



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: APRIL 11, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: THE GOLDEN APARTMENTS, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0050-VAR1	Staff recommends DENIAL, if approved subject to conditions:	
23-0050-SUP1	Staff recommends DENIAL, if approved subject to conditions:	23-0050-VAR1
23-0050-SDR1	Staff recommends DENIAL, if approved subject to conditions:	23-0050-VAR1 23-0050-SUP1

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

10

NOTICES MAILED 464

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0050-VAR1 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (23-0050-SUP1) and Site Development Plan Review (23-0050-SDR1) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All 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.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

23-0050-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Mixed-Use use.
2. Approval of and conformance to the Conditions of Approval for Variance (23-0050-VAR1) and Site Development Plan Review (23-0050-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.

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4. A Waiver from Title 19.12 is hereby approved, to allow residential uses on the ground floor fronting on Vegas Drive.
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, 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.

23-0050-SDR1 CONDITIONS

Planning

1. Provide a low wall or berm with a maximum height of 30 inches or continuous hedge not to exceed a height of 36 inches along the southern edge of the proposed parking area.
2. Approval of and conformance to the Conditions of Approval for Variance (23-0050-VAR1) and Special Use Permit (23-0050-SUP1) 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 development shall be in conformance with the site plan and landscape plan, date stamped 03/27/23 and building elevations, date stamped 03/28/23, except as amended by conditions herein.
5. A Waiver from Title 19.08.040(B) is hereby approved, to allow the building containing the proposed convenience store to be set back from street frontages where required to be oriented to the corner and street fronts.
6. A Waiver from Title 19.08.040(H) is hereby approved, to allow a 10-foot building setback along the north property line, a 60-foot setback from the west property line and a 109-foot setback along the south property line where a minimum residential adjacency proximity slope setback of 123 feet is required.

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7. A Waiver from Title 19.08.070 is hereby approved, to allow a minimum five-foot wide buffer along the east and south property lines where 15 feet is required.
8. An Exception from Title 19.08.110(C) is hereby approved, to allow 17 parking lot trees where 39 trees are required.
9. 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.
10. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
11. 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.
12. 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.
13. 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 shall include the following changes from the conceptual landscape plan:
 - Provide a minimum of four, five-gallon shrubs per required tree within perimeter landscape buffers and parking lot islands.

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14. 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.
15. 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.
16. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

17. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting Current City Standards concurrent with development of this site. The sidewalk 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 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.
18. Construct all incomplete half street improvements on Simmons Street adjacent to this site concurrent with development of this site. 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. Grant any Street lighting and Traffic Control Easement needed to complete this requirement. A Deviation from Standards to allow the sidewalk on Simmons Street to be outside of the 60-foot public right-of-way (subject to provision of pedestrian easement) is approved. The sidewalk shall return to a curb-attached state to tie into the existing sidewalk to the north; landscaping in the amenity zone shall accommodate such transition. The existing attached sidewalks on Vegas Drive and Windchime Drive may remain, subject to PROWAG requirements above.

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19. Connect to existing 30-inch Public Sewer main in Vegas Drive. This pipe has been rehabilitated with a pipe liner. Post construction, CCTV will need to be done at the point of the tap to ensure the integrity of the liner has not been compromised.
20. Coordinate with the Environmental Compliance & Enforcement staff of the Department of Public Works to locate any required grease interceptor and sand/oil interceptors in acceptable locations prior to submittal of sewer-related plans. Comply with the recommendations and requirements of the Environmental Compliance & Enforcement staff prior to issuance of permits. The team may be contacted at 702-229-6594 or emailed at ece@lasvegasnevada.gov.
21. Landscape and maintain all unimproved right-of-way adjacent to this site. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
22. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights of way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. Phased compliance will be allowed if recommended by 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.
23. Queues for the overall retail commercial portion shall not extend into the public right-of-way. The proposed security gate on Windchime Drive shall be egress-only or emergency access only.

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24. 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. The development is adjacent to an existing Regional Master Plan Update (MPU) along Vegas Drive; and shall receive concurrence from Regional Flood Control prior to final approval.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing to construct a mixed-use development consisting of five multi-story buildings on a 3.03-acre vacant site at the northwest corner of Vegas Drive and Simmons Street. The building nearest the southeast corner of the site is proposed to include a convenience store and fuel pumps as well as for-rent apartments in the rear and on upper floors. One additional building would contain ground-floor commercial uses; the remaining buildings would exclusively contain Multi-Family Residential uses. A total of 104 residential units and 7,403 square feet of commercial space are proposed, with a net density of 34 dwelling units per acre.

PROJECT UPDATE

This project was abeyed from the March 14, 2023 Planning Commission meeting at the request of the applicant to revise the submitted plans. Revised plans were received March 27 and 28, 2023. The changes to the plans are summarized as follows:

- The number of residential units was reduced from 112 to 104, decreasing density to 34.3 dwelling units per acre.
- The height of the proposed multi-family residential building at the northwest corner of the site was reduced from three stories to two stories and eight units were removed.
- As a result of the decrease in residential units, the parking requirement decreased from 193 spaces to 181 spaces. Provided parking increased from 146 spaces to 149 spaces as a result of designating 27 percent as compact spaces. Staff recommendation for 23-0050-VAR1 remains denial.
- Buildings along the Vegas Drive frontage were moved back to meet the matching setback residential adjacency requirement pertaining to properties on the south side of Vegas Drive, eliminating a portion of the Waiver for residential adjacency. Staff still recommends denial of the Waiver.
- The north facades of the two buildings proposed along the north property line have been modified to reduce the impact to the adjacent residential properties. The rooflines have been recessed and balconies have been removed and converted to living space.
- Trees were added to the Simmons Street amenity zone to conform to Title 19.04 requirements.

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ISSUES

- Mixed-Use is a conditional use in the C-1 (Limited Commercial) zoning district. The Multi-Family Residential use is conditional, while commercial uses are permitted, conditional or require a Special Use Permit as indicated in Title 19.12.
- A Special Use Permit is requested for the proposed Mixed-Use use, as Title 19.12 Conditional Use Regulations cannot be met for this use in the C-1 (Limited Commercial) zoning district.
- The applicant has elected to use the Mixed-Use Alternative Parking Standard, which reduces the number of required spaces by 17 percent, from 218 to 181. A Variance is requested to allow 144 parking spaces in the proposed development where 193 are required, based on prior public notice. Staff recommends denial.
- A Waiver from Title 19.08.040(B) is requested to allow the building containing the proposed convenience store to be set back from street frontages where required to be oriented to the corner and street fronts. Staff recommends denial.
- A Waiver of Title 19.08.040 is requested to allow a 10-foot building setback along the north property line, a 60-foot setback from the west property line and a 109-foot setback along the south property line where a minimum residential adjacency setback of 123 feet is required. Staff recommends denial.
- A Waiver of Title 19.08.070 perimeter landscape buffer requirements is requested to allow a minimum five-foot wide buffer along the east and south property lines where 15 feet is required. Staff recommends denial.
- An Exception is requested to allow 17 parking lot trees where 39, 24-inch box trees are required. Staff denies the Exception.
- A continuous barrier such as a low wall, berm or solid hedge is required along the south edge of the parking area to screen this area from the public right-of-way. A condition of approval addresses this issue.
- Pursuant to Title 19.04.010(B), the Department of Public Works has approved the existing right-of-way improvements along Vegas Drive adjacent to this site, with a condition to comply with PROWAG standards concurrent with site development. A detached sidewalk within the Simmons Street right-of-way is required, but must tie into the existing improvements to the north of this site.
- Prior to the issuance of permits for vertical construction, an appropriate map must be recorded to combine the existing lots that make up this site, as the proposed development assumes no future interior lot lines. If approved, this is addressed as a condition of approval.

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ANALYSIS

The site is zoned C-1 (Limited Commercial), which allows both multi-family residential and commercial uses. The C-1 zoning district conforms to the existing SC (Service Commercial) General Plan designation on this site. Site development is subject to the requirements of Title 19. The West Las Vegas Plan identifies this site for Service Commercial uses. The site is adjacent to established single-family residential uses to the north, south, east and west. In February 2023, a vacant parcel of land zoned C-1 at the northeast corner of Vegas Drive and Simmons Street was approved for a car wash.

The West Las Vegas Plan contains several policies supporting mixed-use, walkable development on parcels similar to the subject site:

Policy 2.1.1: That mixed-use residential/commercial developments occur on sites currently occupied by declining commercial centers or vacant land.

Policy 2.1.4: That new commercial development be designed in a walkable and non-vehicular friendly manner, providing shelter from sun and wind, with outdoor seating areas and other amenities and parking areas located away from the street.

Policy 2.2.1: That any higher density or mixed-use redevelopment which is adjacent to lower density residential development incorporate appropriate design, transition, or buffering elements which will mitigate adverse visual, audible, aesthetic and traffic impacts.

The Las Vegas 2050 Master Plan also encourages the development of compact and mixed-use neighborhoods with walkable access to jobs, amenities, education, services and transit. Specific attention is paid to focusing new development in infill and redevelopment areas. The site is located at the intersection of two Regional Transportation of Southern Nevada bus routes along Vegas Drive and Simmons Street, although there are no stops directly adjacent. Despite including some mixed-use buildings along Vegas Drive, the proposed development is auto-oriented, including a convenience store and fueling stations with parking at the corner similar to similar designs found in suburban areas.

Title 19.08.040.B states that “buildings should be compatible with the scale of development allowed by the applicable land uses for the surrounding area as established at the time of application and should be sited and designed to provide a sensitive transition to nearby, less intensive areas.” In addition this section states, “Projects on the edges of zoning districts should be developed in a manner that minimizes the adverse impacts resulting from incongruous height, bulk and scale of large buildings. Alternatives to mitigate such impacts include, but are not limited to, siting and design, additional building setbacks or stepping back of upper floors, and the actual physical reduction of

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the height, bulk and scale of a project.” As the site is surrounded by existing single-family residential development, the applicant has requested Waivers of residential adjacency standards that are intended to protect residential properties from the impacts of taller buildings (Title 19.08.040(H) allows the City Council to waive the residential adjacency standards for any mixed-use development that contains a significant residential element.). However, few, if any, mitigating measures have been considered to ease the impact that this three-story development will have on existing single-story development in residential zoning districts adjacent to this site.

Land Use

The Mixed-Use use is defined by Title 19.18 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 three buildings nearest to Vegas Drive are proposed to contain 7,403 square feet of commercial uses on the ground floor and multi-family residential units on the upper two floors, thereby satisfying this definition. Two buildings along the north property line do not directly face public streets and contain only multi-family residential uses. Parking is shared throughout the site; however, the parking areas north of the mixed-use buildings are proposed to be restricted to public access by gates.

The Mixed-Use land use is conditional in the C-1 zoning district. This is to ensure that definitional requirements will be met as well as aesthetic and design concerns. The development as proposed is not in conformance with one or more of the Conditional Use Regulations; pursuant to Title 19.08.040, a Special Use Permit is therefore required. The Planning Commission or City Council has discretion to require additional regulations to ensure compatibility of the use with adjacent uses.

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 as conditional uses within a C-1 or C-2 Zoning District.

The proposed use meets this regulation. The Multi-Family Residential use is permitted as of right in the R-3 and R-4 zoning districts. Within the C-1 zoning district, this use will be treated as conditional. The one conditional use regulation for this use is, “This use is permitted only in conjunction with an approved Mixed-Use development,” which this proposal meets.

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.

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The proposed use meets this regulation. The proposed commercial uses are located at the ground level facing Vegas Drive, with direct pedestrian access from Vegas Drive. The proposed convenience store will be oriented to Simmons Street.

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.

The proposed use does not meet this regulation. Two of the proposed apartment buildings with residential uses on the ground floor front on Vegas Drive, which is classified as a Primary Arterial Street by the city's Master Plan of Streets and Highways. Other buildings proposed on this site contain exclusively multi-family residential uses; however, they do not front on Vegas Drive. Simmons Street is not a master-planned street.

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 use meets does not meet this regulation. Surface parking is located at the front of the mixed use building containing the convenience store and multi-family uses. The parking area is partially screened by perimeter landscape buffers along Vegas Drive and Simmons Street. However, these buffers do not meet the minimum width requirements of Title 19.08. The remainder of the parking area is screened by other proposed buildings.

The first level of the second and third buildings (counting clockwise from the northeast corner of the site) will contain 7,403 square feet of commercial uses, including a convenience store with fuel pumps. The rear portions of those buildings are proposed to contain one and two-bedroom units. Upper floors on all buildings will have a mix of one and two-bedroom units.

The proposed building elevations are typical of midrise construction in this area, depicting one, two-story building and four, three-story buildings with a maximum height of 41 feet. Rooflines are flat with a cornice element. The exteriors consist of various colors of painted stucco that break up the mass of each building. Elevations feature variations of wall plane for visual interest. The elevations conform to Title 19 commercial development standards, but are inconsistent with typical characteristics of the existing surrounding development.

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Access and Circulation

The site is bound by three public streets: Vegas Drive, which is a 90-foot wide Primary Arterial; Simmons Street, which is currently a 60-foot wide street classified as a Minor Collector; and Windchime Drive, a 50-foot Local Street. Primary access is from one driveway each on Vegas Drive and Simmons Street. Secondary gated access is provided from Windchime Drive. Two-way circulation is provided within the commercial area along the street frontages. Behind the private access gates there is an area of one-way circulation that meets Title 19.08.110 parking design standards. The Department of Public Works has added a condition if approved stating that queues for the overall commercial portion of the site shall not extend into the public right-of-way.

Residential Adjacency

The submitted elevations indicate that each three-story building is 41 feet in height. The two-story building is 30 feet in height. Title 19.08.040(H) requires a minimum setback for buildings adjacent to single-family residential development in the R-E, R-D, R-1, R-SL or R-CL zoning districts that corresponds to a 3:1 proximity slope from the property line of the protected residential properties. In this case, the minimum setback requirement is 123 feet from the property line of the protected properties. In addition, the setback from the site property line must be the same or more than the setback for the adjacent protected properties. The applicant has accordingly requested Waivers to allow reduced proximity slope setbacks from protected properties to the north, west and south. The deviation from the standard is greatest (92 percent) along the north property line, which is shared with lots zoned R-CL and would typically require the most buffering. Staff recommends denial of the Waiver, as the height of the proposed buildings is out of character with this area and little to no mitigation of the effects of building height is proposed.

Parking

Pursuant to Title 19.18.030(D), the applicant has chosen to use the Mixed-Use Alternative Parking Standard to determine the minimum amount of parking required given the proposed commercial and residential uses. The alternative parking standard is based on percentages of the actual parking standard for different usage times during the day and the week. The Mixed-Use Alternative Parking Standard requires 17 percent fewer spaces (181) than the standard Title 19.12 parking requirement (218). Even with this reduction, the applicant is requesting a Variance to allow 144 spaces where 193 spaces are required. After the public notice was published a revised site plan was submitted showing 149 spaces, a deviation of 18 percent. There is no hardship related to the physical characteristics of the site; therefore, staff recommends denial of the Variance. Staff notes that if the mix of uses changes in the future resulting in an increase in required parking, additional parking spaces will be required.

Staff Report Page Seven**April 11, 2023 - Planning Commission Meeting****Perimeter and Parking Lot Landscaping and Sidewalks**

Landscape buffers of varying widths are provided along the site perimeter. A Waiver is requested to allow a five-foot wide buffer along the east and south property lines where 15 feet is required. Along Simmons Street, the Title 19.04 Minor Collector streetscape standard is required, leaving five feet between the proposed detached sidewalk and one of the proposed multi-family residential buildings. Although not shown on the site plan, the detached sidewalk will be required to tie into the existing attached sidewalk north of this site. The Department of Public Works will not require dedication of the sidewalk; however, a condition of approval will require a pedestrian easement to be granted to the city of Las Vegas to ensure public access to the sidewalk. Any above-ground utilities will need to be placed outside of the public right-of-way if possible, or within the amenity zone if within the right-of-way. Along Vegas Drive, the Department of Public Works has determined that the existing four-foot attached sidewalk may remain, subject to enforcement of PROWAG (Public Right-of-Way Accessibility Requirements). In order to allow the proper clearances around existing power and streetlight poles, the applicant has proposed five-foot sidewalk extensions around these poles, narrowing the buffer width along portions of Vegas Drive. Staff recommends denial of these Waivers, as adequate buffering at the perimeter should be provided for new developments. If this project is approved, the Department of Public Works will require approval of a License Agreement for installation and maintenance of all private improvements in the public right-of-way as a condition of approval.

Within the parking lot, no islands are provided and several trees at the ends of parking rows have been omitted. Although this allows for additional parking spaces, it also increases the amount of impervious surface area on the site and increases the urban heat island effect in this area. Staff therefore denies the requested Exception to allow 17 parking lot trees where 39 are required.

Other Considerations

The Clark County Department of Aviation (CCDOA) has commented that the proposed development lies just outside the 2015 AE-60 (60-65 DNL) noise contour for North Las Vegas Airport (VGT), and is subject to significant aircraft noise and continuing over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade VGT to meet future air traffic demand, and nighttime operations may and will continue to occur at VGT.

The CCDOA strongly encourages that the applicant issue a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and forward the recorded noise disclosure statements to the CCDOA's Noise Office. Neither the Federal Aviation Administration nor CCDOA will be held responsible for future resident complaints if the proposal is approved. Additionally, the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after

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October 1, 1998, and funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed. In spite of these advisements, staff recognizes the applicant's right to develop this property with full disclosure and acknowledgment of the impacts of airport operations on such development.

According to the Traffic Engineering Section of the Department of Public Works, this project is projected to add approximately 3,094 vehicle trips per day on Vegas Drive and Simmons Street. This data is based on 112 residential units, a 2,000-4,000 square-foot convenience store, eight fueling stations and an additional 4,000 square feet of retail uses. Currently, Vegas Drive is at about 45 percent of capacity and Simmons Street is at about 23 percent of capacity. With this project, Vegas Drive is expected to be at about 54 percent of capacity and Simmons Street to be at about 42 percent of capacity. Based on Peak Hour use, this development will add into the area roughly 231 additional peak hour trips, or about four every minute.

The Clark County School District (CCSD) has commented on the impact future development might have on the three levels of schools in the area. CCSD projects that approximately 34 additional primary and secondary school students would be generated by the proposed development on this site. According to CCSD, Detweiler Elementary School and West Prep Middle School are each under capacity for the 2022-23 school year. Western High School is about 14 percent over capacity.

The proposed mixed-use development would provide infill residential and commercial development on vacant land, which is an objective of both the Las Vegas Plan and the Las Vegas 2050 Master Plan in this area. However, the proposed development does little to increase the walkability of the area. The three-story buildings would introduce a change of character in this area, which currently consists primarily of single-story residential dwellings. As the site is located on the edge of the C-1 zoning district, efforts should be taken to mitigate the effects of higher intensity and higher density development on the adjacent residential development. Instead, the applicant has requested sizable Waivers of residential adjacency and landscape buffering standards and a Variance to allow a reduction in required parking. The development as proposed is therefore not compatible with the surrounding development. Staff recommends denial of the Variance, Special Use Permit and Site Development Plan Review, with conditions if approved.

FINDINGS (23-0050-VAR1)

In accordance with the provisions of Title 19.16.140(B), the Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;

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2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.16.140(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by providing fewer parking spaces than the proposed uses require. Reducing the number of residential units or commercial floor area or a combination of the two would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

FINDINGS (23-0050-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 Mixed-Use land use cannot be conducted in a manner that is harmonious to the surrounding single-family residential land uses, as multiple residential adjacency standards and parking standards cannot be met as a result of height and density that far exceed development typical for this neighborhood.

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

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The subject site cannot accommodate the proposed number of residential units and commercial floor area without the need for a variance to allow a reduction in the number of required parking spaces.

- 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.**

Vegas Drive is a Primary Arterial Street as classified by the city's Master Plan of Streets and Highways. Currently 90 feet wide, there are no current plans to expand this facility. Simmons Street is 60 feet wide and requires a sidewalk. Windchime Drive, a fully improved Local Street, is 50 feet wide and will provide secondary, gated access to residential. With implementation of conditions of approval, these streets are adequate in size to meet the needs of the proposed Mixed-Use land use.

- 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 use will be subject to business license requirements and routine inspection for compliance, thereby protecting the public health, safety and general welfare.

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

Mixed-Use is a conditional use in the C-1 (Limited Commercial) zoning district. Two of the conditional use regulations for this use cannot be met; therefore, a Special Use Permit is required pursuant to Title 19.12.040.

FINDINGS (23-0050-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 mixed-use development is incompatible with the surrounding single-family residential land uses. The height and density of the development far exceeds development typical for this neighborhood.

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

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Although the 2050 Las Vegas Master Plan and the West Las Vegas Plan support mixed-use infill development on vacant lots, the proposed development is inconsistent with the goals and policies of the West Las Vegas Plan and Title 19, which recommend that denser mixed-use developments mitigate impacts to the surrounding lower density residential uses. The development as proposed requires a Variance to reduce the parking requirement as well as multiple Waivers of residential adjacency and development standards that staff does not support.

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

Primary access to the site is from Vegas Drive, a 90-foot Primary Arterial (as designated on the Master Plan of Streets and Highways) and Simmons Street, a 60-foot Minor Collector. Secondary access is provided from Windchime Drive, a 50-foot wide Local Street. The provided access points are appropriate, and circulation around the site is logical and should not negatively impact traffic in this area. If approved, the Department of Public Works will require the access to Windchime Drive be egress or emergency access only.

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

The building and materials provided are typical for midrise buildings in this area. Landscape planting materials are drought-resistant and 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 submitted building elevations create an orderly and aesthetically pleasing environment and are varied in wall plane, materials, colors and architectural designs for visual interest. However, the three-story buildings shown thereon are out of character with existing buildings on surrounding properties.

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

Development of the site 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, Building, Code Enforcement, etc.</i>	
06/24/99	The Planning Commission approved a request for a Site Development Plan Review (SD-0016-99) for a proposed 7,140 square-foot office building on property located on the northeast corner of Vegas Drive and Windchime Drive. Staff recommended approval.
03/01/06	The City Council approved a request for a General Plan Amendment (GPA-7292) to redesignate future land use designations on the West Las Vegas Area Plan map. With approval of this action, the land use designation of the subject site was amended from ML (Medium Low Density Residential) to SC (Service Commercial). The Planning Commission and staff recommended approval.
06/16/21	The City Council voted to Withdraw Without Prejudice a request for a Special Use Permit (21-0783-SUP2) for a proposed Wireless Communications Facility, Stealth Design [monopine] use at the northeast corner of Vegas Drive and Windchime Drive. The Planning Commission and staff recommended denial.
	The City Council voted to Withdraw Without Prejudice a request for a Variance (21-0783-VAR1) to allow a 32-foot residential adjacency setback where 210 feet is required on 0.66 acres at the northeast corner of Vegas Drive and Windchime Drive. The Planning Commission and staff recommended denial.
05/18/22	The City Council voted to Withdraw Without Prejudice a request for a General Plan Amendment (21-0783-GPA1) from SC (Service Commercial) to GC (General Commercial) on 3.03 acres at the northwest corner of Vegas Drive and Simmons Street. The Planning Commission and staff recommended denial.
	The City Council voted to Withdraw Without Prejudice a request for a Rezoning (21-0783-ZON1) from C-1 (Limited Commercial) to C-2 (General Commercial) on 3.03 acres at the northwest corner of Vegas Drive and Simmons Street. The Planning Commission and staff recommended denial.
	The City Council voted to Withdraw Without Prejudice a request for a Variance (21-0783-VAR1) to allow an eight-foot tall fence where five feet is the maximum allowed in the front yard setback area and non-decorative, non-contrasting wall materials where such are required on 3.03 acres at the northwest corner of Vegas Drive and Simmons Street. The Planning Commission and staff recommended denial.

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
05/18/22	The City Council voted to Withdraw Without Prejudice a request for a Special Use Permit (21-0783-SUP1) for a proposed Trucking Company use with Waivers to allow more than five trucks or trailer and to allow the use to be visible from adjoining streets at the northwest corner of Vegas Drive and Simmons Street. The Planning Commission and staff recommended denial.
	The City Council voted to Withdraw Without Prejudice a request for a Site Development Plan Review (21-0783-SDR1) for a proposed trucking company vehicle storage facility on 3.03 acres at the northwest corner of Vegas Drive and Simmons Street. The Planning Commission and staff recommended denial.
02/15/23	The City Council approved a request for a Special Use Permit (22-0614-SUP1) for a proposed Car Wash, Full Service or Auto Detailing use at the northeast corner of Vegas Drive and Simmons Street. Staff recommended denial.
	The City Council approved a request for a Site Development Plan Review (22-0614-SDR1) for a proposed 4,814 square-foot car wash development with Waivers of Title 19 building orientation and landscape buffer requirements. Staff recommended denial.
03/14/23	<p>The Planning Commission voted (7-0-0) to abey the following project requests on 3.03 acres at the northwest corner of Vegas Drive and Simmons Street to the April 11, 2023 Planning Commission meeting:</p> <p>23-0050-VAR1 - VARIANCE - TO ALLOW 144 PARKING SPACES WHERE 193 ARE REQUIRED;</p> <p>23-0050-SUP1 - SPECIAL USE PERMIT - FOR A PROPOSED MIXED-USE DEVELOPMENT;</p> <p>23-0050-SDR1 - SITE DEVELOPMENT PLAN REVIEW - FOR A PROPOSED THREE-STORY MIXED-USE DEVELOPMENT WITH 112 MULTI-FAMILY RESIDENTIAL UNITS AND 7,403 SQUARE FEET OF COMMERCIAL FLOOR AREA, INCLUDING A CONVENIENCE STORE WITH FUEL PUMPS AND CANOPY WITH WAIVERS OF THE PERIMETER LANDSCAPE BUFFER REQUIREMENTS, RESIDENTIAL ADJACENCY STANDARDS AND BUILDING ORIENTATION STANDARDS.</p>

Most Recent Change of Ownership

06/14/05	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

There are no building permits or business licenses associated with the subject site.

Pre-Application Meeting

01/09/23	A pre-application meeting was held with the applicant to discuss submittal requirements related to a mixed-use project. Two site layouts were presented to staff. Code issues related to both options were discussed.
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Neighborhood Meeting

01/09/23	A neighborhood meeting was not required; however, the applicant held a voluntary neighborhood meeting at the West Las Vegas Library, 951 West Lake Mead Boulevard in Las Vegas.
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Field Check

02/02/23	The site is undeveloped, unpaved and free of trash and debris. Some weeds were detected along the north wall and south property line. Simmons Street is partially improved with a curb and gutter but no sidewalk or amenity zone. Vegas Drive and Windchime Drive are fully improved with an existing attached sidewalk. Overhead electric line poles and light poles are located in the sidewalk along Vegas Drive.
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Details of Application Request
Site Area

Net Acres	3.03
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Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Undeveloped	SC (Service Commercial)	C-1 (Limited Commercial)
North	Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
South	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
East	Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)

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Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
	Car Wash, Full Service or Auto Detailing	SC (Service Commercial)	C-1 (Limited Commercial)
West	Undeveloped	SC (Service Commercial)	C-1 (Limited Commercial)

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: West Las Vegas	Y
West Las Vegas Plan	Y
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District (70 Feet)	Y
Other Plans or Special Requirements	Compliance
Trails	N/A
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, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	131,987 SF	N/A
Min. Lot Width	100 Feet	251 Feet	Y
Min. Setbacks			
• Front (Simmons/Windchime)	10 Feet	10 Feet	Y
• Side	10 Feet	10 Feet	Y
• Corner (Vegas)	10 Feet	20 Feet	Y
• Rear	N/A	N/A	N/A
Min. Distance Between Buildings	10 Feet	10 Feet	Y
Max. Lot Coverage	50 %	28 %	Y
Max. Building Height	N/A	41 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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Pursuant to Title 19.08.040, the following standards apply:

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope - north	123 Feet	10 Feet	N* (92%)
3:1 proximity slope - west	123 Feet	60 Feet	N* (51%)
3:1 proximity slope - south	123 Feet	109 Feet	N* (11%)
Adjacent development matching setback - north (R-CL)	10 Feet	10 Feet	Y
Adjacent development matching setback - west and east (R-CL)	10 Feet	10 Feet	Y
Adjacent development matching setback - south (R-1)	20 Feet 15 Feet	20 Feet 19 Feet	Y Y
Trash Enclosure	50 Feet	90 Feet	Y

*A Waiver is requested. See Waiver table below.

Pursuant to Title 19.08, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	26 Trees	27 Trees	Y
• South	1 Tree / 20 Linear Feet	22 Trees	22 Trees	Y
• East	1 Tree / 20 Linear Feet	7 Trees	7 Trees	Y
• West	1 Tree / 20 Linear Feet	9 Trees	9 Trees	Y
TOTAL PERIMETER TREES		64 Trees	65 Trees	Y
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	39 Trees	17 Trees	N*
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	8 Feet		10 Feet	Y
• South	15 Feet		5 Feet	N**
• East	15 Feet except where building setback less		5 Feet	N**
• West	15 Feet except where building setback less		10-15 Feet	Y

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LANDSCAPE BUFFER WIDTHS			
Wall Height	6 to 8 Feet Adjacent to Residential	Proposed 6-foot CMU wall along north property line to connect to existing 6-foot CMU wall	Y

*An Exception is required. See Exception table below.

**A Waiver is required. See Waiver table below.

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Simmons St	Minor Collector	Title 13 / Title 19.04 Complete Streets	55	N*
Vegas Dr	Primary Arterial	Master Plan of Streets and Highways Map	90	N**
Windchime Dr	Local Street	Title 13	50	Y

*Title 19.04 Complete Streets improvements are required. The Department of Public Works will require all incomplete half-street improvements on Simmons Street to be completed as part of this project.

**The Department of Public Works has determined that no additional right-of-way for Vegas Drive is needed at this time.

Pursuant to Title 19.04, the following standards apply:

Streetscape Standards	Required	Provided	Compliance
Simmons Street (Minor Collector)			
Amenity Zone	5 Feet	5 Feet	Y
Sidewalk	5 Feet detached	5 Feet detached (on private property)	Y
Landscaping	(1) 24" box tree every 40 feet on center in amenity zone	Max 36" tall hedge in amenity zone (within ROW) with 24" box trees at 21-foot intervals	Y

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Streetscape Standards	Required	Provided	Compliance
Vegas Drive (Primary Arterial)			
Amenity Zone	No existing amenity zone/none required	Not provided	Y*
Sidewalk	Existing sidewalk in conformance with PROWAG	4 Feet existing with additional 5-foot clearance around existing power poles and light poles	Y*
Landscaping	No existing landscaping/none required	Not provided	Y*

*Pursuant to Title 19.04.010(B), the Department of Public Works has determined the existing conditions are acceptable in lieu of the required improvements.

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	
General Retail, Other Than Listed	7,403 SF	1 space per 175 SF GFA	43				
Multi-Family Residential - 1 BR	53 units	1.25 spaces per unit	67				
Multi-Family Residential - 2 BR	51 units	1.75 spaces per unit	90				
Multi-Family Residential - Guest Parking	104 units	1 space per 6 units	18				
TOTAL SPACES REQUIRED			218			149	
Regular and Handicap Spaces Required			216	2	145	4	N*
Loading Spaces	7,403 SF	< 10,000 SF	1		1		Y
Percent Deviation			25% (based on public notice)				

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*A Variance is required, using the Mixed-Use Development Alternative Parking Requirement below. Two ADA parking spaces are required based on 43 required spaces for Retail & Personal Services uses.

Mixed Use Alternative	Parking Ratio	Mid-7am	Mid-7am	7am-6pm	7am-6pm	6pm-Mid	6pm-Mid
Retail & Personal Services	1 space per 175 SF GFA	0%	0	100%	42.30	80%	33.84
Residential – studio/1 BR	1.25 spaces per unit	100%	66.25	55%	36.44	85%	56.31
Residential – 2 BR	1.75 spaces per unit	100%	89.25	55%	49.09	85%	75.86
Residential – Guest Parking	1 space per 6 units	100%	17.33	55%	9.53	85%	14.73
WEEKDAY TOTAL			172.83		137.36		180.75
Retail & Personal Services	1 space per 175 SF GFA	0%	0	100%	42.30	60%	25.38
Residential – studio/1 BR	1.25 spaces per unit	100%	66.25	65%	43.06	75%	49.69
Residential – 2 BR	1.75 spaces per unit	100%	89.25	65%	58.01	75%	66.94
Residential – Guest Parking	1 space per 6 units	100%	17.33	65%	11.27	75%	13.00
WEEKEND TOTAL			172.83		154.64		155.01
MIXED USE REQUIREMENT			173		155		181
TOTAL PARKING REQUIREMENT							181

At least 181 spaces are required for the proposed development using the Mixed-Use Development Alternative Parking Requirement. The site plan indicates that 149 spaces will be provided. A Variance is requested to allow 144 parking spaces where 193 spaces are required based on the request at the time of notice to the public. The deviation from the Title 19 requirement has been reduced from 25% to 18%.

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Waivers		
Requirement	Request	Staff Recommendation
3:1 Residential adjacency proximity slope setback from protected properties to the north, south, east and west of the subject site	<p>To allow a 10-foot setback from the north property line where 123 feet is required</p> <p>To allow a 60-foot setback from the west property line where 123 feet is required</p> <p>To allow a 109-foot setback from the south property line where 123 feet is required</p>	Denial
15-foot perimeter landscape buffers adjacent to right-of-way	To allow a 5-foot perimeter landscape buffer along the east and south property lines	Denial
Buildings on corner lots should be oriented to the corner and to the street fronts, and should make a strong tie to the building lines of each street. Parking and curb cuts shall be located away from corners.	Building is set back from the corner of Vegas Drive and Simmons Street; parking is located at the corner.	Denial

Exceptions		
Requirement	Request	Staff Recommendation
24" box shade trees every 6 spaces in parking lot, plus one tree at end of each row	17 parking lot trees where 39 required	Denial