

MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT      BRUNER AVE/ENSWORTH ST  
(TITLE 30)

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ZC-21-0193-I-15 BIG 4 REAL ESTATE, LLC:**

**ZONE CHANGE** to reclassify 7.2 acres from an H-2 (General Highway Frontage) Zone and an R-E (Rural Estates Residential) Zone to an H-1 (Limited Resort and Apartment) Zone.

**USE PERMIT** for a multiple family residential development.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** landscaping; **2)** setback for decorative fence; **3)** increase wall height; and **4)** alternative driveway geometrics.

**DESIGN REVIEWS** for the following: **1)** multiple family residential development; and **2)** finished grade.

Generally located on the north side of Bruner Avenue and the west side of Ensworth Street (alignment) within Enterprise (description on file). MN/jt/jd (For possible action)

---

RELATED INFORMATION:

**APN:**

191-05-801-013; 191-05-801-014

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce parking lot landscaping (landscape finger islands and trees) where landscaping per Figure 30.64-14 is required.
2. Allow a 6 foot high decorative fence along Ensworth Street which is not setback 6 feet for landscaping where required per Figure 30.64-10.
3. Increase wall height to 10 feet (4 feet of retaining wall plus 6 feet of screen wall) where 9 feet (3 feet of retaining wall plus 6 feet of screen wall) is the maximum allowed per Section 30.64.050 (a 11% increase).
4. Reduce throat depth to 14 feet where 150 feet is the minimum distance allowed per Uniform Standard Drawing 222.1 (an 89% reduction).

**DESIGN REVIEWS:**

1. Multiple family residential development.
2. Increase finished grade to 54 inches where a maximum of 18 inches is the standard per Section 30.32.040 (a 200% increase).

**LAND USE PLAN:**

ENTERPRISE - COMMERCIAL TOURIST

## **BACKGROUND:**

### **Project Description**

#### **General Summary**

- Site Address: 12015 & 12085 Ensworth Street
- Site Acreage: 7.2
- Number of Units: 258
- Density (du/ac): 36
- Project Type: Multiple family residential development
- Number of Stories: 5
- Building Height (feet): 70
- Open Space Required/Provided: 25,800/33,900
- Parking Required/Provided: 448/449

#### Site Plan

The site plan depicts a proposed multiple family residential development located in the center of the site, set back approximately 120 feet from the north property line, 80 feet from the east property line along Ensworth Street, 75 feet from the south property line along Bruner Avenue, and 135 feet from the west property line. The residential building is “G” shaped with parking spaces and carports around the perimeter of the site. Common area, including a pool is located within the center of the “G.” Access is provided from a driveway on Ensworth Street. Trash enclosures are located on the east and south sides of the building, and garage spaces are located along the north and west sides of the building. Lastly, the reduced throat depth for the driveway is due to the internal drive aisles and parking spaces.

There are 2 existing off-premises (billboard) signs located on the site. One is in the northwest corner of the site, and the second is in the southwest corner of the site.

#### Landscaping

A 6 foot wide area is located along the north property line with fingers extending into the parking lot. Trees are not provided due to a water line in the area. In addition, a 10 foot high wall, 4 foot of retaining wall with a 6 foot screen wall, is located on the northern property line. Perimeter landscaping on other parts of the site include a 15 foot wide landscape area along the west property line adjacent to the I-15, and a 6 foot wide landscape strip with a detached sidewalk and a 5 foot wide landscape strip along Bruner Avenue to the south. A 6 foot landscape strip is provided along Ensworth Street; however, the decorative fence is located on the property line, rather than setback 6 foot from the property line, behind the landscaping as required by Code.

Internal to the site, parking lot landscaping consists of landscape fingers with a ratio less than every 6 parking spaces, which necessitates a waiver of development standards. A 25,600 square foot amenity area is near the center of the building, which includes a pool and courtyard.

#### Elevations

Elevations depict a 5 story multiple family residential building with off-set surface planes to reduce the visual mass of the building. Maximum height is approximately 70 feet to the top of

several decorative roof elements on portions of the building; however, most of the building is approximately 61 feet tall to the top of the parapet walls along the roofline. Exterior materials include painted stucco, stone veneer, metal railing, glazing, and garage doors.

#### Floor Plans

Residential portions of the building will include 127, one bedroom units and 131, two bedroom units. Other portions of the building will include leasing office, multiple purpose room, demonstration kitchen, and fitness center.

#### Signage

Signage is not a part of this request.

#### Applicant's Justification

According to the applicant, a zone change to H-1 is appropriate since the zoning is conforming to the Commercial Tourist land use designation, and in addition, H-1 zoning is compatible with the surrounding properties that are zoned H-1 and R-4.

The applicant goes on to state that a multiple family residential development is appropriate in the H-1 zone, and the proposed density of 36 dwelling units per acre is less than the 50 dwelling units per acre allowed in the H-1 zone. Also, a more intense multiple family residential development was approved nearby at the intersection of Las Vegas Boulevard South and Neal Avenue that included 53 dwelling units per acre (UC-0922-17). The applicant states that the proposed multiple family residential development complies with several urban specific policies in the Comprehensive Master Plan for multiple family residential developments regarding massing of buildings, amenities for residents, and drought-tolerant landscaping.

The applicant indicates a water line with a patent easement is located along the north property line, which does not allow trees in this area. Also, the internal parking lot landscape fingers were reduced over the entire site to meet the parking demands of the project. The 10 foot wall is necessary due to a wash on the northern portion of the site. Regarding the decorative fence along the eastern property line, the applicant indicates, although interior to the fence, the landscaping is visible from the street.

Lastly, the applicant states that the increase in finished grade is necessary to comply with Americans with Disability Act (ADA) requirements.

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

| <b>Application Number</b> | <b>Request</b>  | <b>Action</b>  | <b>Date</b>    |
|---------------------------|---|----------------|----------------|
| ZC-20-0053                | Reclassified the site to R-5 zoning for a multiple family residential development | Withdrawn      | July 2020      |
| VS-20-0149                | Vacated and abandoned easements and right-of-way                                  | Withdrawn      | May 2020       |
| UC-1132-94                | Allowed two, 40 foot high, 672 square foot off-premises signs on the site         | Approved by PC | September 1995 |

### **Surrounding Land Use**

|       | <b>Planned Land Use Category</b>  | <b>Zoning District</b> | <b>Existing Land Use</b>                  |
|-------|---|------------------------|---|
| North | Commercial Tourist  | R-4                    | Undeveloped                               |
| South | Commercial Tourist  | H-1                    | Multiple family residential               |
| East  | Commercial Tourist  | R-4 & R-E              | Undeveloped                               |
| West  | Major Development Project (Southern Highlands) & Residential High (8 du/ac to 18 du/ac) | H-1 & R-3              | Multiple family residential & undeveloped |

I-15 is located along the western boundary of the site, and this site and the surrounding area are in the Public Facilities Needs Assessment (PFNA) area.

### **Related Applications**

| <b>Application Number</b> | <b>Request</b>   |
|---------------------------|--|
| VS-21-0192                | A vacation and abandonment of patent easements 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**

##### Zone Change

The conforming zone boundary amendment is consistent with the residential density anticipated for this site by the Commercial Tourist designation in the Enterprise Land Use Plan. In addition, the adjacent property to the north is zoned R-4 in anticipation of a future Clark County affordable housing project, and the abutting property to the south across Bruner Avenue is developing with an approved multiple family development in the H-1 zone. As a result, staff finds that the zone boundary amendment is compatible with the surrounding zoning and developing projects.

##### 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 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.

The site is surrounded by existing and proposed multiple family developments. In addition, Land Use Goal 7 encourages housing alternatives to meet a range of lifestyle choices, ages, and affordability levels. Therefore, multiple family housing is appropriate for the area and it is consistent with the Clark County Comprehensive Master Plan. As a result, staff would typically support the use permit for multiple family housing, which will create additional residential opportunities. However, as noted below, staff does not support the waivers of development standards or design review #1; therefore, staff does not support the use permit.

### 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

Parking lot trees provide many benefits including reducing the urban heat island effect, noise and glare, and water run-off. In addition, trees improve the comfort and aesthetics of a site. Although the applicant is reducing the required number of parking lot trees, trees are still provided throughout the parking lot, and additional trees are provided along the east, west, and south property lines and within the common area. Furthermore, carports are located throughout the parking lot that will provide shading, which is one purpose of parking lot trees. However, since Public Works staff does not support the waiver for throat depth, which changes the layout of the site, staff does not support this request.

#### Waiver of Development Standards #2

While it is preferred to have landscaping free of structures along the streetscape, staff can support the request for the decorative fence at the property line. Since the landscaping is still visible through the fence, it should not create the canyon effect sometimes caused by walls close to the street. However, since Public Works staff does not support the waiver for throat depth, staff does not support this request.

#### Waiver of Development Standards #3

Staff does not have a concern with the request for 1 additional foot to the retaining wall. There is a wash across the site necessitating the increased height for proper drainage flow. The wall should not have a negative impact to the surrounding area. However, since Public Works staff does not support the waiver for throat depth, staff does not support this request.

#### Design Review #1

The proposed design is consistent with Urban Specific Policy 53, which encourages appropriate buffers, setbacks, drought-tolerant landscaping, building height and materials, along with on-site and off-site circulation for multiple family residential developments. The proposed setbacks exceed the minimum requirements, and the proposed on-site circulation is appropriate for the development. Also, Urban Specific Policy 51 encourages multiple family projects to provide several amenities such as usable open space, swimming pools, and barbeque pits. Here, the project includes a pool, multiple purpose room, demonstration kitchen, and fitness rooms. However, although landscaping is not required along the northern property line, staff finds shrubs and ground cover should be planted within the 6 foot area and the northern landscape areas to soften up the look of the taller wall. Although the design is consistent with policies in the Comprehensive Master Plan, Public Works staff does not support the waiver for throat depth, which changes the layout of the site; therefore, staff does not support this request.

## **Public Works - Development Review**

### Waiver of Development Standards #4

Staff finds that the reduced throat depth for the Ensworth Street commercial driveway will result in driver confusion and the potential for vehicles to stack into Ensworth Street. Although the applicant indicates that Ensworth Street does not exist north or south of the site, Ensworth Street will serve as the future frontage road in this area. As such, heavy traffic volumes are expected in the future. Based on the future plans for this area, staff finds that there is not sufficient justification for this waiver of development standards.

### Design Review #2

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.

## **Staff Recommendation**

Approval of the zone change and design review #2; denial of the use permit, waivers of development standards, and design review #1.

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:

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Provide landscaping, consisting of but not limited to shrubs and groundcover, in the landscape strip and landscape islands along the northern property line;
- 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 use permit, 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;
- Full off-site improvements;
- Right-of-way dedication to include 35 feet to the back of curb for Bruner Avenue with a County-approved turnaround, 30 feet for Ensworth Street, and associated spandrel;
- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way.
- Applicant is advised 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; and 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.

**Building Department - Fire Prevention**

- 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](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0191-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require a new POC analysis.

**TAB/CAC:** Enterprise - approval; denial of waivers of development standards and design reviews.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** HOLDEN DEVELOPMENT COMPANY, LLC

**CONTACT:** KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DR., STE 650, LAS VEGAS, NV 89135