

11/20/24 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WC-24-400111 (ZC-1965-04)-WIGWAM-PARVIN LIMITED PARTNERSHIP:

WAIVERS OF CONDITIONS of a zone change requiring the following: **1)** a 45 foot setback on Las Vegas Boulevard South; **2)** 20 foot minimum setback along all other street frontages; and **3)** 20 foot wide landscape buffer with medium trees, 24 inch box in size, with shrubs to cover 50% of the landscape area and a detached sidewalk along Las Vegas Boulevard South unless prohibited by NDOT in conjunction with a proposed multi-family residential development on 9.23 acres in a CR (Commercial Resort) Zone.

Generally located on the east side of Las Vegas Boulevard South and the south side of Jo Rae Avenue within Enterprise. MM/hw/kh (For possible action)

RELATED INFORMATION:

APN:

177-28-201-010; 177-28-201-011; 177-28-201-015 through 177-28-201-016

LAND USE PLAN:

ENTERPRISE - ENTERTAINMENT MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 9.23
- Project Type: Multi-family residential development
- Number of Units: 470
- Density (du/ac): 50.93
- Number of Stories: 4 (Building 1)/5 (Building 2)
- Building Height (feet): 60 (Building 1)/70 (Building 2)
- Square Feet: 181,448 (Building 1)/213,052 (Building 2)/394,500 (total)
- Open Space Required/Provided: 47,000/78,800
- Parking Required/Provided: 727/740
- Sustainability Required/Provided: 5/5

Plans, History, & Request

The existing site was originally rezoned from C-1 (Local Business) Zone (now CG) to H-1 (Limited Resort and Apartment) Zone (now CR) in December of 2004 through ZC-1965-04 to allow the subject property to be developed as a 248 unit mixed-use, condominium tower and shopping center. At the time, the proposed building would have included 32 stories of

residential, restaurant, retail, and resort type amenity spaces with the tower reaching up to 359 feet.

The applicant is now requesting to construct a 470 unit, multi-family residential development consisting of 2 buildings that will be between 60 feet to 70 feet tall and will consist strictly of multi-family residential units, through the companion application UC-24-0521. In order to construct the proposed multi-family development, conditions related to setbacks along Las Vegas Boulevard South, Pyle Avenue, and Jo Rae Avenue need to be waived to reduce the building setbacks along these frontages as the buildings have been designed to be more street forward. The other condition that the applicant is requesting to be waived is the requirement of a 20 foot wide landscape buffer along Las Vegas Boulevard South, with the applicant providing a Title 30 compliant 15 foot wide buffer instead.

Previous Conditions of Approval

Listed below are the approved conditions for ZC-1965-04:

Comprehensive Planning

- Subject to no resolution of intent and staff preparing an ordinance to adopt the zoning;
- A 45 foot setback on Las Vegas Boulevard South;
- A maximum building height of 300 feet;
- 20 foot minimum setbacks along all other street frontages;
- 20 foot wide landscape buffer with medium trees, 24 inch box in size, with shrubs to cover 50% of the landscape area and a detached sidewalk along Las Vegas Boulevard South unless prohibited by NDOT;
- No turf within the 20 foot wide landscaped area;
- A design review as a public hearing;

Public Works – Development Review

- Right-of-way dedication to include proportionate width for a 110 foot wide street plus sidewalk width to be determined by Nevada Department of Transportation on Las Vegas Boulevard South for the portion that the applicant owns, 40 feet for Pyle Avenue, and 30 feet for Giles Street;
- Drainage and traffic study and compliance; traffic study to also address dedication and construction of a bus turn out, including passenger loading shelter area in accordance with Regional Transportation Commission standards;
- Full off-sites;
- Off-sites on Las Vegas Boulevard South to be determined by Nevada Department of Transportation;
- If public sidewalk does not abut back of curb and/or is meandering in design, applicant to either 1) dedicate the aforementioned rights of way, grant necessary pedestrian access easements and sign a License and Maintenance Agreement for non-standard improvements located within the right-of-way, or 2) dedicate rights-of-way to back of curb, grant necessary pedestrian access and utility easements;
- All applicable vacations to be recordable prior to building permit issuance or applicable map submittal;

Clark County Department of Aviation

- Filing Federal Aviation Administration (FAA) Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, as the development will exceed 200 feet above ground level;
- Alternatively, the applicant may submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- As required by Section 30.48.120 of the Clark County Unified Development Code, receive either a permit from the Director of Aviation or a variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction;
- No building permits will be released for the project prior to the Department of Aviation notifying Zoning Plan Check that the applicant has received all necessary airspace approvals;
- All applicable standard conditions for this application type.
- Applicant is advised that the FAA's determination is advisory in nature and does not guarantee the Director's permit or an AHABA variance will be approved; and that a standard condition of approval for a Director's permit or an AHABA variance is the granting of an aviation easement.

Applicant's Justification

The applicant states that due to the height of the previously approved condominium tower being over 300 feet, an increased setback and street landscaping strip made sense in order to buffer the buildings from the street and surroundings. The applicant further indicates that since the now proposed multi-family residential complex is much shorter at 70 feet, the increased setbacks and buffer are unnecessary. They state that the proposed setback intrusions now are minor and the landscape buffer is otherwise compliant with Title 30.

Prior Land Use Requests

Application Number	Request	Action	Date
VS-0669-06	Vacated and abandoned patent easements - recorded	Approved by PC	June 2006
ZC-1965-04	Reclassified the site from the C-1 to H-1 zoning for a shopping center and condominium tower	Approved by BCC	December 2004
ZC-1963-99	Reclassified the site from R-E to C-2 (reduced to C-1) zoning for a mini-warehouse facility	Approved by BCC	February 2000

Surrounding Land Use*

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North, South, & West	Entertainment Mixed-Use	CR	Undeveloped
East	Entertainment Mixed-Use	CR & RM18	Undeveloped

The subject site is within the Public Facilities Needs Assessment (PFNA) area. The Duck Creek Channel is located directly to the east with a small portion to the south of the property.

Related Applications

Application Number	Request
VS-24-0520	A vacation and abandonment of easements and rights-of-way is a companion item on this agenda.
UC-24-0521	A use permit for a 470 unit multi-family residential development 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

Staff finds that these original conditions related to setbacks and street landscaping were primarily the result of the previously proposed 359 foot tall tower and the increased setbacks and street landscaping were used to better buffer the massing of the building from Las Vegas Boulevard South and the surrounding development. Staff concurs that, given the buildings now being proposed are much shorter and are much more in line with the scale of the surrounding area, the conditions previously imposed are no longer necessary and the standard setback and landscaping requirements of Title 30 should be sufficient to temper any issues regarding the building. In addition, planning trends have changed significantly since the original zone change approval and the placement of multi-family structures closer to the street has become more accepted as a way to promote the pedestrian connections to the street. For these reasons, staff can support these waivers of conditions.

Staff Recommendation

Approval.

Approval of the waivers of conditions request constitutes a finding by the Commission/Board that the conditions will no longer fulfill its intended purpose.

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:

Public Works - Development Review

- No comment.

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 #0290-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC:

APPROVALS:

PROTEST:

APPLICANT: JANET GOYER

CONTACT: JANET GOYER, OVATION CONTRACTING, INC., 10650 W. CHARLESTON BOULEVARD, SUITE 150, LAS VEGAS, NV 89135