

06/04/24 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-23-0908-KELLER CACTUS HILLS, LLC:**

**WAIVER OF DEVELOPMENT STANDARDS** for reduced landscaping in conjunction with an existing mixed-use development.

**DESIGN REVIEW** for landscaping and open space for modification to a parking area in conjunction with an existing mixed-use development on 8.26 acres in a U-V (Urban Village) Zone.

Generally located on the east side of Dean Martin Drive, 660 feet south of Cactus Avenue within Enterprise. JJ/bb/ng (For possible action)

---

RELATED INFORMATION:

**APN:**

177-32-111-001; 177-32-111-002

**WAIVER OF DEVELOPMENT STANDARDS:**

1. a. Waive parking lot landscaping where required per Figure 30.64-14.
- b. Allow 3 trees for a freeway buffer where 8 trees are required per Figure 30.64-4 (a 63% reduction).

**LAND USE PLAN:**

ENTERPRISE - MID-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 8 DU/AC)

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 10650 Dean Martin Drive
- Site Acreage: 2.37 (commercial lot)/5.89 (residential lot)
- Number of Units: 210
- Density(du/ac): 25.3
- Project Type: Mixed-use development
- Number of Stories: 4 (residential)/1 (commercial)
- Building Height (feet): 27 (commercial)/12 (detached enclosed parking garages)/53 to 55 (residential)
- Open Space Required/Provided: 1.18 (acres)/1.18 (acres)
- Parking Required/Provided: 362/362 (approved by WS-20-0224)

Site Plans

The plans depict an existing horizontal mixed-use development consisting of the following elements: 1) residential; 2) commercial; 3) open space indoor and outdoor amenity areas; 4)

detached, enclosed parking garages; and 5) substantial amounts of useable open space. The residential component consists of 210 units at a density of 25.3 dwelling units per acre. The commercial component consists of pad sites along the Dean Martin Drive frontage. Access to the site is via driveways along Dean Martin Drive. This project completed construction, and full off-site improvements exist along Dean Martin Drive. A wall was built along the east side of the property adjacent to I-15. The applicant is proposing 18 parallel and two 90 degree parking spaces along the east side of the property adjacent to I-15 where an exercise trail and landscaping exist.

### Landscaping

The existing development includes a total of 1.53 acres of open space plus additional open space that was installed on flood channel property at the northwest entrance of the development. Open space consists of the following: 1) 12 foot wide intense landscape buffers with exercise trail and workout stations along the north and south property lines between the property line and parking; 2) a 5 foot to 20 foot wide landscape area remaining adjacent to the east side of the residential building; 3) a 20 foot wide streetscape along Dean Martin Drive to match adjacent meandering sidewalk and landscape materials, which is adjacent to an additional 20 foot wide pedestrian realm with seating amenities and other amenity zone provisions; 4) 2 swimming pools connected by a lazy river; 5) 2 spas; 6) 2 dog parks; 7) community center; and 8) passive and active open space within the courtyard area near the pools. The pedestrian circulation plan depicts pedestrian movement and convenient access throughout the site. Additional open space includes terraces, lounge, and outdoor decks.

The plan depicts the conversion of a 0.35 acre portion of the 50 foot wide by 400 foot landscape area (0.46 acre) between the residential building and I-15 right-of-way to 18 parallel and two 90 degree parking spaces, and a 24 foot wide fire access driveway. This includes the loss of 8 required freeway buffer trees and an additional 8 trees that were planted in this area. A landscaped area will remain adjacent to the building. No changes are proposed to the existing wall adjacent to I-15. Freeway buffer landscaping requires 8 trees in this area, which are also considered parking lot trees. The Southern Highlands HOA conducted a development design review of the plans and approved the proposed trees.

### Elevations

No changes are proposed to existing elevations.

### Floor Plan

No changes are proposed to existing floor plans.

### Applicant's Justification

The applicant indicates the request will provide 20 additional parking spaces that are needed to accommodate residents and visitors. The residential portion of the original development was purchased separately from the commercial development. Significant restrictions have been placed on the residential use of the commercial parking spaces by the current owner of the commercial parcel. The 20 new parking spaces will reduce the required number of freeway buffer trees to 3 where 8 are required. The original site plan approval included 1.53 acres of open

space where 1.18 acres is required. The remaining open space will serve the area and meet the intent of the mixed-use Code for residents.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
WS-20-0224	Reduced parking to 362 spaces	Approved by BCC	July 2020
WC-20-400051 (ZC-0217-15)	Waiver of conditions for a zone change requiring the restaurant shown on the plans is limited to 2,800 square feet and will be the only food service operation permitted on the property in conjunction with an existing mixed-use development	Approved by BCC	July 2020
TM-19-500124	1 commercial lot and 1 residential lot	Approved by PC	August 2019
DR-18-0950	Signage and lighting	Approved by BCC	January 2019
ZC-0217-15	Reclassified the site to U-V zoning for a horizontal mixed-use development consisting of 212 units and commercial pad sites along Dean Martin Drive	Approved by BCC	June 2015
NZC-0832-13 (WC-0137-14)	Waived conditions of a nonconforming zone boundary amendment related to maximum density	Withdrawn	December 2014
NZC-0832-13	Reclassified the site from R-E to R-3 zoning for a multi-family development	Approved by BCC	September 2014

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-E	Undeveloped & flood control facility
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single-family residential
East	I-15 & Entertainment Mixed-Use	H-1	I-15 & undeveloped
West	Compact Neighborhood (up to 8 du/ac)	R-3	Commercial office & retail

**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**

#### Waiver 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.

The proposed plan will make pedestrian access more difficult along the east side of the building and serve the north and south connection for pedestrian access. The proposed plan will force pedestrians to walk on a paved access roadway intended for vehicles. The proposed removal of 5 trees along the interstate would not meet the intent of the freeway buffer requirement found in Title 30. The trees could be maintained, and a landscape strip preserved along the east property line, if the parallel parking spaces were located next to the building. Decreasing the buffer between the residential use and I-15 freeway is not consistent with the Master Plan Policy 1.4.5 dealing with buffers and transitions. If this application is approved, staff finds that the loss of 5 trees needs to be mitigated by planting 5 trees elsewhere on the site in locations to shade parking and drive aisles. Therefore, staff does not 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.

The addition of 20 parking spaces will improve parking availability for the residential apartments and translate into less of the commercial parking spaces being used for residents. The removal of a pedestrian trail along the east side of the building does not meet the intent of the pedestrian connectivity plan provided with ZC-0217-15. The proposed plan impacts an area of approximately 45 feet by 345 feet between the building and east property line. While the additional parking would not decrease the required open space for the existing apartment use, the loss of trees and a trail, and the location of the parking spaces adjacent to the freeway wall, would promote an undesirable aesthetic adjacent to I-15. The freeway buffer could be maintained if parking were adjacent to the building and located on the west side of the driveway. Therefore, staff does not support this request.

### **Staff Recommendation**

Denial.

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**

If approved:

- Plant 5 large trees on the property in locations to provide shade to parking spaces and drive aisles;
- Provide a pedestrian connection approved by staff between the building and the new parking spaces;
- 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; 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; 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.

### **Fire Prevention Bureau**

- No comment.

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

- No comment.

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

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** ACG DESIGN

**CONTACT:** NATHAN JONES, ACG DESIGN, 4310 CAMERON STREET, SUITE 12-A,  
LAS VEGAS, NEVADA 89103