

10/03/23 PC AGENDA SHEET

MULTIPLE FAMILY DEVELOPMENT
(TITLE 30)

TWAIN AVE/UNIVERSITY CENTER DR

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-23-0517-NERVOSA LLC:

USE PERMIT for a multiple family development.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce trash enclosure setbacks; **2)** allow alternative trash enclosure design; **3)** reduce parking; **4)** reduce width of parking spaces; **5)** eliminate parking lot landscaping; and **6)** reduce open space.

DESIGN REVIEW for a multiple family development on 0.3 acres in an H-1 (Limited Resort and Apartment) Zone.

Generally located on the south side of Twain Avenue, 235 feet west of University Center Drive within Paradise. TS/md/syp (For possible action)

RELATED INFORMATION:

APN:

162-15-312-033

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Reduce the interior side yard setback for a trash enclosure to zero feet where a minimum setback of 5 feet is required per Table 30.40-3 and Section 30.56.120 (a 100% reduction).
- b. Reduce the rear yard setback for a trash enclosure to zero feet where a minimum setback of 20 feet is required per Table 30.40-3 and Section 30.56.120 (a 100% reduction).
- c. Reduce the setback for a trash enclosure from a residential development to zero feet where a minimum setback of 50 feet is required per Section 30.56.120 (a 100% reduction).
2. Allow an alternative trash enclosure design where the floor of the trash enclosure shall be concrete and extend 5 feet beyond the opening per Section 30.56.120.
3. Reduce parking to 7 spaces where 15 spaces are required per Table 30.60-1 (a 53.3% reduction).
4. Reduce the width of parking spaces to 8 feet where a minimum width of 9 feet is required per Section 30.60.050 (an 11.2% reduction).
5. Eliminate parking lot landscaping where required per Table 30.64-2 and Figure 30.64-14 (a 100% reduction).
6. Reduce open space to 700 square feet where a minimum of 1,000 square feet of open space is required per Table 30.40-3 (a 30% reduction).

LAND USE PLAN:

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 737 E. Twain Avenue
- Site Acreage: 0.3
- Number of Units: 10
- Density (du/ac): 47.7
- Project Type: Multiple family development
- Number of Stories: 2
- Building Height (feet): 26.5
- Square Feet: 8,896
- Open Space Required/Provided: 1,000/700
- Parking Required/Provided: 7/15

Site Plans

The plans depict a 2 story multiple family building featuring 10 dwelling units with a density of 47.7 dwelling units per gross acre. The proposed multiple family building is centrally located within the project site and has been designed with the following setbacks: 1) 20 feet from the north property line along Twain Avenue; 2) 7 feet from the east property line adjacent to the existing multiple family development (an architectural intrusion, being a staircase, is set back 3.5 feet to 4 feet from the property line); 3) 5 feet from the west property line adjacent to the existing multiple family development; and 4) 35 feet from the south property line along the public alley. Waivers of development standards are required to reduce the setback for the trash enclosure, located at the southeast corner of the multiple family building, adjacent to the public alley. A waiver is also required for an alternative trash enclosure design. The trash enclosure will be secured with a rolling gate on the property line along the alley. A concrete pad is not extending beyond the trash enclosure. Access to the project site is granted via a 20 foot wide public alley, located to the southeast of the multiple family building. A row of 7 head-in parking spaces are located immediately adjacent to the alley. A waiver of development standards is requested to reduce the width for 3 of the parking spaces. Pedestrian walkways measuring a minimum of 5 feet in width are located at the northeast and northwest corners of the building, that connect to the existing 5 foot wide attached sidewalk along Twain Avenue. The multiple family building requires 7 parking spaces where 15 parking spaces are required, necessitating a waiver of development standards to reduce parking. No increase to finished grade beyond 36 inches is proposed with this development.

Landscaping

The plans depict a 20 foot wide landscape area located behind an existing 5 foot wide attached sidewalk along Twain Avenue. The street landscape area consists of trees, shrubs, and groundcover. The multiple family development requires 1,000 square feet of open space where 700 feet of open space is provided, requiring a waiver of development standards. The provided open space is located along the southeast side of the building consisting of a barbecue area with benches.

Elevations

The plans depict a proposed multiple family building with a maximum height of 26 feet to the top of the parapet walls. The exterior of the building consists of a stone veneer base with stucco siding and trim. The building will be painted with varying shades of contrasting gray.

Floor Plans

The plans depict 4, two bedroom units and 6, one bedroom units.

Signage

Signage is not a part of this request.

Applicant’s Justification

The applicant states that due to the small lot size and location, it is impossible to meet current parking requirements without a parking reduction. The applicant proposes to rent to Affordable Housing and Veterans Administration clientele that primarily walk to and from work in the area, many of whom do not own cars. The applicant is working with resort hotels in the area to help provide housing for its employees within walking distance of several resort hotels. Given the small width of the parcel, the applicant indicates that meeting the landscaping requirements would reduce the proposed parking even further. The applicant is proposing a trash enclosure to match the new 6 foot high privacy block walls at the property lines that will utilize a rolling and lockable gate for tenants and Republic Services. The rolling gate would secure the trash containers and would prevent any protruding gates into the alley. The applicant states there is a great shortage of affordable housing in the City of Las Vegas and Clark County and that the project will benefit the surrounding area.

Prior Land Use Requests

Application Number	Request	Action	Date
SC-20-0093	Rename Twain Avenue between Paradise Road and Maryland Parkway to Siegel Cares Avenue	Withdrawn at PC	August 2020
SC-14-0154	Rename Twain Avenue to Sands Avenue between the intersection of Maryland Parkway and Paradise Road	Denied by PC	May 2014

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North & West	Entertainment Mixed-Use	R-5	Multiple family development
East & South	Entertainment Mixed-Use	H-1	Multiple family development

STANDARDS FOR APPROVAL:

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

Analysis

Comprehensive Planning

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 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 developments require the approval of a use permit in the H-1 zoning district to permit the use and demonstrate the development is appropriate for the given location. The proposed development complies with Goal 1.1 of the Master Plan that encourages opportunities for diverse housing options to meet the needs of residents of all ages, income levels and abilities. The project also complies with Policy 1.3.2 that encourages a mix of housing options, both product types and unit sizes, within larger neighborhoods and multiple family developments. Per the Master Plan, multiple family residential uses are encouraged as a supporting use in the Entertainment Mixed-Use category to support the expansion of housing options within close proximity of services, amenities, and jobs. However, since staff is not supporting the waivers of development standards and design review; staff cannot 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.

Waivers of Development Standards #1 & #2

Staff recognizes that it will not be possible to meet the required trash enclosure setback of 50 feet from an existing residential development due to the size of the project site. However, staff is concerned the proposed design and setbacks for the trash enclosure will create conflict and an unsafe situation for pedestrians and motorists. Vehicles backing out from the row of parking spaces next to the proposed development, particularly adjacent to the trash enclosure, creates conflict with vehicles utilizing the 20 foot wide public alley for ingress and egress. Due to the potential negative impact the design and setbacks of the trash enclosure present to the alley and the safety of motorists and pedestrians, staff cannot support these requests.

Waiver of Development Standards #3

Staff recognizes the multiple family building consists of 1 and 2 bedroom units, and is located in proximity to mass transit along Twain Avenue. However, the request to reduce parking is a self-imposed burden, which staff cannot support; therefore, recommends denial.

Waiver of Development Standards #4

Staff finds reducing the width of the parking spaces is a self-imposed burden. Therefore, staff recommends denial of this request.

Waiver of Development Standards #5

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. The request to waive the required landscaping is a self-imposed burden. Staff finds the applicant has not provided compelling justification to waive the required parking lot landscaping; therefore, cannot support this request.

Waiver of Development Standards #6

The intent of open space is to provide areas that are conveniently located, accessible, and visible for the occupants of the development. Open space may include barbecue, pool, and shade areas intended for recreational use. Staff finds the applicant has provided some open space along the southeast side of the building, consisting of a barbecue area with benches. However, the applicant has not provided sufficient justification to reduce the required amount of open space. Therefore, staff recommends denial of this request.

Design Review

Staff finds the proposed multiple family residential development complies with several goals and policies within the Master Plan. Policy 6.2.1 encourages the design and intensity of new development to be compatible with established neighborhoods and uses in terms of its height, scale, and overall mix of uses. The proposed development is consistent and compatible with the multiple family development to the south and the previously approved commercial development to the east. However, the site is not conducive to the proposed number of units and since staff is not supporting the use permit and waivers of development standards requests, staff cannot support this request.

Department of Aviation

The property lies just outside the AE-60 (60-65 DNL) noise contour for the Harry Reid International Airport and is subject to continuing aircraft noise and over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade the Harry Reid International Airport facilities to meet future air traffic demand.

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:

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.

- 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 that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Full off-site improvements.

Department of Aviation

- Applicant is advised that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office at landuse@lasairport.com is strongly encouraged; 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.

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 #0286-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Paradise - denial.

APPROVALS:

PROTESTS:

APPLICANT: GVS CONSTRUCTION, LLC

CONTACT: MIGUEL GUTIERREZ, GVS CONSTRUCTION, LLC, 6470 W. DESERT INN RD, LAS VEGAS, NV 89146