

OFFICE COMPLEX/MANAGER'S UNITS
(TITLE 30)

WINDMILL LN/GILESPIE ST

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-22-0312-DIAMOND WINDMILL, LLC:

USE PERMIT to increase the maximum combined area of all manager's units.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce setbacks; **2)** reduce landscaping; and **3)** alternative driveway geometrics.

DESIGN REVIEWS for the following: **1)** office complex with a non-residential design; **2)** balconies and clear windows above the first story; and **3)** lighting on 1.0 acre in a C-P (Office and Professional) Zone.

Generally located on the southwest corner of Windmill Lane and Gillespie Street within Enterprise. MN/jt/jo (For possible action)

RELATED INFORMATION:

APN:

177-16-102-043

USE PERMIT:

Increase the combined area of all manager's units to 6,400 square feet where 2,400 square feet (25% of the total square footage of the development) is the maximum per Table 30.44-1 (a 167% increase).

WAIVERS OF DEVELOPMENT STANDARDS:

1.
 - a. Reduce the interior side setback to 10 feet where 15 feet is the minimum per Table 30.40-4 (a 34% reduction).
 - b. Reduce the rear setback to 8 feet where 10 feet is the minimum per Table 30.40-4 (a 20% reduction).
 - c. Reduce the setback from a residential use to the south to 10 feet where 81 feet is required per Figure 30.56-10 (an 88% reduction).
 - d. Reduce the setback from a residential use to the west to 8 feet where 81 feet is required per Figure 30.56-10 (a 90% reduction).
2. Reduce landscaping width to a less intense use to 4 feet where 5.5 feet is the minimum per Figure 30.64-11 (a 27% reduction).
3.
 - a. Reduce the driveway departure distance to 92 feet where 190 feet is the minimum per Uniform Standard Drawing 222.1 (a 52% reduction).
 - b. Reduce throat depth to 6 feet where 75 feet is the minimum per Uniform Standard Drawing 222.1 (a 92% reduction).

DESIGN REVIEWS:

1. Office complex with a non-residential design.
2. Balconies (decks) and clear windows above the first story adjacent to residential uses per Table 30.40-4.
3. Lighting.

LAND USE PLAN:

ENTERPRISE - NEIGHBORHOOD COMMERCIAL

BACKGROUND:**Project Description****General Summary**

- Site Address: N/A
- Site Acreage: 1
- Number of Manager's Units: 8
- Project Type: Office complex with manager's units
- Number of Stories: 2
- Building Height (feet): 33
- Square Feet: 6,400 living/16,000 total
- Parking Required/Provided: 47/51

Site Plan

The site plan depicts a 1 acre lot with access from Giles pie Street to the east and 2 buildings, each with a footprint of 4,800 square feet. The lower floor of each building will be commercial lease space with the second floor being used as manager unit's. Parking is provided on the north and east sides of the building with a total of 51 spaces provided where 47 are required. The southern building is proposed 10 feet from the south property line (15 feet required) and is adjacent to a 20 foot wide drainage easement on the adjacent property. The southern building will be approximately 85 feet from the nearest residential home to the south. Both buildings are proposed 8 feet from the rear property line on the west (10 feet required). Both buildings will have manager unit's on the second floor with sliding glass doors leading to 200 square foot decks at the front and back of each unit.

Landscaping

A detached sidewalk is proposed along Giles pie Street with an existing attached sidewalk along Windmill Lane; both are collector/arterial streets. Fifteen feet of landscaping is proposed behind the attached sidewalk along Windmill Lane. Giles pie Street landscaping will include 5 foot landscape strips on either side of the detached sidewalk. A decorative concrete courtyard with landscape planters and a steel tube trellis is proposed between the 2 buildings. The parking lot landscaping will include landscape fingers and median areas.

Elevations

The elevations depict 2 modern flat roof facades with stone veneer, metal cladding, and a specialty exterior finish insulation system (EFIS) with up to 5 colors. Metal clad trellis and awnings, decorative deck railings, and aluminum storefronts and windows will be included.

Roof access is provided by a controlled access fixed ladder on each building, facing the courtyard area.

Floor Plans

The floor plans depict commercial lease space on the lower level of each building with up to 4 potential units in each building. Four manager units are shown on the second level of each building, each with a separate glass front door entrance at the ground level within an enclosed entry that also provides access by separate door to the commercial space. The second floor residential manager units include a deck on each side of the building, 1 bedroom, full kitchen, living room, bathroom, and closet spaces. Bedrooms are located on the front side of each building, while living rooms are shown at the back side of each building.

Lighting

Light poles are shown near the northeast corner of each building, adjacent to the parking area. A third light pole is shown on the northern side of the parking lot, on the north side of the north building.

Signage

Signage is not a part of this request. Space for wall signs is included above each commercial unit on the east and north facing walls. The applicant will be expected to meet Code for proposed signs.

Applicant's Justification

The applicant is proposing a combination of commercial lease space and 800 square foot residential manager unit's on a second floor. The proposed development is designed to accommodate a mix of residential units and commercial lease space at the corner of Giles pie Street and Windmill Lane. The 800 square foot manager unit's provide comparable living space as would be found in condominium and apartment developments. Each living unit will provide 1 bedroom, full kitchens, laundry facilities, living space, and outdoor decks on both sides. The second floor of the units backing to the west will likely be adjacent to future commercial uses. The south facing windows of the manager units in southern building are approximately 90 feet from the existing home. The front of the existing home faces north.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-19-0314	Reduced driveway separation, throat depth, setbacks, and parking for an office facility - expired	Approved by PC	August 2019
WS-0229-09	Alternative design standards for an office building on a portion of the site	Withdrawn by BCC	May 2009
ZC-1662-05	Reclassified the site from R-E to C-P zoning with a design review for an office building and waivers to reduce setbacks and parking	Approved by BCC	January 2006

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Neighborhood Commercial	R-E	Undeveloped
South	Ranch Estate Neighborhood (up to 2 du/ac)	R-E (RNP-I)	Single family residential
East	Neighborhood Commercial	C-P	Undeveloped
West	Neighborhood Commercial	R-E	Single family residential

STANDARDS FOR APPROVAL:

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

Analysis

Current Planning

Use Permit

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties. Master Plan Policy 1.5.2 supports clustering higher density residential development, in this case, just 8 units, away from shared edges of the RNP areas. This development has only 1 unit of 8 with a shared side of the unit facing the RNP. Policy 1.1.1 of the Master Plan supports a mix of housing types at numerous locations, and to expand opportunities for “middle” housing, including smaller multiple family complexes like this development. Master Plan Policy 1.2.6 supports expansion of the number of affordable dwelling units. The 800 square foot 1 bedroom manager units will provide a more affordable product than other larger single family housing products. Master Plan Policy 1.4.1 supports development that reduces the potential for neighborhood crime, and supports neighborhood pride and quality. Eight manager units will provide for additional security when considering on-site residents can monitor the property after commercial business hours. Master Plan Policy 1.4.4 supports in-fill development while promoting compatibility with the scale and intensity of the surrounding areas. The proposed 8 units are far fewer units, with far fewer traffic impacts than could be associated with potential multiple family development on the same property. However, since staff does not support the throat depth waiver for access, staff cannot support this 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.

Waivers of Development Standards #1 & #2

Manager units are one way to address critical shortages in smaller living opportunities that can contribute to providing much needed attainable housing in Clark County. Master Plan Policy

1.5.1 supports protection of rural neighborhood preservation (RNP) areas and the proposed development only has 1 unit that side faces an RNP-I property, with no deck facing the RNP-I property. This property is not located in the RNP-I overlay. Although, the adjacent parcel to the west is designated Neighborhood Commercial in the Master Plan, the property is currently developed as a single family residential use that is currently zoned R-E (but not in RNP-I). The existing single family residential home on the west side of the proposed manager units has access to Windmill Lane, a busy 100 foot right-of-way. The addition of 8 manager units with living spaces oriented towards the west and bedrooms to the east, will not create a substantially greater annoyance or disruption to the neighborhood than Windmill Lane will create over time with noise and traffic impacts in relationship to access and safety. Deck lights on the west side of the building can be shielded to keep light from shining to the west. However, since staff cannot support the throat depth waiver, staff cannot support this request.

Design Review #1

While the overall design of the building could be considered a match for the character of the live-work use of the property, staff cannot support the current design that does not meet access requirements.

Design Review #2

The windows of the single (side facing) unit on the south side of Building 2 are not primary windows, with several serving more of a utility purpose than viewing purpose. The angle and height make it less likely for a direct view into the adjacent homes to the south or southwest. The house to the southwest has a covered patio area that would likely keep anyone in a second story unit from having a direct view of the rear windows in that home. However, since staff cannot support the throat depth waiver, staff cannot support this request.

Design Review #3

The proposed commercial lease space is oriented to the east and inward towards the courtyard. Lighting has been limited to specific areas of the lot that are not positioned to impact the adjacent neighborhood. The proposed development is compatible with adjacent development and development in the area when considering the small scale of the structure and orientation. The proposed development is consistent with the applicable land use plan, this Title, and other regulations, plans and policies of the County. Elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance and deck lighting can be mitigated to be in harmony with the surrounding area. FAA and other additional requirements and standards as established will not be violated with the proposed development. However, since staff cannot support the throat depth waiver, staff cannot support this request.

Public Works - Development Review

Waiver of Development Standards #3

The reduction in throat depth combined with the reduced distance for the driveway on Giles pie Street from the intersection of Warm Springs Road and Giles pie Street reduces the safety of vehicles entering and exiting the site. The driveway on Giles pie Street could be redesigned to allow for a larger departure distance, even with the limited frontage. Staff has concerns with increased traffic as traffic volumes are high enough to trigger the need for a traffic signal.

Further complicating off-site to on-site movements, the reduced throat depth will compound the impact of the reduced departure distance, resulting in an increased potential for collisions. Therefore, staff cannot support this request.

Department of Aviation

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

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:

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection;
- Deck lights shall be designed, shielded, and oriented to keep illumination on the decks;
- Light poles shall not exceed 20 feet in height.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; landscape planting shall comply with the Southern Nevada Regional Planning Coalition and SNWA water smart plant list; 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 this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include a 54 foot property line radius;
- Reconstruct unused driveways;
- Vacate any unnecessary rights-of-way and easements;

- 30 days to coordinate with Public Works - Traffic Division and to dedicate any necessary right-of-way and easements for the Windmill Lane/GilesPie Street traffic signal improvement project;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Duck Creek/Bermuda Road to Las Vegas Boulevard improvement project.
- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way; that landscaping is not permitted in the right-of-way; and that nothing over 24 inches in height is permitted in sight visibility zones.

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.

Fire Prevention Bureau

- 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 #0209-2019 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - approval (pole and wall mounted lighting to be fully shielded; and emergency door exists only on west side of buildings).

APPROVALS:

PROTESTS:

APPLICANT: DIAMOND WINDMILL LLC

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