

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-24-400074 (NZC-21-0209)-LEXILAND LLC ETAL:

ZONE CHANGE FIRST EXTENSION OF TIME to reclassify 13.61 acres from a CG (Commercial General) Zone to an RM32 (Residential Multi-Family 32) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** building height; and **2)** parking.

DESIGN REVIEWS for the following: **1)** multi-family residential development; and **2)** finished grade.

Generally located on the north side of Warm Springs Road, the west side of Redwood Street, and the south side of Capovilla Avenue within Enterprise (description on file). MN/mh/syp (For possible action)

RELATED INFORMATION:

APN:

176-02-401-022

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase building height to 37 feet where 35 feet is the maximum allowed per Table 30.40-3 (a 6% increase).
2. Reduce parking to 598 spaces where 627 spaces are required per Table 30.60-1 (a 5% reduction).

DESIGN REVIEWS:

1. Multi-family residential development.
2. Increase finished grade to 88 inches where a maximum of 18 inches is the standard per Section 30.32.040 (a 389% increase).

LAND USE PLAN:

ENTERPRISE - BUSINESS EMPLOYMENT

ENTERPRISE - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 13.61
- Number of Units: 330
- Density (du/ac): 21.4
- Project Type: Multi-family residential development

- Number of Stories: 3
- Building Height (feet): 37
- Open Space Required/Provided: 33,000/118,616
- Parking Required/Provided: 627/598

Site Plan

The approved site plan depicts a multi-family residential development with a gated entrance/exit provided from Warm Springs Road along the south side of the site. A secondary exit-only driveway is provided in the northeast portion of the site onto Redwood Street. Pedestrian access gates are provided to the Capovilla Avenue cul-de-sac to the north and Redwood Street to the east. Twenty separate multi-family residential buildings are located throughout the site, and overall setbacks include 70 feet to the northern property line, 20 feet to the eastern property line along Redwood Street, 30 feet to the southern property line along Warm Springs Road, and 15 feet to the western property line. The need for increased grade is due to topography as the site is lower towards the center. Internal drive aisles provide access to parking spaces throughout the site, which include open parking spaces, parking spaces covered by carports, and garages. A waiver of development standards is necessary to reduce parking to 598 spaces where 627 spaces are required. The reduction in parking spaces mostly consists of the additional parking requirement due to enclosed spaces. Since 200 parking spaces are provided in garages, an additional 40 parking spaces are required. The applicant is proposing to reduce parking by 29 spaces. An amenity area is centrally located on the site, which includes a recreation building, fitness building, and pool with shade structures. Over 118,000 square feet of open space is provided where 33,000 square feet is required.

Landscaping

Perimeter landscaping meets Title 30 standards. East of the Capovilla Avenue cul-de-sac, perimeter landscaping along the northern property line includes a 10 foot wide landscape strip. Adjacent to Capovilla Avenue and behind an attached sidewalk, landscaping includes a 6 foot wide landscape strip, a wrought iron fence, and a 10 foot wide landscape strip. Along Redwood Street and behind an attached sidewalk, landscaping includes a 10 foot wide landscape strip and a wrought iron fence. Along the south property line adjacent to Warm Springs Road, landscaping includes a 5 foot wide landscape strip, a detached sidewalk, and a 5 foot wide landscape strip. A wrought iron fence is located behind the landscaping. Along the west property line, landscaping includes a 10 foot wide landscaping strip. Internal to the site, landscaping is provided throughout the parking lot, between buildings, and within the amenity areas.

Elevations

The approved 3 story multi-family residential buildings extend up to 37 feet in height, which requires a waiver of development standards. Exterior materials include painted stucco with a cool gray palette, stone veneer, railings around balconies, and metal awnings. Additionally, the apparent mass of the building is reduced by off-set surface planes and parapet walls along the roofline at different heights.

Floor Plans

Overall, the approved project includes 115, one bedroom units and 215, two bedroom units. A recreation building near the center of the site, which includes a clubhouse, leasing center, and

restrooms is 4,500 square feet. A separate fitness studio, pool equipment, and maintenance building is 2,443 square feet.

Signage

Signage is not a part of this request.

Previous Conditions of Approval

Listed below are the approved conditions for NZC-21-0209:

Current Planning

- Resolution of Intent to complete in 3 years;
- Work with the Las Vegas Metropolitan Police Department for the installation of security cameras and surveillance operation;
- Lease agreements for the units shall stipulate that garages shall be limited to parking and that they can be inspected monthly to verify that they are not being used for storage;
- 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 new application for a nonconforming zone boundary amendment may be required in the event the building program and/or conditions of the subject application are proposed to be modified in the future; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that 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.

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 5 feet for Redwood Street, and a portion of a cul-de-sac for Capovilla Avenue as determined by Public Works - Development Review;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements;
- 90 days to record required right-of-way dedications and any corresponding easements;
- Vacate the right-of-way for the elbow on Capovilla Avenue as determined by Public Works - Development Review;
- If required by the Regional Transportation Commission (RTC), vacate the existing bus turnout right-of-way and related easements and dedicate right-of-way and new easements and construct a combination bus turnout/right turn lane at the entrance to the site on Warm Springs Road, including 5 foot by 25 foot passenger loading/shelter area in accordance with RTC standards.

- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control; and 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.

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.

Building Department - Fire Prevention

- 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.

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 #0024-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require a new POC analysis.

Applicant's Justification

The applicant is requesting a 3 year extension of time to allow improvement plans to be completed. The applicant adds that changes in property ownership have caused delays for the development of the site.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-22-0459	Electric substation and equipment, transmission lines, and utility structures	Approved by BCC	January 2023
NZC-21-0209	Reclassified the site from C-2 to R-4 zoning for a multi-family development	Approved by BCC	August 2021
LUP-20-700005	Request to redesignate the land use category to RUC (Residential Urban Center) - process cancelled	N/A	N/A
ZC-1929-05 (ET-0002-09)	First extension of time for a zone change to reclassify the site to U-V zoning for a mixed-use development - expired	Approved by BCC	April 2009
WS-0296-07	Allow noise associated with construction to occur during non-daytime hours	Approved by PC	May 2007

Prior Land Use Requests

Application Number	Request	Action	Date
DR-1554-06	Signage, lighting, and parking - expired	Approved by BCC	December 2006
TM-0227-06	479 residential condominium units - expired	Approved by PC	July 2006
ZC-1929-05	Reclassified the site to U-V zoning for a mixed-use development - expired	Approved by BCC	January 2006
ZC-1607-03	Reclassified the western portion of the site to C-2 zoning	Approved by BCC	November 2003
ZC-0850-03	Reclassified the central portion of the site to C-2 zoning	Approved by BCC	July 2003
ZC-1623-02	Reclassified the eastern portion of the site to C-2 zoning	Approved by BCC	December 2002

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Business Employment & Corridor Mixed-Use	RM50 & CG	Multi-family residential and shopping center
South	Corridor Mixed-Use & Compact Neighborhood (up to 18 du/ac)	CG & RM18	Single-family subdivision & shopping center
East	Compact Neighborhood (up to 18 du/ac)	RM18	Multi-family residential
West	Corridor Mixed-Use	CG	Shopping center

The subject site is 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

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.

Since approval of the original application, the applicant has completed a drainage study (PW22-16337) and geo-soils study (PW22-19079) with Public Works. The applicant has additional permits in process with Public Works showing progress toward commencement of the project.

While staff can support this extension of time request, staff may not be able to support a future extension of time request if significant progress towards completion of the development has not been demonstrated.

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 August 4, 2026 to complete or the application will expire unless extended with approval of an extension of time;
- 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 a lack of necessary public services in the area.
- 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; 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

- Compliance with previous conditions.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Enterprise - approval.

APPROVALS:

PROTEST:

APPLICANT: WARMINGTON APARTMENT COMMUNITIES, INC

CONTACT: THE WLB GROUP, 3663 EAST SUNSET ROAD, SUITE 204, LAS VEGAS,
NV 89120