

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ET-24-400082 (UC-21-0636)-APEX LAS VEGAS, LLC:**

**USE PERMIT SECOND EXTENSION OF TIME** for a multi-family residential development. **WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduced parking; **2)** non-standard landscaping; and **3)** alternative standards for perimeter fence.

**DESIGN REVIEW** for the conversion of a motel to a multi-family residential development on 5.2 acres in a CR (Commercial Resort) Zone in the Airport Environs (AE-60) and the Maryland Parkway Overlays.

Generally located on the south side of Twain Avenue and the west side of Cambridge Street within Paradise. TS/dd/syp (For possible action)

---

RELATED INFORMATION:

**APN:**

162-15-701-002; 162-15-701-003

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce the required parking to 202 spaces where 339 spaces are required per Table 30.60-1 (a 40% reduction).
2.
  - a. Allow alternative landscaping along a collector street where a 15 foot landscape area is required with an existing attached sidewalk per Section 30.64.030.
  - b. Allow alternative landscaping along a local street where landscaping per Figure 30.64-9 is required.
3.
  - a. Allow a decorative fence which is not set back for landscaping as required per Section 30.64.020.
  - b. Increase the maximum height of a fence to 6 feet 2 inches where 6 feet is the maximum allowed per Section 30.64.020 (a 3% increase).

**LAND USE PLAN:**

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 905 & 955 E. Twain Avenue
- Site Acreage: 5.2
- Number of Units: 228
- Density (du/ac): 47.2
- Project Type: Multi-family residential

- Number of Stories: 2
- Building Height (feet): 22
- Parking Required/Provided: 339/202

### History

The existing development was built in the mid 1970's as a multi-family development. In 2008, a zone change (ZC-0804-08) was approved to reclassify the multi-family development from an RM50 (formerly R-5) Zone to a CR (formerly H-1) Zone and to convert the use to a motel. In 2015, an application was submitted to revert the motel back to a multi-family development; however, the application was withdrawn, leaving the development as a motel. Through the years, the development was licensed as an apartment and motel, similar to long/short term lodging that was included in Title 30 at the time of the previous approval. The original request was to revert the development back to a multi-family residential use for permanent residency, which does not allow for transient occupancy, meaning the units must be leased for a minimum of 31 consecutive days.

Since this is a developed site with no new construction, the existing conditions which were previously approved or permitted may continue without additional land use. For example, the parking stalls do not meet the required 18 foot length. However, a waiver to allow 16 feet was previously approved. Additionally, a fence was installed which does not meet the standards; therefore, a waiver of development standards was required.

When the use changes on a site, for example from a motel to a multi-family development, the regulations related to the use must meet Code. In this case, the parking requirement is per a multi-family residential use. Since the on-site parking does not meet Code for multi-family developments, a waiver of development standards for parking was required.

In October of 2022 the applicant was approved for their first extension of time (ET-22-400104 (UC-21-0636)) to allow extra time to complete the work necessary to transition the use of the property from a hotel to a multi-family development. The applicant is requesting a second extension to complete the building permit and inspection process.

### Site Plans

The approved plans show that the site is developed with 26 buildings with 228 units. The buildings are generally grouped into 2 complexes which are a mirror image of each other with each complex consisting of 13 buildings. There are courtyards within the buildings with 1 pool in each grouping. Parking is located on the west and east property lines and in the center of the 2 groupings. Three hundred thirty-nine parking spaces are required for a multi-family complex and 202 parking spaces are provided. Trash enclosures are located along the southern property line. The plans show 4 driveways from Twain Avenue and 1 driveway from Cambridge Street. Two of the driveways on Twain Avenue, and the 1 on Cambridge Street are gated for emergency use only. The 2 central driveways along Twain Avenue do not have a gate.

### Landscaping

The approved plans show existing palm trees in a landscape strip ranging from 8 feet to 16 feet wide along Twain Avenue, as well as along the southern property line. The previously approved

plans depict additional shrubs to enhance the landscaping on Twain Avenue; however, Code requires a 10 foot wide strip next to a collector street, and palm trees are no longer a permitted tree type per the Southern Nevada Regional Planning Coalition Regional Plant List. Medium trees spaced 30 feet apart (20 feet is the maximum per Code) and shrubs are provided along Cambridge Street, in an existing 8 foot wide landscape strip. Landscaping was removed at the northeast corner of the site, as it was located within the right-of-way. A portion of the landscape strip to the east of the central driveway is shown to be converted to artificial turf.

A 6 foot 2 inch wrought iron fence is located just behind the sidewalk of Twain Avenue and Cambridge Street which required the waiver of development standards.

#### Elevations

The approved plans show the buildings as approximately 22 feet tall with a tile pitched roof. Existing exterior materials include stucco with stone veneer accents.

#### Floor Plan

The approved plans show the apartment complex consisting of 1 bedroom and 2 bedroom units.

#### Signage

Signage was not a part of the original request.

#### Previous Conditions of Approval

Listed below are the approved conditions for ET-22-400104 (UC-21-0636):

##### Current Planning

- 1 year to complete the building permit and inspection process, and obtain a business license for the multi-family residential development (apartment) use.
- 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; 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 UC-21-0636:

##### Current Planning

- 6 months to commence with any extension of time to be a public hearing;
- 1 year to review as a public hearing, applicant to provide a status report to address progress to correct all safety issues identified by the Clark County Fire Department, Clark County Building Department, Clark County Code Enforcement, and to secure all units that are not in use;
- Containers shall be removed prior to zoning approval of a business license or a building permit;

- Parking stalls shall be striped prior to zoning approval of a business license or issuance of a building permit;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that a change of occupancy permit may be required by the Clark County Building Department, and if so, the change must be approved by the Building Department prior to zoning approval of the business license; 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 and application for review; 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

- Applicant is advised that signs, structures, and landscaping shall not encroach into public right-of-way, easements, or sight-visibility zones.

#### 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.

#### Building Department - Fire Prevention

- 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 the property is already connected to the CCWRD sewer system; and that if any existing plumbing fixtures are modified in the future, then additional capacity and connection fees will need to be addressed.

Applicant’s Justification

The applicant states that while they were aware of issues that the buildings had, technical analysis performed by architects and engineers revealed the problems to be much more extensive than previously thought. The applicant also states that a new architecture firm was hired in September 2023 to replace the prior architects working on the project, which caused delays. Furthermore, the applicant claims that numerous site visits to assess the problems at the site have been conducted by architects, engineers, plumbers, and electricians. Lastly, the applicant states that Clark County Building Department applications BD24-09122 and BD24-24201 were submitted to address the uncovered trash enclosures that were erected at the site without prior approval.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ET-22-400104 (UC-21-0636)	First extension of time for the conversion of a motel to a multi-family development with a reduction in parking	Approved by PC	October 2022
UC-21-0636	Conversion of a motel to a multi-family development with a reduction in parking	Approved by PC	January 2022
ZC-0804-08	Reclassified from R-5 to H-1 zoning for a conversion of an existing multi-family development to a motel	Approved by BCC	November 2008

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North & South	Entertainment Mixed-Use	RM50 (AE-60 & MPO)	Multi-family residential
East	Public Facility	PF (AE-60 & MPO)	Molasky Park
West	Entertainment Mixed-Use	CG (AE-60 & MPO)	Shopping center

**STANDARDS FOR APPROVAL:**

The applicant shall demonstrate that the proposed request is consistent with the Master Plan and is in compliance with Title 30.

**Analysis**

**Comprehensive Planning**

Title 30 standards of approval for an extension of time state an application may be denied 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, regulations, or policies affecting the subject property. Additionally, the applicant must demonstrate the project is progressing through the applicable development permit or licensing process.

Since the previous approval of ET-22-400104 (for UC-21-0636) in 2022, staff finds that some progress has been made towards obtaining the required building permits for the site. There are currently 2 separate building permits open for the site; one to address the change of occupancy and the other for the unpermitted trash enclosure. The deteriorated state of the buildings may have hindered progress, but in any case, the building permit process is not complete and a business license has not been obtained; 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 Master Plan, Title 30, and/or the Nevada Revised Statutes.

### **PRELIMINARY STAFF CONDITIONS:**

#### **Comprehensive Planning**

If approved:

- Until October 18, 2025 to complete the building permit and inspection process and obtain a business license or the application will expire unless extended with approval of an extension of time.
- Applicant is advised that the County has adopted a rewrite to Title 30 effective January 1, 2024, 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 the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

#### **Public Works - Development Review**

- Compliance with previous conditions.

#### **Fire Prevention Bureau**

- No comment.

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

- No comment.

**TAB/CAC:** Paradise - approval (until October 18, 2026 to complete the building permit).

**APPROVALS:**

**PROTEST:**

**APPLICANT:** APEX LAS VEGAS, LLC

**CONTACT:** JONATHAN ADAME, SSA ARCHITECTURE, 7040 LAREDO STREET,  
SUITE C, LAS VEGAS, NV 89117