



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: OCTOBER 10, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: STANLEY AND JINNY KING

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0233-VAR1	Staff recommends APPROVAL, subject to conditions:	23-0233-SDR1
23-0233-SDR1	Staff recommends APPROVAL, subject to conditions:	23-0233-VAR1

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 19

NOTICES MAILED 598

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0233-VAR1 CONDITIONS

Planning

1. A Variance (23-0233-VAR1) is hereby approved to allow a parking space to back out into a public street where such is not allowed
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (23-0233-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.

23-0233-SDR1 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Variance (23-0233-SDR1) 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, landscape plan, and building elevations, date stamped 09/11/23, except as amended by conditions herein.
4. A Waiver from the Downtown Las Vegas Overlay Area 1 Architectural design standards is hereby approved, to allow a 10-foot front yard setback where five feet is the maximum allowed.
5. An Exception from Title 19.08.110 is hereby approved, to allow a zero-foot buffer between the west side of the building and parking spaces adjacent to the alley where five feet is required.
6. An Exception from Title 19.08.110 is hereby approved, to allow a four-foot buffer between the east side of the building and the parking space accessed from Tam Drive where five feet is required.
7. 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.
8. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
9. All utility or mechanical equipment shall comply with the provisions of the Interim Downtown Las Vegas Development Standards, unless approved by a separate Waiver.
10. 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 and the planting materials shall adhere to the recommendations of the Southern Nevada Regional Plant List.
11. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

12. If 23-0233-VAR1 is approved, the driveway shall be located such that it does not interfere with the function of the existing accessible ramp and crosswalk located on Tam Drive.

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13. In accordance with Section 2.2 of the City's Vision Zero Action Plan, the sidewalk adjacent to this site 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.
14. Landscape and maintain all unimproved right-of-way adjacent to this site. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
15. Parking spaces designed perpendicular to and accessed directly from public alleys shall be a minimum of 22 feet in depth from the alley right-of-way line.
16. 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.

Fire & Rescue

17. A fully operational fire protection system, including fire apparatus roads, 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 Site Development Plan Review request for a proposed eight-unit Multi-Family Residential development located on the west side of Tam Drive, approximately 285 feet north of Cincinnati Avenue.

ISSUES

- A Variance (23-0233-VAR1) is requested to allow a parking space to back out into a public street where such is not allowed. Staff supports the request.
- A Waiver is requested to allow a 10-foot front yard setback where five feet is the maximum allowed. Staff supports the request.
- An Exception is requested to allow a zero-foot buffer between the west side of the building and parking spaces adjacent to the alley. Staff supports the request.
- An Expectation is also requested to allow a four-foot buffer between the east side of the building and the parking space accessed from Tam Drive. Staff supports the request.
- The City Fire Prevention Division has commented, "Applicant shall install an approved fire sprinkler system in all buildings/dwelling units in accordance with 2021 IFC Section 903 as amended."

ANALYSIS

The subject undeveloped 0.16-acre site is zoned R-4 (High Density Residential) with a MXU (Mixed Use) land use designation. It is located within Area 1 of the Downtown Las Vegas Overlay (DTLVO) Gateway District and subject to Appendix F Interim Downtown Las Vegas Development Standards. The applicant proposes to develop the vacant site with a three-story, 6,656 square-foot, eight-unit multi-family residential development.

The R-4 District is intended to allow for the development of high density multi-family units within the downtown urban core and in other high intensity areas suitable for high density residential development. The Residential, Multi-Family use is listed as a permitted use for the R-4 District. Per Title 19.12, it is defined as, "a structure used or designed as a residence for 3 or more families or households living independently of each other." The proposed development adheres to this definition as an eight-unit apartment building development is proposed.

The submitted plans depict a three-story, 6,656 square-foot, eight-unit multi-family residential development. It will be accessible by Tam Drive, a 40-foot Local Street, on the east side and via an alley on the west side. Landscape buffers are depicted along the

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north, south and east property lines. Four one-bedroom units are proposed for floors one and two. While parking requirements are not automatically applied for development within Area 1 of the DTLVO, a total of eight parking spaces are proposed where 12 would typically be required. A handicap van-accessible space is proposed in the front yard area that backs out onto Tam Drive.

A Variance (23-0233-VAR1) is requested to allow a parking space to back out into a public street where such is not allowed. Pursuant to Title 19.08.110, all parking areas shall provide suitable maneuvering room so that all vehicles may enter an abutting street in a forward direction. The backing of a motor vehicle onto a public street from a parking area shall be prohibited. Staff supports the Variance request as it is compatible with the existing development in the surrounding area. There are other multi-family residential developments on Tam Drive that provide back out parking spaces. Tam Drive is a 40-foot Local Street with minimal traffic.

The Department of Public Works - Traffic Engineering Division has commented, "This project is expected to add an additional 54 trips per day on Tam Drive and Northbridge Street. Currently, Tam is at about 26 percent of capacity and Northbridge is at about 28 percent of capacity. With this project, these capacities are expected to remain unchanged. Based on Peak Hour use, this development will add into the area roughly 4 additional peak hour trip, or about one every fifteen minutes."

Pursuant to Title 19.08.110, "No parking lot shall directly abut any building. A minimum five-foot wide landscape buffer or minimum five-foot wide sidewalk should be used to buffer buildings from parking spaces. A combination of landscape buffer and sidewalk may be used to achieve the minimum five-foot buffer, provided that any sidewalk so used may not have a width of less than three feet." An Exception is requested to allow a zero-foot buffer between the west side of the building and parking spaces adjacent to the alley. An Expectation is also requested to allow a four-foot buffer between the east side of the building and the parking space accessed via Tam Drive. Staff supports the requests as the applicant has agreed to provide curb stops for each parking space.

Appendix F of the Interim Downtown Las Vegas Masterplan calls out specific architectural design and site planning standards for Area 1. Any requirement not met requires the approval of a Waiver. Per the submitted plans, aside from a Waiver request to allow a 10-foot front yard setback where the building is required to be positioned within five feet of the front property line, the proposed building design adheres to all other applicable architectural design requirements. The subject property occupies less than 50 percent of the block frontage. Therefore, the applicant will be required to agree to a Covenant Running With Land agreement for future installation of the required offsite improvements per DTLV-O Area 1 Streetscape Standards.

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The subject site is located within the Downtown Las Vegas Gateway District. It is marked by the landmark Stratosphere Tower and establishes the southern gateway to Downtown from the Strip. The goal for the Gateway District is to provide a stabilized neighborhood with improved affordability and safety. A chief priority of the Vision 2045 Downtown Las Vegas Masterplan is to encourage the expansion of housing offerings in order to improve the experience of downtown for all who come to visit or live.

The Clark County School District has commented, “Approximately four additional students will be generated from the proposed development. It is noted that Clark High School was over capacity for the 2022-2023 school year. It was at 116.98 percent of program capacity.”

The proposed eight-unit multi-family development adheres to the overall goals and priorities identified within the Vision 2045 Downtown Las Vegas Masterplan. While minor Waivers and Exceptions are requested, staff finds the development will be harmonious and compatible with the existing and future development in the surrounding area. Therefore, staff recommends approval of both entitlements, subject to conditions.

FINDINGS (23-0233-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.”

Sufficient evidence of a unique or extraordinary circumstance has been presented, in that Tam Drive is a 40-foot Local Street with minimal traffic. It is compatible with the existing development in the surrounding area and there are other existing multi-family residential

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developments located on Tam Drive that provide back out parking spaces. Therefore, it is concluded that the applicant's hardship is not preferential in nature, and it is thereby within the realm of NRS Chapter 278 for granting of Variances.

FINDINGS (23-0233-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;**

The proposed development is compatible with the existing multi-family residential development in the surrounding area.

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

Waivers and Exceptions are requested to allow an increased front yard setback and to allow reduced buffers between the building and parking spaces. Staff finds the requests to be minor in nature and will have minimal impact on the surrounding area. The proposed multi-family residential development adheres to the overall goals and priorities identified within the Vision 2045 Downtown Las Vegas Masterplan regarding housing in the downtown area.

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

Site access is provided by Tam Drive, a 40-foot Local Street, and an alley accessible via Northbridge Lane, which are adequate in size to accommodate the needs of the proposed multi-family residential development.

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

The proposed building façade materials of stucco and stone are appropriate for this area and the City. The proposed landscape materials will adhere to the recommendations of the Southern Nevada Regional Plant List as a condition of approval.

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;**

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The proposed building elevations are not unsightly or obnoxious in appearance. The development will be compatible with the existing multi-family development in the surrounding area.

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

If approved, the proposed development will be subject to building permit and licensure review, thereby protecting the public health, safety and general welfare.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
08/21/19	Code Enforcement Case #CE19-02132 was opened regarding a vacant lot with trash at the subject site. The case was resolved as of 10/24/19.
03/16/22	Code Enforcement Case #CE22-01335 was opened regarding a vacant lot that has multiple homeless encampments at the subject site. The case was resolved as of 04/25/22.

<i>Most Recent Change of Ownership</i>	
06/17/22	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
05/12/99	Business License #A07-01334 was issued for an apartment use at the subject site. The license is listed as inactive as of 06/14/12.
07/17/06	Building Permit #R-69373 was issued for an apartment building demolition at the subject site. The permit was finalized as of 02/26/09.

<i>Pre-Application Meeting</i>	
05/08/23	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed Site Development Plan Review.

<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

<i>Field Check</i>	
08/31/23	Staff conducted a routine field check and found a fenced vacant lot. No issues were noted.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.16

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Undeveloped	MXU (Mixed Use)	R-4 (High Density Residential)
North	Residential, Multi-Family	MXU (Mixed Use)	R-4 (High Density Residential)
South	Residential, Multi-Family	MXU (Mixed Use)	R-5 (Apartment)
East	Residential, Multi-Family	MXU (Mixed Use)	R-4 (High Density Residential)
West	Towing Service (with No Storage)	LI/R (Light Industrial/Research)	C-M (Commercial/Industrial)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Downtown Las Vegas	Y
Vision 2045 Downtown Las Vegas Master Plan: Gateway District	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District (175 Feet)	Y
DTLV-O (Downtown Las Vegas Overlay) District – Area 1	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area – Area 1	Y
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08 and Title 19 Appendix F (Downtown Las Vegas Overlay District Development Standards), the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Setbacks			
• Front	70% alignment/ 5 Feet	10 Feet	N*
• Side	0 Feet	3 Feet	Y
• Rear	0 Feet	22 Feet	Y
Max. Building Height	N/A	29 Feet	N/A
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/ a Roof or Trellis	Y

*A Waiver is requested to allow an increased front yard setback.

CAS

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Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Tam Drive	Local Street	Title 13	40	Y

Parking Requirement - Downtown (Areas 1-3)							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Residential, Multi-Family	8 one-bedroom	1.25 per unit	10				
Guest Space		1 per 6 units	2				
TOTAL SPACES REQUIRED (unweighted)		12					
TOTAL SPACES REQUIRED (weighted requirement, see below)			5-9		8		Y*
Regular and Handicap Spaces Required			4-8	1	7	1	Y*
Downtown Form Based Code Parking Standards - Title 19.09.100.G							
Parking Standards High Load – Zone 3			Between 40% (5) and 70% (9)		8		Y*

*Projects located within the Downtown Las Vegas Overlay District may be evaluated based on a weighted parking requirement as detailed in Title 19.09.100. This table compares the Title 19.12 parking requirements for this project with the weighted requirement in Title 19.09, but is not determinative of code conformance. Projects located within the Downtown Las Vegas Overlay (Area 1) are not subject to the automatic application of parking requirements. However, the above table should be used to illustrate the requirements of an analogous project in another location in the City.

Waivers		
Requirement	Request	Staff Recommendation
Front setback shall be within five feet of the front property line	To allow a 10-foot front yard setback	Approval

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<i>Exceptions</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
Provide a five-foot buffer between the building and proposed parking	To allow a zero-foot buffer between the west side of the building and parking spaces adjacent to the alley	Approval
	To allow a four-foot buffer between the east side of the building and the parking space accessed via Tam Drive.	