

MULTIPLE FAMILY RESIDENTIAL  
DEVELOPMENT  
(TITLE 30)

HARMON AVE/ALDEBARAN AVE

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-21-0517-MORALLY, JOHN P. REVOCABLE TRUST ETAL & MORALLY, JOHN P. TRS:**

**USE PERMITS** for the following: 1) multiple family residential development; 2) increase density; 3) on-premises consumption of alcohol; 4) restaurants; 5) retail sales and services; 6) personal services; and 7) financial services.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) reduced setbacks; 2) increase building height; 3) reduce parking; 4) allow tandem parking spaces; 5) landscaping; 6) non-standard improvements within rights-of-way; and 7) alternative driveway geometrics.

**DESIGN REVIEWS** for the following: 1) multiple family residential development with commercial components; and 2) finished grade on 2.0 acres in an H-1 (Limited Resort and Apartment) Zone.

Generally located on the northwest corner of Harmon Avenue and Aldebaran Avenue within Paradise. MN/al/jo (For possible action)

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**RELATED INFORMATION:**

**APN:**

162-20-203-011; 162-20-203-012

**USE PERMITS:**

1. A multiple family residential development in an H-1 Zone per R-5 development standards per Table 30.40-7.
2. Increase density to 92 du/ac per Table 30.50-7 (H-1 Zone) where a maximum of 50 du/ac is standard per Table 30.4-3 (R-5 Zone) (an 83% increase).
3. Permit on-premises consumption of alcohol (supper clubs and/or taverns).
4. Restaurants.
5. Retail sales and services.
6. Personal services.
7. Financial services.

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. a. Reduce the front setback to 16 feet where a minimum of 20 feet is required per Table 30.40-7 (H-1 Zone) and Table 30.40-3 (R-5 Zone) (a 20% reduction).

- b. Reduce the side street (corner) setback to 7 feet where a minimum of 20 feet is required per Table 30.40-7 (H-1 Zone) and Table 30.40-3 (R-5 Zone) (a 65% reduction).
  - c. Reduce the setback from a right-of-way (Harmon Avenue and Aldebaran Avenue) to a minimum of 7 feet where a minimum of 10 feet is required per Section 30.56.040 (a 30% reduction).
2. Increase building height to 89 feet where a maximum of 50 feet is allowed per Table 30.40-7 (H-1 Zone) and Table 30.40-3 (R-5 Zone) (a 78% increase).
3. Reduce parking to 295 spaces where 343 spaces are required per Table 30.60-1 (a 14% reduction).
4. Permit the use of 5 tandem parking spaces where not permitted per Section 30.60.050.
5.
  - a. Permit alternative landscaping along Harmon Avenue where landscaping per Figure 30.64-17 is required.
  - b. Permit alternative landscaping along Aldebaran Avenue where landscaping per Figure 30.64-13 is required.
6. Permit non-standard improvements within the rights-of-way (landscaping benches and trash receptacles) where not permitted per Section 30.52.050.
7.
  - a. Reduce departure distance along Harmon Avenue to 184 feet where a minimum of 190 feet is required per Uniform Standard Drawing 222.1 (a 3.2% reduction).
  - b. Reduce driveway throat depth to a minimum of 64 feet where a minimum of 150 feet is required per Uniform Standard Drawing 222.1 (a 54.7% reduction).

#### **DESIGN REVIEWS:**

1. For a multiple family residential development with commercial components.
2. Increase finished grade to 54 inches (4.5 feet) where a maximum of 18 inches (1.5 feet) is the standard per Section 30.32.040 (a 200% increase).

#### **LAND USE PLAN:**

WINCHESTER/PARADISE - COMMERCIAL TOURIST

#### **BACKGROUND:**

##### **Project Description**

##### General Summary

- Site Address: 3250 W. Harmon Avenue
- Site Acreage: 2
- Number of Units: 184
- Density (du/ac): 92
- Project Type: Multiple family residential development with commercial components
- Number of Stories: 7
- Building Height (feet): 89
- Square Feet: 5,063 (commercial components)/(residential units) from 693 to 1,381
- Open Space Required/Provided (square feet): 18,400/45,429
- Parking Required/Provided: 295/343

### Site Plan

There is an existing print shop on the site that will be demolished. The plan depicts a multiple family residential development with commercial components consisting of a single building located in the central portion of the site. The site is located in an H-1 zone; however, Table 30.40-7 requires multiple family residential developments in an H-1 zone to comply with the design standards of the R-5 zone. The residential portion of the project will consist of 184 units on approximately 2 acres with a density of 92 dwelling units per acre. Access to the site will be provided by 2 driveways with the first located on the southwest corner of the site providing access from Harmon Avenue. The second driveway is located on the northeast corner of the site providing access from Aldebaran Avenue. A minimum 27 foot wide access road is located along the north and west sides of the building, which connects the 2 access driveways. Parking for the development will be provided by a parking garage that is incorporated into the design of the building and occupies the first 3 levels of the building. The commercial component of the project is located on the ground level in the eastern portion of the building. The residential units are located on levels 4 through 7 and are designed in a squarish shape around a central courtyard on the fourth level. The courtyard consist of a pool, fire pits, outdoor lounge, and seating and barbeque areas. The building will be set back a minimum of 7 feet from Aldebaran Avenue (east/side street property line), 17 feet from Harmon Avenue (south/front property line), 37 feet from the west (side) property line, and 41 feet front the north (rear) property line.

### Landscaping

The site is required to have a minimum of 18,400 square feet of open space and 45,429 square feet of open space is being provided. The open space includes approximately 10,080 square feet for the central courtyard. The remaining open space consists of indoor recreational and lounge areas for the residents, public areas within the building, and landscape areas located along the streets and property lines.

The plan depicts minimum 5 foot wide landscape areas along the north and west property lines consisting of trees, shrubs, and groundcover. The plan depicts landscape areas along Harmon Avenue and Aldebaran Avenue consisting of trees, shrubs, groundcover, and amenities that include benches, bike racks, and trash receptacles. These landscape areas and amenities extend into the rights-of way.

### Elevations

The building is 7 stories with a maximum height of 89 feet. The building has a flat roof behind a parapet wall and varies in height to break-up the roofline. On the ground floor of the eastern portion of the building where the leasing offices and commercial components are located the exterior of the building will consist of stone veneer with aluminum and glass store fronts. The parking levels of the building will consist of stucco finish in earth tone colors, decorative metal panels, and metal railings. Levels 4 through 7 are the residential units where the exterior of the building consists of stucco finish painted in earth tone colors and decorative metal panels. Each residential unit will have a balcony included with metal railings. Within the portion of the building where the residential units are located there will be accents painted in different shades of blue.

Floor Plans

The plans show a 7 story building consisting of a 3 level parking garage, 4 levels of residential units, and commercial space. The parking garage has a total of 295 parking spaces. On level 3 of the parking garage the plan depicts 5 garage spaces with additional parking located in front of the garages (tandem spaces). In addition to providing parking spaces, the ground floor of the building includes 5,063 square feet of commercial space, lobby and leasing offices, restrooms, recreational areas for the residents, a mail room, and storage and mechanical areas. Floors 4 through 7 will consist of 184 dwelling units consisting of 141, one bedroom units; 35, two bedroom units; and 8, three bedroom units. The units will be between 693 square feet to 1,381 square feet in area.

Signage

Signage is not a part of this request. The building elevations depict some signage; however, detailed information was not submitted for the signage.

Applicant’s Justification

The applicant indicates that there have been prior projects approved for this site of greater density and intensity. The site is located in the central portion of the Las Vegas Valley in close proximity to the Resort Corridor, economic centers, and recreation areas. The proposed development is consistent with past approvals in this area and is compatible with existing and planned development in this area.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-1149-05	Reclassified the site to H-1 zoning for a residential condominium development with a density of 99 du/ac, an increase in building height to 510 feet, and a parking reduction of 15.2%	Approved by BCC	September 2005
NZC-1160-04	Reclassified the site to U-V zoning for a mixed-use development at a height of 465 feet and a density of 126.3 du/ac with 33,906 square feet of commercial space	Approved by BCC	November 2004

**Surrounding Land Use**

	<b>Planned land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Commercial Tourist	H-1	Warehouse building
South	Commercial Tourist	M-D	Parking lot
East	Commercial Tourist	M-1 & U-V	Office/warehouse buildings & mixed-use development (Panorama Tower)
West	Commercial Tourist	R-E	Electrical substation

**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.

#### Use Permits #1 through #7

This proposed project complies in part with Goal 2 of the Comprehensive Master Plan to provide opportunities for a mix of uses such as commercial, office, recreational, entertainment, public facilities, multiple family residential, and other activities within close proximity to each other, both vertically and horizontally. This request also complies with Goal 7 of the Comprehensive Master Plan to provide housing alternatives to meet a range of lifestyle choices, ages, and affordability levels. There are 2 mixed-use developments in U-V zones to the east and southeast of this site, which are developments with commercial and residential components. The proposed project is similar to these developments. Although these are not strictly residential developments, staff finds the project complies with the intent of Urban Specific Policy 4 of the Comprehensive Master Plan to preserve existing residential neighborhoods by encouraging development at similar densities as the existing area. The site is designated Commercial Tourist in the Winchester/Paradise Land Use Plan. The central courtyard with its amenities and the indoor lounge and recreation areas comply with Commercial Tourist Policy 80 of the Comprehensive Master Plan to encourage the development of multiple storied residential uses with appropriate indoor and outdoor amenities, and local support commercial uses. This request also complies with Commercial Tourist Policy 81 of the Comprehensive Master Plan to encourage a diversity of land uses within multiple storied structures. Additionally, there have been past approvals on this site for projects of greater density and intensity than the proposed project. Therefore, staff finds the proposed uses are appropriate at the proposed location and will not result in a substantial or undue adverse effect on adjacent properties.

#### 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 #1a through #1c

This site is located in an H-1 zone but because it is a residential development, it is required to comply with the development standards of the R-5 zone which requires 20 foot setbacks from the front and side street property lines. Nonresidential developments in the H-1 zone are required to have a minimum 10 foot setback from the front and side street property lines. The proposed building is set back a minimum of 17 feet from Harmon Avenue, the front property line. Aldebaran Avenue is the side street, and the plans depict a minimum setback of approximately 7 feet at the southeast corner of the building and a maximum setback of approximately 9 feet at the

northeast corner of the building. Staff is concerned about the proposed reductions from Aldebaran Avenue. The narrowest portion of this setback at the southeast corner of the building is close to the intersection of Aldebaran Avenue and Harmon Avenue. The building is set back 37 feet front the west property line and 41 feet from the north property line. Additionally, staff finds the applicant has not provided a sufficient justification to warrant approval for setback reductions to less than 10 feet. Since the H-1 zone allows a minimum 10 foot setback for nonresidential developments from the front and side street property lines staff can support a reduction to 10 feet for these setbacks and supports waiver #1a. However, staff does not support reducing the setbacks from the street to less than 10 feet and recommends denial of waivers #1b and #1c.

#### Waiver of Development Standards #2

This is a unique request, the applicant is requesting to have a maximum building height of 89 feet. The site is located in an H-1 zone which allows building heights up to 100 feet, except for residential developments which are required to comply with the R-5 development standards, which allows a maximum height of 50 feet. To the east and southeast of this site are mixed-use developments with buildings up to 500 feet in height. There have been past approvals for developments on this site with buildings up to 510 feet in height. Since there are existing buildings in this area taller than the proposed structure and there have been taller buildings approved for this site, and the proposed height of the building is lower than the allowed height for nonresidential development in an H-1 zone, staff has no objection to the increase in building height.

#### Waiver of Development Standards #3

The proposed development will consist of residential and commercial uses. The applicant calculated all the commercial area within the development as restaurant uses, which requires 10 parking spaces per 1,000 square feet of floor area to determine the worst case scenario for parking. The applicant is also requesting other commercial uses which only require 4 parking spaces per 1,000 square feet. It is unlikely that all of the commercial area will consist of restaurant use, so the actual parking requirement could be as low as 313 parking spaces which would only be a 5.8% reduction in parking. Traditionally when the commercial uses are open most of the residents will be away, and when the majority of the residents are home it is typically during the hours when the commercial business will be closed. The different hours of operation will help to control parking demand and limit parking conflicts between the residents and the commercial uses. Because the actual parking reduction will more than likely be lower once the commercial uses are established and the uses will have peak parking demands at different times, staff can support the waiver to reduce parking.

#### Waiver of Development Standards #4

The plans indicate there will be 5 garage spaces within the parking area. This request is to allow tandem parking in front of these garages. Staff finds allowing the 5 tandem spaces will have a minimal impact on parking for the project. If the use of these 5 tandem spaces were not allowed the parking for the facility would be reduced to 290 parking spaces which would be a 15.5% reduction in parking. Based on the analysis for waiver #3, staff could still support this reduction. Allowing the 5 tandem spaces is a minor improvement to the parking situation, therefore, staff can support this request.

#### Waiver of Development Standards #5a & #5b

The plans are depicting alternative landscaping designs along the streets with included amenities like benches and trash receptacles and the design is providing a more pedestrian friendly area. The existing developments in the area have limited landscaping along the streets. The plan proposed by the applicant is providing more landscaping along the street than existing developments have provided. Therefore, staff can support these waivers.

#### Design Review #1

Staff finds the proposed uses are consistent and compatible with planned and existing uses in the area. Staff also finds that the design of the proposed building is compatible with existing developments in the area. However, staff does not support waiver of development standards #1b and #1c to reduce setbacks from Aldebaran Avenue to less than 10 feet. Therefore, staff cannot support this design review for his project.

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

##### Waiver of Development Standards #6

The applicant is responsible for maintenance and up-keep of any non-standard improvement; the County will not maintain any improvement placed in the right-of-way. Staff can support waiver of development standards #6 but the applicant must execute and sign a License and Maintenance Agreement for any non-standard improvements within the right-of-way.

##### Waiver of Development Standards #7a

Staff has no objection to the reduction in the departure distance for the Harmon Avenue commercial driveway. The applicant placed the driveway as far west as the site will allow.

##### Waiver of Development Standards #7b

Staff has no objection to the reduction in throat depth for the Harmon Avenue commercial driveway. The applicant worked with staff to redesign the site to allow the requested throat depth.

#### 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.

#### **Department of Aviation**

The development will penetrate the 100:1 notification airspace surface for McCarran International Airport. 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.

The property lies just outside the AE-60 (60-65 DNL) noise contour for the McCarran 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 McCarran International Airport facilities to meet future air traffic demand.

### **Staff Recommendation**

Approval of the use permits, waivers of development standards #1a, #2, #3, #4, #5a, #5b, #6, #7a and #7b, and design review #2; denial of waiver of development standards #1b and #1c, 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:

- 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;
- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way.
- 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.

#### **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; that separate airspace determinations will be needed for construction cranes or other temporary equipment; 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 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.

#### **Building Department - Fire Prevention**

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.

#### **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 #0218-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Paradise - approval.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** PETE TRAN

**CONTACT:** PETE TRAN, FORE PROPERTIES, 1741 VILLAGE CENTER CIRCLE, LAS VEGAS, NV 89134