

MULTIPLE FAMILY
RESIDENTIAL DEVELOPMENT
(TITLE 30)

BOULDER HWY/RUSSELL RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ZC-21-0632-DUCK CREEK APTS, LLC:

ZONE CHANGES for the following: **1)** reclassify 1.6 acres from a C-2 (General Commercial) Zone to an R-5 (Apartment Residential) Zone; and **2)** reclassify 1.1 acres from an R-3 (Multiple Family Residential) Zone to an R-5 (Apartment Residential) Zone.

WAIVER OF DEVELOPMENT STANDARDS to reduce the front setback.

DESIGN REVIEWS for the following: **1)** multiple family residential development on 1.6 acres in an R-5 (Apartment Residential) Zone; **2)** multiple family residential development on 1.1 acres in an R-5 (Apartment Residential) Zone; **3)** modifications to an existing multiple family residential development on 20.2 acres in an R-3 (Multiple Family Residential) Zone; and **4)** finished grade on 2.7 acres in an R-5 (Apartment Residential) Zone.

Generally located on the northeast side of Boulder Highway, 575 feet northwest of Russell Road within Whitney (description on file). JG/jt/jd (For possible action)

RELATED INFORMATION:

APN:

161-27-801-018 through 161-27-801-020

WAIVER OF DEVELOPMENT STANDARDS:

Reduce the front setback to 15 feet where 20 feet is required per Table 30.40-3 (a 25% reduction).

DESIGN REVIEWS:

1. A 54 unit multiple family residential development.
2. A 32 unit multiple family residential development.
3. Modifications to an existing 363 unit multiple family residential development.
4. Increase finished grade to 42 inches where a maximum of 18 inches is the standard per Section 30.32.040 (a 133% increase).

LAND USE PLAN:

WHITNEY - COMMERCIAL TOURIST

BACKGROUND:

Project Description

General Summary

Northern R-5 Zoned Portion

- Site Address: N/A
- Site Acreage: 1.6
- Number of Units: 54
- Density (du/ac): 36
- Project Type: Multiple family residential development
- Number of Stories: 3
- Building Height (feet): 39
- Open Space Required/Provided: 5,400/8,845
- Parking Required/Provided: 80/80

Southern R-5 Zoned Portion

- Site Address: N/A
- Site Acreage: 1.1
- Number of Units: 32
- Density (du/ac): 29
- Project Type: Multiple family residential development
- Number of Stories: 3
- Building Height (feet): 39
- Open Space Required/Provided: 3,200/4,116
- Parking Required/Provided: 54/54

Existing Central R-3 Zoned Portion

- Site Address: 6275 Boulder Highway
- Site Acreage: 20.2
- Number of Units: 363
- Density (du/ac): 18
- Project Type: Multiple family residential development
- Number of Stories: 2
- Building Height (feet): 32
- Open Space Required/Provided: 79,000/95,000
- Parking Required/Provided: 674/702

Site Plan & Requests

The site plan depicts an existing 363 unit multiple family residential development with access from Boulder Highway. Internal drive aisles provide access to 52 separate multiple family buildings, and parking spaces are dispersed throughout the site. This application includes requests to reclassify the zoning on 2 adjacent parcels to R-5 to allow for an additional multiple family residential building on each parcel. Access to the northern and southern R-5 zoned parcels will be provided from within the existing R-3 zoned multiple family residential complex.

No parking spaces will be removed from the existing multiple family complex. Instead, access to the adjacent proposed multiple residential family buildings will be from existing drive aisles.

The northern triangular shaped parcel is 1.6 acres, and setbacks for the 54 unit building include 15 feet to the southwestern property line along Boulder Highway, which requires a waiver of development standards, 68 feet to the northern property line, and 7 feet to the southeastern property line. Access is provided on the eastern side of the parcel from an existing drive aisle located on the adjacent multiple family residential development, and a 25 foot wide crash gate and drive aisle are provided to Boulder Highway. A trash enclosure is located on the northwestern portion of the site, set back 57 feet from the northern property line, which is adjacent to an existing single family residential subdivision. A double sided row of parking spaces is located along the north side of the site, 5 garage spaces are located on the northeast side of the building, and 5 additional parallel spaces are provided on the southeast side of the site.

The southeastern rectangular shaped parcel is 1.1 acres, and setbacks for the 32 unit building include 47 feet to the southwestern property line along Boulder Highway, 18 feet to the northwestern property line, 50 feet to the northeastern property line, and 80 feet to the southeastern property line. Access is provided from a drive aisle within the existing multiple family residential development, and a 25 foot wide crash gate is provided to Boulder Highway. Parking spaces are located on the northeast and southeast sides of the site, 5 garages are located on the northeast side of the building, and 5 garages are located on the southwest side of the building. A trash enclosure is located on the east side of the site, set back 50 feet from the southeast property line.

No changes to the existing multiple family residential complex are proposed besides removing property line walls between the existing and proposed multiple family residential developments and connecting the drive aisles to the adjacent multiple family developments.

Landscaping

Landscaping for the northern parcel includes a 15 foot wide landscape strip along Boulder Highway with trees spaced 20 feet on center and a 6 foot high wrought iron fence located behind the landscape strip. A 12 foot wide intense landscape buffer will be provided along the north property line. Landscape fingers are also provided within the parking lot, and 8,845 square feet of open space is provided on the north side of the building.

Landscaping for the southern parcel also includes a 15 foot wide landscape strip along Boulder Highway with trees spaced 20 feet on center and a 6 foot high wrought iron fence located behind the landscape strip. An 8 foot wide landscape strip is provided along the southeast property line with trees spaced 30 feet on center. Landscape fingers are also located within the parking lot, and 4,116 square feet of open space is provided on the northwest side of the building.

Existing landscaping will remain, and no landscaping changes are proposed for the existing multiple family complex.

Elevations

Both new multiple family residential buildings are 3 stories, 39 feet to the peak of the pitched tile roofs, and both buildings include off-set surface planes. Exterior materials include painted stucco, decorative metal railings, and stone veneer accents.

No changes are proposed to the existing multiple family residential buildings, which are 2 stories and 32 feet tall to the peak of pitched tile roofs. Exterior materials include painted stucco, railing, faux wood shutters, and foam trim.

Floor Plans

The northern multiple family residential building includes 8 studio units and 46, one bedroom units. The units range in size from 590 square feet to 690 square feet.

The southern multiple family residential building includes 3 studio units, 18, one bedroom units, and 11, 2 bedroom units. The units range in size from 590 square feet to 1,014 square feet.

Signage

Signage is not a part of this request.

Applicant's Justification

According to the applicant, the conforming zone boundary amendments to R-5 zoning for both the northern and southern parcels are appropriate for the following reasons: 1) existing and approved R-5 zoned multiple family residential projects are in the area; 2) both subject parcels are adjacent to Boulder Highway; and 3) both parcels will be accessed from the existing multiple family residential development.

Regarding the building designs, the applicant indicates that the proposed multiple family residential buildings are similar in scale and architecture to the existing multiple family residential buildings. Existing amenities, such as the fitness center, conference rooms, and pools within the existing multiple family residential complex will be utilized by residents in the new multiple family residential buildings. Additionally, the new developments will meet all parking and landscaping requirements. Although the front setback to Boulder Highway is reduced for the northern building, this reduced setback is due to the triangular shape of the parcel, and it will not create any negative visual impacts.

Lastly, the increased finished grade is to accommodate drainage and to comply with the Americans with Disability Act (ADA) requirements.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-0846-07	Waivers for a detached sidewalk and a waiver of conditions of ZC-1662-06 requiring a pedestrian realm along Boulder Highway	Approved by BCC	August 2007
DR-0849-07	Apartment complex which expunged the design review portion of ZC-1662-06	Approved by BCC	August 2007

Prior Land Use Requests

Application Number	Request	Action	Date
VS-0850-07	Vacated and abandoned a temporary construction easement along the Duck Creek Flood Channel	Approved by BCC	August 2007
ZC-1660-06	Reclassified the northern portion of the site to C-2 zoning for a future commercial development	Approved by BCC	February 2007
ZC-1662-06	Reclassified the central and southern portions of the site to R-3 zoning for a multiple and townhome residential development	Approved by BCC	February 2007

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Commercial Tourist & Residential High-Rise Center (greater than 32 du/ac)	R-3	Single family residential
South	Public Facilities & Commercial Tourist	R-E, R-2, R-5, & C-2	Duck Creek Flood Channel, undeveloped, senior housing, convenience store & vehicle wash
East	Public Facilities & Commercial Tourist	C-2	Duck Creek Flood Channel & senior housing facility
West	Commercial General		

STANDARDS FOR APPROVAL:

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

Analysis**Current Planning**Zone Changes

The conforming zone boundary amendments comply with the residential density planned for the site in the Whitney Land Use Plan. In addition, an existing R-5 zoned senior housing development is located to the east of the site, and an existing R-5 zoned multiple family residential development is located farther south across Boulder Highway. Furthermore, increased densities are appropriate along Boulder Highway since the right-of-way includes existing mass transit as well as a planned future bus rapid transit system. These mass transit options require denser concentrations of residents along the alignment, and the proposed R-5 zoning will allow for additional residents to utilize mass transit, consistent with Urban Specific Policy 57. Therefore, staff can support these requests.

Waiver 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 and value 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.

The reduced setback along Boulder Highway is only for balconies on the corners of the building and balconies near the center of the building. Otherwise, most of the building is set back the required 20 feet. Also, a 20 foot wide strip within the right-of-way separates the proposed development from the existing off-site improvements, including an existing attached sidewalk. As a result, the balconies are set back approximately 35 feet from the back of sidewalk, although the setback from the property line is only 15 feet. Landscaping and a wrought iron fence will also be located along Boulder Highway to visually buffer the building from the right-of-way. As a result, staff does not anticipate any negative visual impacts from the reduced setback.

Design Reviews #1 through #3

Both the proposed multiple family residential developments are accessed from the existing multiple family residential development, and the access points will not create any conflicts within the existing development. Also, this design eliminates the need for additional access points on Boulder Highway.

Architecturally, the design of the proposed multiple family residential buildings is consistent with policies in the Comprehensive Master Plan. For example, Urban Specific Policy 53 encourages multiple family residential developments to be compatible with adjoining land uses. Here, the design of the proposed multiple family residential buildings is harmonious and compatible with the existing multiple family residential buildings. Both the existing and proposed buildings are designed as garden style multiple family residential buildings with pitched roofs, painted stucco exteriors, and architectural design finishes such as off-set surface plans, railing, and stucco pop-outs. This will give the appearance of an overall unified development.

Urban Specific Policy 53 also indicates that multiple family residential developments should include appropriate height. Although, the proposed buildings are 3 stories as opposed to the existing 2 story buildings, the overall height increase is only 7 feet. Therefore, the height and visual bulk of the new buildings will be harmonious and visually compatible with the existing development.

Lastly, Urban Specific Policy 51 encourages multiple family residential developments to provide amenities. Here, the new multiple family residential developments will exceed the required amount of open space on each parcel, and new residents will be able to access the existing amenities within the existing multiple family residential development.

Therefore, staff can support the design reviews for both new multiple family residential buildings and the modifications to the existing site to allow access to the new buildings.

Public Works - Development Review

Design Review #4

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 LAS 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 LAS International Airport facilities to meet future air traffic demand.

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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- 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 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; and that the waiver of development standards and design reviews must commence within 2 years of approval date or they will expire.

Advanced Planning - Trails

- Applicant is advised that there is an existing multi-use, non-equestrian trail adjacent to 161-27-801-020 within the wash.

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;
- Nevada Department of Transportation approval.
- Applicant is advised that off-site improvement permits may be required; 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.

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 #0121-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Whitney - approval.

APPROVALS:

PROTESTS:

APPLICANT: JAN GOYER

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