senior housing project on 5.0 acres in an RM32 (Residential Multi-family 32) Zone.

Generally located on the north side of Arby Avenue and the west side of Torrey Pines Drive within Enterprise. MN/bb/syp (For possible action)

RELATED INFORMATION:

APN:

176-02-301-019

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase the height of a multiple family residential building to 51 feet where the maximum height permitted is 50 feet per Section 30.02.10.B (a 2% increase).
2. Reduce parking lot landscaping along the south property line where parking lot landscaping is required per Section 30.04.01D (no longer needed).
3. Eliminate street landscaping along a portion of Arby Avenue where trees are required every 30 feet per Section 30.04.01D (no longer needed).

LAND USE PLAN:

ENTERPRISE - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: 6540 Arby Avenue
- Site Acreage: 5
- Project Type: Senior housing
- Number of Units: 190
- Density (du/ac): 38
- Number of Stories: 5
- Building Height (feet): 51
- Open Space Required/Provided: 19,000/21,500
- Parking Required/Provided: 178 (per revised plan under NZC-23-0053)/183

History, Site Plan, & Request

The senior housing project was approved via NZC-23-0053 by the Board of County Commissioners (Board) on May 3, 2023. The plans previously approved depict a senior housing facility consisting of a single building near the center of the site. There will be a total of 190 units with an approved density of 38 dwelling units per acre. The complex will provide 1 and 2 bedroom units. There will be 1 access point to the development from Arby Avenue to the south with a crash gate shown along Badura Avenue to the north.

The revised plan approved by the Board of County Commissioners depicted 178 parking spaces for the site, as well as a dedicated right turn lane from Arby Avenue to the site, which created an attached sidewalk and eliminated the 5 foot landscape strip adjacent to the right-of-way. However, plans still showed a 5 foot landscape strip behind the attached sidewalk with trees.

The applicant is now requesting to make modifications to the site and the building. The proposed plans show additional parking spaces along the south property line and increased height of the building. There are no other changes proposed to the previously approved plans.

Landscaping

Thirty-six inch box trees will be added to the west side of the property as a result of the condition of approval for NZC-23-0053. The first set of plans showed additional parking spaces adjacent to the right turn lane from Arby Avenue which did not meet the landscaping requirement and was the subject of waiver of development standards #2. Plans also did not show any landscaping proposed along that portion of Arby Avenue, which was the subject of waiver of development standards #3. Later, staff received landscape plans showing trees along that portion of Arby Avenue, which will be counted towards required landscaping for the new parking spaces. Therefore, waivers of development standards #2 and #3 are no longer needed. There are no other changes proposed to the landscaping.

Elevations

The residential building is 4 stories, 51 feet high, consisting of stucco, decorative cornice molding, canvas awnings, faux shutters, and metal balconies. The height of the building varies slightly from 46 feet to 51 feet and has been designed to break-up the roofline and enhance the overall look of the building. The exterior walls have a stucco finish painted in earth tone colors. The upper floor units will have balconies with wrought iron railings. The clubhouse, leasing office, and various additional amenities are internal to the building.

Floor Plans

No changes are proposed to the floor plans approved with NZC-23-0053.

Applicant's Justification

The applicant is requesting to amend the design review to modify the building elevations, and a waiver to increase building height. The site plan, parking, building footprint, and open space will remain the same as the plans approved by NZC-23-0053. The landscape plan will include the 36 inch box trees along the western boundary required by a condition added to the notice of final action for NZC-23-0053. The minor elevation changes include the inclusion of railings added to the corners of the building and Juliet balconies, white trim on the roofline, and black towers

added to the top of parapets. The parapet height will remain at 48.5 feet with the highest point of the building being 51 feet in height.

Prior Land Use Requests

Application Number	Request	Action	Date
NZC-23-0053	Reclassified from R-E to R-4 zoning for a multiple family residential development, use permit for senior housing, and driveway standards	Approved by BCC	May 2023
VS-23-0054	Vacated and abandoned patent easements	Approved by BCC	May 2023

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Business Employment	IP	Undeveloped
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS2	Single-family residential
East	Compact Neighborhood (up to 18 du/ac)	RS2	Single-family residential
West	Business Employment	IP	Warehouse complex

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

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

Waivers of Development Standards

The applicant shall have the burden of proof to establish that the proposed request is appropriate for its proposed location by showing the following: 1) the use(s) of the area adjacent to the subject property will not be affected in a substantially adverse manner; 2) the proposal will not materially affect the health and safety of persons residing in, working in, or visiting the immediate vicinity, and will not be materially detrimental to the public welfare; and 3) the proposal will be adequately served by, and will not create an undue burden on, any public improvements, facilities, or services.

Waiver of Development Standards #1

The 2% increase will only result in a limited addition to the bulk of the building and will not increase the height of habitable spaces in the lower areas of the building. Residential units will not be constructed above 41 feet with the new plan. Staff can support the height increase.

Waivers of Development Standards #2 & #3

No longer needed.

Design Review

Development of the subject property is reviewed to determine if 1) it is compatible with adjacent development and is harmonious and compatible with development in the area; 2) the elevations, design characteristics and others architectural and aesthetic features are not unsightly or undesirable in appearance; and 3) site access and circulation do not negatively impact adjacent roadways or neighborhood traffic.

The building includes off-set surface planes, an aesthetically pleasing color palette, and parapet walls along the roofline at various heights. The addition of Juliet balconies will enhance the exterior appearance and allow for functional use of doors and windows. The modification to the site for additional parking spaces meets the landscaping requirement. Therefore, staff supports this request.

Department of Aviation

The development will penetrate the 100:1 notification airspace surface for Harry Reid International Airport. Therefore, as required by 14 CFR Part 77, and Section 30.02.26B.3(ii) of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

The property lies just outside the AE-60 (60-65 DNL) noise contour for the Harry Reid 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 Harry Reid International Airport facilities to meet future air traffic demand.

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

- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance.
- Applicant is advised within 2 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; 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

- No comment.

Department of Aviation

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.02.26B of the Clark County Unified Development Code; applicant is advised that many factors may be considered before the issuance of a permit or variance, including, but not limited to, lighting, glare, graphics, etc.;
- No building permits should be issued until applicant provides evidence that a "Determination of No Hazard to Air Navigation" has been issued by the FAA or a "Property Owner's Shielding Determination Statement" has been issued by the Department of Aviation.
- Applicant is advised that the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments; that the FAA's airspace determinations include expiration dates and that separate airspace determinations will be needed for construction cranes or other temporary equipment; 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 at landuse@lasairport.com 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

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Enterprise - approval of waiver of development standards #1 and the design review.

APPROVALS:

PROTESTS:

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