



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: MARCH 12, 2024

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: HAREL PLUMBING & HEATING, INC.

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0616-VAR1	Staff recommends APPROVAL, subject to conditions:	23-0616-SDR1
23-0616-VAR2	Staff recommends APPROVAL, subject to conditions:	23-0616-SDR1
23-0616-SDR1	Staff recommends APPROVAL, subject to conditions:	23-0616-VAR1 23-0616-VAR2

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 28

NOTICES MAILED 251

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0616-VAR1 CONDITIONS

Planning

1. A Variance (23-0616-VAR1) is hereby approved to allow zero parking spaces where seven are required.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (23-0616-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.

23-0616-VAR2 CONDITIONS

Planning

1. A Variance (23-0616-VAR2) is hereby approved to allow a 15-foot rear yard setback where 20 feet is required
2. A Variance (23-0616-VAR2) is hereby approved to allow a three-foot distance between buildings where 10 feet is required.
3. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (23-0616-SDR1) shall be required, if approved.

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4. 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.
5. 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.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

23-0616-SDR1 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Variance (23-0616-VAR1) and Variance (23-0616-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.
3. All development shall be in conformance with the site plan, date stamped 02/13/24, the landscape plan and building elevations, date stamped 12/20/23, except as amended by conditions herein.
4. Waivers from Title 19.06.110 are hereby approved, to allow zero to five-foot wide landscape buffer widths along portions of the west and southern property lines where 10 feet is required.
5. An Exception from Title 19.06.040 is hereby approved, to allow nine perimeter landscape buffer area trees where 14 are required.
6. 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.

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7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
8. 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. The technical landscape plan shall include the following changes from the conceptual landscape plan:
 - a. All planting materials shall adhere to the recommendations of the Southern Nevada Regional Plant List.
9. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

10. Concurrent with on-site development activity, construct an accessible ramp and sidewalk in the public right-of-way meeting Public Right-of-Way Accessibility guidelines (PROWAG).
11. Coordinate sewer connection at a size, depth, and location acceptable to the Sanitary Sewer Engineering Section of the Department of Public Works.
12. Obtain an Occupancy Permit or permission from the Nevada Department of Transportation (NDOT) for any work in the US95 public right-of-way adjacent to this site prior to constructing any improvements or using any area within NDOT jurisdiction.
13. 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

14. 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 three-unit Multi-Family Residential development on 0.08 acres located on the east side of 13th Street, approximately 358 feet south of Mesquite Avenue and 13th Street.

ISSUES

- The subject site is a legal, nonconforming lot that has an irregular triangular shape.
- The subject site has an MXU (Mixed Use) land use designation, which allows for unlimited density.
- Variance (23-0616-VAR1) is requested to allow zero parking spaces where seven are required. Staff supports the request.
- Variance (23-0616-VAR2) is requested to allow a 15-foot rear yard setback where 20 feet is required and to allow a two-foot distance between buildings where 10 feet is required. Staff supports the request.
- Waivers are requested to allow reduced landscape buffer widths along portions of the south and north property lines. Staff supports the request.
- The Department of Public Works has commented, "It may be challenging to get materials and utilities to the property with the very limited frontage that exists on 13th Street."

ANALYSIS

The subject undeveloped site is zoned R-3 (Medium Density Residential) and subject to Title 19 development standards. It is a legal, nonconforming lot that has an irregular triangular shape. The lot shape is a result of a portion of the lot being dedicated for the expansion of the US-95 Highway. The current lot size is approximately 0.08 acres, or 3,484 square feet. Properties adjacent to the north, east and west are developed with existing Multi-Family uses.

The purpose of the R-3 District is to provide for the development of a variety of multi-family units such as duplexes, townhouses and medium density apartments. Pursuant to Title 19, the Residential, Multi-Family use is defined as, "A structure used or designed as a residence for three or more families or households living independently of each other." This use is permitted by right in the R-3 District. The applicant adheres to this definition as they request to develop the subject lot with a three-unit Multi-Family development.

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The submitted plans depict three 608 square-foot, two-story buildings. Each unit will have two bedrooms and an outdoor patio area. The center of the site features an outdoor picnic area. Pedestrian access is provided from 13th Street, a 60-foot Local Street. Vehicular access is not provided to the site. An existing Urban Path Trail abuts the southern property line. The on-site parking requirement is 1.75 spaces per Two Bedroom Units, plus one additional guest space for every six units. The applicant requests a Variance to allow zero parking spaces where seven are required. Two bicycle racks are proposed adjacent to the site entrance. Staff supports the Variance request as the subject site has an irregular shape that makes vehicular access infeasible.

Variances and Waivers are also requested to allow a reduced rear yard setback, reduced distance between buildings and reduced landscape buffer widths along portions of the west and southern property lines. A 15-foot rear yard setback is proposed where 20 feet is required. A two-foot, six-inch distance is proposed between buildings labeled two and three where 10 feet is the minimum required. A zero to five-foot wide landscape buffer width is proposed along the west and southern property lines where 10 feet is required. Staff supports the Variance and Waiver requests, as the subject site is a legal, nonconforming lot that has an irregular triangular shape.

The building elevations depict two-story structures. The building facades feature a combination of fiber cement siding and stone veneer in neutral tones. Dual glaze clear glass windows are prominently accentuated on the front elevations. Per the submitted justification letter, the proposed units will be on concrete slabs and will be stick built. These are not pre-fabricated structures. The landscape plan calls for the utilization of the Chaste Tree (*Vitex agnus-castus*) which is not recommended by the Southern Nevada Regional Plant List. A Condition of Approval has been added to ensure all proposed landscaping adhere to the recommendations of the Southern Nevada Regional Plant List.

The subject site is located within the City of Las Vegas 2050 Master Plan East Las Vegas Area. It has a documented Code Enforcement history with homeless encampment issues. The proposed development supports the City of Las Vegas 2050 Master Plan objective of providing additional housing options in order to meet the needs of the growing community. While Variances and Waivers are requested, it is noted that this is an infill development on an irregularly shaped, legal nonconforming lot. Staff finds the Variance requests to be within the realm of NRS Chapter 278 for granting of Variances and is thereby recommending approval of all requested entitlements, subject to conditions.

FINDINGS (23-0616-VAR1 and VAR2)

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:

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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.”

Evidence of a unique or extraordinary circumstance has been presented, in that the subject site is an irregular triangular shaped lot. In view of the hardship imposed by the site’s physical characteristics, 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 (23-0616-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 residential multi-family 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;**

While Variances and Waivers are requested regarding landscaping and setback requirements, it is noted that this is an infill development on an irregularly shaped, legal nonconforming lot. The proposed development supports the City of Las Vegas 2050 Master Plan objective of providing additional housing options in order to meet the needs of the growing community.

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

The subject site will have pedestrian access from 13th Street, a 60-foot wide Local Street. No vehicular access is proposed for the subject development.

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

The proposed building materials are appropriate for this area and for the city. A condition of approval has been added to ensure compliance with the recommendations of 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;**

The proposed building elevations are not unsightly or obnoxious in appearance. The buildings are designed to be compatible with the existing 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 licensing and building permit requirements, thereby protecting the public health, safety and general welfare.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
11/21/16	Code Enforcement Case #CE-172492 was opened regarding a homeless encampment and trash/debris at the subject site. The case was resolved on 01/03/17.
11/21/17	Code Enforcement Case #CE-184343 was opened regarding a homeless encampment at the subject site. The case was resolved on 01/29/18.
01/23/19	Code Enforcement Case #CE-196020 was opened regarding a homeless encampment at the subject site. The case was resolved on 02/06/19.
02/07/19	Code Enforcement Case #CE-196415 was opened regarding a homeless encampment at the subject site. The case was resolved on 02/13/19.
02/11/19	Code Enforcement Case #CE-196467 was opened regarding a homeless encampment at the subject site. The case was resolved on 02/12/19.

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Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.	
11/23/20	Code Enforcement Case #CE20-06104 was opened regarding a homeless encampment at the subject site. The case was resolved on 12/03/20.

Most Recent Change of Ownership	
05/13/21	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
There are no related building permits/business licenses of note.	

Pre-Application Meeting	
11/15/23	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed Multi-Family Residential development.

Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
02/06/24	Staff conducted a routine field check and found an undeveloped lot surrounded by fencing.

Details of Application Request	
Site Area	
Net Acres	0.08

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Undeveloped	MXU (Mixed Use)	R-3 (Medium Density Residential)
North	Residential, Multi-Family	MXU (Mixed Use)	R-3 (Medium Density Residential)
South	Freeway - US 95	Freeway - US 95	Freeway - US 95
East	Residential, Multi-Family	MXU (Mixed Use)	R-3 (Medium Density Residential)

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
West	Residential, Multi-Family	MXU (Mixed Use)	R-3 (Medium Density Residential)

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: East Las Vegas	Y
Special Area and Overlay Districts	Compliance
No Applicable Special Area or Overlay Districts	N/A
Other Plans or Special Requirements	Compliance
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 19.06, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	3,484 SF	6,500 SF	Y*
Min. Setbacks			
• Front	10 Feet	34 Feet	Y
• Side	5 Feet	5 Feet	Y
• Rear	20 Feet	15 Feet	N**
Min. Distance Between Buildings	10 Feet	2 Feet	N***
Max. Building Height	55 Feet/5 stories	20 Feet/2 Stories	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/ a Roof or Trellis	Y
Mech. Equipment	Screened	Not Indicated	By Condition

*The subject site is a legal, nonconforming lot.

** A Variance is requested to allow a reduced rear yard setback area.

***A Variance is requested to allow a reduced distance between buildings.

Pursuant to Title 19.06, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	5 Trees	2 Trees	N*
• South	1 Tree / 30 Linear Feet	4 Trees	3 Trees	N*
• East	1 Tree / 20 Linear Feet	4 Trees	4 Trees	Y
• West	1 Tree / 20 Linear Feet	1 Trees	0 Trees	N*
TOTAL PERIMETER TREES		14 Trees	9 Trees	N*
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	5 Feet		5 Feet	Y
• South	10 Feet		0-5 Feet	N**
• East	5 Feet		5 Feet	Y
• West	10 Feet		0 Feet	N**

*An Exception is requested to allow a reduction in required perimeter trees.

**Waivers are requested to allow reduced landscape buffer widths along a portion of west and southern property lines.

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
13 th Street	Local Street	Title 13	60	Y

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

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required Parking Ratio	Required Parking		Provided Parking		Compliance
			Regular	Handi-capped	Regular	Handi-capped	
			Residential, Multi-Family	3	Two Bedroom Units – 1.75 spaces per unit	6	
Guest Parking	1:6 units	1					

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Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
TOTAL SPACES REQUIRED			7		0		N*
Regular and Handicap Spaces Required			6	1	0	0	N*
Percent Deviation		100%					

*A Variance is requested to allow no parking spaces.

Waivers		
Requirement	Request	Staff Recommendation
Provide a 10-foot wide landscape buffer adjacent to the right-of-way	To allow a zero to five-foot wide landscape buffer along portions of the west and southern property lines.	Approval

Exceptions		
Requirement	Request	Staff Recommendation
Provide one tree per 20 linear feet within required perimeter landscape buffer areas. (14)	To allow nine perimeter landscape buffer area trees.	Approval