

MULTIPLE FAMILY
RESIDENTIAL DEVELOPMENT
(TITLE 30)

UPDATE
LAS VEGAS BLVD S/WELPMAN WY

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
UC-21-0033-CHELSEI HOLDING, LLC:

HOLDOVER USE PERMITS for the following: **1)** multiple family residential development; **2)** retail; and **3)** project of regional significance.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increase building height; and **2)** non-standard improvements in the right-of-way.

DESIGN REVIEWS for the following: **1)** multiple family residential development with retail uses; and **2)** finished grade on 10.0 acres in an H-1 (Limited Resort and Apartment) Zone.

Generally located on the east and west sides of Las Vegas Boulevard South, 315 feet south of Welpman Way within Enterprise. MN/jt/jd (For possible action)

RELATED INFORMATION:

APN:

191-08-801-003; 191-08-801-004

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase building height to 203 feet where 100 feet is the maximum per Table 30.40-7 (a 103% increase).
2. Allow non-standard improvements (landscaping, driveways, and walkways) in the right-of-way (Las Vegas Boulevard South) where not allowed per Chapter 30.52.

DESIGN REVIEWS:

1. Multiple family residential development with retail uses.
2. Increase finished grade to 48 inches where a maximum of 18 inches is the standard per Section 30.32.040 (a 167% increase).

LAND USE PLAN:

ENTERPRISE - COMMERCIAL TOURIST

BACKGROUND:

Project Description

General Summary

- **Site Address:** N/A
- **Site Acreage:** 10
- **Number of Units:** 307

- **Density (du/ac): 30.7**
- **Project Type: Multiple family residential development with retail uses**
- **Number of Stories: 16**
- **Building Height (feet): 203**
- **Square Feet: 15,520 (retail portion only)**
- **Open Space Required/Provided: 30,700/100,000**
- **Parking Required/Provided: 682/788**

Site Plan

The site plan depicts a multiple family residential building located near the center of the site with an attached retail portion of the building located between the residential portion and Las Vegas Boulevard South. Overall setbacks for the building are 93 feet to the north property line, 172 feet to the west property line, 61 feet to the south property line, and 87 feet to the east property line along Las Vegas Boulevard South. However, an additional 110 feet of landscaping, driveways, and walkways will be located within the Las Vegas Boulevard South right-of-way, which requires a waiver of development standards. A maintenance and central plant building is located in the northwest portion of the site, set back 10 feet from the north property line and 10 feet from the west property line.

Access to the site is provided by 2 driveways from Las Vegas Boulevard South, and drive aisles circle the perimeter of the site. A valet and pick-up/drop-off are located on the north side of the building, and surface parking spaces are located on the north, east, and west sides of the building; however, most of the parking spaces are provided in a garage podium that will be below the residential portion of the multiple family building. Lastly, a retail plaza is located on the north side of the retail portion of the building, and open space is provided for residents on the northwest side of the building in an area that includes landscaping, a wash, and a trail.

Finished grade will be increased to a maximum of 4 feet.

Landscaping

Landscaping is provided around the perimeter of the site, within the surface parking spaces, and around the perimeter of the building. An additional 110 feet of landscaping is provided within the Las Vegas Boulevard South right-of-way to connect the edge of pavement with the property line for the project. A detached sidewalk is provided within the right-of-way, and another detached sidewalk is provided along the east property line.

Open space is provided in the resident area on the northwest side of the building, which is over 20,000 square feet, and within the rooftop decks with pools, which is over 80,000 square feet.

Elevations

The elevations of the building stair step upward in height from a 3 story component closest to Las Vegas Boulevard South, to a 7 story component, to a 12 story component, and lastly to a 16 story component along the western side of the site. Overall height of the 16 story portion of the building is 203 feet, which requires a waiver of development standards. Exterior materials include painted concrete, metal panels, low-e glazing, and an aluminum shade structure attached

to the side of the parking garage levels, which are the first 3 levels on the north, south, and west sides of the building.

Floor Plans

The basement level includes podium parking spaces; the first level includes parking spaces, a sales office, and retail spaces; and the second level includes podium parking spaces and a back of house area. Level 3 includes residential units and roof terrace areas; and levels 4 through 6, and 8 through 11 include residential units. Level 7 includes residential units and an additional roof terrace area. Level 12 includes residential units, gym, spa, additional roof terrace, and a rooftop pool. Levels 13 through 15 include residential units, and level 16 includes 2 bedroom units, penthouse units, and an additional rooftop pool. Overall unit count is 307 units, which consists of 40 single bedroom units, 229 two bedroom units, and 34 three bedroom units.

Signage

Signage is not a part of this request.

Applicant's Justification

According to the applicant, the proposed site design, scale, and building massing are similar to other mid-rise and high-rise developments along Las Vegas Boulevard South, and the project is consistent with Title 30 standards. The increased finished grade will optimize cut and fill construction, minimize drainage effects on adjacent parcels, and provide minimal overall change relative to building height.

The 2 waivers of development standards are appropriate for the site. First, the non-standard improvements in the right-of-way are necessary since it may be a significant amount of time before the right-of-way is fully constructed. In the interim, the improvements will be a significant improvement over leaving the area undeveloped. Second, the increase in overall height is appropriate in scale to similar uses along Las Vegas Boulevard South, and the building design complies with the vertical setback requirement from the right-of-way.

Lastly, the special use permits for multiple family residential and retail uses are appropriate in the H-1 zone, and the project of regional significance will not create a significant impact on infrastructure not already contemplated for the area.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-1198-07	Reclassified the site to H-1 zoning for future commercial uses	Approved by BCC	December 2007
UC-0349-03	Off-premises advertising sign (billboard) located on the east side of Las Vegas Boulevard South	Approved by BCC	May 2003
UC-0347-03	Off-premises advertising (billboard) located on the west side of Las Vegas Boulevard South	Approved by BCC	May 2003

Surrounding Land Use*

	Planned Land Use Category	Zoning District	Existing Land Use
North	City of Henderson & Commercial Tourist	No zoning & H-2	Clark County School District transportation facility & undeveloped
South	City of Henderson	No zoning	Parking lot for a Clark County School District transportation facility
East	Commercial Tourist	H-2 & R-E	Undeveloped
West	City of Henderson	No zoning	Clark County School District transportation facility

*The subject site and surrounding area are within the Public Facilities Needs Assessment (PFNA) area.

Related Applications

Application Number	Request
WC-21-400012 (ZC-1198-07)	Waiver of conditions of a zone change requiring right-of-way dedication for Mullen Avenue 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**Current Planning**Use Permits

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 Comprehensive 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.

Multiple family residential uses and retail uses are appropriate along Las Vegas Boulevard South. In addition, Land Use Goal 2 in the Comprehensive Master Plan encourages in part a mix of commercial and multiple family residential uses connected and integrated vertically. Also, Land Use Goal 7 encourages housing alternatives to meet a range of lifestyle choices. High-rise residential living options are appropriate at this location, which is adjacent to a transportation facility and undeveloped land. Lastly, although infrastructure may not be currently available since the site is adjacent to the City of Henderson at the south end of Las Vegas Boulevard South, the Clark County Comprehensive Master Plan anticipates intense Commercial Tourist uses at this location. As a result, infrastructure will eventually be available, and therefore, the project of regional significance is appropriate.

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

Increases in building height are generally appropriate in the H-1 zone along Las Vegas Boulevard South. Although this site is adjacent to a transportation facility and undeveloped land, the site is approximately one third of a mile from the M Resort Hotel located in the City of Henderson, which is a multiple story development. Also, the project will be visible from I-15 and there is no single family residential development in the area, which could be negatively impacted by the increased building height. As a result, staff can support the request.

Design Reviews

The site layout meets all setback, landscaping, and circulation requirements. Also, the building materials, elevations, scale, and massing are appropriate and aesthetically pleasing. Finally, the design complies with several policies in the Comprehensive Master Plan. For example, Growth Management Policy 13 encourages the integration of new housing and retail that is less auto dependent. Urban Specific Policy 19 encourages in part lower height buildings adjacent to streets to vary the building height and reduce the perceived mass. Lastly, Urban Specific Policy 51 encourages several amenities within multiple family projects such as usable open space and swimming pools. Since the design generally complies with Title 30 standards and the project is consistent with policies in the Comprehensive Master Plan, staff can support this request.

Public Works - Development Review

Waiver of Development Standards #2

The applicant is required to dedicate a portion of the property in order to accommodate a proportionate share of a 300 foot wide right-of-way on Las Vegas Boulevard South according to Title 30 and the Clark County Transportation Element. Staff has no objection to the proposed non-standard improvements (landscaping, structures and improvements) within the right-of-way since Las Vegas Boulevard South will not be improved to the ultimate width at this time.

Design Review #2

This design review represents the maximum grade difference along 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.

Department of Aviation

Federal Aviation Regulations (14 CFR, Part 77) require that the Federal Aviation Administration (FAA) be notified before the construction or alteration of any building or structure that will exceed a slope of 100:1 for a distance of 20,000 feet from the nearest point of any airport runway or for any structure greater than 200 feet in height. 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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

- 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;
- 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;
- Full off-site improvements;
- Right-of-way dedication for Las Vegas Boulevard South to accommodate a proportionate share of a 300 foot wide right-of-way;
- Applicant to execute and sign a License and Maintenance Agreement for any non-standard improvements within the right-of-way;
- Owner acknowledges that the proposed non-standard improvements (landscaping, buildings, structures, and improvements) are within a portion of the area planned for a 300 foot wide right-of-way per Title 30 and the Clark County Transportation Element;
- Owners or its successors shall remove any non-standard improvements (landscaping, buildings, structures, and improvements) related to this application or any future applications within the right-of-way at its own expense, at the request of Clark County Public Works;
- Maintain the required width of all public access walkway segments so that a minimum Level of Service "C" is achieved under peak pedestrian volumes;
- Vacate any unnecessary easements.
- 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 and that the installation of detached sidewalks will require dedication to back

of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

Department of Aviation

- 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;
- 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 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.

Southern Nevada Health District (SNHD) - Septic

- **Applicant is advised that there is an active septic permit on APN 191-08-801-004; to connect to municipal sewer and remove the septic system in accordance with Section 17 of the SNHD *Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management*; and to submit documentation to SNHD showing that the system has been properly removed.**

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that CCWRD does not provide sanitary sewer service in this portion of the unincorporated county; for any sanitary sewer needs, applicant is advised to contact the City of Henderson to see if the City has any gravity sanitary sewer lines located in the vicinity of the applicant's parcel; and that an interlocal agreement with City of Henderson will also be required.

TAB/CAC: Enterprise - approval (design review for signage, lighting, and any changes).

APPROVALS:

PROTESTS:

COUNTY COMMISSION ACTION: April 7, 2021 – HELD – To 04/21/21 – per the Board of County Commissioners.

APPLICANT: SEAN COULTER

CONTACT: SEAN COULTER, SIMPSON COULTER STUDIO, 151 E. WARM SPRINGS ROAD, LAS VEGAS, NV 89119