



**AGENDA MEMO - COMMUNITY DEVELOPMENT**

**PLANNING COMMISSION MEETING DATE: DECEMBER 10, 2024**

**DEPARTMENT: COMMUNITY DEVELOPMENT**

**ITEM DESCRIPTION: APPLICANT/OWNER: OWENS 110, LLC**

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

<b>CASE NUMBER</b>	<b>RECOMMENDATION</b>	<b>REQUIRED FOR APPROVAL</b>
<b>24-0468-SDR1</b>	Staff recommends APPROVAL, subject to conditions:	

**\*\* NOTIFICATION \*\***

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**                      11

**NOTICES MAILED**                      898

**PROTESTS**                      2

**APPROVALS**                      0

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**\*\* CONDITIONS \*\***

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**24-0468-SDR1 CONDITIONS**

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**Planning**

1. Conformance to the Conditions of Approval for Site Development Plan Review (24-0474-SDR1) shall be required, except as amended herein.
2. Conformance to the Conditions of Approval for Variance (24-0474-VAR1) shall be required.
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 development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 09/18/24, except as amended by conditions herein.
5. A Waiver from Title 19.06.110 is hereby approved, to allow a zero-foot perimeter landscape buffer along a portion of the north property line where 10 feet is required.
6. The technical landscape plan submitted for building permit shall provide three additional 24-inch box trees within planters within the parking area.
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 City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

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**Public Works**

10. Subject to concurrence from Clark County Public Works, install a median in Owens Avenue meeting the approval of the City Traffic Engineer that will restrict the driveways for this development to right turns only, but will not restrict the movements of the driveway on the north side of Owens Avenue.
11. 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.
12. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to submittal of any construction drawings or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage study update.
13. Comply with all applicable conditions of approval for 22-0474-SDR1 and any other site related actions.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The applicant is requesting a Major Amendment of an approved Site Development Plan Review (22-0474-SDR1) for an approved two and three-story, 46-unit multi-family residential development on 2.41 acres on the north side of Owens Avenue, approximately 990 feet east of Lamb Boulevard. This proposal would reduce the number of buildings from four to three and increase the number of units to 54.

**ISSUES**

- Pursuant to Title 19.16.100.G, a Major Amendment of a Site Development Plan Review is required when it does not qualify as a Minor Amendment under Title 19.16.100.F. In this case, the north perimeter landscape buffer does not conform to the requirements of the R-3 (Medium Density Residential) zoning district described in Title 19.06.110, requiring a Waiver.
- The applicant has previously submitted applications for Extension of Time on the approved Variance (22-0474-VAR1) and Site Development Plan Review (22-0474-SDR1) for the 46-unit multi-family residential development on this site, as the original entitlement approvals were nearing expiration.
- A Waiver is requested from Title 19.06.110 to allow a zero-foot perimeter landscape buffer along a portion of the north property line where 10 feet is required. Staff recommends approval.
- Several trees are missing from planters in the parking area. A condition of approval will require three additional 24-inch box trees to be shown within planters on the landscape plan submitted for building permit.

**ANALYSIS**

The site is zoned R-3 (Medium Density Residential) and located east of an existing mobile home park zoned R-MHP (Residential Mobile/Manufactured Home Park). Single-family residential properties zoned R-CL (Single Family Compact-Lot) are located to the east and south of the site. A primary school is located to the north of the site in unincorporated Clark County. All prior structures have been removed from the property.

The approved plans date stamped October 19, 2022 showed four multi-family buildings with one central access from Owens Avenue that aligned with the school entrance. The applicant is now proposing two right-in, right-out ingress-egress driveways along Owens on the west and east sides of the site that are supported by the Public Works Traffic

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Engineering Division, provided a median is constructed in Owens Avenue. Buildings A1 and A2 located at the front of the site are proposed to be combined into a single building (Building A), for a total of three buildings. The side yard setback of Building A has increased from 58 feet to 72 feet to the east property line. This will reduce the deviation from residential adjacency setback requirements from 26 percent to eight percent. The previously approved Variance (22-0474-VAR1) allows for a minimum 58-foot setback.

The M (Medium Density Residential) General Plan designation allows residential density up to 25.49 dwelling units per acre. The current R-3 (Medium Density Residential) zoning district conforms to the policies of the M (Medium Density Residential) General Plan designation but would be limited to 25.49 dwelling units per acre. The proposed 17 percent increase in residential units would result in a density of 22.40 dwelling units per acre and would remain in conformance to the requirements of the M designation and R-3 zoning district.

The increase in the number of one and three-bedroom units requires an increase of 14 parking spaces for a total of 99 spaces. The site plan indicates 100 parking spaces will be provided, along with one additional ADA space.

The site plan anticipates that Building A will be graded higher than the sidewalk along Owens Avenue. Therefore, a ramp access from the building to the street is provided that is not perpendicular to Owens Avenue, resulting in encroachment into the required 10-foot perimeter landscape buffer. In addition, a screened utility area has been added west of the proposed eastern access that displaces a portion of the landscape buffer and extends to the sidewalk. A Waiver has been requested to reduce the buffer width along Owens Avenue to zero feet to accommodate the utility area and five feet to accommodate the ramp. Although the encroachments at the front of the site are not ideal, staff acknowledges that they are unavoidable given the design of the development and width of the site. Staff therefore recommends approval of the requested Waiver. The south, east and west buffers all conform to Title 19.06 requirements.

An existing unsheltered bus stop is located along Owens Avenue on the east portion of the site. A condition of approval of Site Development Plan Review (22-0474-SDR1) requires the stop to be relocated onto the site and a bus shelter pad easement to be granted per Standard Drawing 234.2. The submitted site plan shows conformance to this condition. Staff does not count the presence of the future bus shelter as part of the requested Waiver of the perimeter landscape buffer requirements.

The proposed site design results in a slight decrease in the number of parking lot trees provided. Through the goals and objectives of the Las Vegas 2050 Master Plan, staff supports the planting of trees to combat the urban heat island effect. A condition of approval will require three additional 24-inch box trees to be provided in the parking area on the landscape plan to be submitted with the building permit application.

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In addition to the consolidation of the two Type A buildings, the submitted exterior elevations show several minor changes from the approved elevations. Window design has been modified and trellises have been removed. The size of the Building C gym has increased and continues to meet residential adjacency standards.

The tables below summarize how the proposed changes affect the development requirements for this site:

	<b><i>Approved (22-0474-SDR1)</i></b>	<b><i>Proposed</i></b>	<b><i>Pct Change</i></b>
Number of Units	46	54	17%
Density	19.09 du/ac	22.40 du/ac	

<b><i>Standard</i></b>	<b><i>Approved (22-0474-SDR1)</i></b>	<b><i>Provided</i></b>	<b><i>Pct Change</i></b>	<b><i>Compliance</i></b>
Min. Setbacks				
• Front	15 Feet	24 Feet	60%	Y
• Side	55 Feet	61 Feet	11%	Y
• Rear	57 Feet	53 Feet	-0.07%	Y
3:1 proximity slope - east	58 Feet*	72 Feet	24%	Y
Trash Enclosure setback	50 Feet	52 Feet	2%	Y
Perimeter Trees	51 Trees	61 Trees	3.3%	Y
Parking Area Trees	26 Trees	20 Trees	-23%	N
Landscape Buffer Width - North	10 Feet	0 Feet	100%	N
Parking Spaces	85 required 91 provided	99 required 100 provided	16.4% 9.9%	Y

\*22-0474-VAR1 allows a 58-foot setback to the east property line where residential adjacency standards require 78 feet.

The proposed amendments conform to the approved Site Development Plan Review (22-0474-SDR1) and Title 19 requirements with the exception of perimeter landscaping and parking lot landscaping, which are addressed above. The increase in the number of residential units is not significant and will not have a negative effect on adjacent residential properties. The design of the site is similar to the previously approved development; however, circulation efficiency will be improved and pedestrian amenities will be enhanced. Additional trees will be required in the parking area by condition. The setback from R-CL zoned properties to the east is proposed to be increased, thereby lessening the effects of the intensity of the building. For these reasons, staff recommends approval of the Major

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Amendment to 22-0474-SDR1, subject to conditions. If denied, the approved Site Development Plan Review (22-0474-SDR1) will remain active until exercised or another Major Amendment is approved.

**FINDINGS (24-0468-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 residential adjacency setback from R-CL-zoned properties to the east has been significantly increased. The increase in residential units and density is not significant and the development remains compatible with the adjacent properties.

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

Although a Variance (22-0468-VAR1) has been approved allowing a 58-foot residential adjacency setback from adjacent residential properties to the east, the proposed amendments will increase the setback. A Waiver is requested from perimeter landscape buffer requirements along the front of the property, which staff supports. Staff does not support reducing the number of trees in the parking area below minimum requirements and will require additional trees to be provided as a condition of approval.

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

With construction of a median in Owens Avenue, site access will not negatively impact neighborhood traffic. Site circulation will improve with the modified building design and dual access.

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

The provided building and landscape materials are appropriate for this area.

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 provided elevations showing painted stucco building exteriors are aesthetically pleasing and contain architectural design elements such as changes in wall plane and color to provide visual interest. The elevations will remain harmonious and compatible with adjacent single-family residential developments.

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

Site development is subject to building permit review and inspection, thereby protecting the public health, safety and general welfare.

### BACKGROUND INFORMATION

<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
10/05/60	The Board of City Commissioners approved a request for a Rezoning (Z-0042-60) from R-E (Residence Estates) to R-2-T (Two Family Residence - Trailer) generally located south of Owens Avenue, east of Lamb Boulevard. The Planning Commission recommended approval.
05/25/67	The Board of Zoning Adjustment approved a request for a Use Permit (U-0015-67) for a proposed trailer park generally located south of Owens Avenue between Lamb Boulevard and Marion Drive. Staff recommended approval.
01/05/68	The Board of Zoning Adjustment approved a request for a Plot Plan Review related to an approved Use Permit (U-0015-67) for a concrete block garage/storage building in a proposed trailer park generally located south of Owens Avenue between Lamb Boulevard and Marion Drive. Staff recommended approval.
01/07/04	The City Council approved a request for a Rezoning (ZON-3138) from R-MHP (Residential Mobile Home Park) to R-CL (Single Family Compact-Lot) on 2.46 acres at 4441 East Van Buren Avenue. The Planning Commission and staff recommended approval.
12/21/22	The City Council approved a request for a Rezoning (22-0474-ZON1) from R-MHP (Residential Mobile/Manufactured Home Park) to R-3 (Medium Density Residential) on 2.41 acres on the south side of Owens Avenue, approximately 988 feet east of Lamb Boulevard. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Variance (22-0474-VAR1) to allow a 58-foot residential adjacency setback where 78 feet is required on 2.41 acres on the south side of Owens Avenue, approximately 988 feet east of Lamb Boulevard. The Planning Commission recommended approval; staff recommended denial.



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<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc. (cont.)</i></b>	
12/21/22	The City Council approved a request for a Site Development Plan Review (22-0474-SDR1) for a proposed three-story, 46-unit multi-family residential development on 2.41 acres on the south side of Owens Avenue, approximately 988 feet east of Lamb Boulevard. The Planning Commission recommended approval; staff recommended denial.
01/04/24	A Code Enforcement Case (CE24-00072) was opened to investigate a complaint regarding debris related to demolition of an existing mobile home park at 4541 East Owens Avenue. The case was resolved 01/08/24.
03/27/24	A Code Enforcement Case (CE24-01894) was opened to investigate a homeless encampment, abandoned cars and graffiti at 4541 East Owens Avenue. The case was resolved 08/20/24.
10/09/24	A Code Enforcement Case (CE24-07929) was opened for demolition and vegetation debris at 4541 East Owens Avenue. The case has not been resolved.
11/06/24	The City Council will hear a request for the first Extension of Time (24-0462-EOT1) for an approved Variance (22-0474-VAR1) to allow a 58-foot residential adjacency setback where 78 feet is required on 2.41 acres on the south side of Owens Avenue, approximately 990 feet east of Lamb Boulevard. Staff recommends approval.
	The City Council will hear a request for the first Extension of Time (24-0462-EOT2) for an approved Site Development Plan Review (22-0474-SDR1) for an approved three-story, 46-unit multi-family residential development on 2.41 acres on the south side of Owens Avenue, approximately 990 feet east of Lamb Boulevard. Staff recommends approval.
11/12/24	The Planning Commission voted (7-0) to HOLD IN ABEYANCE the following Land Use Entitlement project request FOR A MAJOR AMENDMENT OF AN APPROVED SITE DEVELOPMENT PLAN REVIEW (22-0474-SDR1) FOR A PROPOSED THREE-STORY, 54-UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT WHERE 46 UNITS WERE APPROVED WITH A WAIVER OF PERIMETER LANDSCAPE BUFFER REQUIREMENTS on 2.41 acres on the south side of Owens Avenue, approximately 990 feet east of Lamb Boulevard (APN 140-29-101-003), R-3 (Medium Density Residential) Zone, Ward 3 (Diaz).

<b><i>Most Recent Change of Ownership</i></b>	
02/10/22	A deed was recorded for a change in ownership.

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<b><i>Related Building Permits/Business Licenses</i></b>	
02/12/24	Application was submitted for a Plan Check Review (PRC24-00011) for a multi-family residential development at 4541 East Owens Avenue consisting of four apartment buildings. As of 08/26/24, the review is in the second submittal and review stage, and no permits have been issued.
03/22/24	Civil improvement plans (L24-00591) for a 46-unit multi-family residential development on the south side of Owens Avenue, approximately 990 feet east of Lamb Boulevard were submitted for review. The plans are still in review.
05/09/24	A building permit (C24-01184) was issued for mechanical demolition of an existing freestanding 800 square-foot CMU restroom structure at 4541 East Owens Avenue. The permit has not been finalized.

<b><i>Pre-Application Meeting</i></b>	
09/09/24	A pre-application meeting was held with the applicant to discuss submittal requirements for a Site Development Plan Review application. Staff later confirmed that the review could be done administratively.

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

<b><i>Field Check</i></b>	
09/30/24	All structures on the site have been removed. There are overgrown weeds and grass on the site. Existing perimeter walls remain. Temporary chain link fencing otherwise surrounds the site. There are two existing driveways from Owens Avenue.

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<b><i>Surrounding Property</i></b>	<b><i>Existing Land Use Per Title 19.12</i></b>	<b><i>Planned or Special Land Use Designation</i></b>	<b><i>Existing Zoning District</i></b>
Subject Property	Residential, Multi-Family [approved]	M (Medium Density Residential)	R-3 (Medium Density Residential)
North	Public or Private School, Primary	PU (Public Use) - Clark County	P-F (Public Facility) - Clark County
South	Single Family, Detached	M (Medium Density Residential)	R-CL (Single Family Compact-Lot)
East	Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
West	Mobile Home Park	M (Medium Density Residential)	R-MHP (Residential Mobile/Manufactured Home Park)

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

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Lot Size	6,500 SF	104,980 SF	Y
Min. Lot Width	N/A	300 Feet	N/A
Min. Setbacks			
• Front	10 Feet	24 Feet	Y
• Side	5 Feet	61 Feet	Y
• Rear	20 Feet	53 Feet	Y
Min. Distance Between Buildings	10 Feet	20 Feet	Y
Max. Lot Coverage	N/A	25.7 %	Y
Max. Building Height	5 Stories/55 Feet	3 Stories/37 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/ a Roof or Trellis	Y
Mech. Equipment	Screened	Screened	Y

*Pursuant to Title 19.08.040, the following standards apply:*

<b>Residential Adjacency Standards</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
3:1 proximity slope - east	78 Feet	72 Feet	Y*
3:1 proximity slope - south	66 Feet	76 Feet	Y
Adjacent development matching setback - east	0-10 Feet	72 Feet	Y
Adjacent development matching setback - south	10 Feet	53 Feet	Y
Trash Enclosure	50 Feet	52 Feet	Y

\*22-0474-VAR1 allows a 58-foot setback to the east property line where residential adjacency standards require 78 feet.

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*Pursuant to Title 19.08, the following standards apply:*

<b>Landscaping and Open Space Standards</b>				
<b>Standards</b>	<b>Required</b>		<b>Provided</b>	<b>Compliance</b>
	<b>Ratio</b>	<b>Trees</b>		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	5 Trees	9 Trees	Y
• South	1 Tree / 20 Linear Feet	14 Trees	15 Trees	Y
• East	1 Tree / 20 Linear Feet	16 Trees	18 Trees	Y
• West	1 Tree / 20 Linear Feet	16 Trees	19 Trees	Y
<b>TOTAL PERIMETER TREES</b>		<b>51 Trees</b>	<b>61 Trees</b>	<b>Y</b>
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	23 Trees	20 Trees	N*
<b>LANDSCAPE BUFFER WIDTHS</b>				
Min. Zone Width				
• North	10 Feet		0 Feet	N**
• South	6 Feet		6 Feet	Y
• East	6 Feet		6 Feet	Y
• West	6 Feet		6 Feet	Y
Wall Height	6 to 8 Feet Adjacent to Residential		Existing 6-foot CMU along E PL --- Existing 8-foot CMU along W PL --- Existing 6-foot CMU along S PL --- Proposed 5-foot solid/ wrought iron combo wall within front yard	Y

\*Exception is requested. See Exception table below.

\*\*The relocated bus shelter may be located within the required landscape buffer. However, a pedestrian ramp and mechanical area encroach into the required buffer, requiring a Waiver. See Waiver table below.

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<b>Street Name</b>	<b>Functional Classification of Street(s)</b>	<b>Governing Document</b>	<b>Actual Street Width (Feet)</b>	<b>Compliance with Street Section</b>
Owens Ave	Primary Arterial	Master Plan of Streets and Highways Map	100	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			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Residential, Multi-Family							
1 BR	14 units	1.25 spaces per unit	18				
2 BR	32 units	1.75 spaces per unit	56				
3 BR	8 units	2.00 spaces per unit	16				
Guest	54 units	1 space per 6 units	9				
TOTAL SPACES REQUIRED			99		100		Y
Regular and Handicap Spaces Required			95	4	95	5	Y

<b>Waivers</b>		
<b>Requirement</b>	<b>Request</b>	<b>Staff Recommendation</b>
10-foot perimeter landscape buffer along public ROW	To allow a zero-foot perimeter landscape buffer along a portion of the north property line	Approval

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<b><i>Exceptions</i></b>		
<b><i>Requirement</i></b>	<b><i>Request</i></b>	<b><i>Staff Recommendation</i></b>
One 24-inch box tree every 6 spaces in islands and at ends of each parking row	To allow 20 parking lot trees where 23 trees are required	Denial