

MULTIPLE FAMILY  
RESIDENTIAL DEVELOPMENT  
(TITLE 30)

**UPDATE**  
LAS VEGAS BLVD S/CHARTAN AVE

PUBLIC HEARING  
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
**NZC-22-0056-MICHELON FAMILY LV LAND, LLC:**

**HOLDOVER ZONE CHANGE** to reclassify 15.1 acres from an H-2 (General Highway Frontage) Zone to an R-4 (Multiple Family Residential - High Density) Zone.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** building height; and **2)** non-standard improvements (landscaping) in the right-of-way.

**DESIGN REVIEWS** for the following: **1)** multiple family residential development; **2)** alternative parking lot landscaping; and **3)** finished grade.

Generally located on the east side of Las Vegas Boulevard South and the south side of Chartan Avenue within Enterprise (description on file). MN/jt/jo (For possible action)

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RELATED INFORMATION:

**APN:**

177-33-401-001 through 177-33-401-005

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. a. Increase building height to 39 feet where 35 feet is the maximum per Table 30.40-3 (a 12% increase).
- b. Reduce 3:1 height/setback ratio to 44 feet where 99 feet is required per Figure 30.56-10 (a 56% reduction).
2. Allow non-standard improvements (landscaping) in the Las Vegas Boulevard South right-of-way where not allowed per Chapter 30.52.

**DESIGN REVIEWS:**

1. Multiple family residential development.
2. Alternative parking lot landscaping.
3. Increase finished grade to 45 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 25% increase).

**LAND USE PLAN:**

ENTERPRISE - ENTERTAINMENT MIXED-USE  
ENTERPRISE - NEIGHBORHOOD COMMERCIAL

## **BACKGROUND:**

### **Project Description**

#### **General Summary**

- Site Address: N/A
- Site Acreage: 15.1
- Number of Units: 324
- Density (du/ac): 21.5
- Project Type: Multiple family residential development
- Number of Stories: 3
- Building Height (feet): 39
- Open Space Required/Provided: 32,400/84,773
- Parking Required/Provided: 574/576

#### **Neighborhood Meeting Summary**

Notices for a neighborhood meeting were mailed to property owners located within 1,500 feet of the site informing them of a meeting on August 19, 2021 at the Enterprise Library. Nine neighbors attended the meeting, and expressed concerns about density, traffic, and the increased building height.

#### Site Plan

The site plan depicts a multiple family residential development consisting of 10 residential buildings and a clubhouse. Overall setbacks include 26 feet to the west property line along Las Vegas Boulevard South, 95 feet to the south property line, 44 feet to the east property line, and 33 feet to the north property line along Chartan Avenue.

Gated ingress/egress is provided from Las Vegas Boulevard South on the west side of the site. Emergency ingress/egress is also provided on the north side of the site from Chartan Avenue. A drive aisle circles around the site, and parking spaces are located along the south property line, along the east property line, and around portions of the residential buildings and clubhouse. Many of the parking spaces include carport covers for shade. Also, trash enclosures are located near the residential buildings throughout the site.

#### Landscaping

Landscaping is provided around the perimeter of the site and around the base of the buildings. Along Las Vegas Boulevard South, a 45 foot wide landscape area with a detached sidewalk is provided in the right-of-way, which requires a waiver of development standards. An additional 20 foot wide landscape area is provided on-site along Las Vegas Boulevard South, which consists of a 15 foot wide landscape area, a 6 foot high view fence, and a 5 foot wide landscape area.

A 10 foot wide landscape strip is provided along the south property line behind a 6 foot high screen wall, and a 20 foot wide landscape strip is provided along the east property line behind a 6 foot high screen wall. Along the north property line, adjacent to Chartan Avenue, landscaping is 15 feet wide, which consists of a 5 foot wide landscape strip, a 5 foot wide sidewalk, and a 5 foot

wide landscape strip in front of a 6 foot high view fence. Additional landscaping is provided behind the view fence, which varies in width from 15 feet to 25 feet.

Landscape fingers are not provided in the parking lot throughout the site; however, a design review for alternative parking lot landscaping is included with this application since the required parking lot trees are placed in other areas of the site.

Amenities within the multiple family residential development include a pool, spa, ramada seating area, and dog park. A total of 84,773 square feet of open space is provided where 32,400 square feet of open space is required.

#### Elevations

The residential building elevations extend up to 39 feet high, which necessitates a waiver of development standards. However, the top of the buildings consists of parapet walls at various heights, some of which are 37 feet high. A waiver of development standards is also necessary to reduce the 3:1 height/setback ratio along the east property line to a 44 foot setback where a 99 foot setback is the minimum for the 39 foot tall buildings from the adjacent single family residences. However, only the northernmost building near Chartan Avenue is located at the 44 foot setback from the east property line. The building to the south of the northernmost building is set back 95 feet from the east property line, and the setback for the 3 other buildings from the east property line ranges from 97 feet to 157 feet.

Exterior materials for the residential buildings include painted stucco along with metal railing along the balconies. The vertical planes of the buildings are off-set to create visual relief to help reduce the apparent mass of the buildings. The clubhouse includes similar materials and architecture with the residential buildings; however, the highest parapet wall along the roofline extends up to 23 feet.

#### Floor Plan

The multiple family residential development consists of 132 one bedroom units, 162 two bedroom units, and 30 three bedroom units for a total of 324 units. The units ranges in size from 754 square feet to 1,312 square feet, and the 9,643 square foot clubhouse includes a lobby area, offices, business center, mail room, restrooms, and fitness center.

#### Signage

Signage is not a part of this request.

#### Applicant's Justification

According to the applicant, the R-4 zoning for a multiple family residential development is appropriate at this location, and the development will provide a transition from Las Vegas Boulevard South to the residential development to the east. While several alternative standards are requested with design reviews and waivers of development standards, the applicant indicates that these alternative standards are appropriate. For example, while the minimum number of landscaping islands are not provided in the parking lot, additional trees are provided throughout the complex. Overall, 310 trees are provided where 220 trees are required. Regarding the increased finished grade, the applicant indicates that the site slopes from south to north, which

will require fill to provide the appropriate drainage. The finished grade will only be a few feet above the finished grade of the homes to the east.

Regarding the waivers of development standards, the applicant indicates that the increased height is typical for R-4 zoned multiple family residential developments in the area. In addition, the applicant reduced the overall building height from 50 feet to 39 feet based on feedback received at the neighborhood meeting. The additional 4 feet is necessary to visually block rooftop mounted mechanical equipment and to provide architectural enhancements. Also, the reduced 3:1 height/setback ratio will not have a negative impact on the residences to the east since a 20 foot wide landscape buffer is provided. Furthermore, only the side of the northernmost residential building is set back 44 feet from the east property line. The other buildings are set back between 95 and 157 feet.

Lastly, the waiver of development standards to allow non-standard improvements in the right-of-way is necessary to provide additional landscaping to beautify the site until the full width of Las Vegas Boulevard is built. The applicant will enter into a license and maintenance agreement for the landscaping in the right-of-way.

#### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Entertainment Mixed-Use & Neighborhood Commercial	H-1	Undeveloped
South	Entertainment Mixed-Use	C-2	Convenience store, gasoline station, & retail center
East	Ranch Estate Neighborhood (up to 2 du/ac) & Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-E (RNP-I) & R-1	Single family residential
West	Entertainment Mixed-Use	C-2	Undeveloped

The subject site and surrounding area are located in the Public Facilities Needs Assessment (PFNA) area.

#### **Related Applications**

<b>Application Number</b>	<b>Request</b>
VS-22-0057	A request to vacate and abandon various rights-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.*

A changing trend since the most recent adoption of the Enterprise Land Use Plan is the sharp increase in housing demand. Many multiple family residential developments have been approved along Las Vegas Boulevard South. As a result, of this changing trend, the R-4 zoning is 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.*

North of this site is an undeveloped property zoned H-1, west of the site is an undeveloped property zoned C-2, and south of the site is an existing convenience store, gasoline station, and commercial complex with a tavern. As a result, the density and intensity of development allowed in the R-4 zoning district is compatible with the existing and planned land uses to the north, west, and south of the site.

While an existing R-E (RNP-I) zoned area is located directly to the east, R-4 zoning will provide a buffer between the traffic and intense uses along Las Vegas Boulevard South and the single family residences. In addition, the western portion of the subject site is planned for Entertainment Mixed-Use, which could allow H-1 zoned projects with a height up to 100 feet. Lastly, the applicant indicates that the eastern portion of the site, which is planned for Neighborhood Commercial, is not viable without frontage along Las Vegas Boulevard South and in combination with a more intense development.

- 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 public utility purveyors that the proposed nonconforming zone change will negatively impact public facilities and services. However, the Clark County School District indicates that Liberty High School was at 130% capacity for the 2021-2022 school year. Both Bass Elementary School and Silvestri Middle School are currently under capacity.

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

The proposed nonconforming zoning conforms with several policies in the Master Plan. For example, Enterprise Policy EN-1.1 encourages compatible in-fill development and transitioning from higher intensity uses. Here, the R-4 zoning is compatible with the H-1 zoning to the north and C-2 zoning to the west and south, and the R-4 zoning provides a transition from Las Vegas Boulevard South to the single family residences to the east.

Furthermore, Countywide Policy 1.1.1 encourages a mix of housing types, and Policy 1.4.5 encourages development transitions adjacent to existing residential neighborhoods. Here, the R-4 zoning will provide multiple family residential living options, and is an appropriate level of density both along Las Vegas Boulevard South and to transition to the single family residences to the east; therefore, the proposed nonconforming zoning complies with policies in the Master Plan.

## **Summary**

### **Zone Change**

Overall, an increased demand for housing has indicated a changing trend since the most recent adoption of the Enterprise Land Use Plan. In addition, the proposed R-4 zoning is compatible with existing and planned surrounding land uses, and the zoning will not have a negative impact on public facilities and services. Lastly, the proposed nonconforming zoning is consistent with several policies in the Master Plan. As a result, staff can support the request.

### **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 increase in building height is appropriate along Las Vegas Boulevard South, and the reduced height/setback ratio to the east should not create a negative visual impact. Only the side of the northernmost residential building, which is located near Chartan Avenue, is set back 44 feet from the east property line. Setbacks for the other residential buildings along the east property line range in distance from 95 feet to 157 feet. In addition, a 6 foot high screen wall with a 20 foot wide landscape buffer will be provided along the east property line. Furthermore, if an intense landscape buffer was provided along the east property line, then the buildings would only need to meet a 2:1 height/setback ratio, which would require a setback of 66 feet. Only the northernmost building would not meet the 66 foot setback. As a result, staff can support this request.

### **Design Review #1**

The proposed multiple family residential development complies with several policies in the Master Plan. For example, Policy 1.1.2 encourages higher-density housing in areas with high-frequency transit, major employment centers, and existing infrastructure. Here, the multiple family residential development is near transit along Las Vegas Boulevard South located north of Cactus Avenue and south of Barbara Lane, and the site is a few miles south of the Las Vegas

Strip, which provides major employment opportunities. Also, existing infrastructure is located adjacent to the site.

Furthermore, Policy 1.3.2 encourages a mix of housing options within larger neighborhoods and multiple family residential developments. Here, the project will provide a multiple family residential development nearby single family residences and other developing multiple family residential developments.

Lastly, Policy 6.1.4 encourages compact development to maximize the use of available infrastructure, land, and transit services. Here, the 3 story multiple family residential buildings create a compact development and efficient use of the land. As a result, staff can support the design review.

#### Design Review #2

Parking lot landscaping provides many benefits including shading parking spaces, which reduces the urban heat island, and providing visual relief from expanses of impervious surfaces (asphalt). However, the plans indicate that carports will be provided over most of the parking spaces for shade, and additional landscaping is provided around the perimeter of the site, which will help provide visual relief. As a result, staff does not anticipate any negative impacts from the alternative design standards to reduce parking lot landscaping.

#### **Public Works - Development Review**

##### Waiver of Development Standards #2

The applicant is required to grant right-of-way to Clark County for a proportionate share of a 200 foot wide right-of-way on Las Vegas Boulevard South according to Title 30 and the Clark County Transportation Element. Until the Las Vegas Boulevard improvements occur, staff has no objection to the proposed non-standard improvements within the right-of-way.

#### Design Review #3

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 Henderson Executive Airport, and is subject to potentially significant aircraft noise and continuing over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade the Airport to meet future air traffic demand.

**Staff Recommendation**

Approval. This item has been forwarded to the Board of County Commissioners for final action.

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.

**PLANNING COMMISSION ACTION:** April 5, 2022 – APPROVED – Vote: Unanimous  
Absent: Nguyen

**Current Planning**

- Resolution of Intent to complete in 3 years;
- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Design review as a public hearing for signage;
- All lighting to be fully shielded;
- 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 and grant easements for Las Vegas Boulevard South to accommodate a proportionate share of a 200 foot wide right-of-way;
- Applicant to execute and sign a License and Maintenance Agreement for any non-standard improvements within the right-of-way;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for any collector street or larger;
- 90 days to record required right-of-way dedications and any corresponding easements for any collector street or larger.
- Applicant is advised 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](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0194-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require a new POC analysis.

WAIVER OF DEVELOPMENT STANDARDS #1B WAS WITHDRAWN WITHOUT PREJUDICE.

**TAB/CAC:** Enterprise - approval of the zone change (design review for signage; design review for lighting plan; lighting to be pole mounted and fully shielded), waivers of development standards #1a, #2, and design reviews #1 and #3; denial of waiver of development standards #1b and design review #2.

**APPROVALS:**

**PROTESTS: 14 cards, 7 letters**

**COUNTY COMMISSION ACTION:** May 4, 2022 – HELD – To 06/08/22 – per the applicant.

**APPLICANT:** GREYSTAR DEVELOPMENT WEST, LLC

**CONTACT:** ANN PIERCE, KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DR, STE 650, LAS VEGAS, NV 89135