

MULTIPLE FAMILY RESIDENTIAL
(TITLE 30)

WARM SPRINGS RD/REDWOOD ST

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-21-0209-LEXILAND, LLC, ETAL & ROOHANI KHUSROW FAMILY TRUST:

ZONE CHANGE to reclassify 13.7 acres from a C-2 (General Commercial) Zone to an R-4 (Multiple Family Residential - High Density) Zone.

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

DESIGN REVIEWS for the following: 1) multiple family residential development; and 2) finished grade in the CMA Design Overlay District.

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/jt/jd (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 586 spaces where 627 spaces are required per Table 30.60-1 (a 7% reduction).

DESIGN REVIEWS:

1. Multiple 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 AND DESIGN/RESEARCH PARK

ENTERPRISE - COMMERCIAL GENERAL

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 13.7

- Number of Units: 330
- Density (du/ac): 21.4
- Project Type: Multiple family residential development
- Number of Stories: 3
- Building Height (feet): 37
- Open Space Required/Provided: 33,000/118,616
- Parking Required/Provided: 627/586

Neighborhood Meeting Summary

The required notices were mailed to a 1,500 foot radius from the project site notifying property owners of a neighborhood meeting, which was held virtually on March 4, 2021 at 5:30 p.m. One person attended the meeting, and the attendee was in support of the project.

Site Plan

The site plan depicts a multiple 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 multiple 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 586 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 41 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 3 story multiple 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, railing 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 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.

Applicant's Justification

According to the applicant, the project is appropriate at this location, consistent with the goals and policies in the Comprehensive Master Plan, and compliant with the intent of Title 30. In addition, the applicant states that the alternative design standards are appropriate. For example, the increased finished grade is due to the topography of the site and to maintain proper drainage. Additionally, the reduction in parking is less than 10%, and the increase in building height will accommodate higher ceiling heights and supplementary architectural features along the roofline to enhance the visual appeal.

Prior Land Use Requests

Application Number	Request	Action	Date
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 to reclassify the site to U-V zoning for a mixed-use development - expired	Approved by BCC	April 2009
WS-0296-07	Allow construction noise during non-daytime hours - expired	Approved by PC	May 2007
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

Prior Land Use Requests

Application Number	Request	Action	Date
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	Existing Land Use
North	Commercial General & Business and Design/Research Park	C-2 & U-V	Undeveloped
South	Residential High (8 du/ac to 18 du/ac) & Commercial General	R-3 & C-2	Single family subdivision & shopping center
East	Residential High (8 du/ac to 18 du/ac)	R-3	Multiple family residential
West	Commercial General	C-2	Shopping center

Related Applications

Application Number	Request
VS-21-0210	A vacation and abandonment of easements and right-of-way is a companion item on this agenda.

STANDARDS FOR APPROVAL:

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

Analysis

Current Planning

Zone Change

The applicant shall provide Compelling Justification that approval of the nonconforming zoning boundary amendment is appropriate. A Compelling Justification means the satisfaction of the following criteria as listed below:

- 1. A change in law, policies, trends, or facts after the adoption, readoption or amendment of the land use plan that have substantially changed the character or condition of the area, or the circumstances surrounding the property, which makes the proposed nonconforming zone boundary amendment appropriate.*

Since the 2014 adoption of the Enterprise Land Use Plan, substantial commercial and employment development have been approved in the area. For example, Rainbow Boulevard is

an arterial street that is predominately planned for commercial uses. With this additional commercial development, the demand for housing has increased. This constitutes a change in trends since the previous adoption of the Enterprise Land Use Plan that would make the proposed R-4 zoning appropriate.

2. *The density and intensity of the uses allowed by the nonconforming zoning is compatible with the existing and planned land uses in the surrounding area.*

The area northwest of this site is planned for Commercial General uses, and the area northeast of the site was approved for a mixed-use development with a density of 27 dwelling units per acre and a height of 42 feet. East of the site across Redwood Street is an R-3 zoned multiple family residential development with 360 units and a density of 17.7 dwelling units per acre. South of the site across Warm Springs Road is a single family residential development with 7.6 dwelling units per acre and a shopping center, which includes a grocery store. Directly west of the site is an additional shopping center. Therefore, the proposed R-4 zoning is compatible with the density and intensity of existing and planned land uses in the area, and it will provide an appropriate transition from the R-3 zoned multiple family development to the east and the R-3 zoned single family development to the south to the more intense commercial development to the west.

3. *There will not be a substantial adverse effect on public facilities and services, such as roads, access, schools, parks, fire and police facilities, and stormwater and drainage facilities, as a result of the uses allowed by the nonconforming zoning.*

There has been no indication from the utility purveyors that the proposed nonconforming zone boundary amendment would create an adverse effect on public facilities and services. However, the Clark County School District indicates that Canarelli Middle School and Sierra Vista High School were over capacity for the 2020-2021 school year.

4. *The proposed nonconforming zoning conforms to other applicable adopted plans, goals, and policies.*

The proposed nonconforming zone boundary amendment conforms to several goals and policies in the Comprehensive Master Plan. For example, Goal 2 encourages, in part, providing opportunities to mix uses such as commercial, office, and multiple family residential near one another. In addition, Goal 10 promotes higher intensity activity centers with multiple uses such as business, commercial, and multiple family residential. Lastly, Growth Management, Community Design Policy 6 encourages the adjacency of living and employment opportunities; therefore, the location of the proposed R-4 residential zoning district is appropriate adjacent to the existing and planned commercial development.

Summary

Zone Change

A substantial increase in commercial development in the area since the last adoption of the Enterprise Land Use Plan has contributed to an increased demand for housing. In addition, the proposed R-4 zoning is compatible with the density and intensity of the surrounding development and planned uses. Lastly, the utility purveyors have not indicated that the zoning would negatively impact public facilities and services, and the proposed zoning complies with goals and policies in the Comprehensive Master Plan; therefore, staff can support the nonconforming zone boundary amendment to R-4 zoning.

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 location of the proposed development is adjacent to existing commercial development to the west, which includes buildings up to 34 feet high, and planned commercial development to the northwest, which could allow buildings up to 50 feet high. In addition, the adjacent mixed-use project to the northeast was approved at a height of 42 feet. Lastly, the abutting existing residential development is separated from the site by Redwood Street and Warm Springs Road; therefore, the increase in height is appropriate for the area, and it will not create any negative visual impacts. In fact, the additional height will add architectural interest to the roofline by helping to break-up the visual mass of the buildings.

Waiver of Development Standards #2

Land Use Goal 3 encourages, in part, opportunities to reduce automobile dependence, and Goal 4 encourages, in part, pedestrian connections between all development types. The location of the development and surrounding pedestrian access gates will encourage residents to walk to the adjacent and abutting commercial development, including the grocery store to the southwest. This will help reduce automobile dependence, reduce air pollution, and reduce the demand for parking spaces. As a result, staff does not anticipate any negative impacts from the overall reduction in parking spaces, which is less than 10%.

Design Review #1

The proposed multiple family residential development complies with several Urban Specific Policies in the Comprehensive Master Plan. For example, Policy 51 encourages several amenities such as usable open space, swimming pools, and community centers; Policy 54 encourages multiple family buildings to be oriented in varying directions to avoid the monotony of a linear pattern; and Policy 55 encourages design alternatives to reduce the visual mass of buildings. With this development, the project provides several amenities including open space, a swimming pool, clubhouse, and fitness center. In addition, the buildings are oriented at different directions throughout the site, and the buildings include off-set surface plans, a pleasing color

palette, and parapet walls along the roofline at various heights; therefore, the development complies with policies in the Comprehensive Master Plan, and staff can support the request.

Public Works - Development Review

Design Review #2

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.

Department of Aviation

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

Staff Recommendation

Approval. This item will be forwarded to the Board of County Commissioners' meeting for final action on August 4, 2021 at 9:00 a.m., unless otherwise announced.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

- Resolution of Intent to complete in 3 years;
- 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.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: WARMINGTON GROUP

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