



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: MARCH 12, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: VYACHESLAV WESTON

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0653-VAR1	Staff recommends DENIAL, if approved subject to conditions:	23-0653-SDR1
23-0653-SDR1	Staff recommends DENIAL, if approved subject to conditions:	23-0653-VAR1

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

NOTICES MAILED 378

PROTESTS 2

APPROVALS 0

**** CONDITIONS ****

23-0653-VAR1 CONDITIONS

Planning

1. A Variance (23-0653-VAR1) is hereby approved, to allow seven parking spaces where eight are required.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (23-0653-SDR1) shall be required, if approved.
3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Division.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

23-0653-SDR1 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Variance (23-0653-VAR1) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.

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3. All development shall be in conformance with the site plan, date stamped 01/25/24, landscape plan, date stamped, 01/25/24 and building elevations, date stamped 12/21/23, except as amended by conditions herein.
4. A Waiver from Title 19.06.110 is hereby approved, to allow a three-foot perimeter landscape buffer where six feet is required along the northern property line.
5. A Waiver from Title 19.06.110 is hereby approved, to allow a three-foot perimeter landscape buffer where five feet is required along the western property line.
6. A Waiver from Title 19.06.110 is hereby approved, to allow a zero-foot perimeter landscape buffer where 15 feet is required along a portion of the eastern property line.
7. A Waiver from Title 19.06.040 is hereby approved, to allow a proposed trash enclosure to not be properly screened.
8. An Exception from Title 19.06.040 is hereby approved, to allow 12 24-inch box perimeter landscape buffer trees where 20 are required.
9. An Exception from Title 19.08.110 is hereby approved, to allow zero parking area trees where three are required.
10. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Division.
11. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
12. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, which shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device.
13. Prior to the submittal of a building permit application, the applicant shall meet with Department of Community Development staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

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Public Works

15. Grant a Traffic Signal Chord Easement on the northwest corner of Vegas Drive and Michael Way prior to the issuance of permits. The corner radius dedication may be reduced to 25' in conjunction with the chord easement. Coordinate with the Right-of-Way Section of the Department of Public Works for assistance in the preparation of appropriate documents prior to the issuance of any permits for this site.
16. Construct a half-street improvements including appropriate transition paving on Michael Way adjacent to this site per Title 19.04.190 concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete). All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
17. In accordance with Section 2.2. of the City's Vision Zero Action Plan, the sidewalk adjacent to Vegas Drive shall meet Public Right-of-Way Accessibility Guidelines (PROWAG) in accordance with code requirements of Title 13.56.040 to the satisfaction of the City Engineer concurrent with development of this site. Grant any Pedestrian Access Easement needed to complete this requirement.
18. The proposed new driveway accessing this site from Michael Way is hereby approved as a Deviation of Standards as shown on site plan.
19. Connect to Public Sewer at a size, depth, and location that is acceptable to the City of Las Vegas Public Works Sanitary Sewer Engineering. Extend public sewer in Michael Way to the northern edge of this site at a size, depth, and location acceptable to the Sanitary Sewer Engineering Section of the Department of Public Works.
20. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.

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Fire & Rescue

21. A fully operational fire protection system, including a fire apparatus road, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a proposed two-story tall, four-unit multi-family residential development on 0.20 acres at the northwest corner of Vegas Drive and Michael Way.

ISSUES

- The proposed Residential, Multifamily land use is permitted within the R-3 (Medium Density Residential) zoning district.
- A Variance (23-0653-VAR1) is requested to allow seven parking spaces where eight are required. Staff does not support this request.
- A Waiver of Title 19.06.110 is requested to allow a zero-foot perimeter landscape buffer where 15 feet is required along a portion of the eastern property line. Staff does not support this request.
- A Waiver of Title 19.06.110 is requested to allow a three-foot perimeter landscape buffer where five feet is required along the western property line. Staff does not support this request.
- A Waiver of Title 19.06.110 is requested to allow a three-foot perimeter landscape buffer where six feet is required along the north property line. Staff does not support this request.
- A Waiver of Title 19.06.040 is requested to allow a proposed trash enclosure to not be properly screened from right-of-way where such is required. Staff does not support this request.
- An Exception of Title 19.08.110 is requested to allow zero parking area trees where three are required. Staff does not support this request.
- An Exception of Title 19.06.040 is requested to allow 12 24-inch box trees within the perimeter landscape buffer where 20 trees are required. Staff does not support this request.
- Staff conducted a routine site visit of the subject property on 01/09/24 and observed debris and high weeds. A Code Enforcement case has been opened (CE24-00353).
- Trees indicated on the Site Plan within the Site Visibility Zone (SVZ) will not be planted and are not counted as part of the perimeter landscape buffer tree requirements.

The subject site consists of one undeveloped parcel which is zoned R-3 (Medium Density Residential) with an M (Medium Density Residential) land use designation where development is subject to Title 19 development standards. The M (Medium Density Residential) land use designation is intended to facilitate a variety of multi-family units such as plexes, townhouses, and low-density apartments. The surrounding area is characterized by multi-family development along Vegas Drive. However, the subject site is partially surrounded by single family residential development to the west, north within Clark County and single family residential development to the east. There is also an existing convenience store to the east. The applicant proposes to develop the subject site with a four-unit multi-family development consisting of one two-story building.

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The subject site is located within the Twin Lakes neighborhood planning area as defined in the City of Las Vegas 2050 Master Plan. The Twin Lakes neighborhood is an area comprised of mid-century housing, as well as a variety of multi-family housing types. Future development should encourage diverse housing options and a walkable site design as redevelopment opportunities arise. Although the proposed development, if approved, would further the city's goals of encouraging diverse housing options in an area that needs an improved housing stock and development of vacant parcels and would improve pedestrian walkability given the sites' orientation towards the Vegas Drive street frontage, the site plan as proposed is overdeveloped as evidenced by the requested Variance and Waivers and the lack of tree shade canopy necessary to reduce the heat island effect, which the City of Las Vegas has made heat island mitigation a priority in the City of Las Vegas 2050 Master Plan.

The submitted plans depict one two-story residential building that fronts onto Vegas Drive and Michael Way. The proposed four-unit multi-family residential development will exclusively feature two-bedroom units per the submitted floor plan. As such, Title 19.12 dictates that 1.75 parking spaces per unit shall be provided for two bedroom units in addition to one guest space for every six units spread throughout the development. The submitted site plan depicts seven parking spaces located in the rear yard area where eight are required. As a result, the applicant requests a Variance (23-0653-VAR1) of this requirement. Staff finds this to be a self-imposed hardship, as this request could be negated by reducing the size of the proposed development or reducing the number of units provided to satisfy the parking requirement; therefore, staff does not support this Variance request.

The applicant has also requested multiple Waivers of perimeter landscape buffer requirements and Exceptions of parking lot landscape requirements as indicated on the submitted landscape plan. Pursuant to Title 19.06.110, when a building setback is less restrictive, the setbacks shall prevail. Five feet is the established side yard setback in the R-3 (Medium Density Residential) zoning district. The submitted landscape plan, as a result, depicts a three-foot west perimeter landscape buffer where five feet is required. Additionally, the applicant requires a Waiver as the north perimeter landscape buffer is three feet where six feet is required. There is an adjacent, existing single-family residential use or zoning district to the east of the subject property. Pursuant to Title 19.06.110, when a proposed development is across the street from such use or zoning district, the landscape buffer shall be increased to 15 feet. The applicant proposes a zero-foot landscape buffer where 15 feet is required along a portion of the east perimeter landscape buffer. The submitted plans indicate site visibility zones (SVZ) along Michael Way and Vegas Drive. The depicted landscape buffer trees within this SVZ will not be planted and therefore, do not contribute towards the perimeter landscape buffer tree requirements.

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Additionally, for any multi-family, mixed-use or non-residential development the parking area and design standards of LVMC 19.08.110 shall apply for the proposed development. This includes parking lot landscaping standards, which the applicant has requested an Exception of as no parking lot landscaping is proposed. As the applicant has requested reduced perimeter landscape buffer depths, the applicant also requests Exceptions to allow a reduced number of 24-inch box trees within the perimeter landscape buffer areas. The City of Las Vegas 2050 Master Plan has prioritized increasing tree canopy coverage across all areas of the city as one of the methods to reduce the urban heat island effect and corresponding extreme heat conditions. The applicant's request for relief from these minimum standards is an example of the applicant attempting to overdevelop the subject site, which detracts from the intent of the Master Plan. Therefore, staff does not support these Waiver or Exception requests.

The proposed building has a maximum height of approximately 24 feet when measured from finish floor to building parapet. Building façade materials include a combination of sand-finish stucco, weathered steel, and expanded metal. These proposed façade materials are consistent with architectural design standards detailed in Title 19.06.040.

The proposed trash enclosure is located towards the eastern perimeter of the site and adjacent to Michael Way. Pursuant to Title 19.06.040, trash enclosures shall be properly screened. While the applicant proposes to enclose the trash receptacle, there is not sufficient density of landscaping adjacent to Michael Way to properly screen the use. Therefore, the applicant requests a Waiver of this requirement. No justification has been provided for this request. Therefore staff finds this hardship to be self-imposed and does not support this Waiver request.

The Clark County School District projects that approximately one additional elementary, middle, and high school student will be generated by the proposed development. Of the three levels of schools servicing the area (McWilliams Elementary School, Gibson Middle School, and Western High School), Western High School is over capacity for the 2023-2024 school year at approximately nine percent over capacity.

Despite the proposed multi-family residential development representing much needed multi-family housing within the Twin Lake neighborhood planning area, staff cannot support the requested Variance of parking requirements and requested Waivers and Exceptions of Title 19.06 and Title 19.08 landscaping requirements. These deviations reinforce the unsuitability of the proposed development to the surrounding area. For these reasons, staff recommends denial of the proposed development. If approved, the Site Development Plan Review (23-0653-SDR1) and Variance (23-0653-VAR1) will be subject to conditions.

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FINDINGS (23-0653-VAR1)

In accordance with the provisions of Title 19.16.140(B), the Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.16.140(L) states:

"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing seven parking spaces where eight are required. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

FINDINGS (23-0653-SDR1)

In order to approve a Site Development Plan Review application, per Title 19.16.100(E) the Planning Commission and/or City Council must affirm the following:

1. **The proposed development is compatible with adjacent development and development in the area;**

While providing much-needed housing to the area, the development, as proposed, is not compatible with adjacent development and development in the area. This is evidenced by the requested Waivers of perimeter landscape buffer requirements and the Variance of parking requirements, which staff does not support.

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- 2. The proposed development is consistent with the General Plan, this Title, and other duly-adopted city plans, policies and standards;**

The proposed development requires a Variance of parking requirements and multiple Waivers of perimeter landscape buffer requirements, trash enclosure requirements and an Exception of parking lot landscaping requirements. Therefore, the proposed development is not consistent with the General Plan, Title 19, and other duly adopted city plans, policies, and standards.

- 3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

Site access is provided by Michael Way, an 80-foot Collector Street, as defined by the Master Plan of Streets and Highways. Access and circulation will not negatively impact adjacent roadways or neighborhood traffic.

- 4. Building and landscape materials are appropriate for the area and for the City;**

Building materials consist of sand-finish stucco, and weathered steel, expanded metal and are appropriate for the area and for the City. Proposed landscape materials consist of "Sweet Acacia", "Ocotillo", "Prairie Sage", "Hummingbird Flower", "Blue Fescue", "Mexican Feathergrass", "Smooth Agave", "Twin-Flower Agave" tree and shrub species. The proposed landscape materials are consistent with the Southern Nevada Regional Plant List.

- 5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

Building elevations, design characteristics, and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area.

- 6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

Development of this property is subject to building permit review. Therefore, appropriate measures will be taken to secure and protect the public health, safety and general welfare.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
08/16/23	The City Council approved a General Plan Amendment (23-0252-GPA1) from L (Low Density Residential) to M (Medium Density Residential) generally located at the northwest corner of Vegas Drive and Michael Way.
	The City Council approved a Rezoning (23-0252-ZON1) from R-E (Residence Estates) to R-3 (Medium Density Residential) generally located at the northwest corner of Vegas Drive and Michael Way.
02/13/24	<p>The Planning Commission voted (7-0) to HOLD IN ABEYANCE the following Land Use Entitlement project requests:</p> <p>23-0653-VAR1 – VARIANCE – TO ALLOW SEVEN PARKING SPACES WHERE EIGHT ARE REQUIRED</p> <p>23-0595-SDR1 – SITE DEVELOPMENT PLAN REVIEW – FOR A PROPOSED TWO-STORY, FOUR-UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT WITH WAIVERS OF TITLE 19.06 DEVELOPMENT STANDARDS</p>

Most Recent Change of Ownership

05/04/21	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

There are no related Building Permits or Business Licenses associated with the subject property.	
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Pre-Application Meeting

12/12/23	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Site Development Plan Review and Variance.
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Neighborhood Meeting

A neighborhood meeting was not required, nor was one held.	
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Field Check	
01/09/24	Staff conducted a routine field check of the subject and observed an undeveloped parcel. Staff observed high weeds & debris along the western wall. A Code Enforcement case (CE24-00353) has been opened as a result.

Details of Application Request	
Site Area	
Net Acres	0.20

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Undeveloped	M (Medium Density Residential)	R-3 (Medium Density Residential)
North	Residential, Single Family, Detached	RN (Ranch Estate Neighborhood (up to 2 du/ac) – [Clark County])	R-E (Rural Estates Residential) - [Clark County]
South	Residential, Multifamily	ML (Medium Low Density Residential)	R-PD11 (Residential Planned Development – 11 Units per Acre)
		M (Medium Density Residential)	R-3 (Medium Density Residential)
East	General Retail, Other than Listed	SC (Service Commercial)	C-1 (Limited Commercial)
West	Residential, Single Family, Detached	RN (Ranch Estate Neighborhood (up to 2 du/ac) [Clark County])	R-E (Rural Estates Residential) - [Clark County]

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Twin Lakes	N
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District (105 Feet)	Y
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

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DEVELOPMENT STANDARDS

Pursuant to Title 19.06, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	6,500 SF	8,712 SF	Y
Min. Lot Width	N/A	58 Feet	Y
Min. Setbacks			
• Front	10 Feet	10 Feet	Y
• Side	5 Feet	5 Feet	Y
• Corner	5 Feet	10 Feet	Y
• Rear	20 Feet	57 Feet	Y
Max. Lot Coverage	N/A	20%	N/A
Max. Building Height	55 Feet	24 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Enclosed with no landscape screening	N*
Mech. Equipment	Screened	Screened	Y
Max. Retaining Wall Height	4 Feet	4 Feet	Y

**A Waiver has been requested to allow a proposed trash enclosure to not be properly screened.*

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	72 Feet	91 Feet	Y
Trash Enclosure	50 Feet	87 Feet	Y

Pursuant to Title 19.06 and Title 19.08.110 the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	4 Trees	3 Trees	N*
• South	1 Tree / 20 Linear Feet	4 Trees	3 Trees	N*
• East	1 Tree / 20 Linear Feet	6 Trees	0 Trees	N*
• West	1 Tree / 20 Linear Feet	6 Trees	6 Trees	Y
TOTAL PERIMETER TREES		20 Trees	12 Trees	N*
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	3 Trees	0 Trees	N**

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Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	6 Feet		3 Feet	N***
• South	10 Feet		10 Feet	Y
• East	15 Feet		0 Feet	N***
• West	5 Feet		3 Feet	N***

***A Waiver of Title 19.06.110 is requested to allow a three-foot perimeter landscape buffer where six feet is required for the north perimeter landscape buffer

***A Waiver of Title 19.06.110 is requested to allow a zero-foot perimeter landscape buffer where 15 feet is required for the east perimeter landscape buffer.

***A Waiver of Title 19.06.110 is requested to allow three-foot perimeter landscape buffer where five feet is required for the west perimeter landscape buffer.

**An Exception of Title 19.08.110 is requested to allow zero parking area trees where three trees are required.

*An Exception of Title 19.06.040 is requested to allow 12 24-inch box trees where 20 trees are required in the landscape buffer area.

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Vegas Drive	Collector Street	Master Plan of Streets and Highways Map	80 Feet	Y
Michael Way	Collector Street	Master Plan of Streets and Highways Map	80 Feet	Y

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Pursuant to Title 19.08 and 19.12, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Residential, Multifamily	4 Units/ 2 Bedrooms	1.75 spaces per unit	7				
		1 guest space for every 6 units	1				
TOTAL SPACES REQUIRED			8		7		N*
Regular and Handicap Spaces Required			7	1	6	1	N*
Percent Deviation			14%				N*

**A Variance (23-0653-VAR1) is requested to allow seven parking spaces where eight are required. Staff does not support this request.*

Waivers		
Requirement	Request	Staff Recommendation
Provide a six-foot perimeter landscape buffer for the north perimeter landscape buffer.	To allow a three-foot perimeter landscape buffer.	Denial
Provide a 15-foot perimeter landscape buffer adjacent to Michael Way.	To allow a zero-foot perimeter landscape buffer.	Denial
Provide a six-foot perimeter landscape buffer for the west perimeter landscape buffer.	To allow a three-foot perimeter landscape buffer.	Denial
Garbage storage areas for properties shall be screened and odor controlled	To allow a garbage enclosure to not be properly screened.	Denial

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Exceptions		
Requirement	Request	Staff Recommendation
Provide three parking area trees.	To allow zero parking area trees where three trees are required.	Denial
Provide 20 24-inch perimeter landscape buffer trees	To allow 12 24-inch perimeter landscape buffer trees.	Denial

Proposed Four Multi-Family Units:					
Student Yield		Elementary School	Middle School	High School	
Multi-Family Units (4)		4 x 0.134	4 x 0.063	4 x 0.082	
Total Additional Students		1	1	1	
Schools Serving the Area:					
Name	Address	Grade	Capacity	Enrollment	Site Date
McWilliams Elementary School	1315 Hiawatha Road	Kindergarten – 5 th Grade	837 Students	618 Students	12/01/2023
Gibson Middle School	3900 West Washington Avenue	6 th – 8 th Grade	1,160 Students	1,141 Students	12/01/2023
Western High School	4601 West Bonanza Road	9 th – 12 th Grade	2,457 Students	2,702 Students	12/01/2023

**Western High School is over capacity for the 2023-2024 school year. Western High School is at 109.97% of program capacity.*