



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: APRIL 8, 2025
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: ALI KAVEH - OWNER: OPS 1, LLC

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

Table with 3 columns: CASE NUMBER, RECOMMENDATION, and REQUIRED FOR APPROVAL. It contains two rows of staff recommendations for cases 25-0045-SUP1 and 25-0045-SDR1.

\*\* NOTIFICATION \*\*

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

NOTICES MAILED 964

PROTESTS 0

APPROVALS 0

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

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**25-0045-SUP1 CONDITIONS**

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**Planning**

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Mixed-Use development, except as modified by conditions herein.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (25-0045-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, 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.

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**25-0045-SDR1 CONDITIONS**

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**Planning**

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (25-0045-SUP1) shall be required, if approved.

**Conditions Page Two**  
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2. Conformance to the Conditions of Approval for Plot Plan and Building Elevation Review [Z-0139-88(16)] shall be required, except as amended herein.
3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All development shall be in conformance with the site plan, date stamped 03/13/25, landscape plan, date stamped 02/18/25 and building elevations, date stamped 02/13/25 except as amended by conditions herein.
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. Trash enclosures shall be provided in conformance with the provisions of Title 19.08.040.E.
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.
9. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
10. 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.
11. 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.

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12. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

13. Coordinate sewer connection at a size, depth, and location acceptable to the Sanitary Sewer Engineering Section of the Department of Public Works.
14. 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.
15. 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 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.
16. 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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**Fire & Rescue**

17. 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.
18. Applicant shall provide Alternate Means and Methods Request (AMMR) for lack of aerial fire access around the structure. This AMMR shall be submitted and approved prior to approval of the civil plans.

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

**PROJECT DESCRIPTION**

The request is for a proposed five-story mixed-use development consisting of 252 residential units and 2,550 square feet of commercial space within an existing commercial shopping center at the northwest corner of Sahara Avenue and Fort Apache Road.

**ISSUES**

- Mixed-use developments are permitted conditionally in the C-1 (Limited Commercial) zoning district. The applicant requests a Special Use Permit, as the proposed use does not meet Conditional Use Regulation #2 and #4, which requires commercial uses to front primary public rights-of-way and the public sidewalk in addition to orienting parking lots to the side or rear of the principal buildings. Staff supports this request.
- The subject site is a vacant movie theater that went inactive in 2023. This proposal, if approved, will reactivate a stagnant anchor pad site of a commercial subdivision.

**ANALYSIS**

The subject site is an 8.56-acre portion of the existing 34-acre Wellington Commercial Center and is zoned C-1 (Limited Commercial) with an underlying General Plan designation of TOD-2 (Transit Oriented Development - Low). Surrounding the subject site are multi-family residential properties to the north, west, east and south. The subject site was originally developed as a movie theater as approved by Plot Plan and Building Elevation Review [Z-0139-88(16)]. The movie theater has been closed since 2023, prompting the applicant's request to demolish the movie theater and develop a five-story mixed-use development in its place.

A Mixed-Use development 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..." The proposed use meets this definition, as the proposed development will have 2,550 square feet of commercial floor space designated for a future general retail use along the first floor of the development in addition to residential uses vertically integrated within a single building.

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The Conditional Use Regulations for this use include:

1. Residential uses permitted as of right in the R-3 and R-4 zoning districts may be permitted by means of a Special Use Permit within a C-PB, P-O or O zoning district.

*The proposed use meets this requirement, as the existing zoning of the subject site is C-1 (Limited Commercial). The proposed Residential, Multifamily use is permitted conditionally in the C-1 (Limited Commercial) with the Conditional Use Regulation requiring the use to be a part of an overall mixed-use development, which this proposal fulfills.*

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.

*While the proposed development provides 2,550 square feet of commercial space at the ground level, the mixed-use development is interior to an existing shopping center and fronts and is oriented to internal shopping center sidewalks. The applicant therefore requests a Special Use Permit, which staff supports.*

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 streets.

*The proposed development has residential uses on the ground floor. However, development does not front on public rights-of-way. Therefore, this requirement is met.*

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).

*The proposed development is part of a commercial shopping center, where surface parking is located to the front of the proposed mixed-use development. Therefore, this requirement is not met and a Special Use Permit is requested, which staff supports.*

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The proposed mixed-use development consists of 252 studio, one-bedroom and two-bedroom multi-family residential units spread between three buildings. As the proposed mixed-use development is interior to the existing shopping center, ground floor residential uses are indicated on all proposed buildings. Building three of the submitted plans indicates 2,550 square feet of retail space, which will front alongside the internal shopping center sidewalk, similar to other commercial uses at the shopping center. Building three also contains amenities typical to a multi-family residential development, including a leasing office and clubhouse space. The submitted plans also indicate outdoor recreation areas (pool and playground) internal to the mixed-use development and existing shopping center. With 252 total residential units, the overall density of the proposed development is 29.4 dwelling units per acre, which is within the allowed range of densities for properties with a TOD-2 (Transit Oriented Development – Low) General Plan designation.

Parking is shared throughout the existing commercial shopping center. The submitted plans indicate that 244 parking spaces in the rear would be gated exclusively for the use of tenants of the development. Nonetheless, there is still ample parking to accommodate both the proposed mixed-use development and existing shopping center, as 1,996 parking spaces are provided where 1,891 would be required.

The submitted building elevations depict a five-story, 68-foot tall building primarily comprised of a variety of materials. The building primarily consists of stucco siding with decorative metal accents. 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.

### **City of Las Vegas 2050 Master Plan**

There are no proposed changes to perimeter landscape buffer conditions as the proposed development is internal to an existing shopping center. However, the applicant has proposed landscaping improvements along the perimeter of the proposed mixed-use development. These improvements include the addition of 52, 36-inch box trees and 290 shrubs that are consistent with the Southern Nevada Regional Plant List. These improvements would replace palm trees, which are not as effective in creating shade as other tree species. The City of Las Vegas 2050 Master Plan has identified improving tree canopy as a method to mitigate the urban heat island effect. Effective urban forests make neighborhood livable and creates a positive impact to air quality and stormwater quality. The landscape improvements of this development proposal will help fulfill the City's vision of planting 60,000 high quality trees to create a high quality urban environment.

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The subject site is located within the Master Plan 2050 designated area of Angel Park, which is characterized by significant open space amenities and master planned communities with an overall higher potential for transit-oriented development as a result of well-established shopping centers (Boca Park, Tivoli Village and Village Square). Along major corridors like Sahara Avenue, corridor directed higher density transit-oriented development is desired to support existing commercial nodes. The proposed mixed-use development will create a transit-oriented development that supports an environment suitable for a light rail or bus rapid transit line, thereby helping to address overall traffic congestion for Sahara Avenue and is an example of infill development. As a result, staff finds the proposed development will be harmonious and compatible with the surrounding area and recommends approval of the requested Special Use Permit and Site Development Plan Review, subject to conditions.

**FINDINGS (25-0046-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 proposed use can be conducted in a manner that is harmonious and compatible with the existing uses in the shopping center and with other surrounding Residential, Multi-Family uses.

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

The subject site is within an existing shopping center where parking is shared. As proposed, the subject site is physically suitable for the type and intensity of land use proposed.

- 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 Sahara Avenue and Fort Apache Road. Both streets are 100-foot Primary Arterials, which are adequate in size to meet the requirements of the proposed use.

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- 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.**

The proposed mixed-use development will be subject to building permit review and inspection to ensure the public health, safety, welfare, and overall objectives of the General Plan are not compromised.

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

The proposed use requires a Special Use Permit, as the proposed mixed-use development does not front a public street or sidewalk and has surface parking in the front. However, staff supports this request, as the proposed mixed-use development addresses housing and transit oriented development goals of the City of Las Vegas 2050 Master Plan.

**FINDINGS (25-0045-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 is compatible 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 proposed mixed-use development helps further several housing-related goals, objectives, and guiding principles identified in the 2050 Master Plan.

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

Site access is provided by Sahara Avenue and Fort Apache Road. Both streets are 100-foot Primary Arterials, which are adequate in size to meet the requirements of the proposed use.

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**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. The proposed landscape materials are included on the Southern Nevada Regional Planting Coalition list and are appropriate for the 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 submitted building elevations depict a five-story, 68-foot tall building primarily comprised of a variety of materials. The building primarily consists of stucco siding with decorative metal accents. 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.

**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**

<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
02/15/89	The City Council approved Rezoning (Z-0139-88) to C-1 (Limited Commercial) for the subject site as part of a larger request for approval of the Peccole Master Development Plan. The Planning Commission and staff recommended approval.
05/29/84	A Final Map (FM-0149-96) for Wellington Commercial Center, a one-lot commercial subdivision, was recorded located at the northwest corner of Sahara Avenue and Fort Apache Road.
04/14/97	The City Council approved a Plot Plan and Building Elevation Review (Z-0054-84[16]) for a proposed movie theater on property located on the west side of Durango Drive, south of Sahara Avenue.
01/14/98	An amended Final Map of Wellington Commercial Center, a one-lot commercial subdivision, was recorded located at the northwest corner of Sahara Avenue and Fort Apache Road.

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<b>Most Recent Change of Ownership</b>	
12/11/19	A deed was recorded for a change in ownership.

<b>Related Building Permits/Business Licenses</b>	
06/19/97	A building permit (#97012484) was issued for a movie theater at 9400 West Sahara Avenue.
01/21/98	A business license (T03-00050) was issued for a movie theater at 9400 West Sahara Avenue. The licensed was marked inactive as of 02/16/23.

<b>Pre-Application Meeting</b>	
01/22/25	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Special Use Permit

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

<b>Field Check</b>	
02/27/25	Staff conducted a routine field check of the subject property and observed an abandoned movie theater within an existing shopping center. Nothing of concern was noted.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	8.56

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<b>Surrounding Property</b>	<b>Existing Land Use Per Title 19.12</b>	<b>Planned or Special Land Use Designation</b>	<b>Existing Zoning District</b>
Subject Property	Shopping Center	TOD-2 (Transit Oriented Development – Low)	C-1 (Limited Commercial)
North	Residential, Multi-Family		R-PD21 (Residential Planned Development – 21 Units per Acre)
South	Shopping Center		C-1 (Limited Commercial)
East			R-3 (Medium Density Residential)
West	Residential, Multi-Family		C-1 (Limited Commercial)
	Shopping Center		

<b>Master and Neighborhood Plan Areas</b>	<b>Compliance</b>
Las Vegas 2050 Master Plan Area: Angel Park	Y
Angel Park Phase 1	Y
<b>Special Area and Overlay Districts</b>	<b>Compliance</b>
No Applicable Special Area or Overlay Districts	N/A
<b>Other Plans or Special Requirements</b>	<b>Compliance</b>
Trails	Y
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 Title 19.08.070, the following standards apply:*

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Setbacks			
• Front	10 Feet	10 Feet	Y
• Side	10 Feet	392 Feet	Y
• Rear	20 Feet	79 Feet	Y
Max. Lot Coverage	75%	16%	Y
Max. Building Height	10 Stories/ 150 Feet	5 Stories/ 68 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/ a Roof or Trellis	Y
Mech. Equipment	Screened	Screened	Y

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<b>Street Name</b>	<b>Functional Classification of Street(s)</b>	<b>Governing Document</b>	<b>Actual Street Width (Feet)</b>	<b>Compliance with Street Section</b>
Sahara Avenue	Primary Arterial	Master Plan of Streets and Highways	100 Feet	Y
Fort Apache Road				

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

<b>Parking Requirement</b>							
<b>Use</b>	<b>Gross Floor Area or Number of Units</b>	<b>Required</b>		<b>Provided</b>		<b>Compliance</b>	
		<b>Parking Ratio</b>	<b>Parking</b>		<b>Parking</b>		
			Regular	Handi-capped	Regular		Handi-capped
Residential, Multifamily (1 bedroom/studio)	130 units	1.25 spaces per unit	163				
Residential, Multifamily (2 bedroom)	122 units	2 spaces per unit	2				
General Retail Store, Other than Listed	2,550 SF	1 space per 175 SF	15				
Shopping Center	356,527 SF	1 space per 250 SF	1,427				
Guest Parking		1 space per 6 units	42				
<b>TOTAL SPACES REQUIRED</b>			1,891		1,996	Y	
<b>Regular and Handicap Spaces Required</b>			1,862	29	1,909	87	Y