

MULTIPLE FAMILY DEVELOPMENT
(TITLE 30)

UPDATE
DURANGO DR/DESERT INN RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ZC-23-0288-WY INVESTMENTS, LLC:

HOLDOVER AMENDED ZONE CHANGE to reclassify 6.5 acres from an R-3 (Multiple Family Residential) Zone to an R-5 (Apartment Residential) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increase building height (previously not notified); **2)** reduce parking; **3)** reduce garage openings onto a drive aisle; **4)** increase wall height; and **5)** reduce the height/setback ratio requirement adjacent to a single family residential use (no longer needed).

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

Generally located 675 feet east of Durango Drive and 375 feet north of Desert Inn Road within Spring Valley (description on file). RM/md/syp (For possible action)

RELATED INFORMATION:

APN:

163-09-412-027

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase building height to **52 feet (previously 58 feet)** where a maximum building height of 50 feet is permitted per Table 30.40-3 (**a 4% increase, previously a 16% increase**).
2. **Reduce parking to 409 parking spaces (previously 416 and 403 parking spaces) where 439 parking spaces (previously 443 and 453 parking spaces) are required per Table 30.60-1 (a 6.9% reduction, previously a 6.1% reduction).**
3. **Reduce the setback for a garage opening onto a drive aisle to 5 feet (previously zero feet and 3 feet) where a minimum of 8 feet is required per Section 30.56.040 (a 37.5% reduction, previously a 100% reduction).**
4. Increase combined screen wall/retaining wall height up to 13.5 feet (7.5 foot retaining wall/6 foot screen wall) where a maximum wall height of 9 feet (3 foot retaining wall/6 foot screen wall) is permitted per Section 30.64.050 (a 50% increase).

DESIGN REVIEWS:

1. Alternative parking lot landscaping.
2. Multiple family residential development.
3. Increase finished grade to 108 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 200% increase).

**LAND USE PLAN:
SPRING VALLEY - COMPACT NEIGHBORHOOD**

**BACKGROUND:
Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 6.5
- Number of Units: **256**
- Density (du/ac): **39.9**
- Project Type: Multiple family development
- Number of Stories: 3 to 4 (Buildings 1 through 4)
- Building Height (feet): **52** (Building 1)/**52** (Building 2)/**48.5** (Building 3)/**52** (Building 4)
- Square Feet: **69,405** (Building 1)/**64,747** (Building 2)/**60,062** (Building 3)/**83,165** (Building 4)/**8,937** (clubhouse)
- Open Space Required/Provided: **25,600/26,800**
- Parking Required/Provided: **439/409**

History & Request

The applicant is requesting a conforming zone boundary amendment to reclassify 6.5 acres from an R-3 to an R-5 zoning district for a multiple family development consisting of 4 buildings on the subject property. Application PA-23-700016 is the corresponding plan amendment for the subject property requesting to change the planned land use from Compact Neighborhood to Urban Neighborhood.

Site Plans

The plans depict a multiple family development consisting of 4 buildings that include a total of **256** dwelling units with a density of **39.9** dwelling units per gross acre. The proposed multiple family buildings are centrally located within the project site and have been designed with the following setbacks, as reflected within the table below:

Building Setback from Property Lines (in feet)				
Building:	Property Line			
	North	East	South	West
1	288.5	56	53	186.5
2	179	54	74	417
3	77	274.5	288	188
4	78.5	258	78	56

A waiver of development standards is required to reduce the **garage** setback onto a drive aisle to **zero** feet where a minimum of 8 feet is required. **The reduced drive aisle setback to 5 feet is located on the west side of Building 3. Additional reduced garage setbacks onto drive aisles range from 5 feet to 6 feet for Buildings 1 through 3.** The proposed multiple family development requires **439** parking spaces where **409** parking spaces are provided, necessitating a waiver of development standards to reduce parking. Parking is located around the perimeter of

the site with 2 rows of parking spaces located between Building 4 and the on-site recreational center. Access to the project site is granted via a 26 foot wide north/south vehicle drive aisle that connects to Desert Inn Road. **The proposed multiple family development will be secured by an access gate located at the southwest corner of the site, in proximity to Building 4. An emergency gate is proposed at the northwest corner of the development.** A design review is also requested to increase the finished grade of the site. The increase in finished grade will occur throughout the property, more specifically in a west to east direction, due to a significant slope within the site. A waiver of development standards is also required to increase the combined screen wall/retaining wall height up to 13.5 feet (7.5 foot retaining wall/6 foot screen wall) along the north, south, and east property lines of the site.

Landscaping

The plans depict a 10 foot wide intense landscape buffer, consisting of a double-row of 24 inch box large evergreen trees along the north property line, adjacent to the existing single family residential development. A landscape area measuring 10 feet in width, with trees planted 30 feet on center, is provided along the east property line adjacent to the multiple family development. Landscape areas with trees, measuring 5 feet in width, are located along the south and west property lines. Parking lot landscaping is equitably distributed throughout the interior of the site.

The proposed multiple family development requires **25,600** square feet of open space where **26,800** square feet of open space is provided **and consists of a central pool area and rooftop garden. The open space for the project consists of the following: 1) central pool area is 24,100 square feet; and 2) rooftop garden (Building 1) is 2,700 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 56 trees where 60 trees are distributed throughout the interior and perimeter of the site.

Elevations

Below is a table reflecting the height and materials for each building:

Building Information		
Building:	Height (Lowest Point/Highest Point)	Materials
1	1.5/52	Stucco and dual pane low-e glass (buildings will be painted with varying shades of gray and white)
2	45.5/52	
3	45.5/48.5	
4	32/52	

Floor Plans

The plans depict a total of **256** units consisting of **124** one bedroom, **128** two bedroom, **and 4 three bedroom units.** Building 1 also features a gym, sauna/steam room, coffee/café area for residents, leasing offices, and a lobby. **First floor garage units are located along the east side of Buildings 1 and 2. First floor garage units are located along the east and west sides of building 3.**

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states the Desert Inn and Durango Commercial Center is located on the northeast corner of Durango Drive and Desert Inn Road. Both Durango Drive and Desert Inn Road are highly trafficked, 100 foot wide right-of-ways. R-5 zoning is appropriate considering the site's location within an established commercial center and its close proximity to the major intersection of Durango Drive and Desert Inn Road. Additionally, an R-5 development will act as a buffer to the existing single family homes to the north and the Monaco Park Apartments to the east. The applicant is requesting a design review for grade fill increase of up to 9 feet, where 3 feet is permitted. A significant slope occurs on the site's topography from the west to the east, approximately 19 feet; therefore, requiring an increased fill to accommodate this existing topography and for drainage purposes. The applicant states they are providing ample landscaping along the perimeter of the property and throughout the development exceeding the required open space and tree calculations. The applicant is proposing a total of 60 trees throughout the development, where 56 trees are required.

According to the applicant, with more than 98 percent of the units being 1 bedroom or 2 bedroom units, demand for parking will not be as great. The applicant believes this slight reduction in parking will not negatively impact the surrounding uses or the project itself. The reduction to the setback for a garage opening onto a drive aisle is due to the depth of the above apartment unit. Although this reduces the amount of maneuvering space outside of the garages, these 2 garages are deeper than the usual 20 foot garages (26 feet, 10 inches deep), providing additional maneuvering space within the garage to avoid traffic conflicts. The distance separations throughout the development vary from **zero feet** to 9 feet, 11 inches. The drive aisles throughout the development are a minimum of 24 feet wide, which provides adequate space for cars to maneuver and avoid traffic conflicts when necessary. With that, the requested distance reduction from the garages to the vehicle drive aisles will not negatively impact the site. The increase in height of the retaining wall is necessary due to the topography of the site. As previously mentioned, a significant slope occurs on the site's topography from west to the east, approximately 19 feet; therefore, requiring a higher retaining wall.

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single family residential
South	Compact Neighborhood (up to 18 du/ac) & Corridor Mixed-Use	R-3 & C-2	Parking lot & commercial development
East	Compact Neighborhood (up to 18 du/ac)	R-3	Multiple family residential
West	Corridor Mixed-Use	C-2	Commercial development

Related Applications

Application Number	Request
PA-23-700016	Plan amendment to redesignate the land use category from Compact Neighborhood (CN) 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-2 and R-3 zoning districts to the north and east, respectively. 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 developments to the north and east are zoned for up to 8 and 18 dwelling units per acre, respectively, while 39.9 dwelling units are proposed with this development. 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 multiple family buildings (Buildings 1 and 2) with the largest height increase are located within the south portion of the site, oriented away from the single family residential development to the north. However, staff finds the proposed varying building height increases, up to a maximum height of 52 feet, are inconsistent and incompatible with the 1 and 2 story single family residential development to the north and the 2 story multiple family development to the east. Therefore, staff recommends denial.

Waiver of Development Standards #2

Staff recognizes the majority of the multiple family units consist of 1 to 2 bedrooms. However, the request to reduce parking is a self-imposed burden, which staff cannot support; therefore, recommends denial.

Waiver of Development Standards #3

Staff cannot support the request to reduce the setback for a garage opening onto a vehicle drive aisle. The intent of the minimum setback of 8 feet from the garage to the drive aisle is to ensure

there is adequate distance for a vehicle to safely back-out from an enclosed structure to the primary driveway. Eliminating the setback distance between the garage opening and drive aisle may create conflict between vehicles exiting the garage and automobiles utilizing the primary driveway. Eliminating the setback distance between the garage and drive aisle is a self-imposed burden and may also create an unsafe situation for motorists; therefore, staff recommends denial.

Waiver of Development Standards #4

Staff recognizes there are topographical issues with the site and the proposed increase height to the combined screen wall/retaining wall is necessary to accommodate the increase in finished grade. However, since staff is not supporting the zone change, waivers of development standards, and design reviews, staff cannot 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

Staff finds a variety of design elements are utilized on all sides of the residential building, including articulating building facades. The height of the proposed multiple family buildings are not compatible with the existing 1 and 2 story single family residences immediately north of the project site. Furthermore, the height of the multiple family buildings **are** not compatible with the 2 story multiple family buildings to the east. Due to staff's concerns with building height compatibility, in addition to not supporting the zone change, waivers of development standards, and design review #1, staff recommends denial of this request.

Public Works - Development Review

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. However, since Planning is recommending denial of the application, staff cannot support this design review.

Staff Recommendation

Denial. This item will be forwarded to the Board of County Commissioners' meeting for final action on **January 3, 2024 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;
- 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;
- 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.
- 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.

Fire Prevention Bureau

- Applicant is advised to submit plans for review and approval prior to installing any gates, speed humps (speed bumps not allowed), and any other Fire Apparatus Access Roadway obstructions.

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 #0206-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Spring Valley - denial.

APPROVALS:

PROTESTS: 9 cards

PLANNING COMMISSION ACTION: July 18, 2023 – HELD – To 08/01/23 – per the applicant.

PLANNING COMMISSION ACTION: August 1, 2023 – HELD – To 08/15/23 – per the applicant.

PLANNING COMMISSION ACTION: August 15, 2023 – HELD – To 09/05/23 – per the applicant.

PLANNING COMMISSION ACTION: September 5, 2023 – HELD – To 10/03/23 – per the applicant to rewrite/re-notify.

PLANNING COMMISSION ACTION: October 3, 2023 – HELD – To 11/07/23 – per the applicant.

PLANNING COMMISSION ACTION: November 7, 2023 – HELD – To 11/21/23 – per the applicant.

PLANNING COMMISSION ACTION: November 21, 2023 – HELD – To 12/05/23 – per the applicant.

APPLICANT: WY INVESTMENTS, LLC

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