



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: JUNE 18, 2025

DEPARTMENT: COMMUNITY DEVELOPMENT

**ITEM DESCRIPTION: APPLICANT: FORE GREEN DEVELOPMENT, LLC ET AL -
OWNER: ARIZONA CHARLIES, LLC**

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0486-ZON1	Staff recommends APPROVAL.	
24-0486-VAR1	Staff recommends DENIAL, if approved subject to conditions:	24-0486-ZON1 24-0486-SUP1 24-0486-SDR1
24-0486-SUP1	Staff recommends DENIAL, if approved subject to conditions:	24-0486-ZON1 24-0486-VAR1 24-0486-SDR1
24-0486-SDR1	Staff recommends DENIAL, if approved subject to conditions:	24-0486-ZON1 24-0486-VAR1 24-0486-SUP1

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 22

NOTICES MAILED 381 (by City Clerk)

PROTESTS 6

APPROVALS 2

**** CONDITIONS ****

24-0486-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow 461 parking spaces where 475 are required.
2. Approval of Rezoning (24-0486-ZON1) and approval of and conformance to the Conditions of Approval for Special Use Permit (24-0486-SUP1) and Site Development Plan Review (24-0486-SDR1) shall be required, if approved.
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 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.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

24-0486-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for Mixed-Use.
2. Approval of a Rezoning (24-0486-ZON1) and approval of and conformance to the Conditions of Approval for Variance (24-0486-VAR1) and Site Development Plan Review (24-0486-SDR1) shall be required, if approved.

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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 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.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
6. Trash enclosures shall be provided in conformance with the provisions of Title 19.08.040.E.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

24-0486-SDR1 CONDITIONS

Planning

- A. Trees shall be planted along Evergreen Avenue at a ratio of one for every 20 linear feet of street frontage with a minimum of four, five-gallon shrubs for every required tree.
- B. All trees adjacent to Decatur Boulevard shall be 36-inch box size trees.
1. Approval of a Rezoning (24-0486-ZON1) and approval of and conformance to the Conditions of Approval for Variance (24-0486-VAR1) and Site Development Plan Review (24-0486-SDR1) 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 building elevations, date stamped 12/12/24, the site plan, date stamped 04/24/25 and landscape plan, date stamped 04/21/25, except as amended by conditions herein.

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4. A Waiver from Title 19.08 is hereby approved, to allow the proposed building to not be oriented to the corner and to the street fronts.
5. A Waiver of Title 19.08 is hereby approved, to allow a two-foot perimeter landscape buffer where 8 feet is required for the west interior property line.
6. A Waiver of Title 19.08 is hereby approved, to allow a one-foot perimeter landscape buffer where eight feet is required for the south interior property line.
7. A Waiver of Title 19.08 is hereby approved, to allow a five-foot perimeter landscape buffer where 15 feet is required for the east property line
8. An Exception from Title 19.08 is hereby approved, 34 trees within the northern perimeter landscape buffer where 41 is the minimum required.
9. An Exception from Title 19.08 is hereby approved, five trees within the southern perimeter landscape buffer where 49 is the minimum required.
10. An Exception from Title 19.08 is hereby approved, 14 trees within the eastern perimeter landscape buffer where 18 is the minimum required.
11. An Exception from Title 19.08 is hereby approved, three trees within the western perimeter landscape buffer where 25 is the minimum required.
12. 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.
13. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
14. 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.
15. 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

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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 the finished grade.

16. Trash enclosures shall be provided in conformance with the provisions of Title 19.08.040.E.
17. 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 an 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 the visibility of any traffic control device. The technical landscape plan shall include the following changes from the conceptual landscape plan:
 - A: Landscaping along Decatur Boulevard shall be 36-inch box trees every 20 linear feet.
 - B: Landscaping along Evergreen Avenue shall be 36-inch box trees every 20 linear feet.
 - C: Landscaping along the 15-foot perimeter landscape buffer portion of the rear property line shall be 24-inch box trees every 20 linear feet.
 - D: Plant schedule shall replace "Ficus Microcarpa and Delosperma Cooperii shrubs and groundcover that is consistent with the Southern Nevada Regional Plant List.
18. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
19. A Comprehensive Construction Staging Plan shall be submitted to the Department of Community Development for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.
20. Prior to the submittal of a building permit application, the applicant shall meet with Department of Community Development staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
21. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

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Public Works

22. Prior to the issuance of permits, dedicate a right turn lane/ bus turn in conformance with Standard Drawing 234.4 as shown on the approved site plan. Additionally, grant a Bus Shelter Pad Easement in conformance with Standard Drawing #234.2 and 234.5 to the Regional Transportation Commission (RTC). Construction of the bus turnout/right turn lane is required concurrent with the building proposed on this site, unless modified by the approved Traffic Impact Analysis.
23. 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 the development of this site. Also, upgrade streetlighting and service pedestal. Service pedestal shall be upgraded to 200 amp and streetlights shall be fed through underground conduit.
24. The driveways for this development shall be constructed in accordance with Standard Drawing #222.1 at a 36-foot width for Evergreen Avenue and a 32-foot width for Decatur Boulevard. The throat depth of the Decatur Boulevard driveway as shown on the approved site plan is acceptable.
25. Coordinate with the Environmental Compliance & Enforcement staff of the Department of Public Works to locate any required grease interceptor and sand/oil interceptors in acceptable locations prior to the submittal of sewer-related plans. Comply with the recommendations and requirements of the Environmental Compliance & Enforcement staff prior to issuance of permits. The team may be contacted at 702-229-6594 or emailed at ece@lasvegasnevada.gov.
26. Coordinate sewer connection at a size, depth, and location acceptable to the Sanitary Sewer Engineering Section of the Department of Public Works.
27. Landscape and maintain all unimproved right-of-way adjacent to this site. 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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28. Submit a License Agreement for landscaping and private improvements in the Evergreen Avenue public right(s)-of-way prior to the issuance of permits for these improvements. If requested by the City, the applicant shall remove property within the public right-of-way at the applicant's expense pursuant to the terms of the City's License Agreement. The installation and maintenance of all private improvements in the public right-of-way shall be the responsibility of the applicant and any successors in interest to the property and assigns pursuant to the terms of the License Agreement. Coordinate all requirements for the License Agreement with the Land Development Section of the Department of Community Development (229-5460).
29. 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 section addressing Standard Drawings #234.1 #234.2 and #234.3, in accordance with Section 2.2 of the City's Vision Zero Action Plan, to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights of way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. 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.
30. Queues for the overall development shall not extend into the public right-of-way as a result of the gating operations on this site.
31. 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 the development of this site.

Fire & Rescue

32. 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.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing to develop a mixed-use development consisting of 293 residential units and 8,429 square feet of commercial area on 8.01 acres generally located at the southwest corner of Evergreen Avenue and Decatur Boulevard.

ISSUES

- A Rezoning is requested from C-1 (Limited Commercial) to C-2 (General Commercial) [APNs 138-36-802-002 and 138-36-712-023]. Staff supports this request.
- A Variance is requested to allow 461 parking spaces where 475 are required. Staff does not support this request.
- Mixed-use is a conditional land use in the C-2 zoning district, however, a conditional requirement has not been met regarding surface parking. As such, a Special Use Permit is requested to allow a Mixed-Use development. Staff does not support this request.
- A Site Development Plan Review is requested to develop a mixed-use development consisting of 293 residential units and 8,429 square feet of commercial area at the subject site. Staff does not support this request.
 - A Waiver of Title 19.08 is requested to allow the proposed building to not be oriented to the corner and to the street fronts. Staff does not support this request.
 - A Waiver of Title 19.08 is requested to allow a one-foot perimeter landscape buffer where eight feet is required for the south interior property line. Staff does not support this request.
 - A Waiver of Title 19.08 is requested to allow a five-foot perimeter landscape buffer where 15 feet is required for the east property line. Staff does not support this request.
 - A Waiver of Title 19.08 is requested, A Waiver of Title 19.08 is requested to allow a two-foot perimeter landscape buffer where eight feet is required for the west interior property line. Staff does not support this request.
 - An Exception of Title 19.08 is requested to allow 34 trees within the northern perimeter landscape buffer where 41 is the minimum required. Staff does not support this request.
 - An Exception of Title 19.08 is requested to allow five trees within the southern perimeter landscape buffer where 49 is the minimum required. Staff does not support this request.
 - An Exception of Title 19.08 is requested to allow 14 trees within the eastern perimeter landscape buffer where 18 is the minimum required. Staff does not support this request.

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- An Exception of Title 19.08 is requested to allow three trees within the western perimeter landscape buffer where 25 is the minimum required. Staff does not support this request
- As the subject site consists of four parcels, a mapping action is required; a forthcoming submittal for Tentative Map (25-0058-TMP1) for Decatur & Evergreen Multifamily will address this requirement.

ANALYSIS

The subject site consists of four lots totaling 8.01 acres located at the southwest corner of Evergreen Avenue and Decatur Boulevard; the site currently operates as a parking lot. Two of the four parcels are split-zoned C-1 (Limited Commercial) and C-2 (General Commercial) with the remaining two parcels closest to Decatur Boulevard zoned entirely C-2. The applicant is proposing to develop the subject site with a three-story, mixed-use development.

Rezoning

In order to develop the subject site, the applicant needs a uniform zoning district amongst all the associated parcels. Therefore the applicant is requesting to rezone the two split-zoned parcels to C-2.

The C-2 (General Commercial) zoning district is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office, and other general business uses of an intense character, as well as mixed-use developments. This district should be located away from low and medium-density residential development and may be used as a buffer between retail and industrial uses.

The C-2 zoning district is consistent with the site's existing TOC-1 (Transit Oriented Development - High) land use designation of the General Plan. Additionally, a consistent zoning category will allow the redevelopment of the subject site. For these reasons, staff recommends approval of rezoning the subject site.

Special Use Permit

Mixed-use is defined as “the vertical integration of residential uses and commercial or civic uses within a single building or a single development, where the uses share pedestrian access, vehicular access, parking functions, or any combination thereof.” Mixed-use is a conditional land use in the C-2 (General Commercial) zoning district to ensure that definitional requirements will be met as well as aesthetic and design concerns. Pursuant to Title 19.12.040, when one or more Conditional Use Regulations cannot be met, a Special Use Permit is required to establish the use. The Conditional Use Regulations for this use include:

1. Residential uses permitted as of right in the R-3 and R-4 Zoning Districts are permitted as conditional uses within a C-1 or C-2 Zoning District.

If the requested Rezoning application is approved, the entire site will be zoned C-2 (General Commercial) where Multi-Family Residential is a conditional land use, only in conjunction with an approved Mixed-Use development.

2. Commercial uses or civic uses shall at a minimum be located at the ground level fronting the primary public rights-of-way and may extend beyond the ground floor. The principal entryway to access those uses, whether individually or collectively, shall be directly accessed from and oriented to the public sidewalk.

The commercial uses proposed with this development are located at the ground levels and are oriented toward the public sidewalk.

3. Residential uses shall not be permitted on the ground floor fronting on primary public rights-of-way, but may be located at or above the second level of the building. Residential uses may be located on the ground floor of any building or portion thereof that is located at the interior of the development site and does not front on an arterial or collector street.

As the subject site is a large 8.01-acre site, ground-floor residential units are provided, and have been designed to front away from the primary public right-of-way, Decatur Boulevard. Ground-floor units that front Evergreen Avenue, a local street, are separated by a landscape buffer and surface parking lot.

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4. Surface parking lots shall be located to the side or the rear of the principal building(s) on the site, and shall be screened from view of the adjacent rights-of-way by the principal building(s) or a landscape buffer in conformance with the requirements of LVMC Chapter 19.08. Parking structures shall not be located along the street frontages of the development site, but shall be screened from view of the adjacent rights-of-way by the principal building(s).

Surface parking lots surround the proposed development. Surface parking is provided in front of the mixed-use development along the Decatur Boulevard street frontage. As this conditional requirement has not been met, a Special Use Permit is required.

The submitted floor plan shows the building broken down by floor. Along Decatur Boulevard, the first two floors (the second floor is open, allowing higher ceilings) contain 8,429 square feet of commercial space. Near the commercial space is the apartment's office and amenities including a fitness room, work lounge, and community club space. Spread interchangeably throughout the development are 173 one-bedroom, and 120, two-bedroom units. In the center of each building is an open space element with one featuring a courtyard and the other containing the pool deck.

The building elevations demonstrate a three-story, 40-foot-tall building primarily comprised of a variety of materials. The building primarily consists of a variety of colored stucco and is accented by horizontal lap siding, tiles, corrugated metal, and vertical siding. All sides of the proposed building are coherently designed and treated with a consistent level of detailing and finish in compliance with Title 19.08.

The landscape plan depicts 24-inch Coolibah Trees along Evergreen Avenue and a variety of drought-tolerant palm trees throughout the complex. All of these are included on the Southern Nevada Regional Planting Coalition list and are appropriate for a desert climate. Landscaping along Decatur Boulevard and Evergreen Avenue is depicted as 15-gallon glossy-leaved figs and other various shrubs. Title 19.08 requires 24-inch box perimeter landscaping trees every 20 linear feet. As such, a Condition of Approval has been added to replace these bushes with trees accordingly.

Waivers are requested for a reduction in perimeter landscape buffer along the west, south and east property lines. This reduction in perimeter landscape buffer widths is a result of reconfiguring the site so that building 1 can be more oriented towards the Decatur Boulevard street frontage, further aligning the development with the intent of transit-oriented development. Along Decatur Boulevard, the reduction of the required 15-foot landscape buffer width is the result of a bus shelter pad easement and the applicant's desire to place a row of parking spaces in front of the retail component of the mixed-use development. Despite the proposed redevelopment of the subject site, staff cannot support these Waiver requests, as an alternative site design would allow conformance to these development standards.

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Mixed-use developments are subjected to an alternative parking standard based on each of the provided uses' demands during peak operating times. Based on this reduction, the peak parking demand requires 475 total parking spaces. On the submitted site plan, the proposed development provides 461 parking spaces, prompting a Variance request. Similarly, staff finds that an alternative site design would accommodate the required number of parking spaces. Therefore, this hardship is self-imposed and staff cannot support this Variance request.

Per Title 19.08.040.B.6, buildings on corner lots should be oriented to the corner and to the street fronts. The applicant has attempted to redesign the proposed mixed-use development so that the building frontage is oriented towards Decatur Boulevard. While there is only one row of parking between Decatur Boulevard and the building frontage, a Waiver is requested to allow the proposed mixed-use development to not be oriented to the corner and to the street front and for parking to be located towards the corner. Similarly to the requested landscape buffer Waivers, staff cannot support this request, as an alternative site design would allow conformance to this development standard.

Additionally, the subject site has a land use designation for TOD-1 (Transit Oriented Development - High). This land use is intended for the greatest transit-oriented development potential. These areas are planned to support a mixture of uses, walkable character, and serve as hubs for the nearby neighborhoods. As the proposed mixed-use development requires a Special Use Permit allowing for surface parking to be located along the primary frontage, the proposed development lacks the walkable character sought by the City of Las Vegas 2050 Master Plan. Although the applicant has made notable attempts to reconfigure the site so that the proposed mixed-use development is oriented more towards the primary frontage, staff cannot support the proposed redevelopment of the site with an associated parking Variance and Waivers of building orientation and perimeter landscape buffer requirements. As such, staff recommends denial of the Variance, Special Use Permit and Site Development Plan Review.

FINDINGS (24-0486-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.

The C-2 (General Commercial) zoning district is consistent with the site's existing TOD-1 (Transit Oriented Development - High) land use designation of 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 C-2 (General Commercial) zoning district is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office, and other general business uses of an intense character, as well as mixed-use developments. This district should be located away from low and medium-density residential development and may be used as a buffer between retail and industrial uses.

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

The subject site is split-zoned with both C-1 (Limited Commercial) and C-2 (General Commercial) zoning designations. Rezoning this property to a consistent zoning category will allow redevelopment of the subject site.

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.**

Site access is provided by Decatur Boulevard, a 100-foot Primary Arterial, as well as Evergreen Avenue, a 60-foot Local Street. Each of which is adequate in size to serve the uses allowed in the proposed rezoning district.

FINDINGS (24-0486-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.”

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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 over developing the subject site as evidenced by the parking deviation. An alternative design would allow conformance to the Title 19 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 (24-0486-SUP1)

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

- 1. The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

The subject site and surrounding area have a land use designation for TOD-1 (Transit Oriented Development - High). This land use is intended for the greatest transit-oriented development potential. These areas are planned to support a mixture of uses, walkable character, and serve as hubs for the nearby neighborhoods. As the proposed mixed-use development requires a Special Use Permit allowing for surface parking to be located along the primary frontage, the proposed development lacks the walkable character required for a major transit corridor that sought is by the City of Las Vegas 2050 Master Plan.

2. **The subject site is physically suitable for the type and intensity of land use proposed.**

As the site is designated TOD-1 (Transit Oriented Development - High), the proposed site is physically suitable for a mixed-use development however the development should be located closer to the street frontage encouraging transit connectivity as called for by the City of Las Vegas 2050 Master Plan.

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

Site access is provided by Decatur Boulevard, a 100-foot Primary Arterial, as well as Evergreen Avenue, a 60-foot Local Street. Each of these is adequate in size to serve the scale of the proposed development.

4. **Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

Operation of activities on the site will be subject to review and approval of business licenses, which will also require regular inspections in order to uphold the public health, safety, and general welfare.

5. **The use meets all of the applicable conditions per Title 19.12.**

As the conditional land use regulations of Title 19.12 have not been met regarding the location of surface parking, a Special Use Permit is required. An alternative site design would allow conformance to this development standard.

FINDINGS (24-0486-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 requires a Variance for a reduction in parking spaces and Waivers and Exceptions of landscaping requirements. An additional Waiver is required to orient the building away from the street frontage, which emphasizes the auto-oriented nature of this development and detracts from the intent of the TOD. These deviations reinforce the proposed development's incompatibility with adjacent development and development in the area.

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

The subject site has a land use designation for TOD-1 (Transit Oriented Development - High). This land use is intended for the greatest transit-oriented development potential. These areas are planned to support a mixture of uses, walkable character, and serve as hubs for the nearby neighborhoods. As the proposed mixed-use development requires a Special Use Permit allowing for surface parking to be located along the primary frontage, the proposed development lacks the walkable character needed for a major transit corridor that is sought by the City of Las Vegas 2050 Master Plan.

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

Site access is provided by Decatur Boulevard, a 100-foot Primary Arterial, as well as Evergreen Avenue, a 60-foot Local Street. Each of which is adequate in size to serve the scale of the proposed development.

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

The proposed building and landscape materials are appropriate for a desert climate and the city. All provided landscaping is included on the Southern Nevada Regional Planting Coalition list and are appropriate for a desert climate.

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;**

Building elevations and design characteristics are not unsightly or obnoxious in appearance and create an orderly and aesthetically pleasing environment. The elevation plan shows the façade comprised of a variety of materials. The building primarily consists of a variety of colored stucco and is accented by horizontal lap siding, tiles, corrugated metal, and vertical siding. All sides of each of the proposed buildings are coherently designed and treated with a consistent level of detailing and finish in compliance with Title 19.08

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

The development of the site will be subject to building permit review and inspection, thereby protecting the health, safety, and general welfare of the public.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
04/18/12	The City Council approved a General Plan Amendment (GPA-43991) to establish the Redevelopment Area 2 and change the future land use designation on various parcels with the redevelopment area to Commercial or Mixed Use. 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 City of Las Vegas General Plan 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 Corrdior-2), or NMXU (Neighborhood Center Mixed Use). The Planning Commission and Staff recommended approval.
03/11/25	<p>The Planning Commission voted (6-0) to HOLD IN ABEYANCE the following Land Use Entitlement project requests on 8.01 acres at the southwest corner of Evergreen Avenue and Decatur Boulevard (APNs 138-36-702-001, 138-36-802-002, 138-36-802-003, and 138-36-712-023), Ward 1 (Knudsen).</p> <p>24-0486-ZON1 - Rezoning - From: C-1 (Limited Commercial) To: C-2 (General Commercial) [APNs 138-36-802-002 and 138-36-712-023]</p> <p>24-0486-SUP1 - Special Use Permit – for a proposed Mixed-Use Development</p> <p>24-0486-SDR1 - Site Development Plan Review - For a proposed three-story mixed-use development consisting of 294 residential units and 9,411 square feet of commercial area with a Waiver of Building Orientation Standards</p>

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
04/08/25	<p>The Planning Commission voted (7-0) to HOLD IN ABEYANCE the following Land Use Entitlement project requests on 8.01 acres at the southwest corner of Evergreen Avenue and Decatur Boulevard (APNs 138-36-702-001, 138-36-802-002, 138-36-802-003, and 138-36-712-023), Ward 1 (Knudsen).</p> <p>24-0486-ZON1 - Rezoning - From: C-1 (Limited Commercial) To: C-2 (General Commercial) [APNs 138-36-802-002 and 138-36-712-023]</p> <p>24-0486-VAR1 - VARIANCE - TO ALLOW 467 PARKING SPACES WHERE 475 SPACES ARE REQUIRED</p> <p>24-0486-SUP1 - Special Use Permit – for a proposed Mixed-Use Development</p> <p>24-0486-SDR1 - Site Development Plan Review - For a proposed three-story mixed-use development consisting of 294 residential units and 9,411 square feet of commercial area with a Waiver of Building Orientation Standards</p>

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
05/13/25	<p>The Planning Commission voted (6-0) to recommend APPROVAL For possible action on the following Land Use Entitlement project requests on 8.01 acres at the southwest corner of Evergreen Avenue and Decatur Boulevard (APNs 138-36-702-001, 138-36-802-002, 138-36-802-003, and 138-36-712-023), Ward 1 (Knudsen). Staff recommends APPROVAL on 24-0486-ZON1. Staff recommends DENIAL on 24-0486 [VAR1, SUP1, AND SDR1].</p> <p>ABEYANCE - 24-0486-ZON1 - REZONING - FROM: C-1 (LIMITED COMMERCIAL) TO: C-2 (GENERAL COMMERCIAL) [APNs 138-36-802-002 and 138-36-712-023]</p> <p>ABEYANCE - RENOTIFICATION - 24-0486-VAR1 - VARIANCE - TO ALLOW 461 PARKING SPACES WHERE 475 SPACES ARE REQUIRED</p> <p>ABEYANCE - 24-0486-SUP1 - SPECIAL USE PERMIT - FOR A PROPOSED MIXED-USE DEVELOPMENT</p> <p>ABEYANCE - RENOTIFICATION - 24-0486-SDR1 - SITE DEVELOPMENT PLAN REVIEW - FOR A PROPOSED THREE-STORY MIXED-USE DEVELOPMENT CONSISTING OF 293 RESIDENTIAL UNITS AND 8,429 SQUARE FEET OF COMMERCIAL AREA WITH A WAIVERS OF BUILDING ORIENTATION STANDARDS AND THE PERIMETER LANDSCAPE BUFFER REQUIREMENTS</p>

<i>Most Recent Change of Ownership</i>	
01/22/18	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
There are no related building permits or business licenses associated with the subject site.	

<i>Pre-Application Meeting</i>	
09/16/24	A pre-application meeting was held with the applicant to discuss the submittal requirements pertaining to a proposed mixed-use development at the subject site.
12/10/24	As it had been over 60 days from the pre-application meeting, a meeting was held to discuss the updated submittal schedule.

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Neighborhood Meeting

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

Field Check

02/13/25

A routine field check was conducted at the subject site; staff found an existing parking lot with nothing noted of concern.

Details of Application Request**Site Area**

Net Acres 7.04

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Parking Lot	TOD-1 (Transient Oriented Development - High)	C-1 (Limited Commercial)
North	Non-Restricted Gaming Establishment Hotel, Motel, or Hotel Suites Shopping Center	TOC-2 (Transit Oriented Corridor - Low)	C-2 (General Commercial)
South	Motel Vehicle Sales, Used	TOD-1 (Transient Oriented Development - High)	R-3 (Medium Density Residential)
	Residential, Multi-Family		P-R (Professional Office & Parking)
East	Vacant		R-3 (Medium Density Residential)
	Internet/Catalogue Sales Office		
West	Residential, Multi-Family		
	Single Family, Detached		

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<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Charleston	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District (175 Feet)	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area - Area 2	Y
Interlocal Agreement	N/A
Project of Significant Impact	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	348,915 SF	Y
Min. Lot Width	100 Feet	366 Feet	Y
Min. Setbacks			
• Front	10 Feet	65 Feet	Y
• Side	10 Feet	74 Feet	Y
• Corner	10 Feet	66 Feet	Y
• Rear	20 Feet	87 Feet	Y
Min. Distance Between Buildings	N/A	140 Feet	Y
Max. Lot Coverage	75 %	42%	Y
Max. Building Height	175 Feet	40 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/ a Roof or Trellis	Y
Mech. Equipment	Screened	By Condition	Y

<i>Existing Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
C-1 (Limited Commercial)	N/A	293
C-2 (General Commercial)	N/A	293
<i>Proposed Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
C-2 (General Commercial)	N/A	293
<i>Existing General Plan</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
TOD-1 (Transit Oriented Development - High)	>15 du/ac	106+

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Pursuant to 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	41 Trees	26 Trees	N*
• South	1 Tree / 20 Linear Feet	49 Trees	2 Trees	N*
• East	1 Tree / 20 Linear Feet	18 Trees	13 Trees	N*
• West	1 Tree / 20 Linear Feet	25 Trees	0 Trees	N*
TOTAL PERIMETER TREES		133 Trees	41 Trees	N*
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	78 Trees	78 Trees	Y
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	15 Feet		10 Feet	N*
• South	8 Feet		1 Feet	N*
• East	15 Feet		5 Feet	N*
• West	8 Feet		2 Feet	N*
Wall Height	6 to 8 Feet Adjacent to Residential		Not Indicated	By Condition

**The applicant is requesting Waivers and an Exception from the following standards.*

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Decatur Boulevard	Primary Arterial	Master Plan of Streets and Highways Map	100	Y
Evergreen Avenue	Local Street	Title 13	60	Y

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Pursuant to Title 19.08 and 19.12, the following parking standards apply:

all other uses. For other uses, 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
Multi-Family Residential: Studio or 1 Bedroom	173 Units	1.25 per Unit	216.3				
Multi-Family Residential: 2 Bedroom	120 Units	1.75 per Unit	210				
Multi-Family Residential: Guest Parking	293 Total Units	1 per every 6 units	48.83				
General Retail	8,429 SF	1 per 175 SF	48.1				
TOTAL SPACES REQUIRED			523.2		467		N*
Regular and Handicap Spaces Required			512	11	454	13	N*
Loading Spaces			1		1		Y

*A Variance is requested to allow a deviation from the parking standards.

Mixed-Use Alternative Parking Requirement							
Use	Gross Floor Area or Number of Units	Weekdays			Weekends		
		Mid - 7AM	7AM - 6PM	6PM - Mid	Mid - 7AM	7AM - 6PM	6PM - Mid
Retail & Personal Services	8,429 SF	0	48.1	38.4	0	48.1	28.8
Residential	293 Total Units	475.1	261.3	399.3	475.1	305.3	352.3
Total Spaces Required		475.1	306.4	437.7	475.1	353.4	381.
Total Spaces Provided		461*					

*A Variance is requested to allow a deviation from the parking standards.

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<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
Buildings on corner lots should be oriented to the corner and to the street fronts, and should make a strong tie to the building lines of each street unless the applicant can demonstrate by substantial and convincing evidence that to do so would be infeasible. Parking and curb cuts shall be located away from corners.	To allow the proposed building to not be oriented to the corner and to the street fronts.	Denial
Provide a 15-foot minimum perimeter landscape buffer along Decatur Boulevard	To allow a five-foot perimeter landscape buffer.	Denial
Provide a 15-foot minimum perimeter landscape buffer along Evergreen Avenue	To allow 10-foot perimeter landscape buffer.	Denial
Provide an eight-foot minimum perimeter landscape buffer along interior lot lines.	To allow a one-foot perimeter landscape buffer along the south interior lot line.	Denial
Provide an eight-foot minimum perimeter landscape buffer along interior lot lines.	To allow a two-foot perimeter landscape buffer along the west interior lot line	Denial

Exceptions		
Requirement	Request	Staff Recommendation
Within the required buffer zones, one 24" box tree shall be spaced every 20 linear feet	To allow 26 trees within the northern perimeter landscape buffer where 41 is the minimum required.	Denial
	To allow two trees within the southern perimeter landscape buffer where 49 is the minimum required.	Denial
	To allow 13 trees within the eastern perimeter landscape buffer where 18 is the minimum required.	Denial
	To allow zero trees within the western perimeter landscape buffer where 25 is the minimum required.	Denial

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Department of Public Works Traffic Study

Site Development Plan Review for a Proposed 293 Unit Multi-Family Mixed-Use Development with 9,411 Square Feet of Commercial / Retail Use				
First Proposed Use				
Average Daily Traffic (ADT)	SINGLE FAMILY	293	6.74	1,975
AM Peak Hour	DETACHED		0.40	117
PM Peak Hour	[DWELL]		0.51	149
Second Proposed Use				
Average Daily Traffic (ADT)	SINGLE FAMILY	9.411	54.45	512
AM Peak Hour	DETACHED		2.36	22
PM Peak Hour	[DWELL]		6.59	62
Total Proposed Use				
Average Daily Traffic (ADT)	TOTAL			2,487
AM Peak Hour				139
PM Peak Hour				211
Existing Traffic on Nearby Streets				
Decatur Boulevard				
Average Daily Traffic (ADT)			55,973	
PM Peak Hour (Heaviest 60 Minutes)			4,478	
Evergreen Avenue				
Average Daily Traffic (ADT)			969	
PM Peak Hour (heaviest 60 minutes)			78	
Traffic Capacity of Adjacent Streets:				
Adjacent Street ADT Capacity				
Decatur Boulevard			80,100	
Evergreen Avenue			15,600	
Summary				
This project is expected to add an additional 2,487 trips per day on Decatur Boulevard and Evergreen Avenue. Currently, Decatur Boulevard is at about 70 percent of capacity and Evergreen Avenue is at about 6 percent of capacity. With this project, Decatur Boulevard is expected to be at about 73 percent of capacity and Evergreen Avenue is expected to be at about 22 percent of capacity.				
Based on Peak Hour use, this development will add into the area roughly 211 additional peak hour trips, or about seven every two minutes.				

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Proposed 294 Multi-Family Units:					
Student Yield		Elementary School		Middle School	High School
Multi-Family Units (294)		294 x 0.120		294 x 0.060	294 x 0.078
Total Additional Students		36		18	23
Schools Serving the Area:					
Name	Address	Grade	Capacity	Enrollment	Site Date
Red Rock Elementary School	408 Upland Boulevard	Kindergarten – 5 th Grade	640 Students	561 Students	01/02/25
Garside Junior High School	300 South Torrey Pines Drive	6 th – 8 th Grade	1,304 Students	1,009 Students	01/02/25
Western High School	4601 West Bonanza Road	9 th - 12 th Grade	2,457 Students	3,662 Students*	01/02/25

**Western High School is over capacity for the 2024-2025 school year. It is 108.34 percent of the program capacity.*