

02/03/21 BCC AGENDA SHEET

APARTMENT COMPLEX  
(TITLE 30)

BOULDER LN/JET ST  
(INDIAN SPRINGS)

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ET-20-400155 (NZC-0387-08)-INDIAN SPRINGS INVESTMENTS, LLC:**

**ZONE CHANGE FOURTH EXTENSION OF TIME** to reclassify 15.8 acres from R-T (Manufactured Home Residential) Zone to R-3 (Multiple Family Residential) Zone.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduced driveways; **2)** trash enclosures.

**DESIGN REVIEW** for an apartment complex.

Generally located on the south side of Boulder Lane and the east side of Jet Street (alignment) within Indian Springs (description on file). RM/jgh/jd (For possible action)

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RELATED INFORMATION:

**APN:**

059-08-701-059

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Allow driveway length to be zero feet where 8 feet is the standard (a 100% reduction).
2. Allow trash enclosures to be over 200 feet from a multiple family residential building.

**MASTER PLAN/LAND USE PLAN:**

NORTHWEST COUNTY (INDIAN SPRINGS) - RESIDENTIAL SUBURBAN (UP TO 8 DU/AC)

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 15.8
- Number of Units: 304
- Density (du/ac): 17.23
- Project Type: Apartment complex
- Number of Stories: 2
- Building Height (feet): 28 (Building types 1, 2, and 3)
- Square Feet: 14,924 (Building type 1)/16,096 (Building type 2)/19,380 (Building type 3)
- Parking Required/Provided: 564/580

### History/Site Plans

The original application was a nonconforming zone change from R-T to R-3 zoning for an apartment complex along with waivers of development standards and a design review for an apartment complex. The approved plans depicted 304 apartment units distributed between 23 buildings with 3 different building types. In addition, detached garages are located throughout the complex. Access to the project is provided by a main entrance on Boulder Lane and a secondary access on Gretta Lane at the south end of the project. Pedestrian connections are located at Gretta Lane, Jet Street, and at the main entrance at Boulder Lane. In May of 2013 the Board of County Commissioners approved ET-0033-13, which gave the applicant until October 7, 2016 to complete the project, the applicant applied for another extension of time which was approved in November, 2016. A Third extension of time was applied for and approved in November, 2019 and the applicant was given an additional year to commence.

### Landscaping

Plans for the complex submitted with the original application show a 6 foot wide perimeter landscape strip with internal landscaping spaced throughout the parcel. Landscaping complies with all requirements of Title 30.

### Elevations

All approved building types are 28 feet high with hip roofs covered with Spanish tile and earth tone painted stucco. The buildings also have stone accents, pop-out windows, and other architectural features to break-up the building mass. The stucco painted surface varies in tone, making them more appealing.

### Floor Plans

The approved plans depict Building Type 1 is 14,924 square feet with 14, one bedroom apartments per building. Building Type 2 is 16,096 square feet and provides 14, two bedroom units per building. Building Type 3 is 19,380 square feet consisting of 3, three bedroom units per building. There are 5 Building Type 1 buildings; 15 Building Type 2 buildings; and 3 Building Type 3 buildings in the complex. Each building has garages with Building Types 1 and 2 having 6 single car garages, and Building Type 3 having 8, two car garages.

### Signage

Signage was not a part of the original application.

### Previous Conditions of Approval

Listed below are the approved conditions for ET-19-400129 (NZN-0387-08):

#### Current Planning

- Until November 2, 2020 to commence;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that 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

- Compliance with previous conditions.

Listed below are the approved conditions for NZC-0387-08 (ET-0134-16):

#### Current Planning

- Until October 7, 2019 to commence.
- Applicant is advised that 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

- Compliance with previous conditions.
- Clark County Water Reclamation District (CCWRD)
- Applicant is advised that existing sewer is within 400 feet of the parcel; and that at time of development, submit a Point of Connection (POC) request to the CCWRD to ensure the location and capacity in the public collection system.

Listed below are the approved conditions for NZC-0387-08 (ET-0033-13):

#### Current Planning

- Until October 7, 2016 to complete;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time.

#### Public Works – Development Review

- Compliance with previous conditions.

#### Clark County Water Reclamation District (CCWRD)

- Applicant is advised that existing sewer is located within 400 feet of the parcel; and that at the time of development CCWRD requires submittal of civil improvement plans and estimated wastewater flow rates to determine sewer point of connection.

Listed below are the approved conditions for NZC-0387-08:

#### Current Planning

- Provide legal description for Phase 1;
- A Development Agreement as agreed upon by the applicant to mitigate impacts of the project including, but not limited to, issues identified by the technical reports and studies, and issues identified by the Board of County Commissioners including but not limited to on-site security, alignment of and improvements for Jet Street, off-sites on Boulder Lane, maximum density, signage and traffic calming devices, and phasing of project;
- Development Agreement as a public hearing to be heard by the Indian Springs Town Board and the Board of County Commissioners;
- All applicable standard conditions for this application type.

- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time; and that this application must be completed within 3 years of approval date or it will expire.

#### Civil Engineering

- Right-of-way dedication to include 30 feet for Gretta Lane, 30 feet for Jet Street, and associated spandrel;
- Construct full off-sites;
- Drainage study and compliance;
- Traffic study and compliance, project may qualify for an exception to the traffic analysis with Civil Engineering Division approval;
- Right-of-way dedication to include 30 feet for Fisher Lane or apply for and have approved a vacation of Fisher Lane, if Fisher Lane is vacated then right-of-way dedication to include a Clark County approved turn around at the westerly terminus of Fisher Lane or at the northerly terminus of Helen Street;
- If project is gated, queuing analysis and/or gate/callbox location to be approved by Civil Engineering prior to tentative map approval.

#### Applicant's Justification

The applicant indicates more time is needed to complete this zone change but progress towards completion has been made. The applicant has completed a development agreement on file but needs more time; therefore, an extension of time is needed.

#### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ET-19-400129 (NZC-0387-08)	Third extension of time to reclassify 15.8 acres from R-T to R-3 zoning	Approved by BCC	November 2019
NZC-0387-08 (ET-0134-16)	Second extension of time to reclassify 15.8 acres from R-T to R-3 zoning	Approved by BCC	November 2016
DA-15-0374	Development Agreement for an apartment complex on 15.8 acres in an R-3 (Multiple Family Residential) Zone	Approved by BCC	July 2015
VS-15-0097	Vacation of government patent easements located between Boulder Lane and Gretta Lane	Approved by PC	April 2015
NZC-0387-08 (ET-0033-13)	First extension of time to reclassify 15.8 acres from R-T to R-3 zoning	Approved by BCC	May 2013
NZC-08-0387	Reclassified 15.8 acres from R-T to R-3 zoning	Approved by BCC	October 2009
DR-03-1103	Mobile home park consisting of 119 spaces	Approved by PC	August 2003

#### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Public Facilities	P-F	School
South	Public Facilities	P-F	Park
East	Residential Suburban	RS & R-T	Single family development

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
West	Rural Open Land	R-U	Undeveloped

**STANDARDS FOR APPROVAL:**

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

**Analysis****Current Planning**

Title 30 standards of approval on an extension of time application state that such an application may be denied or have additional conditions imposed if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws or policies affecting the subject property. Using the criteria set forth in Title 30, no substantial changes have occurred at the subject site since the original approval.

Since the original approval over 11 years ago, the applicant states they have had drainage issues that prevented them from proceeding. Additionally, they acknowledge the necessary services and amenities in the area were insufficient to support the development. Since the original approval the applicant has entered into a Development Agreement with the County; however, no studies have been submitted and no building permits have been applied for. Staff feels the applicant has had sufficient time to begin the physical construction of this project; therefore, staff cannot support this extension of time request.

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

**PRELIMINARY STAFF CONDITIONS:****Current Planning**

If approved:

- Until November 2, 2022 to commence;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that 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**

- Compliance with previous conditions.

**Clark County Water Reclamation District (CCWRD)**

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTEST:**

**APPLICANT:** INDIAN SPRINGS INVESTMENTS, LLC

**CONTACT:** TONY CELESTE, KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DR.,  
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