


AGENDA MEMO - COMMUNITY DEVELOPMENT
CITY COUNCIL MEETING DATE: JANUARY 15, 2025
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: WILLIAM BROWN - OWNER: H&H
INVESTMENT REALTY, LLC

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

| CASE NUMBER | RECOMMENDATION | REQUIRED FOR APPROVAL |
|---------------------|---|--|
| 24-0190-GPA1 | Staff recommends DENIAL. | |
| 24-0190-ZON1 | Staff recommends DENIAL. | 24-0190-GPA1 |
| 24-0190-VAR1 | Staff recommends DENIAL, if approved subject to conditions: | 24-0190-GPA1 24-0190-ZON1 24-0190-SDR1 |
| 24-0190-VAR2 | Staff recommends DENIAL, if approved subject to conditions: | 24-0190-GPA1 24-0190-ZON1 24-0190-SDR1 |
| 24-0190-SDR1 | Staff recommends DENIAL, if approved subject to conditions: | 24-0190-GPA1 24-0190-ZON1 24-0190-VAR1 24-0190-VAR2 |

**** NOTIFICATION ****
NEIGHBORHOOD ASSOCIATIONS NOTIFIED

11

NOTICES MAILED

670 (by City Clerk)

PROTESTS

2

APPROVALS

N/A

**** CONDITIONS ****

24-0190-VAR1 CONDITIONS

Planning

1. Approval of General Plan Amendment (24-0190-GPA1) and Rezoning (24-0190-ZON1); and conformance to the Conditions of Approval for Site Development Plan Review (24-0190-SDR1) and Variance (24-0190-VAR2) shall be required, if approved.
2. A Variance is hereby approved to allow a five-foot residential adjacency setback where 69 feet is required for a proposed multi-family residential development.
3. A Variance is hereby approved to allow a 25-foot residential adjacency setback for a proposed trash enclosure where 50 feet is required.
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.

24-0190-VAR2 CONDITIONS

Planning

1. Approval of General Plan Amendment (24-0190-GPA1) and Rezoning (24-0190-ZON1); and conformance to the Conditions of Approval for Site Development Plan Review (24-0190-SDR1) and Variance (24-0190-VAR1) shall be required, if approved.

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2. A Variance is hereby approved to allow 32 parking spaces where 44 spaces are required for a proposed multi-family residential development.
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.

24-0190-SDR1 CONDITIONS

Planning

1. Approval of General Plan Amendment (24-0190-GPA1) and Rezoning (24-0190-ZON1); and conformance to the Conditions of Approval for Variance (24-0190-VAR1) and Variance (24-0190-VAR2) 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, landscape plan, and building elevations, date stamped 10/17/24, except as amended by conditions herein.
4. A Waiver from Title 19.06.110 is hereby approved, to allow a five-foot landscape buffer on the east perimeter where six feet is required.
5. A Waiver from Title 19.06.110 is hereby approved, to allow a five-foot landscape buffer on the west perimeter where six feet is 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.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

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8. Trash enclosures shall be provided in conformance with the provisions of Title 19.08.040.E.
9. Pursuant to LVMC Title 19.08.040.G for commercial and industrial properties, a perimeter wall shall be constructed adjacent to any residential zoning district or property used solely for residential purposes. The wall or fence is intended to screen the commercial or industrial activity from the residential property, and shall be of a solid decorative material that is a minimum of six feet in height measured from the side of the commercial or industrial property. In no case shall the wall or fence exceed the overall height limitation applicable to the adjacent zoning district or property unless approved through a Variance or other applicable means. The overall height of a wall or fence shall be measured from the side with the greatest vertical exposure above finished grade.
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.
11. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

12. 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 driveway cuts, if any, and replace with new improvements meeting Public Right-of-Way Accessibility Guidelines (PROWAG) to the satisfaction of the City Engineer concurrent with development of this site. Grant Pedestrian Access Easement(s) if necessary to comply with this requirement. All existing paving damaged or removed by this development shall be restored at its original location, width and depth concurrent with development of this site.
13. The proposed driveway on Owens Avenue shall be restricted to right-in/right-out access. A median shall be constructed to limit the Owens Avenue driveway and maintain full access for Gateway Road concurrent with the development on this site. The access road in the Gateway Road alignment shall be a minimum 21 feet wide with a 25-foot ingress radius.
14. Coordinate sewer connection at a size, depth, and location acceptable to the Sanitary Sewer Engineering Section of the Department of Public Works.

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15. Unless otherwise allowed by the City Engineer, construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network and shall be terminated on-site with a handicap ramp.
16. 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.
17. 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

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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing to develop a two-story tall, 20-unit multi-family residential development on 1.18 acres at the southwest corner of Owens Avenue and Gateway Road.

ISSUES

- A General Plan Amendment is requested from ML (Medium Low Density Residential) to M (Medium Density Residential). Staff does not support the request.
- A Rezoning is requested from R-E (Residence Estates) to R-3 (Medium Density Residential). Staff does not support the request.
- The proposed Residential, Multi-Family land use is permitted in the proposed R-3 (Medium Density Residential) zoning district.
- A Site Development Plan Review is requested for a proposed two-story, 20-unit multi-family residential development. Staff does not support the request.
- A Waiver of Title 19.06.110 is requested to allow a five-foot wide landscape buffer on the east perimeter where six feet is required. Staff does not support the request.
- A Waiver of Title 19.06.110 is requested to allow a five-foot landscape buffer on the west perimeter where six feet is required. Staff does not support the request.
- A Variance is requested to allow a five-foot residential adjacency setback where 69 feet is required for a proposed multi-family residential development. Staff does not support the request.
- A Variance is requested to allow a 25-foot residential adjacency setback for a proposed trash enclosure where 50 feet is required. Staff does not support the request.
- A Variance is requested to allow 32 parking spaces where 44 spaces are required. Staff does not support the request.

ANALYSIS

The subject site is currently zoned R-E (Residence Estates) with a ML (Medium Low Density Residential) land use designation and is subject to Title 19 development standards. The subject 1.18-acre site is currently undeveloped and is bordered by properties zoned R-E (Residence Estates) to the west and south developed with single-family dwellings.

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Properties to the east are zoned R-CL (Single Family Compact-Lot) and are developed with single family dwellings. Across Owens Avenue to the north is existing multi-family residential development that is located in Clark County. The applicant proposes to develop the subject site with a two-story, 20-unit multi-family residential development.

General Plan Amendment and Rezoning

The applicant has proposed a General Plan Amendment from ML (Medium Low Density Residential) to M (Medium Density Residential). The M (Medium Density Residential) category allows for multi-family units such as townhomes, plexes, and low-density apartments up to 25.50 dwelling units per acre. The proposed 20-unit multi-family residential development on 1.18 acres proposed a maximum density of 19.95 units per acre, which falls below the maximum density allowed. The M (Medium Density Residential) land use designation allows the R-TH (Single Family Attached), R-2 (Medium-Low Density Residential), R-3 (Medium Density Residential) and PD (Planned Development) zoning districts.

In addition, the applicant has requested an associated Rezoning of the subject site from R-E (Residence Estates) to R-3 (Medium Density Residential). The R-3 (Medium Density Residential) zoning district is intended to allow for the development of a variety of multi-family units such as duplexes, townhouses, and medium density apartments. The zoning district is consistent with the policies of the M (Medium Density Residential) and H (High Density Residential) land use categories of the General Plan.

Staff has determined that the proposed R-3 (Medium Density Residential) zoning district and M (Medium Density Residential) Land Use Designation are not consistent with the surrounding area, as the existing zoning districts adjacent to the east, west, and south of the subject site are intended for rural density residential types and single family units. Staff notes the proposed R-3 (Medium Density Residential) zoning district will result in a case of “Spot Zoning”, which is defined as a, “Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the General Plan.” Rezoning the subject site would create a “spot” of R-3 (Medium Density Residential) zoning in an area consisting of R-E (Residence Estates) and R-CL (Single Family Compact-Lot) zoning districts. Therefore, staff recommends denial of the requested General Plan Amendment and Rezoning.

Site Development Plan Review and Variance

The applicant has proposed to develop a two-story, 20-unit multi-family residential apartment development consisting of five buildings, each with four three-bedroom units. The submitted plans depict a maximum building height of 23 feet for the proposed buildings measured to the midpoint of the pitched roof. All building façades will have neutral tone stucco finish and tile roof.

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Outdoor staircases are provided to reach the second floor units. The submitted floor plan depicts two levels with two three-bedroom units on each floor. The Residential, Multi-Family land use requires two parking spaces per each three bedroom and above units and one guest space for every six dwelling units. A Variance is requested, as the proposed development provides 32 parking spaces where 44 spaces are required. Site access is proposed from a non-gated entrance located on the north perimeter of the site from Owens Avenue.

Per the submitted landscape plan, adequate perimeter landscape materials are provided and adhere to the recommendations of the Southern Nevada Regional Plant List. However, Waivers of Title 19.06.110 concerning perimeter landscape buffer requirements are requested. The proposed development provides a five-foot landscape buffer on the east and west property lines where six feet is required for interior lot lines. The City of Las Vegas 2050 Master Plan has prioritized increasing tree canopy coverage across all areas of the city as a way to reduce the urban heat island effect and extreme heat conditions. The applicant's request for relief from landscape requirements is an example of the applicant attempting to overdevelop the subject site. Therefore, staff does not support the requested Waivers to allow a reduction in required perimeter landscape buffers.

Additionally, a Variance is requested to allow the proposed development to not meet residential adjacency standards per Title 19.06.040. Residential adjacency standards apply to the subject site as the applicant is proposing to multi-family residential development located adjacent to property which are zoned R-E (Residence Estates) and R-CL (Single Family Compact-Lot). As the submitted elevation plans indicate, the proposed building heights will be 23 feet; therefore, the buildings must be setback 69 feet from the property line of the protected properties according to the 3:1 proximity slope requirement in Title 19.06.040. Each of the five proposed buildings for the multi-family residential development will not meet the required 69-foot residential adjacency setback requirement to the east, south, and west. Therefore, the applicant is requesting a minimum five-foot residential adjacency setback. The proposed trash receptacle for the development also fails to conform to Title 19.06.040, which states that trash receptacles must be located a minimum of 50 feet from any property line of a protected property. As shown in the submitted site plan, the proposed trash enclosure is placed 25 feet from protected properties to the east. Staff recommends denial of this Variance request, as there is no evidence of a unique or extraordinary circumstance related to the physical characteristics of the property.

The City Transportation Engineering Division has commented, "This project is expected to add an additional 135 trips per day on Owens Avenue, Lamb Boulevard, and Gateway Road. Currently, Owens Avenue is at about 30 percent of capacity and Lamb Boulevard is at about 58 percent of capacity. With this project, Owens Avenue and Lamb Boulevard are expected to remain unchanged. Counts are not available for Gateway Road, but it is believed to be under capacity. Based on Peak Hour use, this development will add into the area roughly 10 additional peak hour trips, or about one every six minutes."

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Staff has determined that the proposed project is not compatible or harmonious with the existing development in the surrounding area. This is evidenced by the associated Waiver and Variance requests, as the proposed multi-family residential development fails to meet Title 19 development standards concerning residential adjacency, parking and landscape requirements. Furthermore, approval of the requested General Plan Amendment and Rezoning would lead to spot zoning. As such, staff recommends denial of all land use entitlement requests.

FINDINGS (24-0190-GPA1)

Section 19.16.030(l) 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 M (Medium Density Residential) land use designation is not compatible with the surrounding area, which predominantly consists of single-family residential dwellings.

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

The proposed M (Medium Density Residential) land use designation allows the R-TH (Single Family Attached), R-2 (Medium-Low Density Residential), R-3 (Medium Density Residential) and PD (Planned Development) zoning districts. The applicant has proposed a Rezoning (24-0190-ZON1) from R-E (Residence Estates) to R-3 (Medium Density Residential) on the subject site, which is not consistent with 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 utilities to accommodate the residential uses allowed by the proposed M (Medium Density Residential) land use designation.

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

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

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FINDINGS (24-0190-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 the associated General Plan Amendment (24-0190-GPA1) is approved, the proposed R-3 (Medium Density Residential) zoning district will conform to the General Plan.

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 proposed R-3 (Medium Density Residential) zoning district would allow for multi-family development, which is not compatible with the surrounding land uses and zoning districts.

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

Growth and development factors in the community indicate this area will remain low density, single-family residential in nature.

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 proposed access to the subject site is from Owens Avenue, a 100-foot Primary Arterial, designated by the Master Plan of Streets and Highways, which is adequate in size to meet the needs of the proposed zoning district.

FINDINGS (24-0190-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

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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.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing a development design that fails to adhere to Title 19 residential adjacency requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

FINDINGS (24-0190-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:

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.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing a development design that fails to adhere to Title 19 parking requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

FINDINGS (24-0190-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 multi-family residential development is not compatible with the adjacent single-family dwellings.

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

The applicant has requested a Waiver and Variances for the proposed development and is not consistent with Title 19 requirements.

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

The site is proposed to have access from Owens Avenue, which is adequate is size to meet the needs of the proposed development. A Condition of Approval was added to restricted right-in/right-out access to the site from Owens Avenue and for Gateway Road to maintain access to residential properties to the south of the subject site.

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

The proposed building façade is stucco in neutral tones, which is appropriate for the area. The proposed landscape materials 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 submitted elevations indicate that the proposed development will not be unsightly, undesirable, or obnoxious in appearance and feature materials and colors that are compatible. However, the development will not provide adequate landscape buffer widths and the buildings will not meet residential adjacency setback requirements.

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

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

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i> | |
|---|--|
| 04/18/22 | A Code Enforcement case (#CE22-01888) was processed for a homeless encampment and trash and debris at 1555 North Gateway Road. The case was resolved on 05/02/22. |
| 10/03/23 | A Code Enforcement case (#CE23-06948) was processed for a homeless encampment, refuse, waste, trash and litter at 1555 North Gateway Road. The case was resolved on 10/19/23. |
| 07/09/24 | <p>The Planning Commission voted (7-0) to HOLD IN ABEYANCE on the following Land Use Entitlement project requests on 1.18 acres on the southwest corner of Owens Avenue and Gateway Road (APN 140-30-502-002).</p> <ul style="list-style-type: none"> • 24-0190-GPA1 - GENERAL PLAN AMENDMENT - FROM: ML (MEDIUM LOW DENSITY RESIDENTIAL) TO: M (MEDIUM DENSITY RESIDENTIAL) • 24-0190-ZON1 - REZONING - FROM: R-E (RESIDENCE ESTATES) TO: R-3 (MEDIUM DENSITY RESIDENTIAL) • 24-0190-VAR1 - VARIANCE - TO ALLOW A SEVEN-FOOT REAR YARD SETBACK WHERE 20 FEET IS REQUIRED, A SEVEN-FOOT FRONT YARD SETBACK WHERE 10 FEET IS REQUIRED, AND TO ALLOW A FIVE-FOOT RESIDENTIAL ADJACENCY SETBACK WHERE 69 FEET IS REQUIRED • 24-0190-SDR1 - SITE DEVELOPMENT PLAN REVIEW - FOR A PROPOSED TWO-STORY, 20-UNIT, MULTI-FAMILY RESIDENTIAL DEVELOPMENT WITH WAIVERS OF PERIMETER LANDSCAPE BUFFER REQUIREMENTS |

**Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.
(cont.)**

| | |
|---------|---|
| 10/8/24 | <p>The Planning Commission voted (7-0) to HOLD IN ABEYANCE on the following Land Use Entitlement project requests on 1.18 acres on the southwest corner of Owens Avenue and Gateway Road (APN 140-30-502-002), Ward 3 (Diaz).</p> <ul style="list-style-type: none"> • ABEYANCE - 24-0190-GPA1 - GENERAL PLAN AMENDMENT - FROM: ML (MEDIUM LOW DENSITY RESIDENTIAL) TO: M (MEDIUM DENSITY RESIDENTIAL) • ABEYANCE - 24-0190-ZON1 - REZONING - FROM: R-E (RESIDENCE ESTATES) TO: R-3 (MEDIUM DENSITY RESIDENTIAL) • ABEYANCE - 24-0190-VAR1 - VARIANCE - TO ALLOW A SEVEN-FOOT REAR YARD SETBACK WHERE 20 FEET IS REQUIRED, A SEVEN-FOOT FRONT YARD SETBACK WHERE 10 FEET IS REQUIRED, AND TO ALLOW A FIVE-FOOT RESIDENTIAL ADJACENCY SETBACK WHERE 69 FEET IS REQUIRED • ABEYANCE - 24-0190-SDR1 - SITE DEVELOPMENT PLAN REVIEW - FOR A PROPOSED TWO-STORY, 20-UNIT, MULTI-FAMILY RESIDENTIAL DEVELOPMENT WITH WAIVERS OF PERIMETER LANDSCAPE BUFFER REQUIREMENTS |
|---------|---|

| <i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc. (cont.)</i> | |
|---|--|
| 11/12/24 | <p>The Planning Commission voted (6-0) to recommend DENIAL on the following Land Use Entitlement project requests on 1.18 acres on the southwest corner of Owens Avenue and Gateway Road (APN 140-30-502-002), Ward 3 (Diaz).</p> <p>24-0190-GPA1 - GENERAL PLAN AMENDMENT - FROM: ML (MEDIUM LOW DENSITY RESIDENTIAL) TO: M (MEDIUM DENSITY RESIDENTIAL)</p> <p>24-0190-ZON1 - REZONING - FROM: R-E (RESIDENCE ESTATES) TO: R-3 (MEDIUM DENSITY RESIDENTIAL)</p> <p>24-0190-VAR1 - VARIANCE - TO ALLOW A FIVE-FOOT RESIDENTIAL ADJACENCY SETBACK WHERE 69 FEET IS REQUIRED AND A 25-FOOT RESIDENTIAL ADJACENCY SETBACK FOR A PROPOSED TRASH ENCLOSURE WHERE 50 FEET IS REQUIRED</p> <p>24-0190-VAR2 - VARIANCE - TO ALLOW 32 PARKING SPACES WHERE 44 SPACES ARE REQUIRED</p> <p>24-0190-SDR1 - SITE DEVELOPMENT PLAN REVIEW - FOR A PROPOSED TWO-STORY, 20-UNIT, MULTI-FAMILY RESIDENTIAL DEVELOPMENT WITH WAIVERS OF PERIMETER LANDSCAPE BUFFER REQUIREMENTS</p> |

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| Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc. (cont.) | |
|--|--|
| 12/18/24 | <p>The City Council voted (7-0) to HOLD IN ABEYANCE the following Land Use Entitlement project requests on 1.18 acres on the southwest corner of Owens Avenue and Gateway Road (APN 140-30-502-002), Ward 3 (Diaz). The Planning Commission (6-0 vote) and Staff recommend DENIAL on the entire Land Use Entitlement project.</p> <p>24-0190-GPA1 - ABEYANCE ITEM - GENERAL PLAN AMENDMENT - FROM: ML (MEDIUM LOW DENSITY RESIDENTIAL) TO: M (MEDIUM DENSITY RESIDENTIAL)</p> <p>24-0190-ZON1 - ABEYANCE ITEM - REZONING - FROM: R-E (RESIDENCE ESTATES) TO: R-3 (MEDIUM DENSITY RESIDENTIAL)</p> <p>24-0190-VAR1 - ABEYANCE ITEM - VARIANCE - TO ALLOW A FIVE-FOOT RESIDENTIAL ADJACENCY SETBACK WHERE 69 FEET IS REQUIRED AND A 25-FOOT RESIDENTIAL ADJACENCY SETBACK FOR A PROPOSED TRASH ENCLOSURE WHERE 50 FEET IS REQUIRED</p> <p>24-0190-VAR2 - ABEYANCE ITEM - VARIANCE - TO ALLOW 32 PARKING SPACES WHERE 44 SPACES ARE REQUIRED</p> <p>24-0190-SDR1 - ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW - FOR A PROPOSED TWO-STORY, 20-UNIT, MULTI-FAMILY RESIDENTIAL DEVELOPMENT WITH WAIVERS OF PERIMETER LANDSCAPE BUFFER REQUIREMENTS</p> |

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

| Related Building Permits/Business Licenses | |
|---|--|
| No Related Building Permits/Business Licenses. | |

| Pre-Application Meeting | |
|--------------------------------|--|
| 04/03/24 | A pre-application meeting was held with the applicant and the submittal requirements were discussed. |

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| Neighborhood Meeting | |
|-----------------------------|--|
| 09/23/24 | <p>Neighborhood Meeting held on Monday, September 23rd at 5:30 PM at East Las Vegas Library – Multipurpose Room 1.</p> <p>Meeting Start Time: 5:30 PM Meeting End Time: 6:15 PM</p> <p>Attendance: 3 Applicant Representatives 1 Department of Community Development Staff Member 1 Staff Member from Ward 3 Council Office 4 Members of the Public</p> <p>The meeting was opened with a representative giving an overview of the project. The representatives presented new plans, which need to be reviewed by staff. The meeting was opened for comments/questions.</p> <p>Concerns/comments:</p> <ul style="list-style-type: none"> - Question about a pedestrian gate added on Gateway Road. The representative is not sure if that will be possible. - Concern about traffic on Owens to get into the apartment complex. The representative explained that the entrance into the apartment complex is not gated. - Comments about neighbors wanting security. The representative explained that an iron fence is proposed to surround the property. - Concern about cars parking on Gateway Road. - Comments about a playground or park being provided to apartment residents. - Questions about who will be living and renting the proposed apartments. The representative explained that the apartments are not intended to be for low-income individuals. - Comments about how much parking will be provided. <p>Overall, comments made by the public members in attendance were agreeable to the proposed development. Following the neighborhood meeting, staff has received updated plans for this development.</p> |

| Field Check | |
|--------------------|---|
| 10/03/24 | Staff conducted a routine field check and observed an undeveloped lot with weeds, debris and fencing. |

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| Details of Application Request | |
|---------------------------------------|------|
| Site Area | |
| Net Acres | 1.18 |

| Surrounding Property | Existing Land Use Per Title 19.12 | Planned or Special Land Use Designation | Existing Zoning District |
|-----------------------------|--|--|---|
| Subject Property | Undeveloped | ML (Medium Low Density Residential) | R-E (Residence Estates) |
| North | Residential, Multi-Family (Clark County) | UN [Urban Neighborhood (Clark County)] | RM32 [Residential Multi-Family 32 (Clark County)] |
| South | Residential, Single Family, Detached | ML (Medium Low Density Residential) | R-E (Residence Estates) |
| East | Residential, Single Family, Detached | ML (Medium Low Density Residential) | R-CL (Single Family Compact-Lot) |
| West | Residential, Single Family, Detached | ML (Medium Low Density Residential) | R-E (Residence Estates) |
| | Residential, Duplex | ML (Medium Low Density Residential) | R-2 (Medium-Low 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 | 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 19.06, the following standards apply:

| Standard | Required/Allowed | Provided | Compliance |
|-----------------|-------------------------|-----------------|-------------------|
| Min. Lot Size | 6,500 SF | 51,400 SF | Y |

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| Standard | Required/Allowed | Provided | Compliance |
|-------------------------------------|---------------------------------------|---------------------------------------|-------------------|
| Min. Setbacks [Building 1] | | | |
| • Rear | 20 Feet | 78 Feet | Y |
| • Side (East) | 10 Feet | 61 Feet | Y |
| • Side (West) | 5 Feet | 58 Feet | Y |
| Min. Setbacks [Building 2] | | | |
| • Side | 5 Feet | 5 Feet | Y |
| Min. Setbacks [Building 3] | | | |
| • Front | 10 Feet | 10 Feet | Y |
| • Side | 5 Feet | 5 Feet | Y |
| Min. Setbacks [Building 4] | | | |
| • Corner | 5 Feet | 5 Feet | Y |
| Min. Setbacks [Building 5] | | | |
| • Corner | 5 Feet | 5 Feet | Y |
| • Front | 10 Feet | 10 Feet | Y |
| Min. Distance Between Buildings | 10 Feet | 10 Feet | Y |
| Max. Lot Coverage | N/A | 28 % | Y |
| Max. Building Height – Pitched Roof | 5 stories/ 55 Feet | 2 stories/ 23 Feet | Y |
| Trash Enclosure | Screened, Gated, w/ a Roof or Trellis | Screened, Gated, w/ a Roof or Trellis | Y |
| Mech. Equipment | Screened | Screened | Y |

| Residential Adjacency Standards | Required/Allowed | Provided | Compliance |
|--|-------------------------|-----------------|-------------------|
| 3:1 proximity slope – Building 1 (West) | 69 Feet | 60 Feet | N* |
| 3:1 proximity slope – Building 1 (East) | 69 Feet | 57 Feet | N* |
| 3:1 proximity slope – Building 1 (South) | 69 Feet | 78 Feet | Y |
| 3:1 proximity slope – Building 2 (West) | 69 Feet | 5 Feet | N* |
| 3:1 proximity slope – Building 3 (West) | 69 Feet | 5 Feet | N* |
| 3:1 proximity slope – Building 4 (East) | 69 Feet | 26 Feet | N* |
| 3:1 proximity slope – Building 5 (East) | 69 Feet | 26 Feet | N* |

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| Residential Adjacency Standards | Required/Allowed | Provided | Compliance |
|--|-------------------------|-----------------|-------------------|
| Trash Enclosure | 50 Feet | 25 Feet | N* |

*A Variance (24-0190-VAR1) is requested to allow a five-foot residential adjacency setback where 69 feet is required and a 25-foot residential adjacency setback for a proposed trash enclosure where 50 feet is required.

| Existing Zoning | Permitted Density | Units Allowed |
|-------------------------------------|--------------------------|----------------------|
| R-E (Residence Estates) | 2.42 units/acre | 2 units |
| Proposed Zoning | Permitted Density | Units Allowed |
| R-3 (Medium Density Residential) | 13-50 units/acre | 30 units |
| Existing General Plan | Permitted Density | Units Allowed |
| ML (Medium Low Density Residential) | Up to 8.5 units/acre | 10 units |
| Proposed General Plan | Permitted Density | Units Allowed |
| M (Medium Density Residential) | Up to 25.5 units/acre | 30 units |

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 | 5 Trees | Y |
| • South | 1 Tree / 20 Linear Feet | 8 Trees | 8 Trees | Y |
| • East | 1 Tree / 20 Linear Feet | 13 Trees | 14 Trees | Y |
| • West | 1 Tree / 20 Linear Feet | 13 Trees | 13 Trees | Y |
| TOTAL PERIMETER TREES | | 39 Trees | 40 Trees | Y |
| Parking Area Trees | 1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces | 7 Trees | 7 Trees | Y |

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| Landscaping and Open Space Standards | | | |
|---|-------------------------------------|---------------|--------------|
| LANDSCAPE BUFFER WIDTHS | | | |
| Min. Zone Width | | | |
| • North | 10 Feet | 10 Feet | Y |
| • South | 6 Feet | 6 Feet | Y |
| • East | 6 Feet | 5 Feet | N* |
| • West | 6 Feet | 5 Feet | N* |
| Wall Height | 6 to 8 Feet Adjacent to Residential | Not Indicated | By Condition |

*A Waiver of Title 19.06.110 is requested to allow reduced perimeter landscape buffers.

| Street Name | Functional Classification of Street(s) | Governing Document | Actual Street Width (Feet) | Compliance with Street Section |
|--------------------|---|---|-----------------------------------|---------------------------------------|
| Owens Avenue | Primary Arterial | Master Plan of Streets and Highways Map | 100 | Y |
| Gateway Road | Private Drive | Title 13 | 20 | 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 | 20 units | 2 spaces per 3 bedroom unit | 40 | | | | |
| Guest Parking | | 1 space per 6 units | 4 | | | | |
| TOTAL SPACES REQUIRED | | | 44 | | | | |
| Regular and Handicap Spaces Required | | | 42 | 2 | 29 | 3 | N* |

*A Variance (24-0190-VAR2) is requested to allow 32 parking spaces where 44 spaces are required.

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| <i>Waivers</i> | | |
|--|--|------------------------------------|
| <i>Requirement</i> | <i>Request</i> | <i>Staff Recommendation</i> |
| Provide a six-foot landscape buffer for interior lot lines | To allow a five-foot perimeter landscape buffer along the east property line | Denial |
| Provide a six-foot landscape buffer for interior lot lines | To allow a five-foot perimeter landscape buffer along the west property line | Denial |