



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: JUNE 5, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: SIENA 67 HOLDING LIMITED PARTNERSHIP AND SIENA 68 HOLDING LIMITED PARTNERSHIP

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0193-EOT1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

NOTICES MAILED N/A (newspaper only)

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

24-0193-EOT1 CONDITIONS

Planning

1. This approval shall expire on April 20, 2026 unless another Extension of Time is approved by the City of Las Vegas.
2. Conformance to the Conditions of Approval for Site Development Plan Review (21-0666-SDR1) and all other related actions as required by the Department of Community Development and the Department of Public Works.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is an Extension of Time request of an approved Site Development Plan Review (21-0666-SDR1) for a proposed commercial development consisting of two standalone drive-through restaurants on 2.17 acres at the northwest corner of Fremont Street and Eastern Avenue.

ISSUES

- This is the first Extension of Time request for the approved Site Development Plan Review (21-0666-SDR1). The applicant is requesting three additional years for the approval in order to complete the required technical studies.
- A condition of approval of 21-0666-SDR1 requires consolidation of the existing lots that make up the subject site prior to issuance of building permits. A Final Map for a one-lot commercial subdivision has been submitted for review but has not been recorded.
- Civil improvement plans and building plans have been submitted for the commercial development; however, no permits have been issued.
- Two off-premise signs and an office building existing on the site at the time of approval of 21-0666-SDR1 have been removed.

ANALYSIS

The site is zoned T4-C (T4 Corridor). This Form-Based Code designation is intended to allow for a wide range of building types that accommodate commercial, retail, office and service uses in small to large footprint buildings along major arterial corridors. Both restaurants are intended to include drive-through operations. Drive-through uses are conditionally allowed in the T4-C zoning district.

Since the time of original approval, preparations have been made for construction of the proposed development. A Tentative Map for a one-lot commercial subdivision has been approved, and the Final Map for this subdivision has been reviewed but has not been recorded. Civil improvement plans and building plans have been reviewed and are nearing issuance. The applicant is requesting additional time for the Site Development Plan Review approval in order to complete the required technical studies.

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Condition Number 2 of the approved Site Development Plan Review (21-0666-SDR1) required removal of two existing off-premise signs prior to the issuance of building permits for the approved development. Permits for demolition have been issued, and the site has been cleared of the signs and also a small office building.

There have been recent code enforcement issues regarding homeless activity and graffiti on the subject site. The graffiti issue has been resolved; however, a case regarding homeless activity remains ongoing.

FINDINGS (24-0193-EOT1)

Development conditions in the area have remained similar to those at the time of original approval of the Site Development Plan Review (21-0666-SDR1). The applicant is close to obtaining permits for construction. The proposed commercial development can still be compatible with the adjacent multi-family residential and commercial land uses. Staff therefore recommends approval of the Extension of Time request for an additional two years. If denied, the previously approved Site Development Plan Review (21-0666-SDR1) will be deemed to be expired as of April 20, 2024.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
10/17/18	The City Council adopted Ordinance #6649 on second amendment, which amended the Unified Development Code to add a new chapter (19.09) related to Form-Based Code and transect zones, and to make parallel changes in other parts of the Unified Development Code where necessary.
07/03/19	The City Council adopted Ordinance #6693 on first amendment, which amended the Unified Development Code to repeal and replace Chapter 19.09 with a major update that included regulations for the Fremont East District.
10/16/19	The City Council approved a request for a General Plan Amendment (GPA-75814) to amend portions of the Southeast Sector Land Map of the General Plan from: C (Commercial) and MXU (Mixed Use) to: FBC (Form-Based Code) on approximately 226.00 acres in the Fremont East District, generally located south of Interstate 515, west of Eastern Avenue, north of Carson Avenue and east of Las Vegas Boulevard. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Rezoning (ZON-76747) from: C-1 (Limited Commercial), C-2 (General Commercial), R-5 (Apartment), R-4 (High Density Residential), R-3 (Medium Density Residential) and R-2 (Medium-Low Density Residential) to: T4-N (T4 Neighborhood), T4-MS (T4 Main Street), T4-C (T4 Corridor), T5-N (T5 Neighborhood), T5-MS (T5 Main Street) and T6-UC (T6 Urban Core) on approximately 226.00 acres in the Fremont East District, generally located south of Interstate 515, west of Eastern Avenue, north of Carson Avenue and east of Las Vegas Boulevard. The Planning Commission and staff recommended approval.
06/02/21	The City Council approved a General Plan Amendment (21-0029-GPA1) to adopt the City of Las Vegas 2050 Master Plan and amend the General Plan of the City of Las Vegas from various categories to TOD-1 (Transit Oriented Development-1), TOD-2 (Transit Oriented Development-2), TOC-1 (Transit Oriented Corridor-1), TOC-2 (Transit Oriented Corridor-2) or NMUX (Neighborhood Center Mixed Use), including the subject and adjacent properties. The Planning Commission and staff recommended approval.

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<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
04/20/22	The City Council approved a request for a Variance (21-0665-VAR1) to allow 163 parking spaces where 350 are required on 3.75 acres on the west side of Eastern Avenue, approximately 160 feet south of Sunrise Avenue. The Planning Commission recommended approval; staff recommended denial.
	The City Council approved a request for a Special Use Permit (21-0665-SUP1) for a Multi-Family Residential use on the west side of Eastern Avenue, approximately 160 feet south of Sunrise Avenue. The Planning Commission recommended approval; staff recommended denial.
	The City Council approved a request for a Site Development Plan Review (21-0665-SDR1) for a proposed four-story, 224-unit Multi-Family Residential development with Waivers of building placement and perimeter landscape buffer standards on 3.75 acres on the west side of Eastern Avenue, approximately 160 feet south of Sunrise Avenue. The Planning Commission recommended approval; staff recommended denial.
	The City Council approved a request for a General Plan Amendment (21-0666-GPA1) from TOD-1 (Transit Oriented Development - High) to FBC (Form-Based Code) on 0.51 acres at the northwest corner of Fremont Street and Eastern Avenue. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Rezoning (21-0666-ZON1) from T5-MS (T5 Main Street) to T4-C (T4 Corridor) on 2.17 acres at the northwest corner of Fremont Street and Eastern Avenue. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Site Development Plan Review (21-0666-SDR1) for a proposed 3,727 square-foot commercial development with Waivers of Title 19.09 Form-Based Code development standards on 2.17 acres at the northwest corner of Fremont Street and Eastern Avenue. The Planning Commission recommended approval; staff recommended denial.
07/25/22	A Code Enforcement Case (CE22-03923) was opened to investigate a claim for homeless activity on a vacant lot at 2219 Fremont Street. The case was resolved 07/27/22.
01/09/23	A Code Enforcement Case (CE23-00093) was opened regarding graffiti on the rear wall of a vacant lot at 2219 Fremont Street. The case was resolved 01/09/23.

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<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
03/15/23	The City Council adopted Ordinance 6833, which consolidated use types for the various Form-Based Code transect zones into one table, made related adjustment to other provision of LVMC Title 19 and made other general technical amendments and corrections to Title 19.
04/11/23	The Planning Commission approved a Tentative Map (23-0042-TMP1) for a one-lot commercial subdivision (NWC Fremont & Eastern) on 2.19 acres at the northwest corner of Fremont Street and Eastern Avenue. Staff recommended approval.
09/28/23	Department of Community Development staff accepted a blueline version of a Final Map (100377-FMP) for a one-lot commercial subdivision (NWC Fremont & Eastern) on 2.19 acres at the northwest corner of Fremont Street and Eastern Avenue. Blueline comments were issued 11/16/23. The map has not been recorded.
03/18/24	A Code Enforcement Case (CE24-01513) was opened to investigate a homeless encampment at 2231 Fremont Street. The case is ongoing and has not been resolved.

<i>Most Recent Change of Ownership</i>	
05/05/22	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
06/01/78	A building permit (#6787) was issued for a 40-foot tall, 672 square-foot off-premise sign at 2217 Fremont Street.
06/15/78	A building permit (#7175) was issued for a 40-foot tall, 672 square-foot off-premise sign at 2217 Fremont Street.
10/04/83	A building permit (#3355-1) was issued for a 40-foot tall, 672 square-foot off-premise sign at 2217 Fremont Street. A final inspection was approved 03/22/84.
	A building permit (#3355-2) was issued for a 40-foot tall, 672 square-foot off-premise sign at 2217 Fremont Street. A final inspection was approved 03/23/84.
12/19/22	Application was made for a building permit (C22-04888) for a restaurant with drive-through (Raising Canes) at 2231 Fremont Street. The application remains in permit review.
04/14/23	Application was made for a building permit (C23-01248) for a 930 square-foot grey shell restaurant building with drive-through (Starbucks) at 2261 Fremont Street. The application remains in permit review.

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Related Building Permits/Business Licenses	
08/14/23	Application was made for review of civil improvement plans (L23-01576) for a one-lot commercial subdivision at the northwest corner of Fremont Street and Eastern Avenue. A Final Mylar review is required.
11/29/23	A building permit (C23-03641) was issued for removal of two existing off-premise signs to grade at 2231 Fremont Street. A final inspection was completed 02/06/24.
01/25/23	Department of Public Works staff approved a Traffic Impact Analysis (TIA76172) for the proposed commercial development at the northwest corner of Fremont Street and Eastern Avenue.
01/09/24	A building permit (C24-00036) was issued for demolition of one existing building, asphalt and concrete flatwork at 2219 Fremont Street. A final inspection was completed 02/06/24.

Pre-Application Meeting
A pre-application meeting was not required, nor was one held.

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

Field Check	
05/02/24	The subject site is vacant and mostly cleared of weeds and debris. The previously existing building and off-premise signs have been removed.

Details of Application Request	
Site Area	
Net Acres	2.17

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Vacant	FBC (Form-Based Code)	T4-C (T4 Corridor)
North	Residential, Multi-Family	TOD-1 (Transit Oriented Development - High)	R-4 (High Density Residential)
	Undeveloped		C-1 (Limited Commercial)

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
South	General Retail Store, Other Than Listed [Convenience Store with Fuel Pumps]	FBC (Form-Based Code)	T5-MS (T5 Main Street)
	General Retail Store, Other Than Listed [Convenience Store with Fuel Pumps]	TOD-1 (Transit Oriented Development - High)	C-2 (General Commercial)
East	General Retail Store, Other Than Listed	TOD-1 (Transit Oriented Development - High)	C-2 (General Commercial)
	Residential, Single Family, Attached		R-TH (Single Family Attached)
West	Hotel, Motel or Hotel Suites	FBC (Form-Based Code)	T5-MS (T5 Main Street)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Downtown Las Vegas	Y
Vision 2045 Downtown Las Vegas Master Plan: Fremont East District	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
DTLV-O (Downtown Las Vegas Overlay) District - Area 3	Y
LW-O (Live/Work Overlay) District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area - Area 1	Y
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A