

*City of Las Vegas*

**AGENDA MEMO - PLANNING**

**CITY COUNCIL MEETING DATE: DECEMBER 21, 2022**

**DEPARTMENT: COMMUNITY DEVELOPMENT**

**ITEM DESCRIPTION: APPLICANT/OWNER: SOUTHERN NV RENTAL HOLDINGS, LLC**

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

<b>CASE NUMBER</b>	<b>RECOMMENDATION</b>	<b>REQUIRED FOR APPROVAL</b>
<b>22-0442-ZON1</b>	Staff recommends APPROVAL.	22-0441-GPA1
<b>22-0442-SUP1</b>	Staff recommends APPROVAL, subject to conditions:	22-0441-GPA1 22-0442-ZON1
<b>22-0442-SUP2</b>	Staff recommends APPROVAL, subject to conditions:	22-0441-GPA1 22-0442-ZON1 22-0442-SUP1
<b>22-0442-VAC1</b>	Staff recommends APPROVAL, subject to conditions:	22-0441-GPA1 22-0442-ZON1 22-0442-SUP1 22-0442-SUP2
<b>22-0442-TMP1</b>	Staff recommends APPROVAL, subject to conditions:	22-0441-GPA1 22-0442-ZON1 22-0442-SUP1 22-0442-SUP2 22-0442-VAC1

**\*\* NOTIFICATION \*\***

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 23

**NOTICES MAILED** 572 (by City Clerk) - 22-0442 [ZON1, SUP1, SUP2 and TMP1]  
55 (by City Clerk) - 22-0442-VAC1

**PROTESTS** 20

**APPROVALS** 0

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

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**22-0442-SUP1 CONDITIONS**

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**Planning**

1. Approval of a General Plan Amendment (22-0441-GPA1) and Rezoning (22-0442-ZON1) and approval of and conformance to the Conditions of Approval for Special Use Permit (22-0442-SUP2), Petition to Vacate (22-0442-VAC1), and Tentative Map (22-0442-TMP1) shall be required, if approved.
2. This approval shall be void four 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 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.
4. 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.
5. Prior to or at the time of submittal for any building permit, the applicant shall provide written verification by the FAA and/or the Clark County Department of Aviation of the following:
  - a. Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Clark County Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Clark County Department of Aviation;
  - b. No Building Permit or other construction permit shall be issued for any structure greater than 35 feet above the surface of land that, based upon the FAA's 7460 airspace determination (the outcome of filing the FAA Form 7460-1) would (a) constitute a hazard to air navigation, (b) would result in an increase to minimum flight altitudes during any phase of flight (unless approved by the Department of Aviation), or (c) would otherwise be determined to pose a significant adverse impact on airport or aircraft operations.

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- c. Applicant is advised that FAA's airspace determinations are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**22-0442-SUP2 CONDITIONS**

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**Planning**

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for Mixed-Use.
2. Approval of a General Plan Amendment (22-0041-GPA1) and Rezoning (22-0042-ZON1) and approval of and conformance to the Conditions of Approval for Special Use Permit (22-0042-SUP1), and Petition to Vacate (22-0442-VAC1 shall be required, if approved.
3. The Development Agreement is to be approved and adopted by the City Council prior to the submittal of any building plans.
4. This approval shall be void four 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.
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 Department of Building and Safety.
6. 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.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**22-0442-VAC1 CONDITIONS**

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1. The limits of this Petition of Vacation shall be defined as all of Trona Street and Jamestown Way with portions of Palm Springs Way and Milo Way as shown on the vacation exhibits date stamped 8/18/2022.
2. The Order of Vacation shall record prior to or concurrently with a Final Map for 22-0442-TMP1.
3. Prior to the Order of Vacation, the applicant shall meet with the Sanitary Sewer Section of the Department of Public Works to determine if any Sewer Easements must be granted or reserved. Comply with the recommendations of the Sanitary Sewer Section.
4. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Vacation for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The drainage study required by 22-0442-TMP1 may be used to satisfy this requirement provided that it addresses the area to be vacated.
5. The Order of Vacation shall reserve easements for the facilities of all City of Las Vegas Franchise Holders unless written verifiable letters of consent without reservation are received prior to recordation.
6. All public improvements adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation. This includes retuning City assets to the City of Las Vegas West yard.
7. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.
8. All development shall be in conformance with code requirements and design standards of all City Departments.

9. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.
10. If the Order of Vacation is not recorded within four (4) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Director of Community Development, then approval will terminate and a new petition must be submitted.

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**22-0442-TMP1 CONDITIONS**

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**Planning**

1. Approval of the Tentative Map shall be for no more than four (4) years. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map within four (4) years of the approval of the Tentative Map, this action is void.
2. Approval of General Plan Amendment (22-0441-GPA1), Rezoning (22-0442-ZON1), Special Use Permit (22-0442-SUP1), Special Use Permit (22-0442-SUP2), Petition to Vacate (22-0442-VAC1) shall be required, if approved.
3. Street names must be provided in accordance with the City's Street Naming Regulations.
4. A fully operational fire protection system, including fire apparatus roads, fire hydrants, and water supply, shall be installed and shall be functioning prior to the construction of any combustible structures.
5. The Final Map shall contain a note granting perpetual common access and parking across the entire subdivision.

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6. All development is subject to the conditions of City Departments and State Subdivision Statutes.

**Public Works**

7. Prior to and concurrent with the recordation of a Final Map for this site, a Petition of Vacation, such as 22-0442-VAC1, shall be recorded to eliminate the public right-of-way in conflict with this proposed site. If 22-0442-VAC1 is not approved, then this Tentative Map shall be null and void and a new Tentative Map shall be submitted for review.
8. Dedicate Rigel Avenue and the re-aligned portion of Milo Way on the Final Map for this site. Additionally, grant Public Pedestrian Access Easements for all public sidewalks located outside of public right-of-way.
9. Construct off-site improvements per the Vegas Rising Development Standards for each lot prior to or concurrent with the development of each lot. Such improvements must be guaranteed prior to the issuance of permits for each lot.
10. Extend Public Sewer in Rancho Drive from Sahara Avenue to the edge of the proposed Vegas Rising Master development, at the size required per the approved Vegas Rising (Wyandotte Apartments) Master Sanitary Sewer Study.
11. Prior to the submittal of construction drawings for this site, submit an update to the Vegas Rising (Wyandotte Apartments) Master Sanitary Sewer Study showing the discharge point of this district of the Vegas Rising Master Development and how it affects the flows downstream on Rancho Drive.
12. As applicable for each lot, all notes explained under the Unified Development Code (UDC) Section 19.16.060.W subsections (1), (2), and (3) regarding driveway access, on-site sewer system and inter-site common drainage rights are required and shall appear on the recorded Final Map.
13. 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.
14. Prior to or concurrent with the submittal of a Final Map for this site, an update to the previously approved Traffic Impact Analysis (TIA76156) must be submitted and approved by the Department of Public Works.
15. Development of this site shall comply with the terms and requirements of the Vegas Rising Development Agreement.

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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.
17. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations.

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

**PROJECT DESCRIPTION**

The following application requests are in conjunction with the proposed Vegas Rising Development Agreement (22-0450-DIR1) for 21.70-acres at the southeast corner of Richfield Boulevard and Wilmington Way.

**ISSUES**

- These requests are in conjunction with General Plan Amendment (22-0441-GPA1) and Director's Business Item (22-0450-DIR1).
- A Rezoning is requested to amend the site from R-1 (Single Family Residential) to C-2 (General Commercial). Staff recommends approval of this request.
- A Special Use Permit is requested to allow the proposed Mixed-Use development to exceed the height limitation of 175 feet established by the Airport Overlay District. Staff recommends approval of this request.
- A Special Use Permit is requested to allow a proposed Mixed-Use development. Staff recommends approval of this request.
- A Petition to Vacate is requested to Vacate public right-of-ways generally bounded by Richfield Boulevard, Wilmington Way, and Wyandotte Street. Staff recommends approval of this request.
- A Tentative Map is requested for Vegas Rising, a four-lot commercial subdivision. Staff recommends approval of this request.
- The subject site is located in Redevelopment Area 2.

**ANALYSIS**

The subject site is a 21.70-acre site commonly known as the Richfield Village, located at the southeast corner of Richfield Boulevard and Wilmington Way. Since 1963, the subject site has been home to a 111-lot single-family residential subdivision. As currently displayed, the site is currently designated as R-1 (Single Family Residential) zoning district. The applicant is requesting the following land use entitlements to redevelop the subject site with a mixed-use development complex; one property within the Richfield Village subdivision at 2813 Milo Way is not associated with any of these requests.

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***Rezoning***

The C-2 (General Commercial) zoning district allows 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. The C-2 District is also appropriate along commercial corridors. The C-2 District is consistent with the GC (General Commercial) category of the General Plan.

***Special Use Permit - Airport Overlay***

Title 19.10 requires any new construction on a parcel located within the Airport Overlay District to be approved by the Planning Commission if such construction or alteration exceeds any of the following height standards:

1. Two hundred feet above the ground level at its site;
2. The plane of an imaginary surface extending outward and upward at a slope of 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of any airport subject to the provisions of this subchapter;
3. For highways, railroads, and other traverse ways for mobile objects; if construction or alteration is of greater height than the standards set forth in Paragraphs (1) or (2) above, after their height has been adjusted upward for the appropriate traverse way as follows:
  - a. For interstate highways: 17 feet;
  - b. For any other public roadways: 15 feet;
  - c. For any private road: 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater;
  - d. For any railroad: 23 feet;
  - e. For a waterway or any other unspecified traverse way: the height of the highest mobile object that would normally use the traverse way.
4. Any construction or alteration that would be in an instrument approach area and available information indicates the height might exceed any FAA obstruction standard.

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The Minimum Special Use Permit Requirements for this include:

1. Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use property in a manner which would exceed the limitations of this Section may apply to the Planning Commission for a Special Use Permit. The Special Use Permit application shall be processed in accordance with the Special Use Permit procedures set forth in LVMC 19.16.110, except that:
  - a. The applicant shall notify the FAA regional office and the Clark County Department of Aviation of the application prior to the time of submission; and
  - b. Any approval by the Planning Commission must be referred automatically to the City Council for final disposition.
  
2. Notwithstanding the preceding provisions of this Section, no Special Use Permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this Section or any amendment thereto.

In addition, Federal Aviation Regulations (Title 14, Part 77) require that the Federal Aviation Administration (FAA) be notified before the construction or alteration of any building or structure greater than 200 feet in height (§ 77.13(a)(1)) or that will exceed a slope of 100:1 for a distance of 20,000 feet from the nearest point of any airport runway greater than 3,200 feet in length (§ 77.13 (a)(2)(i)). Such notification allows the FAA to determine what impact, if any, the proposed development will have upon navigable airspace, and allows the FAA to determine whether the development requires obstruction marking or lighting.

The proposed development will exceed the 100:1 notice requirement for Harry Reid International Airport (LAS) Therefore, as required by 14 CFR Part 77, the FAA must be notified of the proposed construction or alteration. At the request of the CCDOA, Conditions of Approval have been included to ensure compliance with the Federal Aviation Regulations.

The applicant has submitted a request for a Special Use Permit in accordance with Title 19.12 due to the height of the proposed project exceeding the 175-foot height limitation placed on the site by the Federal Aviation Regulations. Staff finds the proposed development capable of complying with the Federal Aviation Regulations and is recommending approval of this request.

***Special Use Permit - Mixed Use***

Title 19.18 defines Mixed-Use 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 use in the C-2 (General Commercial) zoning district. This is 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 Minimum 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.

*The proposed development complies as the applicant is proposing a mixed-use development consisting of multi-family residential and commercial uses.*

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.

*All commercial uses, when provided, primarily face the interior streets of the proposed commercial subdivision. All commercial uses and associated entryways will be accessed from the sidewalks on those public streets.*

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.

*This conditional use requirement is not met as the applicant is proposing to allow commercial and residential uses available on any floor. Phase 1 within the development, only consists of medium-density residential uses and therefore, the applicant is requesting a Special Use Permit.*

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).

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*This conditional use requirement is not met and therefore, the applicant is requesting a Special Use Permit. Based on the overall phasing schedule for the proposed development, surface parking lots are allowed as a temporary use. Once completed, garages adjacent to Wilmington Way are required to have a mural comprised of 25 percent of the façade. Aside from this, there are no additional screening requirements. Design elements are specified in the accompanying Development Agreement (22-0450-DIR1).*

Staff recommends approval on the requested Special Use Permit for mixed-use development as it meets the goals and objectives outlined in the supported by the 2050 Master Plan. The proposed infill redevelopment will help push the City closer to reaching these goals. With the proposed development located in Redevelopment Area 2, the project will support the Master Plan's goal of having at least 60 percent of new residential and non-residential development occurring in designated placetypes, infill, and redevelopment areas by 2050. Additionally, the project will increase the amount of new commercial, residential, and mixed-use development that occurs within Redevelopment Areas 1, 2, and other designated infill or redevelopment areas.

***Petition to Vacate / Tentative Map***

The applicant is proposing to reconfigure the existing 110-lot residential subdivision into a four-lot commercial subdivision. In doing so, the applicant is proposing to Vacate Jamestown Way, Trona Street, and portions of Palm Springs Way, Milo Way, and Wyandotte Street rights-of-way which staff supports. Staff recommends approval on both the Petition to Vacate and Tentative Map as all of the Title 19 zoning and NRS 278 and technical requirements regarding tentative maps have been met.

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

The subject site is located within the Master Plan 2050 designated area of Charleston. The Charleston Boulevard corridor is the City's major east-west link and the commercial corridor between Downtown Las Vegas and its western suburbs. Comprised of both the City's earliest inner-ring suburbs and new suburban neighborhoods, this area has a high potential for transit-oriented development and new place types along multiple corridors with the introduction of high-capacity transit over the next thirty years.

As the population increases, and the supply of land decreases the city recognizes the need to shift to a strategy of infill and redevelopment in order to meet the housing needs of the community. The lack of diverse housing types inadvertently creates too many single-family homes and not enough "missing middle" attached housing types. Higher density developments consume less water than single-family homes, and more walkable corridors will better support multi-modal transportation.

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New innovative development models will be utilized to provide a mix of housing types for residents. The previous neighborhood depended on passenger vehicles to get around. Transforming, and improving walkability in mixed-use neighborhoods allows greater participation in active transportation between jobs, amenities, education, and services. Additionally, focused developments in infill and redevelopment areas improves the quality of districts and neighborhoods, promoting a vibrant sense of place.

To implement the goals and objectives outlined in the 2050 Master Plan, measurable implementation strategies have been called out describing the actions, tools, and timeframe necessary for achievement. The proposed infill redevelopment will help push the City closer to reaching these goals. With the proposed development located in Redevelopment Area 2, the project will support the Master Plan's goal of having at least 60 percent of new residential and non-residential development occurring in designated placetypes, infill, and redevelopment areas by 2050. By utilizing native and adaptive drought-tolerant 36-inch box tree species, the project will improve the tree canopy, to achieve a 20 percent increase by 2035 and 25 percent by 2050. Lastly, the project will increase the amount of new commercial, residential, and mixed-use development that occurs within Redevelopment Areas 1, 2, and other designated infill or redevelopment areas.

***Redevelopment Plan Area***

The subject sites are located within Redevelopment Area 2 of the City of Las Vegas Redevelopment Plan. In general, the goals and objectives of the redevelopment program in Redevelopment Area 2 are as follows:

1. To eliminate and prevent the spread of blight and deterioration and the conservation, rehabilitation, and redevelopment of Redevelopment Area 2 in accordance with the Master Plan, the Redevelopment Plan, local codes, and ordinances.
2. To achieve an environment reflecting a high level of concern for architectural, landscape, and urban design and land use principles appropriate for attainment of the objectives of the Redevelopment Plan.
3. To minimize unplanned growth by guiding revitalization activities and new development in such fashion as to meet the needs of Redevelopment Area 2, the City and its citizens.
4. To retain existing businesses by means of redevelopment and rehabilitation activities and by encouraging cooperation and participation of owners, businesses, and public agencies in the revitalization of Redevelopment Area 2.
5. To encourage investment by the private sector in the development and redevelopment of Redevelopment Area 2 by eliminating impediments to such development and redevelopment.

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6. To encourage maximum participation of residents, businesspersons, property owners, and community organizations in the redevelopment of Redevelopment Area 2.
7. To replan, redesign, and develop areas which are stagnant or improperly used.
8. To insure adequate utility capacity to accommodate redevelopment and new development.

Redevelopment of Redevelopment Area 2 pursuant to this Redevelopment Plan and the above goals and objectives will attain the purposes of the Nevada Revised Statutes Chapter 279 by:

1. Elimination of areas suffering from economic dislocation, and disuse in affected areas;
2. Replanning, redesign, and/or redevelopment of areas which are stagnant or improperly utilized, in ways which could not be accomplished solely by private enterprise without public participation and assistance;
3. Protection and promotion of sound development and redevelopment of blighted areas and the general welfare of the citizens of the City by remedying such injurious conditions through the employment of appropriate means;
4. Installation of new, or replacement of existing public improvements, facilities, and utilities in areas which are currently inadequately served with regard to such improvement, facilities and utilities; and
5. Other means as determined appropriate.

The proposed redevelopment supports the goals of Redevelopment Plan Area 2 by encouraging investment by the private sector redevelopment in order to create an urban environment with a high level of concern for architectural, landscape, and urban design and land use principles.

**FINDINGS (22-0442-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.**

If the associated General Plan Amendment (22-0441-GPA1) to GC (General Commercial) is approved on this site, the proposed C-2 (General Commercial) zoning district would conform to the GC land use designation.

**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.**

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The C-2 (General Commercial) zoning district allows 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. The C-2 District is also appropriate along commercial corridors.

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

The subject site has been R-1 (Single Family Residential) since at least 1963, when the residential subdivision was constructed. Since this time, growth and development factors have changed as the subject site is located in proximity to intensive commercial development such as Interstate 15 and the Las Vegas Strip. The Rezoning of the subject site to C-2 (General Commercial) will support mixed-use transit-oriented development which is appropriate for 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.**

Upon approval of the Master Traffic Study as required by the Development Agreement for Vegas Rising, street facilities providing access to the proposed development will be designed to provide adequate access to the site and meet the requirements of the proposed Mixed-Use development.

**FINDINGS (22-0442-SUP1) - AIRPORT OVERLAY**

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.**

Although it exceeds the 175-foot height restriction of the Airport Overlay District, the proposed 200-foot tall buildings are capable of complying with Federal Aviation Administration Regulations. The subject site is located within relative proximity to Interstate 15 and the Las Vegas Strip, major corridors that support high-rise structures.

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

The subject site is situated west of Interstate 15, which accommodates other developments of similar or exceeding heights. Through the accompanying Vegas Rising Development Agreement (22-0450-DIR1), efforts have been taken to mitigate the height intensity of the proposed development with the neighboring residential and school.

- 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.**

Upon approval of the Master Traffic Study as required by the Development Agreement for Vegas Rising, street facilities providing access to the proposed development will be designed to provide adequate access to the site and meet the requirements of the proposed Mixed-Use 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.**

The project, if approved, will be subject to the requirements of the Federal Aviation Administration regarding airspace hazards, ensuring the protection of the public health, safety, and general welfare.

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

There is no specific use related to a building exceeding the height limitations of the Airport Overlay District. For buildings and structures that exceed the specific height limitation for the subject parcel, a Special Use Permit is requested.

#### **FINDINGS (22-0442-SUP2) - MIXED USE**

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.**

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The proposed Mixed-Use use can be conducted harmoniously and compatibly with the surrounding land uses, which generally include office, retail, and multi-family residential categories.

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

Given the close proximity to Interstate 15, the Las Vegas Strip, and Downtown Las Vegas, the site is physically suitable to accommodate mixed-use development.

**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.**

Upon approval of the Master Traffic Study as required by the Development Agreement for Vegas Rising, street facilities providing access to the proposed development will be designed to provide adequate access to the site and meet the requirements of the proposed Mixed-Use 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.**

The proposed use does not meet Conditional Use Regulations 3 or 4 regarding the location of residential uses and parking screening; therefore, a Special Use Permit is requested. There are no minimum Special Use Permit requirements beyond those conditioned for the C-2 (General Commercial) zoning district. Staff supports the requested Special Use permit and is recommending approval.

**FINDINGS (22-0442-VAC1)**

The Department of Public Works has presented the following information concerning this request to this public street right-of-way:

1. Does this vacation request result in uniform or non-uniform right-of-way widths?  
*Uniform.*

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2. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability?  
*No.*
3. Does it appear that the vacation request involves only excess right-of-way?  
*No.*
4. Does this vacation request coincide with the development plans of the adjacent parcels?  
*Yes, 22-0442-TMP1*
5. Does this vacation request eliminate public street access to any abutting parcel?  
*No.*
6. Does this vacation request result in a conflict with any existing City requirements?  
*No.*
7. Does the Department of Public Works have an objection to this vacation request?  
*No.*

**FINDINGS (22-0442-TMP1)**

All Title 19 zoning and NRS 278 and technical requirements regarding tentative maps are satisfied. Therefore, staff recommends approval of the subject tentative map with conditions.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i></b>	
04/18/12	The City Council approved a General Plan Amendment (GPA-43991) to establish Redevelopment Area 2 and change the future land use designation on various parcels within the redevelopment area to C (Commercial) or MXU (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 Corridor-2), or NMXU (Neighborhood Center Mixed Use) within the City of Las Vegas. The Planning Commission and staff recommended approval.
08/18/21	The City Council approved a General Plan Amendment (21-0326-GPA1) from: C (Commercial), MXU (Mixed-Use), L (Low Density Residential) and LI/R (Light Industry/Research) to: TOD-2 (Transit Oriented Development-2) on 91.10 acres generally bounded by Rancho Drive to the east, Desert Inn Road to the south, Teddy Drive to the north, and Richfield Boulevard to the west. The Planning Commission and staff recommended approval.
11/15/22	<p>The Planning Commission voted (6-0) to recommend APPROVAL of the following Land Use Entitlement project requests on 18.67 acres at the southeast corner of Richfield Boulevard and Wilmington Way (APNs Multiple), Ward 3 (Diaz)</p> <p>22-0442-ZON1 - REZONING - FROM: R-1 (SINGLE-FAMILY RESIDENTIAL) TO: C-2 (GENERAL COMMERCIAL)</p> <p>22-0442-SUP1 - SPECIAL USE PERMIT - FOR A PROPOSED 200-FOOT TALL BUILDING WITHIN THE 175-FOOT AIRPORT OVERLAY DISTRICT</p> <p>22-0442-SUP2 - SPECIAL USE PERMIT - FOR A PROPOSED MIXED-USE DEVELOPMENT</p> <p>22-0442-VAC1 - VACATION - PETITION TO VACATE PUBLIC RIGHT-OF-WAY</p> <p>22-0442-TMP1 - TENTATIVE MAP - VEGAS RISING - FOR A PROPOSED FOUR-LOT COMMERCIAL SUBDIVISION</p>

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<b>Most Recent Change of Ownership</b>	
09/22/20	Multiple deeds were recorded for a change in ownership.

<b>Related Building Permits/Business Licenses</b>	
1963	The Richfield Village subdivision was constructed.
08/04/22	Building Permits (R22-12442, R22-12445, R22-12450, and R22-12452) were issued for the demolition of the Richfield Village subdivision. The demolitions were tentatively scheduled to occur between 08/08/22 through 11/08/22.

<b>Pre-Application Meeting</b>	
02/09/22 through 08/17/22	A variety of preliminary meetings were conducted with the applicant to discuss the project and Development Agreement.

<b>Neighborhood Meeting</b>	
08/29/22	A neighborhood meeting was held at the Palace Station Hotel and Casino Grand Ballroom, at 2411 West Sahara Avenue at 5:30 PM. The meeting was attended by three representatives for the applicant, one representative from the Council Ward 3 Office and five Department of Community Development staff members. There were no members of the public in attendance. The meeting was concluded by 6:00 PM.
09/29/22	<p>Meeting Start Time: 5:30 pm Meeting End Time: 7:15 pm</p> <p>Attendance: 4 Representatives for the Applicant 3 Department of Community Development Staff Members</p> <p>1 City Attorney 1 Representative from the Ward 3 Council Office 36 Members of the Public</p> <p>Concerns:</p> <p>A neighborhood meeting was held at the Palace Station Hotel and Casino Grand Ballroom, at 2411 West Sahara Avenue at 5:30 PM. The meeting was attended by four representatives for the applicant, one representative from the Council Ward 3 Office, three Department of Community Development staff members, one City Attorney, and 35 members of the public. The applicant gave an overview of the project. Questions or issues were raised on the following topics:</p>

<b>Neighborhood Meeting</b>	
	<ul style="list-style-type: none"> <li>- <b>Traffic</b> <ul style="list-style-type: none"> <li>○ Elementary School                             <ul style="list-style-type: none"> <li>▪ Additional traffic in relation to students</li> <li>▪ Additional traffic in relation to pick up/drop off surge</li> </ul> </li> <li>○ Speed from vehicles racing through the area (“drag strip”)                             <ul style="list-style-type: none"> <li>▪ Are speed bumps viable?</li> </ul> </li> <li>○ Traffic from large commercial vehicles</li> <li>○ Traffic cut through from the Rancho Drive connection affecting the area</li> <li>○ Will there be a cut-through to Richfield Boulevard?</li> <li>○ Can the project be cut off from Richfield Boulevard on Milo Way?</li> </ul> </li> <li>- <b>Parking</b> <ul style="list-style-type: none"> <li>○ Where will parking for visitors be provided?</li> <li>○ Will there be enough parking for visitors?</li> <li>○ How will parking in the neighborhood be prevented?</li> <li>○ Is underground parking viable?</li> </ul> </li> <li>- <b>Noise</b> <ul style="list-style-type: none"> <li>○ Construction noise</li> <li>○ Commercial noise</li> <li>○ Noise from events on the pedestrian promenade</li> <li>○ Existing noise from Area 15</li> </ul> </li> <li>- <b>Miscellaneous</b> <ul style="list-style-type: none"> <li>○ How was potential asbestos handled from demolition? Was an asbestos study done?</li> <li>○ This project will use too much water.</li> <li>○ How will this affect the home values?</li> <li>○ Could neighboring residents be compensated for events? (i.e. Downtown residents during Life is Beautiful)</li> <li>○ Homeless migration from the Recycling Plant into this area via Rancho Drive connection</li> </ul> </li> </ul>

<b>Neighborhood Meeting</b>	
	<p>- <b>Questions/issues that were addressed:</b></p> <ul style="list-style-type: none"> <li>○ Our neighborhood doesn't have access to parks. How will the proposed development provide open space?</li> <li>○ What is the proposed density?</li> <li>○ This project will eliminate my view of the Las Vegas Strip.</li> <li>○ There are stray cats from the demolition. How is this being handled?</li> <li>○ What is the proposed rental rate?</li> <li>○ Will affordable units be provided?</li> <li>○ Will there be phasing of the development?</li> <li>○ Will alcohol be provided?</li> <li>○ Will Fisher Brothers be doing more acquisitions in this area?</li> <li>○ Does Station Casinos have a financial benefit in the project?</li> </ul> <p>The meeting was concluded by 7:15 PM.</p>
11/01/22	<p>A voluntary neighborhood meeting was held at the Palace Station Hotel and Casino Grand Ballroom, at 2411 West Sahara Avenue at 5:30 PM.</p> <p>After reconfiguring the site to include the Vacation of a portion of Milo Way, the site was reconfigured to address concerns regarding access to Richfield Boulevard. The primary concerns raised at the meeting regarded the proposed density, building heights, and traffic.</p> <p>The meeting was attended by four representatives for the applicant, two representatives from the Council Ward 3 Office, one City Attorney one Department of Community Development staff member, and 31 members of the public. The meeting was concluded by 8:00 PM.</p>

<b>Field Check</b>	
08/31/22	Staff conducted a field check of the subject site and noticed active demolition activity for the Richfield Village subdivision. Nothing of concern was noted.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Gross Acres	21.70
Net Acres	17.99

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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	Single Family, Detached	TOD-2 (Transit Oriented Development - Low)	R-1 (Single Family Residential)
North	Public or Private School, Primary	PF (Public Facilities)	C-V (Civic)
	Multi-Family Residential	TOD-2 (Transit Oriented Development - Low)	R-3 (Medium Density Residential)
South	Office, Other than Listed	LI/R (Light Industrial / Research)	R-1 (Single Family Residential)
		TOD-2 (Transit Oriented Development - Low)	M (Industrial)
Surrounding Property	Existing Land Use Per Title 19.12	<b>Planned or Special Land Use Designation</b>	Existing Zoning District
East	Multi-Family Residential		R-4 (High Density Residential)
	Individual Care Center Banquet Facility General Personal Service Commercial Recreational (Indoor)		C-1 (Limited Commercial)
West	Single Family, Detached	L (Low Density)	R-1 (Single Family Residential)

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

\*In accordance with Title 19.10, the applicant is requesting a Special Use Permit to allow the proposed Mixed-Use development to exceed the 175-foot height limitation.

**DEVELOPMENT STANDARDS**

<b>Existing Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
R-1 (Single Family Residential)	6,500 SF Lots	145
<b>Proposed Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
C-2 (General Commercial)	N/A*	N/A

\*The proposed density is requested through Development Agreement (22-0450-DIR1).

<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>
Wilmington Way	Local Street	Title 13	60	Y
Richfield Boulevard	Local Street	Title 13	60	Y
Wyandotte Street	Local Street	Title 13	50	Y

<b>19.04.040 Connectivity</b>		
<b>Transportation Network Element</b>	<b># Links</b>	<b># Nodes</b>
Internal Street	7	
Intersection – Internal		4
Cul-de-sac Terminus		0
Intersection – External Street or Stub Terminus		0
Intersection – Stub Terminus with Temporary Turnaround Easements		0
Non-Vehicular Path - Unrestricted	1	
<b>Total</b>	<b>8</b>	<b>4</b>
	<b>Required</b>	<b>Provided</b>
<b>Connectivity Ratio (Links / Nodes):</b>	<b>N/A</b>	<b>2.00</b>