



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: FEBRUARY 21, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: MAXIM ROSE, LLC - OWNER: VICTORY
OUTREACH LAS VEGAS

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0513-GPA1	Staff recommends APPROVAL.	
23-0513-ZON1	Staff recommends APPROVAL.	23-0513-GPA1
23-0513-SDR1	Staff recommends APPROVAL, subject to conditions:	23-0513-GPA1 23-0513-ZON1

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 34

NOTICES MAILED 301 (by City Clerk)

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0513-SDR1 CONDITIONS

Planning

1. Approval of a General Plan Amendment (23-0513-GPA1) and Rezoning (23-0513-ZON1) 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 and landscape plan, date stamped 12/12/23 and building elevations, date stamped 11/14/23, except as amended by conditions herein.
4. Trash enclosures shall be screened and gated with a roof or trellis in compliance with Title 19 requirements.
5. Mechanical equipment shall be screened from the right-of-way in compliance with Title 19 requirements.
6. An Exception from Title 19.08.110 is hereby approved, to allow six interior parking area trees where nine are 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. The applicant shall coordinate with the City Surveyor and other city staff to determine the most appropriate mapping action necessary to consolidate the existing lots. The mapping action shall be completed and recorded prior to the issuance of any building permits.

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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. The technical landscape plan shall include the following changes from the conceptual landscape plan:
 - a) Trees within the perimeter landscape buffer areas shall be planted 20-foot on center.
 - b) All 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. Construct half-street improvements on Julian Street and Cedar Avenue adjacent to this site concurrent with development of this site. 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.
13. In accordance with code requirements of Title 13.56 and Section 2.2 of the City's Vision Zero Action Plan, remove all substandard offsite improvements and unused driveways on 28th Street and replace with new improvements meeting Current City Standards concurrent with development of this site. 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.
14. The proposed new driveway accessing this site from Cedar Avenue is hereby approved as a Deviation of Standards for depth after the curb return. Any further deviations, if any, to width or ingress/egress radii will require separate approval from the City Traffic Engineer.
15. 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.

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16. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. The Traffic Impact Analysis shall also include a pedestrian circulation/access plan, in accordance with Section 2.2 of the City's Vision Zero Action Plan, to identify nearby pedestrian attractors and recommend measures to accommodate pedestrians, such as but not limited to pedestrian access, crosswalk, pedestrian activated flashers and temporary sidewalks. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
17. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.

Fire & Rescue

18. 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.
19. As this appears to be a mid-rise development (exceeds 55' to the highest occupied floor) applicant shall comply with the City of Las Vegas mid-rise provisions and submit a Fire Protection Report. This report is required to be submitted directly to Fire Engineering for review and approval PRIOR to Building permit set submittal.
20. Verify that required fire flow is available to the site.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The request is for a proposed 192-unit Multi-Family Residential development on 2.42 acres located at the northeast corner of Cedar Avenue and 28th Street.

ISSUES

- General Plan Amendment (23-0513-GPA1) is requested from PF (Public Facility) to H (High Density Residential). Staff supports the request.
- Rezoning (23-0513-ZON1) is requested from C-V (Civic) to R-4 (High Density Residential). Staff support the request.
- The Residential, Multi-Family use is permitted in the R-4 (High Density Residential) zoning district.
- An Exception is requested to allow six interior parking area trees where nine are required. Staff supports the request.
- A Condition of Approval has been added requiring trees within the perimeter landscape buffer areas to be planted 20 feet on center.
- The subject site has a history of Code Enforcement issues with homeless encampments.
- A future mapping action will be required to offer the dwelling units as a for-sale product.

ANALYSIS

The subject site consists of two undeveloped parcels which are currently zoned C-V (Civic) with a PF (Public Facility) land use designation. Development is subject to Title 19 development standards. The subject parcels are surrounded by existing Multi-Family Residential uses adjacent to the east, west and south. There is a Warehouse/Distribution Center use on property adjacent to the north. The applicant proposes to develop the subject site with a 192-unit Multi-Family development consisting of two six-story towers and a four-story parking garage.

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General Plan Amendment

General Plan Amendment (23-0513-GPA1) is requested from PF (Public Facility) to H (High Density Residential). The PF (Public Facility) land use designation calls for public and semi-public buildings and facilities, civic uses and spaces, infrastructure, and utilities. The proposed land use designation of H (High Density Residential) calls for multi-family housing, apartments, condominiums, townhomes, and high-rise residential uses. It allows a density 25.5 dwelling units per acre or greater. The H (High Density Residential) land use designation aligns with the associated proposed Rezoning to R-4 (High Density Residential). The proposed density is 79.3 dwelling units per acre. Staff finds the proposed General Plan Amendment will be compatible with the existing and future residential development in the surrounding area. Therefore, staff recommends approval of the request.

Rezoning

Rezoning (23-0513-ZON1) is requested from C-V (Civic) to R-4 (High Density Residential). The purpose of the C-V District is to provide for the continuation of existing public and quasi-public uses and for the development of new schools, libraries, public parks, public flood control facilities, police, fire, electrical transmission facilities, Water District and other public utility facilities. In addition, the C-V District may provide for any public or quasi-public use operated or controlled by any recognized religious, fraternal, veteran, civic or service organization. The purpose of the proposed R-4 (High Density Residential) zoning 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 R-4 District is consistent with the policies of the proposed High Density Residential category of the General Plan. Staff finds the Rezoning will be compatible with the surrounding area and thereby recommends approval.

Site Development Plan Review

The submitted plans depict two six-story residential towers and a four-story parking garage. Access is proposed from Cedar Avenue. The residential towers will feature 192 units of which 48 are three-bedroom, 80 are two-bedroom and 64 are one-bedroom. Per the submitted justification letter, the dwelling units will be a for-sale product, which will require a future mapping action. A total of 364 parking spaces are provided where 364 are required, of which 333 parking spaces are located within the proposed parking garage. The rooftop of the garage will feature a swimming pool amenity area. The building facade materials will primarily feature stucco in neutral tones.

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Per Title 19.08.110, one parking area tree is required per six uncovered parking spaces and a tree is required at the end of each row of parking. An Exception is requested to allow six interior parking area trees where nine are required. Staff finds the request to be minor in nature and thereby recommends approval. Conditions of approval have been added to ensure Title 19 compliance with the perimeter landscape buffer areas. The Las Vegas Valley Water District (LVVWD) has commented that water services will need to be established at the subject site.

The Clark County School District (CCSD) has commented approximately 55 students will be generated to the area by the proposed development. It is noted that Desert Pines High School is over capacity for the 2022-2023 school year. Desert Pines High School is at 125.18 percent of program capacity.

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. Staff finds the proposed development to be designed in a harmonious and compatible manner with the surrounding area and thereby recommends approval of the Site Development Plan Review, subject to conditions.

FINDINGS (23-0513-GPA1)

Section 19.16.030(I) of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

- 1. The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,**

The proposed H (High Density Residential) General Plan designation is compatible with the existing adjacent land use designations of M (Medium Density Residential) and H (High Density Residential). The proposed designation would allow residential development without a restriction on density.

- 2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,**

The proposed amendment would allow for R-4 (High Density Residential) zoning, which is compatible with the existing R-3 (Medium Density Residential) and H (High Density Residential) zoning districts in the surrounding area.

3. **There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and**

There are adequate transportation and utility facilities to accommodate the land uses and densities permitted by the proposed amendment.

4. **The proposed amendment conforms to other applicable adopted plans and policies.**

If the associated Rezoning request is approved, the proposed amendment is in conformance to other applicable adopted plans and policies.

FINDINGS (23-0513-ZON1)

In order to approve a Rezoning application, pursuant to Title 19.16.090(L), the Planning Commission or City Council must affirm the following:

1. **The proposal conforms to the General Plan.**

If associated General Plan Amendment (23-0513-GPA1) is approved, the proposed Rezoning request will conform.

2. **The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.**

The multi-family residential uses that are allowed within the R-4 (High Density Residential) zoning district are compatible with the adjacent residential uses in the area.

3. **Growth and development factors in the community indicate the need for or appropriateness of the rezoning.**

Residential uses that are permitted in the proposed R-4 (High Density Residential) zoning district are appropriate for the subject area and will give residents an additional housing option in an underserved area.

4. **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.**

The subject site will be accessed from Cedar Avenue, a 60-foot wide Local Street, which is adequate in size to meet the needs of the proposed zoning district.

FINDINGS (23-0513-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;**

The proposed development is consistent with the City of Las Vegas 2050 Master Plan by providing additional housing options for the community. An Exception is requested to allow a reduction in interior parking area trees which staff supports.

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

The subject site will be accessed from Cedar Avenue, a 60-foot wide Local Street, which is adequate in size to meet the needs of the proposed development.

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

The proposed building material of stucco is appropriate for this area and for the city. The proposed landscape materials are drought tolerant and adhere to 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, Bldg., etc.</i>	
07/21/76	The City Council approved a request for a Reclassification of Property (Z-0040-76) generally located on the southeast corner of Walnut Street and 28 th Street from R-E (Residence Estates) to C-V (Civic) for a proposed materials purchasing office and distribution center. The Planning Commission recommended approval.
05/07/03	The City Council approved General Plan Amendment (GPA-1922) from M (Medium Density Residential) to: PF (Public Facilities) on 2.68 acres at 500 North 28th Street (APN: 139-36-110-034 & 035).
	The City Council approved Rezoning (ZON-1919) request from R-E (Residence Estates) to C-V (Civic) on 2.68 acres at 500 North 28th Street (APNs: 139-36-110-034 & 035). A condition of approval of a resolution with a two-year limit was included.
	The City Council approved Site Development Plan Review (SDR-1921) for a proposed church, daycare facility, rectory, and playground on 2.68 acres at 500 North 28th Street.
03/24/21	Code Enforcement Case (#CE21-01135) was opened regarding a sizeable encampment at 540 North 28 th Street. The case was resolved on 03/31/21.
11/15/21	Code Enforcement Case (#CE21-05217) was opened regarding homeless/vagrants camping on the vacant lot at 520 North 28 th . The case is listed as resolved as of 12/20/21.
02/16/22	The City Council approved Rezoning (21-0586-ZON1) request from R-E (Residence Estates) to C-V (Civic) on 2.42 acres [APNs 139-36-110-034 and 035] generally located on the northeast corner of 28th Street and Cedar Avenue. The Planning Commission and Staff recommended approval.
	The City Council approved Vacation (21-0586-VAC1) request to vacate a portion of Julian Street. The Planning Commission and Staff recommended approval.
	The City Council approved Site Development Plan Review (21-0586-SDR1) for a proposed primary school development generally located on the northeast corner of 28th Street and Cedar Avenue. The Planning Commission and Staff recommended approval.
03/08/23	Code Enforcement Case #CE23-01320 was opened regarding cars and trash on a vacant lot at the subject site. The case was resolved as of 05/18/23.

Related Relevant City Actions by Planning, Fire, Bldg., etc.	
06/08/23	Code Enforcement Case #CE23-03684 was opened regarding homeless encampments at the subject site. The case was resolved as of 06/20/23.
06/29/23	Code Enforcement Case #CE23-04528 was opened regarding homeless encampments at the subject site. The case was resolved as of 07/24/23.
08/10/23	Code Enforcement Case #CE23-05448 was opened regarding homeless encampments at the subject site. The case was resolved as of 08/21/23.
08/24/23	Code Enforcement Case #CE23-05724 was opened regarding homeless encampments at the subject site. The case was resolved as of 08/28/23.
10/04/23	Code Enforcement Case #CE23-06984 was opened regarding homeless encampments at the subject site. The case was resolved as of 10/17/23.
01/09/24	<p>The Planning Commission voted (7-0) to recommend APPROVAL for possible action on the following Land Use Entitlement project requests on 2.42 acres at the northeast corner of Cedar Avenue and 28th Street (APNs 139-36-110-034 and 035), Ward 3 (Diaz)</p> <p>23-0513-GPA1 - GENERAL PLAN AMENDMENT - FROM: PF (PUBLIC FACILITY) TO: H (HIGH DENSITY RESIDENTIAL)</p> <p>23-0513-ZON1 - REZONING - FROM: C-V (CIVIC) TO: R-4 (HIGH DENSITY RESIDENTIAL)</p> <p>23-0513-SDR1 - SITE DEVELOPMENT PLAN REVIEW - FOR A PROPOSED SIX-STORY, 192-UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT</p>

Most Recent Change of Ownership	
12/13/23	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
11/18/20	Building Permit (#R20-16095) was issued for a demolition of a burnt structure at 540 North 28 th Street. The permit was finalized on 12/14/20.

Pre-Application Meeting	
09/26/23	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed Site Development Plan Review, General Plan Amendment and Rezoning.

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Neighborhood Meeting	
12/28/23	<p>Meeting Start Time: 6:30 p.m. Meeting End Time: 7:00 p.m.</p> <p>Attendance: 1 Department of Community Development Staff Member 4 Representatives for the applicant 0 Members of the public</p> <p>The meeting was opened at 6:30 where no members of the public attended. No issues or concerns were raised as a result.</p>

Field Check	
11/30/23	Staff conducted a routine field check and found an undeveloped site with desert vegetation. Trash and debris were observed.

Details of Application Request	
Site Area	
Net Acres	2.42

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Warehouse/Distribution Center	PF (Public Facilities)	C-V (Civic)
North	Undeveloped	PF (Public Facilities)	C-V (Civic)
South	Multi-Family Residential	H (High Density Residential)	R-4 (High Density Residential)
East	Multi-Family Residential	ML (Medium-Low Density Residential)	R-3 (Medium Density Residential)
West	Multi-Family Residential	TOD-2 (Transit Oriented Development – 2)	R-3 (Medium Density Residential)

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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	N/A
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	7,000 SF	105,415 SF	Y
Min. Lot Width	N/A	285 Feet	N/A
Min. Setbacks			
• Front	10 Feet	20 Feet	Y
• Corner Side (West)	5 Feet	10 Feet	Y
• Corner Side (East)	5 Feet	10 Feet	Y
• Rear	20 Feet	20 Feet	Y
Max. Building Height	N/A	78 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	By Condition	Y
Mech. Equipment	Screened	By Condition	Y

Existing Zoning	Permitted Density	Units Allowed
C-V (Civic)	N/A	N/A
Proposed Zoning	Permitted Density	Units Allowed
R-4 (HIGH DENSITY RESIDENTIAL)	Unlimited*	Unlimited*
Existing General Plan	Permitted Density	Units Allowed
PF (Public Facilities)	N/A	N/A
Proposed General Plan	Permitted Density	Units Allowed
H (HIGH DENSITY RESIDENTIAL)	>25.5 du/ac	61+

*The maximum density is unlimited. However, application of standards set forth in LVMC 19.06.040(l) and any height limit on development may impose a de facto limitation on density in all areas. Maximum dwelling units per acre (DUA) is determined by the underlying General Plan Designation and may not exceed the density permitted under said designation.

Pursuant to Title 19.08, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	13 Trees	8 Trees	N*
• South	1 Tree / 20 Linear Feet	11 Trees	8 Trees	N*
• East	1 Tree / 20 Linear Feet	17 Trees	12 Trees	N*
• West	1 Tree / 20 Linear Feet	17 Trees	12 Trees	N*
TOTAL PERIMETER TREES		58 Trees	40 Trees	N
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	9 Trees	6 Trees	N**
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	6 Feet		20 Feet	Y
• South	10 Feet		20 Feet	Y
• East	10 Feet		10 Feet	Y
• West	10 Feet		10 Feet	Y

*A Condition of Approval has been added requiring trees be planted 20 feet on center within the require perimeter landscape buffer areas.

**An Exception is requested to allow a reduction in interior parking area trees.

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Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
28 th Street	Local Street	Title 13	60	Y
Julian Street	Local Street	Title 13	60	Y
Cedar Avenue	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	1 bedroom units (64)	1.5 per unit	96	
	2 bedroom units (80)	1.75 per unit	140				
	3 bedroom units (48)	2 per unit	96				
Residential, Multi-Family (Guest Parking)	192 units	1 per six units	32				
TOTAL SPACES REQUIRED			364		364		Y
Regular and Handicap Spaces Required			356	8	356	8	Y

Exceptions		
Requirement	Request	Staff Recommendation
Provide one tree per six uncovered parking spaces, plus one tree at the end of each row of parking (9)	To allow six interior parking area trees	Approval