



**LAS VEGAS  
CITY COUNCIL**

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DEPARTMENT OF  
COMMUNITY DEVELOPMENT

**SETH T. FLOYD**  
DIRECTOR

**CITY HALL**

495 S. MAIN ST.  
1ST FLOOR  
LAS VEGAS, NV 89101  
702.229.6301 | VOICE  
702.464.2545 | FAX  
711 | TTY



cityoflasvegas | lasvegasnevada.gov

July 19, 2023

Jack Panou  
The Golden Apartments LLC  
1735 North Nellis Boulevard Suites E, D  
Las Vegas, Nevada 89115

**RE: 23-0050 [VAR1, SUP1 AND SDR1]  
CITY COUNCIL MEETING OF JULY 19, 2023**

Dear Applicant:

The City Council at a regular meeting held on *July 19, 2023* voted to **APPROVE** the following Land Use Entitlement project requests on 3.03 acres at the northwest corner of Vegas Drive and Simmons Street (APNs 139-20-403-001 and 002), C-1 (Limited Commercial) Zone, Ward 5 (Crear).

**23-0050-VAR1 - VARIANCE - TO ALLOW 144 PARKING SPACES WHERE 193 ARE REQUIRED**

**23-0050-SUP1 - SPECIAL USE PERMIT - FOR A PROPOSED MIXED-USE DEVELOPMENT**

**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**

This approval is subject to the following 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.
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 06/15/23 and building elevations, date stamped 05/24/23, 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 where 81 feet is required, and 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.
7. A Waiver from Title 19.08.070 is hereby approved, to allow a minimum five-foot wide perimeter buffer along the east and south property lines where 15 feet is required, a 14-foot wide perimeter buffer along a portion of the west property line where 15 feet is required and a five-foot wide perimeter buffer along the north property line where eight feet is required.
8. An Exception from Title 19.08.110(C) is hereby approved, to allow 16 parking lot trees where 37 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.
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.
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](mailto: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.

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.

The Notice of Final Action was filed with the Las Vegas City Clerk on July 20, 2023.

Sincerely,



Seth T. Floyd  
Director of Community Development

STF:PL:nl

cc:

Lora Dreja  
Brown Brown & Premsirut  
520 South Fourth Street  
Las Vegas, Nevada 89135