

09/07/22 BCC AGENDA SHEET

MULTIPLE FAMILY RESIDENTIAL
(TITLE 30)

BLUE DIAMOND RD/I-15

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-22-0420-MAJESTIC NV PPTY HOLDINGS, LLC:

USE PERMIT for a multiple family development.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increase building height; **2)** alternative external building materials; and **3)** reduce parking.

DESIGN REVIEWS for the following: **1)** multiple family development; and **2)** fabric membrane structure (tent) in conjunction with multiple family development on 69.0 acres in an H-1 (Limited Resort and Apartment) Zone and an H-1 (Limited Resort and Apartment) (AE-60 & AE-65) Zone.

Generally located on the south side of Blue Diamond Road and between I-15 and Valley View Boulevard within Enterprise. JJ/bb/ja (For possible action)

RELATED INFORMATION:

APN:

177-17-1111-004; 177-17-1111-010

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase the building height to 70 feet where 50 feet is allowed per Table 30.40-5 (a 40% increase).
2. Allow fabric as a building material for a 6,120 square foot tent where not permitted per Table 30.56-1.
3. Reduce parking to 466 spaces where 490 spaces are required per Table 30.60-1 (an 18% reduction).

DESIGN REVIEWS:

1. A 290 unit multiple family development.
2. A 6,120 square foot fabric tent to be used for temporary model rooms.

LAND USE PLAN:

ENTERPRISE - ENTERTAINMENT MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 8250 Dean Martin Drive
- Site Acreage: 69

- Number of Lots/Units: 290
- Density (du/ac): 50
- Project Type: Multiple family residential
- Number of Stories: 5
- Building Height (feet): 70 (multiple family)/18 (tent)
- Square Feet: 75,000 (multiple family)/6,120 (tent)
- Open Space Required/Provided: 29,000 square feet/72,053 square feet
- Parking Required/Provided: 490/466

Site Plans

The plans show an existing resort hotel (Silverton), a timeshare hotel tower, a restaurant (Cracker Barrel), and an approved hotel tower (Hyatt Place) located east of Dean Martin Drive. The resort hotel (Silverton) and timeshare hotel tower are located on the northern portion of the site, and the restaurant (Cracker Barrel) and approved hotel tower (Hyatt Place) are located on the southern portion of the site. Additionally, an approved commercial center is located on the northern portion of the site, west of Dean Martin Drive. The site has street frontage along Blue Diamond Road, Dean Martin Drive, Valley View Boulevard, and I-15.

All current uses on the Silverton property require 3,090 parking spaces, with 3,695 parking spaces provided. This represents 605 excess parking spaces on the entire property. The proposed multiple family development is located on the northwest portion of the property in an area that is currently used as a parking lot. The multiple family building will require 490 parking spaces with 466 parking spaces proposed. All proposed parking spaces will be located in a parking garage. The multiple family building will have 20 studio units, 181 one bedroom units, and 89 two bedroom units for a total of 290 units. A 20 foot wide paved fire lane is provided along the south, west, and north sides of the property, adjacent to the west half of the building. An attached parking garage is located on the north side of the residential building with entrances and exits located at the northeast corner of the property with access to the north and east. The tent is located to the north of the parking garage and includes model hotel rooms.

Landscaping

The property will have 72,053 square feet of landscaping and open spaces, including recreational areas, rooftop pool (parking garage) and associated amenities. A landscaped area (up to 35 feet deep) is located on the south side of the building. A landscaped area of approximately 20 feet staddles the interior driveway along the west and northeast corner of the property. A landscape area between 10 feet and 40 feet in depth is located on the north side of the building. A courtyard (approximately 280 feet by 345 feet) is located in the center of the building with a wide variety of sitting areas, recreational amenities, and landscaping. The courtyard includes enhanced decorative paving, artificial turf, hammocks, event and fitness turf, bocce ball, fire pit, outdoor kitchen, and barbeque area.

Elevations

The elevations depict a 5 story art deco style building with modern accents, balconies, vertical columns, horizontal roof awning accents, and multiple offset return walls. The main entrance to the apartments is depicted on the south side of the building with a porte-cochere and decorative

paving area. A sidewalk extends from the entrance along the south side of the building to the east and north along the east side of the building. The maximum height of the building will be 70 feet. The tent is 18 feet in height.

Floor Plans

Ten pedestrian entrances, utility access, and emergency exits are located on the east, west, and north sides of the building. The floor plans depict 201 studio and 1 bedroom apartments starting at 600 square feet to 1,041 square feet, and 89, two bedroom apartments from 1,200 square feet to 1,346 square feet. There are collaborative workspaces, lounges, leasing offices, an indoor golf simulator, and fitness area shown on the floor plans. The tent is approximately 6,120 square feet.

Signage

Signage is not a part of this request.

Applicant’s Justification

The applicant is proposing to construct 290 multiple family apartments at a maximum of 70 feet to be consistent with the other Silverton properties. A waiver for height above 50 feet (R-5 standards) is included in this request. The waiver for temporary model rooms is needed to facilitate final floor plan designs and would replace existing temporary facilities for the Silverton Training Center which will be relocated elsewhere on the property. The proposed multiple family development includes high quality amenities and will be available to the employees of the Silverton and other commercial employees.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-18-0741	Signage including waivers for roof signs and reduced separation of monument signs for a commercial center	Approved by BCC	November 2018
UC-0978-17	Relocated an existing watercraft storage area	Approved by BCC	December 2017
VS-0870-17	Vacated and abandoned a 5 foot wide portion of Valley View Boulevard for detached sidewalks	Approved by PC	December 2017
DR-0715-17	Hotel (Hyatt Place)	Approved by BCC	October 2017
DR-0734-17	Retail building and restaurant with drive-thru within an approved commercial center	Approved by BCC	September 2017
DR-0206-16	Restaurants with drive-thru services and retail buildings within an approved commercial center	Approved by BCC	May 2016
DR-0205-16	Manmade decorative water features	Approved by BCC	May 2016
UC-0827-15	Commercial center	Approved by BCC	January 2016

Prior Land Use Requests

Application Number	Request	Action	Date
UC-0826-15	Allowed a restaurant (Cracker Barrel) without primary access through the interior of the resort hotel with design reviews for a restaurant, a relocated watercraft storage area, and signage	Approved by BCC	January 2016
UC-0016-15	Roof signs and animated signs in conjunction with an existing resort hotel complex (Silverton)	Approved by BCC	April 2015
UC-0643-14	Allowed live entertainment beyond daytime hours for a temporary outdoor commercial event subject to 2 years to commence and review - expired	Approved by BCC	September 2014
UC-0511-13	Use permits and design review to increase building height and allowed kitchens in guestrooms for 2 timeshare hotel towers	Approved by BCC	December 2013
UC-0512-13	Use permits and design review for a membrane structure (live entertainment venue), modular restrooms, and an outside storage area for vehicle sales (watercraft)	Approved by BCC	October 2013
TM-0062-09	3 lot commercial subdivision	Approved by BCC	October 2009
ZC-0515-09	Reclassified 0.6 acres from R-E and C-2 to H-1 zoning for an existing resort hotel	Approved by BCC	October 2009
ZC-0380-08	Reclassified a 34.4 acre portion of the subject site from C-2 to H-1 zoning for future expansion of a resort hotel	Approved by BCC	December 2008
UC-0363-07	Parking garage and modifications to an existing resort hotel	Approved by BCC	June 2007

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Business Employment & Corridor Mixed-Use	M-D & C-2	Truck stop, gasoline stations, & a fast food restaurant
South	Neighborhood Commercial	C-2, H-2, & R-E	Restaurant/tavern & undeveloped
East	Entertainment Mixed-Use	RVP	I-15 & recreational vehicle park
West	Entertainment Mixed-Use & Public Use	C-2, H-2, & R-E	Shopping center & electrical substation

The subject site is located within the Public Facilities Needs Assessment (PFNA) area.

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 and Enterprise Policy EN-1.1 encourage compatible in-fill development and standards. The proposed multiple family apartments are compatible with the existing resort, other high density residential, and nearby commercial uses. The proposed residential apartments will not create an undue burden on public facilities and improvements. Master Plan Policy 6.1.2 and Policy 6.1.4 supports a compact, and balanced mix of uses. This property includes a resort casino, hotels, commercial uses, condominium use, and now apartments.

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. This site has over 600 additional parking spaces beyond those required by Code. The additional height proposed for the apartment building is compatible with the surrounding area and the existing development in this area. The temporary use of a fabric structure (tent) for model units, will not be detrimental to the surrounding area.

Design Reviews

Master Plan Policy 6.1.6 supports in-fill development and adaptive reuse of vacant or underutilized uses. Development of the parking lot into 290 apartment units is an appropriate reuse and redevelopment of the existing parking lot. The Regional Transportation Commission of Southern Nevada provides bus service to the Silverton properties through Route #217. There is additional parking (over 600 parking spaces) available on the remainder of the Silverton properties in the nearby area with no or limited restrictions on their use.

Department of Aviation

The subject property is located just over 2 and a half miles southwest of Harry Reid International Airport (LAS) runways, and directly underneath a well-established corridor of aircraft departures and arrivals. As expected, the subject property is exposed to significant single event aircraft overflight noise, and many aircraft are at very low altitudes above it. The property lies within the AE-60 (60-65 DNL) noise contour for LAS 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 Harry Reid International facilities to meet future air traffic demand. The current planned land use designation of EM - Entertainment Mixed Use and the current zoning of H-1 - Limited Resort and Apartment, permit many airport-compatible uses. Although permitted with a special use permit by the zoning designation, any residential or long-term stay use in this area is a concern to the Department of Aviation (DOA).

In consideration of the above, the DOA has concerns about the rooftop pool, located at the top of the 5 story structure, directly underneath a well-established corridor of aircraft over-flights. Bright lights, laser lights, pyrotechnics, drone activity, and firearms are just some of the potential disruptions that could endanger and disrupt aircraft activity.

The development will penetrate the 100:1 notification airspace surface for Harry Reid International Airport. Therefore, as required by 14 CFR Part 77, and Section 30.48.120 of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

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

PRELIMINARY STAFF CONDITIONS:

Current Planning

- Tent shall be removed within 1 year from issuance of a certificate of completion of the multiple family development;
- 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;
- 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 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.

Department of Aviation

- Applicant must record a stand-alone noise disclosure form against the land, and provide a copy of the recorded document to the Department of Aviation;
- Applicant must provide a copy of the recorded noise disclosure form to future buyers/renters, separate from other escrow documents, and provide a copy of the document to the Department of Aviation;

- Applicant must provide a map to future buyers/renters, as part of the noise disclosure notice, that highlights the project location and associated flight tracks, provided by the Department of Aviation when property sales/leases commence;
- Incorporate an exterior to interior noise level reduction of 30 decibels into the building construction for the habitable space that exceeds 35 feet in height or 25 decibels into the building construction for the habitable space that is less than 35 feet in height;
- Pool access to be limited to residents and guests of residents; prominently post signage at all pool entrance points, which advise pool patrons that any items and activities that could possibly be a disruption to overhead aircraft activity are strictly prohibited; by entering the pool area, patrons are consenting to a search of their person and belongings for prohibited items; prohibited items to include, but not limited to: bright lights, laser lights, pyrotechnics, drones, firearms, etc.;
- No special events to be held in the rooftop pool area which would allow for any prohibited items as described above;
- 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; applicant is advised that many factors may be considered before the issuance of a permit or variance, including, but not limited to, lighting, glare, graphics, etc.;
- 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 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; that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed; 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; that the FAA's airspace determinations include expiration dates; and that separate airspace determinations will be needed for construction cranes or other temporary equipment.

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 #0275-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - approval (design review as a public hearing for lighting, signage, and significant changes to plans; fabric/membrane tent to be removed when the residential building receives occupancy approval; traffic study to address right turn only at southeasterly exit onto Dean Martin Drive, south property line of APN: 177-17-111-004).

APPROVALS:

PROTESTS:

APPLICANT: MAJESTIC ENTERPRISE HOLDINGS, LLC

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