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CITY COUNCIL**

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CORRECTED LETTER

January 18, 2023

Aaron Hansen
Bartsas Mary 14 LLC
601 South Rancho Drive Suite C23
Las Vegas, Nevada 89106

**RE: 21-0666-GPA1, 21-0666-ZON1 AND 21-0666-SDR1
CITY COUNCIL MEETING OF APRIL 20, 2022**

Dear Applicant:

The City Council at a regular meeting held on **April 20, 2022** voted to **APPROVE** the following Land Use Entitlement project requests on 2.17 acres at the northwest corner of Fremont Street and Eastern Avenue (APNs 139-35-804-008 through 010), Ward 3 (Diaz).

21-0666-GPA1 - GENERAL PLAN AMENDMENT - FROM: TOD-1 (TRANSIT ORIENTED DEVELOPMENT - HIGH) TO: FBC (FORM-BASED CODE) on 0.51 acres [APN 139-35-804-010]

21-0666-ZON1 - REZONING - FROM: T5-MS (T5 MAIN STREET) TO: T4-C (T4 CORRIDOR)

21-0666-SDR1 - SITE DEVELOPMENT PLAN REVIEW - FOR A PROPOSED 3,727 SQUARE-FOOT COMMERCIAL DEVELOPMENT WITH WAIVERS OF THE TITLE 19.09 FORM BASED CODE DEVELOPMENT STANDARDS

21-0666-GPA1 and 21-0666-ZON1 are approved with no conditions.

21-0666-SDR1 approval is subject to the following conditions:

Planning

1. Approval of a General Plan Amendment (21-0666-GPA1) on Assessor's Parcel Number 139-35-804-010 and Rezoning (21-066-ZON1) shall be required, if approved.
2. Prior to issuance of building permits for construction on this site, the two existing off-premise signs shall be removed

24-0193
04/08/2024

21-0666-GPA1, 21-0666-ZON1 AND 21-0666-SDR1

Page Two

January 18, 2023

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 and landscape plan, date stamped 11/16/21 and building elevations, date stamped 11/08/21, except as amended by conditions herein.
5. A Waiver from Title 19.08.070 is hereby approved, to allow a four-foot perimeter landscape buffer along the south property line where 15 feet is required, a five-foot perimeter landscape buffer along the east property line where 15 feet is required and a zero-foot perimeter landscape buffer along a portion of the north property line where eight feet is required.
6. A Waiver from Title 19.09.050.E.028.E is hereby approved, to allow a 21-foot front yard setback where 10 to 15 feet is required, a 59-foot corner side yard setback where 10 to 15 feet is required and a 24-foot interior side yard setback where a maximum of 15 feet is allowed.
7. A Waiver from Title 19.09.050.E.028.E is hereby approved, to allow zero percent of the building façade within the Façade Zone along Fremont Street where 75 percent is required; and to allow zero percent of the building façade within the Façade Zone along Tonopah Drive where 50 percent is required.
8. A Waiver from Title 19.09.050.E.028.F is hereby approved, to allow a one-story building where a minimum of two stories is required.
9. A Waiver from Title 19.09.050.E.028.K is hereby approved, to allow no amenity zone and no street trees along Fremont Street or Eastern Avenue where a five-foot amenity zone and street trees are required every 20 feet on center within grates.
10. A Waiver from Title 19.09.070.K is hereby approved, to allow a one-foot distance between window glazing where a minimum of two feet is required on a Shopfront Frontage Type.
11. An Exception from Title 19.09.050.E.028.H is hereby approved, to allow driveway access to be placed on the front (Fremont Street) where rear access is required.

24-0193
04/08/2024

21-0666-GPA1, 21-0666-ZON1 AND 21-0666-SDR1
Page Three
January 89, 2023

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 Department of Building and Safety.
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 exceed the overall height limitation applicable to the adjacent zoning district or property unless approved through a Variance or other applicable means. The overall height of a wall or fence shall be measured from the side with the greatest vertical exposure above finished grade.
16. 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.
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. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

24-0193
04/08/2024

21-0666-GPA1, 21-0666-ZON1 AND 21-0666-SDR1
Page Four
January 18, 2023

Public Works

19. The sidewalks along Eastern Avenue and Fremont Street 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.
20. Coordinate with the Environmental Compliance & Enforcement staff of the Department of Public Works to locate any required grease interceptors, sand/oil interceptors, or separator mitigation in acceptable locations prior to 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 702-229-2338 or emailed at ece@lasvegasnevada.gov.
21. Connect to Public Sewer at a size and location acceptable to the City of Las Vegas Public Works, Sanitary Sewer Section. Sewer shall be extended in Eastern Avenue to provide a point of connection for the proposed restaurant fronting Eastern Avenue. Alternatively, a Public Sewer Easement shall be provided through the apartment parcel or the adjacent restaurant's parcel to extend public sewer to the Eastern Avenue restaurant or a mapping action that combines the lots may be used to address this condition.
22. Landscape and maintain all unimproved rights-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.
23. Submit a License Agreement for landscaping and private improvements in the Eastern Avenue and Fremont Street public right-of-way, if any, prior to the issuance of permits for these improvements. The applicant must carry an insurance policy for the term of the License Agreement and add the City of Las Vegas as an additionally insured entity on this insurance policy. 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 Building and Safety (702-229-4836).

24-0193
04/08/2024

21-0666-GPA1, 21-0666-ZON1 AND 21-0666-SDR1

Page Five

January 18, 2023

24. 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 include a section addressing Standard Drawings #201.1, #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for exclusive right turn lanes, dual left turn lanes, and bus turnouts adjacent to this site, if any. All required additional rights-of-way 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 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.
25. Prior to the submittal of any construction drawings, coordinate with the City of Las Vegas Flood Control Section of the Department of Public Works regarding the Charleston/Maryland Parkway storm drain project. See sheets SD14 and SD64 of plans library drawing #107V7367 for proposed storm drain drop inlets that may affect the site.
26. 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.

24-0193
04/08/2024

21-0666-GPA1, 21-0666-ZON1 AND 21-0666-SDR1
Page Six
January 18, 2023

The Notice of Final Action was filed with the Las Vegas City Clerk on April 20, 2022.

Sincerely,



Seth T. Floyd
Director of Community Development
Department of Planning

STF:PL:ew/nl

cc:

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24-0193
04/08/2024