

MULTIPLE FAMILY RESIDENTIAL
(TITLE 30)

WINDMILL LN/GILES ST

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
ET-22-400023 (UC-0061-17)-ABC PARADISE, LLC:

USE PERMITS THIRD EXTENSION OF TIME for the following: **1)** a multiple family residential development; and **2)** increase building height.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce front setback; **2)** reduce side (corner) setback; **3)** reduce height/setback ratio adjacent to single family residential uses; **4)** allow balconies to overlook single family residential uses; and **5)** reduce height/setback ratio from an arterial street (Windmill Lane).

DESIGN REVIEW for a proposed multiple family residential development on 5.1 acres in an H-1 (Limited Resort and Apartment) Zone.

Generally located on the northeast corner of Windmill Lane and Giles Street within Enterprise.
MN/jud/syp (For possible action)

RELATED INFORMATION:

APN:

177-09-401-008; 177-09-401-011; 177-09-401-015; 177-09-401-020

USE PERMITS:

1. Permit a proposed multiple family residential development in the H-1 Zone.
2. Increase building height to 60 feet where a maximum of 50 feet is permitted per Table 30.40-3 and Table 30.40-7 (a 20% increase).

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce the front setback to 12 feet where a minimum of 20 feet is required per Table 30.40-3 and Table 30.40-7 (a 40% reduction).
2. Reduce the side (corner) setback to 15 feet where a minimum of 20 feet is required per Table 30.40-3 and Table 30.40-7 (a 25% reduction).
3.
 - a. Reduce the height/setback ratio adjacent to a single family residential use to the east to 47 feet where a minimum of 162 feet is required per Figure 30.56-10 (a 71% reduction).
 - b. Reduce the height/setback ratio adjacent to a single family residential use to the north to 41 feet where a minimum of 162 feet is required per Figure 30.56-10 (a 75% reduction).
4. Allow balconies to overlook single family residential uses to the east and north where not permitted per Figure 30.56-10.
5. Reduce the height/setback ratio from an arterial street (Windmill Lane) to 15 feet where a minimum of 18 feet is required per Figure 30.56-4 (a 17% reduction).

LAND USE PLAN:
ENTERPRISE - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 8060, 8080, & 8090 Giles Street
- Site Acreage: 5.1
- Number of Units: 235
- Density: 46.5 (du/ac)
- Project Type: Multiple family residential development
- Number of Stories: 4
- Building Height (feet): 60
- Square Feet: 301,344 (multiple family residential buildings)/117,890 (parking garage)
- Parking Required/Provided: 383/414
- Open Space Required/Provided (square feet): 23,500/24,578

Site Plans

The previously approved plans show a proposed multiple family residential development consisting of 235 units (153, one bedroom and 82, two bedroom) for an overall density of 46.5 dwelling units per acre. The development consists of 2 buildings with a parking garage located between the buildings. The south building is located 15 feet from the south (corner side) property line, 17 feet from the west (front) property line (setback is 12 feet since setback is measured 5 feet from back of curb where a detached sidewalk exists), and 47 feet from the east (rear) property line. The north building is located 41 feet from the north (interior side) property line, 19 feet from the west (front) property line, and 47 feet from the east (rear) property line. Access to the site is via 2 driveways from Giles Street and 1 driveway from Windmill Lane. A total of 414 parking spaces are provided where 383 parking spaces are required. A total of 24,578 square feet of open space is provided, where 23,500 square feet of open space is required. The site consists of a courtyard with a pool at the center of the north building, a "zen" courtyard at the center of the south building, a landscaped area between the buildings, and an outdoor terrace on the fourth floor of the north building. The landscaped area between the buildings is gated on both ends.

Landscaping

A 15 foot wide landscape area with an existing attached sidewalk is depicted in the previously approved plans, along Windmill Lane. A 17 foot wide pedestrian realm is shown with a detached sidewalk along Giles Street. A 5.5 foot wide landscape area with a 6 foot high block wall is shown along the east and north property lines per Figure 30.64-11. The landscape palette consists of Shoestring Acacia, Chinese Pistache, Mexican Fan Palm, Mediterranean Fan Palm, Crape Myrtle, Japanese Blueberry, Holly Oak, Bottle trees, and various shrubs and groundcover.

Elevations

The previously approved plans depict 2, four story, 60 foot high multiple family residential buildings constructed of painted stucco, stone veneer, painted metal rails, and concrete tile roofing. The main roof ridgeline is approximately 54 feet, but several architectural towers on the

buildings increase the height of the buildings to 60 feet. The architectural façade design of the southern building is extended as part of the parking garage façade. Open walkways connect each floor of both buildings over the landscape area between the buildings. Balconies associated with individual units are shown on all sides of the buildings. An outdoor terrace is shown on the fourth floor of the northwest corner of the northern building.

Floor Plans

The previously approved plans depict that all 4 floors will have a mix of 1 bedroom and 2 bedroom units that equal 235 units. Additionally, the fourth floor shows a leasing office, clubhouse, fitness area, and outdoor terrace. Two model units are shown on the first floor. The ground level of the parking garage also shows a storage area for residents. The residential units range in size from 812 square feet to 1,657 square feet.

Previous Conditions of Approval

Listed below are the approved conditions for ET-20-400115 (UC-0061-17):

Current Planning

- Until April 5, 2022 to commence.
- Applicant is advised that 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

- Compliance with previous conditions.

Listed below are the approved conditions for ADET-19-900215 (UC-0061-17):

Current Planning

- Until April 5, 2020 to commence.
- Applicant is advised that 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.

Listed below are the approved conditions for UC-0061-17:

Current Planning

- Amenities shall be provided within the pedestrian realm along Giles Street such as decorative waste receptacles, benches, public art, bike racks, etc.;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that any request for accessory commercial uses would require a special use permit, and may not exceed 2,400 square feet; 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 this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 30 feet for Giles Street (25 feet to back of curb with detached sidewalk).
- 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 which may require a vacation of excess right-of-way or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

Department of Aviation

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.48 Part B of the Clark County Unified Development Code;
- No building permits should be issued until applicant provides evidence that a "Determination of No Hazard to Air Navigation" has been issued by the FAA or a "Property Owner's Shielding Determination Statement" has been issued by the Department of Aviation.
- Applicant is advised that the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments; the FAA's airspace determinations include expiration dates and that separate airspace determinations will be needed for construction cranes or other temporary equipment; 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; the FAA 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/Fire Prevention

- Applicant shall submit plans for review and approval prior to installing any gates, speed humps (speed bumps not permitted), and any other fire apparatus access roadway obstructions.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant is seeking a 2 year extension of time, they are in the process of working with staff on the submittal of a High Impact Project (HIP) for an R-3 multiple family development. Also, the applicant states that the traffic study for the HIP was submitted to Public Works in September 2021 and is requesting to keep all the approvals active (at least until entitlements for the eastern portion works its way through the public hearing process).

Prior Land Use Requests

Application Number	Request	Action	Date
ET-20-400115 (UC-0061-17)	Second extension of time to increase building height for a multiple family residential development, waivers for a reduced front setback, and reduced height/setback ratio from an arterial street (Windmill Lane)	Approved by BCC	November 2020
ADET-19-900215 (UC-0061-17)	Increased building height for a multiple family residential development, waivers for a reduced front setback, and reduced height/setback ratio from an arterial street (Windmill Lane)	Approved by ZA	April 2019
ET-19-400049 (VS-0062-17)	Vacated and abandoned easements located between Santoli Avenue and Windmill Lane	Approved by BCC	June 2019
UC-0061-17	Increased building height for a multiple family residential development, waivers for a reduced front setback, and reduced height/setback ratio from an arterial street (Windmill Lane)	Approved by BCC	April 2017
VS-0062-17	Vacated and abandoned easements located between Santoli Avenue and Windmill Lane and between Giles Street and Haven Street - expired	Approved by BCC	April 2017
VS-0318-08	Vacated and abandoned a portion of right-of-way being Santoli Avenue (formerly Geonry Avenue) between Giles Street and Haven Street - expired	Approved by PC	July 2008
UC-0277-05 (ET-0074-07)	First extension of time to commence a hotel condominium on the 3 southernmost parcels - expired	Approved by BCC	May 2007

Prior Land Use Requests

Application Number	Request	Action	Date
UC-0977-06	Allowed a residential condominium development and a waiver to reduce the height/setback ratio from a single family residential use - expired	Approved by BCC	August 2006
VS-1632-05	Vacated and abandoned a portion of right-of-way being Santoli Avenue (formerly Geonry Avenue) between Giles Street and Haven Street - expired	Approved by PC	January 2006
UC-0277-05	Allowed a hotel condominium on the 3 southernmost parcels subject to a maximum height of 65 feet - expired	Approved by BCC	June 2005

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	H-1	Undeveloped
South	Neighborhood Commercial	H-1	Senior housing
East	Mid-Intensity Suburban Neighborhood (up to 8 du/ac), Corridor Mixed-Use, & Neighborhood Commercial	R-E & C-P	Undeveloped & single family residential
West	Entertainment Mixed-Use	C-1, H-1, & C-2	Mini-warehouse, telecommunication facility, & undeveloped

STANDARDS FOR APPROVAL:

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

Analysis**Current Planning**

Title 30 standards of approval on an extension of time application state that such an application may be denied or have additional conditions imposed 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 or policies affecting the subject property. Using the criteria set forth in Title 30, no substantial changes have occurred at the subject site since the original approval. There have been no studies submitted and no requests for grading or building permits. In addition, if this project is incorporated into a larger overall development, the design of this project may change significantly; therefore, staff cannot support an extension of time on this project.

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:

Current Planning

If approved:

- Until April 5, 2023 to commence.
- 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; 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

- Compliance with previous conditions.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Enterprise - denial.

APPROVALS:

PROTEST:

APPLICANT: ABC PARADISE, LLC

CONTACT: LINDSAY KAEMPFER, KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DRIVE, SUITE 650, LAS VEGAS, NV 89135