

**AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: DECEMBER 21, 2022

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: OWENS 110, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
22-0474-ZON1	Staff recommends APPROVAL.	
22-0474-VAR1	Staff recommends DENIAL, if approved subject to conditions:	22-0474-ZON1
22-0474-SDR1	Staff recommends DENIAL, if approved subject to conditions:	22-0474-ZON1 22-0474-VAR1

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

12

NOTICES MAILED

913 (by City Clerk)

PROTESTS

1

APPROVALS

1

**** CONDITIONS ****

22-0474-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow a 58-foot residential adjacency setback from the east property line where 78 feet is required.
2. Approval of a Rezoning (22-0474-ZON1) and approval of and conformance to the Conditions of Approval for Site Development Plan Review (22-0474-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 Department of Building and Safety.
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.

22-0474-SDR1 CONDITIONS

Planning

1. Approval of a Rezoning (22-0474-ZON1) and approval of and conformance to the Conditions of Approval for a Variance (22-0474-VAR1) shall be required, if approved.

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2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan and landscape plan date stamped 10/19/22 and building elevations, date stamped 09/26/22, except as amended by conditions herein.
4. All perimeter walls and fences shall meet the requirements of Title 19.06.110.
5. The minimum distance between buildings shall be 10 feet.
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 Department of Building and Safety.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
8. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, which shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device. The technical landscape plan submitted for building permit shall include a plant legend indicating size, number and species of trees and shrubs.
9. 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.
10. Prior to the submittal of a building permit application, the applicant shall meet with Department of Planning 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.
11. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

12. Prior to the issuance of permits, relocate the existing bus shelter five feet back and grant a Bus Shelter Pad Easement in conformance with Standard Drawing #234.2 for the existing bus stop on Owens Avenue adjacent to this site unless the Regional Transportation Commission (RTC) acknowledges in writing that this easement is not required.
13. The sidewalks along Owens Avenue adjacent to this site shall meet Public Right-of-Way Accessibility Guidelines (PROWAG) in accordance with code requirements of Title 13.56.040 to the satisfaction of the City Engineer concurrent with development of this site. Grant any Pedestrian Access Easement, if any, needed to complete this requirement. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
14. Coordinate the sewer connection at a size, depth, and location acceptable to the Sewer Engineering Section of the Department of Public Works.
15. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing a two and three-story, 46-unit multi-family residential development on 2.41 acres currently used as a mobile home park at 4541 East Owens Avenue, approximately 985 feet east of Lamb Boulevard.

ISSUES

- The applicant is requesting to rezone the subject property from R-MHP (Residential Mobile/Manufactured Home Park) to R-3 (Medium Density Residential) in order to allow multi-family residential units. Staff recommends approval of the Rezoning request.
- A Variance is requested to allow a 58-foot residential adjacency setback where 78 feet is required from protected residential properties to the east. Staff recommends denial and subsequently denial of the associated Site Development Plan Review.
- The site has existing block walls along the south, west and east perimeter. If the associated Rezoning is approved, Title 19 requirements for R-3 zoned properties shall apply. A condition of approval will require improvements that are necessary to meet these requirements.
- All lighting for this development shall be downward oriented or otherwise directed away from properties in the adjacent R-CL (Single Family Compact-Lot) zoning district in conformance to Title 19.06.040.

ANALYSIS

This site is currently zoned R-MHP (Residential Mobile/Manufactured Home Park), which is a “legacy district” that remains as long as uses on the site are valid and active. Once a legacy district is rezoned, it cannot be reverted back to the same zoning district, and the current development standards for the new zoning district take effect. The site currently contains an operational mobile home park. The landowner is subject to numerous provisions of Nevada Revised Statutes when a mobile home park closes and changes use.

The General Plan designation of this site is M (Medium Density Residential), which allows up to 25.49 dwelling units per acre. The accompanying site plan indicates that this proposal is for 19.09 dwelling units per acre, which conforms to the General Plan but represents an increase from the 6.22 dwelling units per acre for the current mobile home

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park. The proposed Rezoning to R-3 (Medium Density Residential) conforms to the policies of the M (Medium Density Residential) General Plan designation but would be limited to 25.49 dwelling units per acre.

The adjacent property to the west also contains a mobile home park and is zoned R-MHP; the properties to the east and south consist of single-family detached dwellings in various configurations (rear-abutting or side-abutting) that are zoned R-CL (Single Family Compact-Lot); and the property to the north contains an elementary school zoned P-F (Public Facility) under Clark County's jurisdiction. As the subject property is located along a Primary Arterial street, the mobile home sites are already planned for higher densities and the adjacent residential developments are not of significantly less density, this request is deemed to be compatible with the adjacent properties and staff recommends approval of the Rezoning request.

The site is located within the boundaries of the East Las Vegas Area Plan as defined by the City of Las Vegas 2050 Master Plan. A more specific area plan is under development but has not yet been adopted. A key implementation strategy of the Area Plan is to redevelop substandard housing and incentivize infill housing. Owens Avenue is not identified as a transit oriented corridor.

The site is proposed to contain three, two-story buildings (Buildings A1, A2 and B) and one, three-story building (Building C) consisting of one to three bedroom units. The two-story buildings are 26 feet in height and nearest to existing single-family dwellings. Building A2 located on the northeast side of the site does not meet residential adjacency standards which require a 78-foot setback based on the 3:1 Proximity Slope from the abutting R-CL zoned properties to the east. There are no irregularities concerning the property itself that would create a hardship warranting deviation from the adjacency standards, and Building A2 could be designed to meet the required setback. Therefore, staff recommends denial of the Variance.

Except for the smaller residential adjacency setback, the proposed development conforms to Title 19 development standards; no additional Waivers or Exceptions are requested. Sufficient landscape buffers from adjacent properties are provided along the perimeter, with 10 feet along Owens Avenue and six feet along the interior property lines. A variety of tree species will be provided, including Mondell Pines, Chinese Elm, African Sumac and Shoestring Acacia. The area between Buildings B and C is proposed to contain a meandering sidewalk and landscaped area. Amenities included at the southern end of these buildings include a barbecue, tot lot and fitness center. More than sufficient parking is provided, including spaces for guests, and this project will have minimal impact on neighborhood traffic per Traffic Engineering projections.

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The site plan indicates that except for the front yard wall and fence, the existing perimeter walls are to remain. Staff notes that if the site is rezoned to R-3, the R-3 perimeter wall standards will apply and measures must be taken to bring any substandard walls into conformance with Title 19. A condition of approval emphasizes this potential issue.

Particular care should be taken to ensure site and building lighting does not spill over onto adjacent properties, particularly those R-CL-zoned parcels protected by Title 19.06.040. ADA parking spaces facing Owens Avenue will be adequately screened from the street through landscaping and a low wall.

A multi-family residential development in this location is supported by the Las Vegas 2050 Master Plan. However, it can be designed in such a way as to be more sensitive to adjacent properties to the east and meet Title 19 residential adjacency standards. Staff therefore recommends denial of the Site Development Plan Review, with conditions if approved.

FINDINGS (22-0474-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 proposed Rezoning to R-3 (Medium Density Residential) is in conformance with the policies of the existing M (Medium Density Residential) General Plan designation on this site.

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.

Potential multi-family residential and related uses, convents, churches, schools, Individual Care Centers and similar uses would be compatible with the school, Mobile Home Park and single-family residential uses on surrounding properties.

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

The area south of Owens Avenue and east of Lamb Boulevard is already planned for densities of up to 25.50 dwelling units per acre. The East Las Vegas Area Plan includes incentivization of infill housing as a key implementation strategy, to which the proposed rezoning would contribute.

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.**

Owens Avenue, classified as a Primary Arterial on the city's Planned Streets and Highways Map, provides sufficient capacity to meet the needs of the proposed R-3 (Medium Density Residential) zoning district. Currently, Owens Avenue is at about 30 percent of capacity.

FINDINGS (22-0474-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 single-family properties to the east, as Building A2 is too tall for its location on the site to meet residential adjacency standards.

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

The proposed development does not conform to residential adjacency standards, but otherwise is consistent with Title 19 development standards.

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

Ungated site access is from Owens Avenue, classified as a Primary Arterial on the city's Planned Streets and Highways Map. The current pan style driveways will be redesigned as a 32-foot wide radius driveway. Circulation around the site is logical and will not affect traffic in this area. According to projections from the Traffic Engineering Division of the Department of Public Works, the subject low-rise multi-family residential project will add approximately 337 trips per day on Owens Avenue and Lamb Boulevard. 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 is expected to be at about 31 percent of capacity and Lamb Boulevard to be at about 59 percent of capacity.

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

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

- 5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

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

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

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

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
10/05/60	The Board of City Commissioners approved a request for a Rezoning (Z-0042-60) from R-E (Residence Estates) to R-2-T (Two Family Residence - Trailer) generally located south of Owens Avenue, east of Lamb Boulevard. The Planning Commission recommended approval.
05/25/67	The Board of Zoning Adjustment approved a request for a Use Permit (U-0015-67) for a proposed trailer park generally located south of Owens Avenue between Lamb Boulevard and Marion Drive. Staff recommended approval.
01/05/68	The Board of Zoning Adjustment approved a request for a Plot Plan Review related to an approved Use Permit (U-0015-67) for a concrete block garage/storage building in a proposed trailer park generally located south of Owens Avenue between Lamb Boulevard and Marion Drive. Staff recommended approval.
01/07/04	The City Council approved a request for a Rezoning (ZON-3138) from R-MHP (Residential Mobile Home Park) to R-CL (Single Family Compact-Lot) on 2.46 acres at 4441 East Van Buren Avenue. The Planning Commission and staff recommended approval.

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
11/15/22	<p>The Planning Commission voted (6-0) to recommend APPROVAL on the following Land Use Entitlement project requests on 2.41 acres at 4541 East Owens Avenue (APN 140-29-101-003), Ward 3 (Diaz)</p> <p>22-0474-ZON1 - REZONING - FROM: R-MHP (RESIDENTIAL MOBILE/MANUFACTURED HOME PARK) TO: R-3 (MEDIUM DENSITY RESIDENTIAL)</p> <p>22-0474-VAR1 - VARIANCE - TO ALLOW A 58-FOOT RESIDENTIAL ADJACENCY SETBACK WHERE 78 FEET IS REQUIRED</p> <p>22-0474-SDR1 - SITE DEVELOPMENT PLAN REVIEW - FOR A PROPOSED THREE-STORY, 46-UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT</p>

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

<i>Related Building Permits/Business Licenses</i>	
06/22/67	A building permit (#37955) was issued for a trailer park at 4541 East Owens Avenue. A final inspection was approved 10/20/67.
01/16/68	A building permit (#39869) was issued for a 624 square-foot concrete block garage at 4541 East Owens Avenue. A final inspection was approved 07/11/72.

<i>Pre-Application Meeting</i>	
08/15/22	A pre-application meeting was held with the applicant to discuss submittal requirements for a Rezoning and Site Development Plan Review project. It was later determined that a Variance for residential adjacency setback also needed to be submitted.

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Neighborhood Meeting

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

Field Check

10/10/22	The site contains an existing mobile home park with 15 single-family units. The units are situated around a single driveway with angled parking in the center. The property was in good condition, and graffiti had been painted over. A nonconforming plain block wall is located along the front property line. The rear wall appears to either abut a second wall along the rear yards of the adjacent residential properties or there is a gap between them. Power lines run across the property from west to east.
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Details of Application Request**Site Area**

Net Acres	2.41
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Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Mobile Home Park	M (Medium Density Residential)	R-MHP (Residential Mobile/Manufactured Home Park)
North	Public or Private School, Primary	PU (Public Use) - Clark County	P-F (Public Facility) - Clark County
South	Single Family, Detached	M (Medium Density Residential)	R-CL (Single Family Compact-Lot)
East	Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
West	Mobile Home Park	M (Medium Density Residential)	R-MHP (Residential Mobile/Manufactured Home Park)

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
Trail	N/A
Las Vegas Redevelopment Plan Area	N/A

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<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.06, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6,500 SF	104,980 SF	Y
Min. Lot Width	N/A	300 Feet	N/A
Min. Setbacks			
• Front	10 Feet	15 Feet	Y
• Side	5 Feet	55 Feet	Y
• Rear	20 Feet	57 Feet	Y
Min. Distance Between Buildings	10 Feet	21 Feet	Y
Max. Lot Coverage	N/A	22 %	N/A
Max. Building Height	5 Stories/55 Feet	3 Stories/35 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/ a Roof	Y
Mech. Equipment	Screened	Screened	Y

Pursuant to Title 19.06.040, the following standards apply:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope setback	78 Feet	58 Feet	N*
Adjacent development matching setback - east	0-10 Feet	58 Feet	Y
Adjacent development matching setback - south	10 Feet	57 Feet	Y
Trash Enclosure	50 Feet	51 Feet	Y

*A Variance is requested.

<i>Existing Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
R-MHP (Residential Mobile/Manufactured Home Park)	6.7 du/ac	16 (existing: 15)

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<i>Proposed Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
R-3 (Medium Density Residential)	up to 50.00 du/ac*	61 (proposed: 46)
<i>Existing General Plan</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
M (Medium Density Residential)	up to 25.49 du/ac	61 (proposed: 46)
<i>Proposed General Plan</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
N/A	N/A	N/A

*Limited by the maximum density allowed by the General Plan.

Pursuant to Title 19.06, the following standards apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	10 Trees	12 Trees	Y
• South	1 Tree / 20 Linear Feet	14 Trees	14 Trees	Y
• East	1 Tree / 20 Linear Feet	16 Trees	17 Trees	Y
• West	1 Tree / 20 Linear Feet	16 Trees	16 Trees	Y
TOTAL PERIMETER TREES		56 Trees	59 Trees	Y
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	25 Trees	26 Trees	Y
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	10 Feet		10 Feet	Y
• South	6 Feet		6 Feet	Y
• East	6 Feet		6 Feet	Y
• West	6 Feet		6 Feet	Y

LANDSCAPE BUFFER WIDTHS			
Wall Height	6 to 8 Feet Adjacent to Residential	Existing 6-foot CMU along E PL --- Existing 8-foot CMU along W PL --- Existing 6-foot CMU along S PL --- Proposed 5-foot solid/wrought iron combo wall along N PL	Y

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Owens Ave	Primary Arterial	Master Plan of Streets and Highways Map	100	Y

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

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Multi-Family Residential:							
1BR	10 units	1.25 spaces per unit	13				

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Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
2BR	32 units	1.75 spaces per unit	56				
3BR	4 units	2 spaces per unit	8				
Guest	46 units	1 space per 6 units	8				
TOTAL SPACES REQUIRED			85		91		Y
Regular and Handicap Spaces Required			81	4	87	4	Y