PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
UC-18-0454-HOLY SPIRIT ASSN CHRISTIANITY:

**HOLDOVER USE PERMIT** for a proposed multiple family residential development.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) reduced front setback; 2) increase height; 3) reduced height/setback ratio adjacent to single family residential use; and 4) reduce parking.

**DESIGN REVIEW** for a multiple family residential development on 5.0 acres in an H-1 (Limited Resort and Apartment) Zone in the MUD-4 Overlay District.

Generally located on the east side of Giles Street and the south side of Mesa Verde Lane within Enterprise. SS/rk/ja (For possible action)

**RELATED INFORMATION:**

**APN:**
177-09-402-006

**USE PERMIT:**
Permit a proposed multiple family residential development in an H-1 zone.

**WAIVERS OF DEVELOPMENT STANDARDS:**
1. Reduce the front setback to 15 feet 9 inches where a minimum of 20 feet is required per Table 30.40-3 and Table 30.40-7 (a 22% reduction).
2. Increase building height to 64 feet 7 inches where a maximum of 50 feet is permitted per Table 30.40-3 and Table 30.40-7 (a 29% increase).
3. Reduce the height/setback ratio adjacent to a single family residential use to the east to 35 feet 9 inches where a minimum of 136 feet 4 inches is required per Figure 30.56-10 (a 74% reduction).
4. Reduce parking to 380 spaces where 402 spaces is the minimum per Table 30.60-1 (a 6% reduction).

**LAND USE PLAN:**
ENTERPRISE - RESIDENTIAL SUBURBAN (UP TO 8 DU/AC)
Project Description

General Summary
- Site Address: 7950 Giles Street
- Site Acreage: 5
- Number of Units: 240
- Density (du/ac): 48
- Project Type: Multiple family residential development
- Number of Stories: 4 (multiple family buildings)/4.5 (parking garage)
- Building Height: Up to 64 feet 7 inches
- Square Feet: 338,787 (multiple family buildings)/135,469 (parking garage)
- Open Space Required/Provided (square feet): 24,000/66,077
- Parking Required/Provided: 402/380

Site Plans
The plans show a proposed multiple family residential development consisting of 240 units for an overall density of 48 dwelling units per acre. The development consists of 2 buildings with a parking garage located between the buildings. The north building is located 20 feet from the north (corner side) property line, 17 feet from the west (front) property line, and 35 feet 9 inches from the east (rear) property line. The south building is located 59 feet 10 inches from the south (interior side) property line, 15 feet 9 inches from the west (front) property line, and 37 feet from the east (rear) property line. Access to the site is via 2 driveways from Giles Street (one being egress only) and 1 driveway from Mesa Verde Lane. A total of 380 parking spaces are provided where 402 spaces are required. Internal circulation within the project consists of 24 foot wide drive aisles. Open space and landscaping are equitably distributed throughout the development and consist of active and passive open space areas which include swimming pools.

Landscaping
A 15 foot to 20 foot wide landscape area with a detached sidewalk is shown along Giles Street and Mesa Verde Lane. The perimeter landscaping along the east and south property lines include trees 20 feet on center behind a 6 foot high block wall per Figure 30.64-11. The landscape palette consists of Shoestring Acacia, Chinese Pistache, Mediterranean Fan Palm, Crape Myrtle, Japanese Blueberry, Holly Oak, and Bottle trees, and various shrubs and groundcover. A total of 66,077 square feet of open space is provided throughout the site which includes 2 courtyards with pools at the center of each building.

Elevations
The plans depict 2, four story, 61 foot high multiple family residential buildings constructed of painted stucco, stone veneer, painted metal rails, and concrete tile roofing. The main roof ridgeline is approximately 54 feet but a number of architectural towers on the buildings increase the height of the buildings to approximately 61 feet. The building height would be a maximum of 64 feet 7 inches at the garage elevator tower. Balconies associated with individual units are shown on all sides of the buildings. Additionally, the fourth floor shows a leasing office, clubhouse, and outdoor terrace.
Floor Plans
The plans show a mix of 1 and 2 bedroom units consisting of 132, one bedroom units and 108, two bedroom units. The residential units are between 749 square feet and 1,480 square feet in area.

Signage
Signage is not a part of this request.

Applicant’s Justification
The applicant states that a multiple family residential development is appropriate at this location since the project provides a transition from the more intensive planned uses to the west and the less intensive planned uses to the east. This project is designed to promote a walkable, transit-oriented, pedestrian environment with an aesthetically pleasing street scene. Furthermore, a similar multiple family residential development was previously approved directly south of this site (UC-0061-17). The reduction in the height/setback ratio from a single family residential use to the east is justified since the properties are undeveloped and owned by the same property owner of this site. The parking reduction was based on two factors: 1) using a national parking generation standard; and 2) the development will have 1 and 2 bedroom units, which attracts tenants who are urban dwellers that rely upon conveniently located public transportation, bicycles, and carpooling, instead of using cars.

Prior Land Use Requests

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Request</th>
<th>Action</th>
<th>Date</th>
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<tbody>
<tr>
<td>VS-0062-17</td>
<td>Vacated government patent easements on parcels 177-09-401-008, 011, 015, &amp; 020, right-of-way being Santoli Avenue, and a 5 foot wide portion of a right-of-way being Giles Street</td>
<td>Approved by BCC</td>
<td>April 2017</td>
</tr>
<tr>
<td>UC-0917-05</td>
<td>Condominium development with increased building height; and a waiver to reduce the height setback ratio adjacent to a residential use – expired</td>
<td>Approved by PC</td>
<td>August 2005</td>
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Surrounding Land Use

<table>
<thead>
<tr>
<th></th>
<th>Planned Land Use Category</th>
<th>Zoning District</th>
<th>Existing Land Use</th>
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<tr>
<td>North</td>
<td>Residential Suburban (up to 8 du/ac)</td>
<td>H-1</td>
<td>Undeveloped</td>
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<tr>
<td>South</td>
<td>Commercial General</td>
<td>H-1</td>
<td>Approved multi-family residential</td>
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<tr>
<td>East</td>
<td>Residential Suburban (up to 8 du/ac)</td>
<td>R-E</td>
<td>Undeveloped &amp; single family residence</td>
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<tr>
<td>West</td>
<td>Commercial Tourist</td>
<td>H-1</td>
<td>Undeveloped</td>
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Related Applications

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<tr>
<th>Application Number</th>
<th>Request</th>
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<tr>
<td>VS-18-0460</td>
<td>A request to vacate and abandon patent easements on the property and 5 feet of right-of-way for detached sidewalks is a companion item on this agenda.</td>
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</table>
STANDARDS FOR APPROVAL:
The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis
Current Planning
Use Permit
A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the 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.

Staff finds that a multiple family residential development at this site is compatible with the surrounding area. The proposed project provides a transition from the Commercial Tourist uses planned along Las Vegas Boulevard South and the residential and less intensive uses planned to the east. In addition, a residential condominium project was previously approved on the site (UC-0917-05), and a similar residential apartment complex was approved last year directly to the south (UC-0061-17). Based on the transition of uses on the adjacent parcels, the site has become conducive for a multiple family residential project. Furthermore, a number of single family residential homes to the east have been demolished or abandoned. With a number of the surrounding properties planned or zoned for Commercial Tourist uses, the request complies with Community Design Policy 6 of the Comprehensive Master Plan which states that land use arrangements that provide adjacency of living and employment opportunities should be encouraged.

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 #1
Staff can support the reduction in front setback to 15 feet 9 inches. The properties to the west across Giles Street are zoned H-1 which would allow a setback of 10 feet whether it is a front, side, or rear setback. Therefore, the proposed setback is comparable to the setbacks allowed across the street and is similar to what was approved for the development located directly to the south. Furthermore, the project proposes a 15 foot to 20 foot pedestrian realm along Giles Street and Mesa Verde Lane which enhances the street frontage of the project.

Waiver of Development Standards #2
Staff can support the increase in building height. The main roofline is approximately 54 feet in height, which is less than a 10% increase in the permitted height. The 64 foot height is a result of decorative architectural towers on the buildings. Urban Specific Policy 55 encourages design
alternatives and spatial distribution rather than the massing of buildings; such design alternatives for massing include varied elevations, roof forms, and surface planes. The ceiling height of the buildings is approximately 46 feet, which is below the permitted building height. Furthermore, the site and adjacent properties to the north, south, and west are zoned H-1 which could allow building heights of up to 100 feet for a non-residential project. Building heights up to 60 feet were also previously approved on a residential apartment complex located directly to the south (UC-0061-17).

Waiver of Development Standards #3
Staff can support the reduction in height setback ratio adjacent to the single family residential uses to the east. Although the adjacent properties to the east are planned for Residential Suburban uses, the area is mostly undeveloped and the adjoining properties are all owned by the property owner of this site. The project will also provide trees, 20 feet on center, along the east property line as shown on plans. This landscape buffer will help mitigate the impact of the project from the future development to the east. Furthermore, reductions in the height setback ratio have been approved on the site for another project in the past (UC-0917-05), and a similar residential apartment complex that was approved last year directly to the south (UC-0061-17).

Waiver of Development Standards #4
Based on the plans submitted with this request, the entire site will be 30 parking spaces short of the required parking. The waiver to reduce parking is 8%, which although the site does not have the required amount of parking, there were 2 factors used to justify why the parking reduction will adequately serve the multi-family complex: 1) the development will have 1 and 2 bedroom units, which attracts tenants who are urban dwellers that rely upon conveniently located public transportation, bicycles, and carpooling, instead of using cars; and 2) to determine that 380 parking spaces are adequate for the project, the ITE publication entitled “Parking Generation – 4th Edition” was consulted. The ITE publication indicates the peak parking demand for the use “Low/Mid-Rise Apartments” is 1.2 vehicles per dwelling unit. Based on this national standard, the number of parking stalls would be 288 spaces where 380 spaces are provided. Therefore, staff finds that the parking analysis and factors considered for the parking reduction specific to this site are acceptable and will not create any adverse impact on the immediate area.

Design Review
The project complies with Urban Specific Policy 58 of the Comprehensive Master Plan which states that when constructed on corners of intersections, multiple family structures should be oriented so the front of the building faces both streets or is architecturally detailed with an enhanced façade. All the facades of the buildings utilize the same enhanced architectural features and design as the primary front façade. Furthermore, the architectural features of the residential buildings are extended to the facades of the parking garage, as opposed to the concrete found on many parking garages. The project also complies with Urban Specific Policy 51 which states that all multiple family projects should provide several amenities such as usable open space, swimming pools, barbeque pits, and community centers. The project provides swimming pools within landscaped courtyards, a clubhouse, and an outdoor terrace as amenities to residents. An enhanced pedestrian realm is also provided along Giles Street and Mesa Verde Lane which complies with Urban Specific Policy 17 which encourages comprehensive
pedestrian circulation systems that include provisions for paths in new and existing rights-of-way and/or easements. Therefore, staff can support the proposed request.

**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.

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**
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that 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;
- Traffic study and compliance;
- Full off-site improvements;
- The northern driveway on Giles Street shall be for egress only;
- Applicant shall install appropriate signage indicating that the northern driveway on Giles Street is for exit only.
- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.
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 FAA 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

- Applicant is advised that fire/emergency access must comply with the Fire Code as amended; to show on-site fire lane, turning radius, and turnarounds; and that dead-end streets/cul-de-sacs in excess of 500 feet must have an approved Fire Department turnaround provided.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0347-2018 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - denial.
APPROVALS: 1 card
PROTEST: 11 cards, 13 letters
PLANNING COMMISSION ACTION: August 7, 2018 – HELD – To 09/18/18 – per the applicant.

PLANNING COMMISSION ACTION: September 18, 2018 – HELD – To 10/16/18 – per the applicant to work with the neighbors.

APPLICANT: HOLY SPIRIT ASSOCIATION
CONTACT: BAUGHMAN AND TURNER, INC., 1210 HINSON STREET, LAS VEGAS, NV 89102