

03/21/23 PC AGENDA SHEET

MULTIPLE FAMILY DEVELOPMENT
(TITLE 30)

MONTESSOURI ST/WAGON TRAIL AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ZC-23-0042-AXIOM 3 LLC:

ZONE CHANGE to reclassify 4.5 acres from a C-2 (General Commercial) (AE-60) Zone to an R-5 (Apartment Residential) (AE-60) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increase building height; **2)** reduce building separation; and **3)** allow modified driveway design standards.

DESIGN REVIEWS for the following: **1)** alternative parking lot landscaping; **2)** off-site parking; and **3)** a multiple family development in the CMA Design Overlay District.

Generally located on the southwest corner of Montessori Street (alignment) and Wagon Trail Avenue (alignment) within Spring Valley (description on file). MN/md/syp (For possible action)

RELATED INFORMATION:

APN:

176-03-511-003

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase building height to 65 feet where a maximum building height of 50 feet is permitted per Table 30.40-3 (a 30% increase).
2. Eliminate building separation to zero feet where a minimum of 10 feet is required between the proposed multiple family building and existing parking garage per Table 30.40-3 (a 100% reduction).
3. Eliminate the throat depth to zero feet for a driveway at the intersection of Montessori Street and Wagon Trail Avenue where a minimum of 150 feet is required per Uniform Standard Drawing 222.1 (a 100% reduction).

LAND USE PLAN:

SPRING VALLEY - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 4.5
- Number of Units: 131
- Density (du/ac): 29.7

- Project Type: Multiple family development
- Number of Stories: 5
- Building Height (feet): 65
- Open Space Required/Provided: 13,100/14,877
- Parking Required/Provided: 223 (multiple family)/320 (existing office building)/550 (total number of existing parking spaces)

History & Request

The applicant is requesting a conforming zone boundary amendment to reclassify 4.5 acres from a C-2 to an R-5 zoning district for a proposed 5 story multiple family building on the subject property. Application PA-23-700004 is the corresponding plan amendment for the subject property requesting to change the planned land use from Business Employment (BE) to Urban Neighborhood (UN). Application WS-18-0953 was approved by the Board of County Commissioners in January 2019 for an existing office building, with a complete glass exterior, measuring 80,000 square feet with a maximum height of 70 feet. The existing office building, constructed immediately south of the project site, is located on APN 176-03-511-002 which will remain classified as a C-2 zoning district. The parcel containing the existing office building is not a part of this request and will not include any site modifications or alterations.

Site Plans

The plans depict a 5 story multiple family residential development consisting of 131 dwelling units with a density of 29.7 dwelling units per gross acre. The proposed multiple family building is located on the north portion of the project site and has been designed with the following setbacks: 1) 382 feet from the south property line, adjacent to Rafael Rivera Way; 2) 63.5 feet from the east property line; 3) 54 feet from the north property line; and 4) 65.5 feet from the west property line. Immediately to the south of the proposed multiple family building is an existing 3 story parking garage featuring the following setbacks: 1) 200 feet from the south property line, adjacent to Rafael Rivera Way and 42 feet from the front property line adjacent to the rear of the office building; 2) 74.5 feet from the east property line; 3) 257 feet from the north property line; and 4) 10 feet from the west property line. A waiver of development standards is required to eliminate the building separation between the existing parking garage and the proposed multiple family development. The proposed multiple family development requires 223 parking spaces while the existing office building, located on APN-176-03-511-002, requires 320 parking spaces. A total of 543 parking spaces are required for the proposed multiple family building and the existing office building where 550 parking spaces are provided. However, no parking spaces are located within the boundaries of the parcel containing the office building; therefore, a design review for off-site parking is required as part of this request. Therefore, staff is recommending an “if approved” condition between the office building and multiple family building sites to provide cross access and shared parking through the recording of perpetual cross access, ingress/egress, and shared parking easements or agreements. Access to the project site is granted via an existing driveway located along Rafael Rivera Way. A secondary point of access is granted via an existing driveway located at the intersection of Montessori Street and Wagon Trail Avenue. A waiver of development standards is requested to eliminate throat depth at this intersection.

Landscaping

The plans depict an existing street landscape area adjacent to Rafael Rivera Way measuring 15 feet in width with an attached 5 foot wide sidewalk. The street landscape area consists of trees, shrubs, and groundcover. The existing landscaping around the perimeter of the site has been designed as follows: 1) 10 foot wide landscape area on the west property line; 2) 5 foot wide landscape area on the north property; and 3) 6 foot wide landscape area on the east property line. All landscape areas consist of trees, shrubs, and groundcover.

The proposed multiple family development requires 13,100 square feet of open space where 14,877 square feet of open space is provided. The open space for the project consists of the following: 1) courtyard and pool is 9,529 square feet; 2) dog park (northwest corner of site) is 1,938 square feet; and 3) fifth level amenity deck is 3,410 square feet. A design review for alternative parking lot landscaping is part of this request. In lieu of providing the required amount of landscape finger islands within the interior of the site, additional trees have been distributed throughout the interior of the development. The development requires a total of 107 trees where 157 trees are distributed throughout the interior and perimeter of the site.

Elevations

The plans depict a 5 story multiple family building with varying rooflines measuring between 61 feet to 65 feet in height to the top of the parapet wall. A waiver of development standards is required to increase building height up to a maximum of 65 feet. The building materials consist of a stucco exterior with accent wood tiles and an aluminum storefront window system. The parapet walls will screen the rooftop mounted equipment from the right-of-way and public view. The building will be painted with neutral, earth tone colors.

Floor Plans

The plans depict a 5 story multiple family building featuring 65, one bedroom units, and 66, two bedroom units.

Signage

New signage is not proposed with this application; however, WS-22-0576 was approved by the Board of County Commissioners in December 2022 for a freestanding sign with a maximum height of 49 feet. The previously approved freestanding sign will be located at the southwest corner of the multiple family project site, between the retaining wall and parking lot. The freestanding sign will be set back 23 feet from the south property line, adjacent to Rafael Rivera Way. Furthermore, the building permit for the freestanding sign was recently approved in February 2023 via BD22-36526.

Applicant's Justification

The applicant is proposing to build a 65 foot tall building where 50 feet is allowed in an R-5 zoned district. Although the applicant is requesting an increase in height, the proposed request is reasonable and compatible for the following reasons: 1) the site is near the CC 215; 2) the site is located just north of an existing 70 foot tall office building; and 3) just on the north side of Sunset Road is an existing office building close to 100 feet in height. Also, it is important to note the fifth level plate is less than 44 feet in height. The main reason for the increase in height of up to 62 feet is to provide architectural enhancements and shield the mechanical units. Eliminating

the building separation between the existing parking garage and proposed multiple family building will not have any negative impacts for the following reasons: 1) the setback is internal to the site and does not impact neighboring properties; 2) the setback is to an existing garage; 3) the end-caps of the multiple family building meet the garage, 4) the garage structure helps create the courtyard for the pool and amenities area; and 5) the multiple family building's footprint cannot be pushed any farther north as the site needs drive aisle and parking areas north of the multiple family building.

The applicant is requesting to eliminate the throat depth where 150 feet is required. While the applicant is requesting to eliminate the throat depth, the reduction will not cause safety concerns for the following reasons: 1) the development is not gated; therefore, reducing any stacking in the right-of-way; 2) Montessouri Street terminates at the site as it does not go farther south; 3) Wagon Trail Avenue terminates at the site as it does not go any farther west; and 4) at the entrance, the first parking space is about 18 feet from the west side and 32 feet from the south side, respectively, and thereby providing additional queuing and stacking on the site.

The applicant is sharing the existing parking garage and surface parking with the office use. When combining the office use and the multiple family use, a total of 543 parking spaces are required. Here, the total amount of parking provided is 550 spaces. Therefore, the amount of parking provided exceeds the amount of parking required.

The applicant is utilizing the existing surface parking and parking garage on the site. The existing surface parking was part of the approval for the existing office building on the neighboring parcel. The existing surface parking is providing landscape islands just not at the required ratio of every 6 parking spaces. However, the site is exceeding the overall required landscaping; therefore, the applicant is requesting a design review for the alternative parking lot landscaping. The applicant is providing a total of 157 trees where only 107 trees are required.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-22-0576	Increased freestanding sign height to a maximum of 49 feet in conjunction with a previously approved office building	Approved by BCC	December 2022
WS-19-0776	Increased the height of a freestanding sign - expired	Approved by BCC	November 2019
WS-18-0953	Increased building height to 70 feet and increased the length of the roofline without articulation with a design review for office buildings and a parking garage	Approved by BCC	January 2019
WS-0607-08	Reduced separation between 2 freestanding signs with a design review for a comprehensive sign package - expired	Approved by BCC	December 2008
UC-0586-08	Increased building height and a design review for a professional office complex and parking garage - expired	Approved by BCC	July 2008

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-0803-07	Reclassified the northern 2.5 acres to C-2 zoning with a design review for an office complex on 5 acres	Approved by BCC	August 2007
ZC-0759-06	Reclassified the middle 1.3 acres to C-2 zoning for a future commercial development	Approved by BCC	July 2006
ZC-2027-97	Reclassified the southern 1.3 acres to C-2 zoning for a convenience store and gasoline station	Approved by BCC	January 1998

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North & East	Business Employment	M-D	Undeveloped
South	Business Employment	C-2	CC 215, office building, & shopping center
West	Business Employment	R-3	Multiple family development

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

Related Applications

Application Number	Request
PA-23-700004	Plan Amendment to re-designate the land use category from Business Employment (BE) to Urban Neighborhood (UN) 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

Comprehensive Planning

Zone Change

Staff finds the proposed R-5 zoning is not compatible with the existing R-3 zoning district to the west and the existing M-D zoning to the north and east. The Development Code defines “spot zoning” as the reclassification of an isolated parcel of land which is detrimental or incompatible with the uses of the surrounding area, particularly when such an act favors a particular owner. Furthermore, the adjacent parcels to the north and east are zoned for industrial uses, which may have an adverse or detrimental impact on the higher density multiple family residential use. Therefore, staff does not 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.

Waiver of Development Standards #1

Staff recognizes the existing office building to the south was approved up to a maximum height of 70 feet. However, staff finds the proposed building height increase up to 65 feet is inconsistent and incompatible with the adjacent multiple family residential use to the west. The multiple family residential use to the west is 2 stories, while the proposed multiple family building consists of 5 stories. Therefore, staff does not support this request.

Waiver of Development Standards #2

Staff finds the request to reduce the separation requirement between the buildings is a self-imposed burden. The multiple family building can be redesigned to meet the required building separation of 10 feet from the existing parking garage. Therefore, staff does not support this request.

Design Review #1

The intent of parking lot landscaping is to provide climate adaptable plant materials that improve the visual appearance of the project site, enhance environmental conditions by providing shade and reducing storm water run-off, and to provide buffer areas between land uses of varying intensity. Staff recognizes the fact the applicant has provided additional trees within the interior and around the perimeter of the site to compensate for the absence of the required landscape finger islands. However, since staff is not supporting the zone change, waivers of development standards, and design reviews #2 and #3, staff recommends denial of the alternative parking lot landscaping request.

Design Review #2

The required number of parking spaces is provided for both the proposed multiple family building and the existing office building. However, since the required 543 parking spaces for both buildings will be provided on the same parcel as the multiple family project, a design review for off-site parking is required. Staff recommends an “if approved” condition to provide cross access and shared parking through the recording of perpetual cross access, ingress/egress and shared parking easements or agreements between both parcels, APNs 176-03-511-002 (office building) and 176-03-511-003 (multiple family development). Staff is not supporting design reviews #1 and #3; therefore, staff cannot support this request.

Design Review #3

Staff finds a variety of design elements are utilized on all sides of the residential building, including articulating building facades. The proposed multiple family building height is not compatible with the existing multiple family development to the west of the project site, which consists of 2 stories. The reclassification of the project site will create a nonconforming structure, being the previously approved freestanding sign, within a residential zoning district. Freestanding signs are only permitted in residential districts when in conjunction with special uses and boarding stables, limited to a maximum height of 35 feet, and not being located along a freeway. Due to staff’s concerns with building height compatibility, eliminating building

separation, a nonconforming structure (freestanding sign), in addition to not supporting the zone change, staff recommends denial of this request.

Public Works - Development Review

Waiver of Development Standards #3

Staff has no objection to the reduction of throat depth as Montessouri Street sees low volumes of traffic as it ends at the site. Additionally, while the provided throat depth is zero feet, there is over 18 feet available before vehicles encounter the first parking space. However, since Planning is recommending denial of the application, staff cannot support this waiver.

Department of Aviation

As stated in the meeting with the project representative in December 2022, the currently planned land use designation is Business Employment (BE), and current zoning is General Commercial (C-2), which permits many airport compatible uses. The proposed land use designation of Urban Neighborhood (UN) and proposed zoning of Apartment Residential - 50 units per acre (R-5), the most dense residential category, would significantly increase the number of residences impacted by aircraft over-flights. Due to this fact, this request is incompatible with current and future noise levels at this location. APN 176-03-511-003 lies fully within the AE-60 (60-65 DNL) noise contour for Harry Reid International Airport and is subject to continuing and significant aircraft noise and over-flights. Future demand for air travel is expected to increase significantly, and the subject property lies beneath flight paths that have been used since the 1960's. Clark County intends to continue to upgrade Harry Reid facilities to meet future air traffic demand. Due to these facts, this nonconforming zone change is incompatible with current and future noise levels present at this location. Staff recommends denial.

Staff Recommendation

Denial. This item will be forwarded to the Board of County Commissioners' meeting for final action on April 19, 2023 at 9:00 a.m., unless otherwise announced.

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:

Comprehensive Planning

If approved:

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Record a parcel map prior to the issuance of building permits;
- Provide cross access and shared parking through the recording of perpetual cross access, ingress/egress and shared parking easements or agreements between APNs 176-03-511-002 and 176-03-511-003 prior to the issuance of building permits;
- 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 the waivers of development standards and design reviews must commence within 2 years of approval date or they will expire.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Beltway Frontage Road improvement project.

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.
- 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; 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 #0046-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Spring Valley - denial.

APPROVALS:

PROTESTS:

APPLICANT: AXIOM 3, LLC

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