

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-24-0059-FORT APACHE, LTD:**

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** setbacks; **2)** building height; **3)** parking lot landscaping; **4)** required parking; **5)** drive aisle length; **6)** residential adjacency; and **7)** driveway geometrics.

**DESIGN REVIEW** for a proposed multiple family residential (apartment) development on 9.1 acres in an RM32 (Residential Multi-Family 32) Zone.

Generally located on the west side of Fort Apache Road and the south side of Pebble Road within Enterprise. JJ/hw/ng (For possible action)

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RELATED INFORMATION:

**APN:**

176-19-501-006 through 176-19-501-008; 176-19-501-025

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce the street side setbacks for an accessory structure (carport) to 10 feet where 20 feet is required per Section 30.02.10.B (a 50% reduction).
2. Increase the height of a multiple family residential building to 55 feet where the maximum height permitted is 50 feet per Section 30.02.10.B (a 10% increase).
3. Allow alternative parking lot landscaping where parking lot landscaping is required per Section 30.04.01.
4.
  - a. Reduce the number of required electric vehicle (EV) capable parking spaces to 35 spaces where 108 spaces are required per Section 30.04.04.H (a 67% reduction).
  - b. Reduce the number of required EV installed parking spaces to 7 spaces where 13 spaces are required per Section 30.04.04.H (a 46% reduction).
  - c. Reduce the number of required short-term bicycle parking spaces to 15 spaces where 29 spaces are required per Section 30.04.04.J (a 48% reduction).
5. Increase the length of a parking lot drive aisle to 477 feet where 400 feet is the maximum permitted without a break for circulation per Section 30.04.04.H (an 19% increase).
6. Eliminate building height step backs for a building over 35 feet where a 1 foot horizontal step back is required for each foot of height over 35 feet per Section 30.04.06.H.
7. Reduce throat depth to 30.2 feet where 150 feet is the standard per Uniform Standard Drawing 222.1 (an 80% reduction).

**PROPOSED LAND USE PLAN:**

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

## **BACKGROUND:**

### **Project Description**

#### General Summary

- Site Address: N/A
- Site Acreage: 9.1
- Project Type: Multiple family residential development (apartments)
- Density (du/ac): 32
- Number of Units: 288
- Number of Stories: 4
- Building Height (feet): 55
- Square Feet: 142,000 (Building 100)/144,600 (Building 200)/6,890 (clubhouse)/293,490 (total)
- Open Space Required/Provided: 28,800/64,246
- Parking Required/Provided: 431/432
- Sustainability Points Required/Provided: 5/5

#### Site Plans

The plans depict a proposed 293,490 square foot, 288 unit multiple family residential apartment complex on 9.1 acres at the southwest corner of Fort Apache Road and Pebble Road. The plans show that the apartment complex will consist of 2 residential, “F” shaped buildings and a rectangular clubhouse. The northern residential building is shown to have a total of 142,000 square feet with a footprint of 35,500 square feet, while the southern residential building is shown to have a total of 144,600 square feet with a footprint of 36,150 square feet. The 2 residential buildings are shown to be 32.6 feet apart at the closest point on the western side of the buildings. In between, the building is 64,246 square feet of open space, which consists of various courtyards, a dog park, pool complex, basketball and pickleball courts, and a 6,890 square foot clubhouse space located on the eastern portion of the building complex. The plans show that the northern building is set back 72 feet from the Pebble Road, 108.3 feet from Fort Apache Road, and 191.8 feet from the western property line. The southern building is shown set back 89.8 feet from Raven Avenue, 194.6 from the western property line, and 108.6 feet from Fort Apache Road. Surrounding the buildings is the parking area with most of the parking spaces located within the western portion of the site. The drive aisles within the western portion of the parking area are shown to be almost 477 feet long without a break for circulation, which will require a waiver of development standards. In addition, the parking area is supplied with 432 parking spaces where 431 parking spaces are required; however, the plans show that only 35 EV capable spaces and 7 EV charger install spaces will be provided, where 108 spaces and 13 spaces are required, respectively. In addition, the site is being provided with 15 bicycle parking spaces where 29 bicycle parking spaces are required per Code. Several covered carports and enclosed garages are provided along the western, southern, and northern boundaries of the property. The enclosed garages are shown on the western side of the parking lot and are set back 15.2 feet from the western property line, while the covered carports are located throughout the western portion of the site with the closest carport set back 10 feet from Pebble Road, requiring a waiver of development standards. Access to the site is provided by 2 commercial driveways with 1 driveway located along Pebble Road and a main entrance located along Fort Apache Road with both driveways being gated. The gate along Pebble Road is set back 10 feet but will be an emergency access and egress only gate. The driveway along Fort Apache Road contains a call

box set back almost 76 feet from the right-of-way with the gate setback an additional 68.3 feet. The egress gate for the main entrance along Fort Apache Road is set back 39 feet and all 3 gates are swinging gates.

### Landscaping

The plans show that both perimeter, street, and parking lot landscaping is being provided. Along Pebble Road, Fort Apache Road, and Raven Avenue, a 15 foot wide landscape area is being provided consisting of a 5 foot wide landscaping area, a 5 foot wide sidewalk, and a 5 plus foot wide landscaping area with a 6 foot tall decorative wrought iron fence located behind the landscape strip. The street landscaping strip generally contains 2 staggered rows of Willow Acacia (Acacia Salicina) trees set apart approximately 30 feet on center in each row. A total of 57 large street trees are required with 57 large street trees being provided. Along the western property line, a buffering landscape strip has been provided. This landscape strip is 15 feet wide and contains 2 rows of medium Evergreen, Rosewood (Dalbergia Sissoo) trees in 2 staggered rows separated 20 feet on center in each row. An 8 foot decorative wall has been provided behind the buffering landscape strip. Within the parking lot, Sweet Bay (Laurus Nobilis), Rosewood, and Willow Acacia trees have been provided every 6 to 12 spaces as shown per Figure 30.04-1. Within the western portion of the parking lot, diamond figure islands have also been provided instead of the required landscape islands. A total of 72 parking lot trees are required where 84 trees have been provided. Additional landscaping has been provided within the open space between the buildings. A 6.2 foot stem wall is provided along the eastern side of the building complex.

### Elevations

The provided elevations of the buildings on-site show that both residential buildings are identical to each other. Both buildings are 55 feet tall and contain 4 stories. Both buildings are constructed of painted stucco with a grey and blue color scheme. Each façade contains black railing balconies, wall plane changes, roofline variations, color and texture variations, window treatments, and windows of various sizes. The clubhouse serves as the main entrance and is extenuated with a long awning and double commercial doors. The entrances to each door have an aluminum metal awning. The clubhouse is similar in architecture to the primary residential buildings with large and varying windows, large awnings and vertical louvers, varying rooflines, and wall plane changes. The clubhouse is stucco with a blue and grey color scheme and will have a large artwork wrap on the southern and eastern facades. The peak height of the clubhouse is 22.8 feet. The detached garage structures are shown to be a maximum of 12 feet tall with a flat roof, changes in texture and color, and a dormer treatment on all 4 sides. The roll-up doors face the east and are screened by the main buildings and landscaping. The color scheme of the garages matches the main buildings.

### Floor Plans

The plans show that the 2 residential buildings are relatively similar in terms of their unit composition. The plans show that there are a total of 288 units split between the 2 buildings with each building containing 144 units with each floor of the buildings containing 36 units with the count of each unit type for each varying by the building. The plans show that there are 9 unit types with a studio unit, 4 one bedroom unit types, 3 two bedroom unit types, and a 3 bedroom unit. Overall between the 2 buildings, the studio units are 597 square feet and there are 16 total

units. Between the four, 1 bedroom unit types these units range in size from 667 square feet up to 750 square feet with 158 units being provided. The 2 bedroom unit types are all 1,081 square feet with 98 units being provided, and the 3 bedroom unit is 1,338 square feet with 16 units being provided. Additional service rooms, common spaces, and laundry areas are also provided on each floor. The clubhouse is 6,890 square feet and contains an office and leasing area, a gym, common spaces, and bathrooms.

Applicant’s Justification

The applicant states the proposed multiple family development will serve to alleviate the vital need for a variety of housing types within the Las Vegas Valley. The proposed development will provide for 288 units and will provide for more landscaping and open space than what is required by Code. All gates will be properly set back. The applicant states that based on statistical analyses conducted the provided amount of EV charging spaces should be sufficient for the development. The parking area has been designed with the best possible circulation in mind and is sufficiently screened with landscaping. Additionally, the applicant states that many of the waivers being requested will have a minimal impact on the surrounding area and have been previously approved for similar projects.

In addition, the applicant is requesting that the following sustainability initiatives be considered for the satisfying of Title 30 sustainability requirements:

1. Providing at least 10% more trees than required (1 point).
2. Trees provided in parking areas with canopies at maturity cover at least 50% of paved parking area (1 point).
3. Cool roofs provided (1 point).
4. Roof surfaces oriented within 30 degrees of a true east-west direction and flat in a southern direction (1 point).
5. Floor to ceiling height of 9 feet on all floors (1/2 point).
6. Shade device above all building entrances and ADA ramps (1/2 point).

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-0918-05	Reclassified the site from R-E to C-2 zoning for a future neighborhood shopping center	Approved by BCC	July 2005
ZC-0852-97	Reclassified the site from R-E to C-2 zoning for a shopping center - expired	Held Indefinitely	June 1997
WT-0779-95	40 foot tall overhead transmission lines	Approved by PC	June 1995

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Open Lands	RS20	Undeveloped
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac) & Open Lands	RS3.3 & RS20	Single family residential & undeveloped

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
East	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	CG & RS20	Undeveloped
West	Corridor Mixed-Use & Open Lands	RS3.3	Single family residential

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

**Related Applications**

<b>Application Number</b>	<b>Request</b>
PA-24-700002	A plan amendment to redesignate the existing land use category from Corridor Mixed-Use (CM) to Urban Neighborhood (UN) is a companion item on this agenda.
ZC-24-0058	A zone change reclassifying the site from CG to RM32 zoning is a companion item on this agenda.
SDR-24-0060	A sign design review for wall, awning, and entrance signs for an apartment complex is a companion item on this agenda.
VS-24-0061	A vacation and abandonment of a BLM right-of-way grant, patent easements, and rights-of-way 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**

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

Staff finds that in general the purpose of street side setbacks are to not only protect structures from unsafe conditions along the street, but to also protect the streetscape from potentially distracting activities. Staff ultimately finds that in this case, the carports are sufficiently screened from and protected from the right-of-way by way of detached sidewalk and landscaping, and a 6 foot wrought iron fence. For these reasons, staff could support this waiver of development standards, but since staff is not supporting the other waivers, staff cannot support this request.

#### Waivers of Development Standards #2 & #6

Staff finds that the proposed height for the buildings is excessive given that the surrounding area is principally composed of 1 and 2 story residential homes. In addition, the commercial development across the street was only approved for 20 feet tall. Staff finds that the 50 foot allowance for the building within the RM32 zone would already be out of scale for the area but adding an additional 5 feet adds to the bulk of the structure with no step backs to alleviate the overall scale of the building. Staff can appreciate that the building is set back from the adjacent residential, but without some architectural mitigation to reduce the bulk and scale of the structure, staff cannot support these requests.

#### Waiver of Development Standards #3

Normally staff discourages diamond shaped landscaping islands due to their tendency to restrict parking, but since these islands are allowing for additional trees beyond what is required by Code, staff could support this waiver of development standards. However, staff is not supporting the other waivers of development standards; therefore, staff cannot support this request.

#### Waiver of Development Standards #4a & #4b

The purpose of providing EV charging spaces is to support and amplify sustainable modes of transportation. Staff finds that the applicant's parking analysis justifies the reduction in EV capable and installed spaces. Staff finds that based on the applicant's analysis of EV growth for their multiple family projects under a high growth scenario, the EV parking needs for the site by 2030 is 13 parking spaces while the applicant is proposing to provide 42 parking spaces split between 7 installed EV charging spaces and 35 EV charging capable spaces. Based on this analysis, the site will be well equipped with sufficient EV charging spaces for the 2030 scenario and beyond. However, staff finds that the proposed reduction is excessive; therefore, staff cannot support these requests.

#### Waiver of Development Standards #4c

The purpose of providing short-term bicycle parking is to provide alternative and last mile transportation for both residents and employees of the multiple family residential complex. Staff finds that while the area directly surrounding the site is mostly residential in nature, the commercial corridor along Blue Diamond Road is close enough to be able to bike to along with there being several bus lines running along Blue Diamond Road as well. In addition, the site is also not too far from the Red Rock National Recreation Area, which provides several areas for on and off-road biking. For these reasons, staff cannot support this request.

#### Waiver of Development Standards #5

The purpose of not allowing long extended drive aisles without breaks for circulation is to prevent unsafe speeding within parking areas. Staff finds that no alternative or mitigating circumstances have been provided to alleviate the issues that come with long drive aisles. In addition, the project is being developed on raw land that could be designed to have drive aisles that are compliant with Code. For these reasons, staff cannot support this request.

#### 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.

Staff finds that the physical design of the building is attractive with a subtle color scheme and 4 sided architecture which contain several architectural features that create a modern and contemporary feel for the building. The site design of the building complex seamlessly integrates the required open space area with the 3 buildings for easy access. The location of the buildings, pedestrian walkways, building entrance location and design, and parking on the site is typical of multiple family residential developments and, while the buildings are not sited along the street, is responsive to the surrounding area, as the pedestrian realm is not well developed in this area of Fort Apache Road and sufficient screening and landscaping have been provided. The provided sustainability initiatives are sufficient for the type of development being proposed. In addition, the site is providing a significant amount of landscaping, which helps to soften the appearance of the site from the surrounding streets and create shading opportunities. With that said, staff does have concerns regarding the design of the project. Staff finds that the overall complex size is quite large and the scale and bulk of the buildings are out of scale for the surrounding area. The buildings will tower over the surrounding single family residential and commercial uses. While sufficient landscaping has been provided, staff does not find that this is sufficient to address the sheer bulk of the buildings. In addition, no architectural mitigation measures have been provided to address the bulk of the buildings. Furthermore, staff has concerns that the location of this use and its size is inappropriate for the area and does not concur with the applicant that this is a suitable transitional use at this location. Overall, staff finds that the buildings are attractive, and the use is much needed, but finds that the proposed location makes the use inappropriate and out of place. Staff also finds that the proposed multiple family project does not comply with Policy 1.3.3 of the Master Plan which encourages the integration of grocery stores, restaurants, medical offices, and other daily needs as part of or adjacent to new neighborhoods to minimize the need for longer vehicle trips, and Policy EN-5.3 which promotes limiting the conversion of commercial lands for the purposes of residential development. For these reasons, and the fact that staff is not supporting the proposed plan amendment and zone change, staff cannot support this design review nor the design reviews for parking lot location, alternative pedestrian connectivity, and entrance design.

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

#### **Waiver of Development Standards #7**

Staff has no objection to the reduced throat depth for the driveway on Fort Apache Road, the applicant has placed the gates and call box farther into the site which will provide more room for vehicles to exit the right-of-way and will reduce stacking in the right-of-way to avoid collisions. However, since Planning is recommending denial of the application, staff cannot support this waiver.

### **Staff Recommendation**

Denial. This item has been forwarded to the Board of County Commissioners' meeting for final action.

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.

## **STAFF CONDITIONS:**

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

- Right-of-way dedication to include 35 feet to the back of curb for Pebble Road and 25 feet to the back of curb for Raven Avenue **and 54 foot property lines radius;**

**PLANNING COMMISSION ACTION:** April 16, 2024 – APPROVED – Vote: Aye: Castello, Kirk, Lee, Mujica, Stone: Nay: Kilarski Absent: Frasier

### **Comprehensive Planning**

- 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 approval of an application for a zoning inspection.
- 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**

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 35 feet to the back of curb for Pebble Road and 25 feet to the back of curb for Raven Avenue;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for any collector street or larger;
- 90 days to record required right-of-way dedications and any corresponding easements for any collector street or larger;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Fort Apache improvement project;
- Applicant to coordinate a contribution with Public Works for the Fort Apache improvement project.
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb, the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control, and that signs, structures, and landscaping shall not encroach into public right-of-way, easements, or sight-visibility zones.

**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; and 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 and reference POC Tracking #0091-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

WAIVER OF DEVELOPMENT STANDARDS #4 WAS WITHDRAWN WITHOUT PREJUDICE.

**TAB/CAC:** Enterprise - denial.

**APPROVALS:** 2 cards

**PROTESTS:** 7 cards, 1 letter

**APPLICANT:** THE CALIDA GROUP

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