

LANDSCAPING/OFF-SITES
(TITLE 30)

LAS VEGAS BLVD S/CACTUS AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-23-0396-MACKOVSKI, ALEXANDER:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** landscaping; and **2)** off-site improvements in conjunction with a previously approved hotel and retail development on 2.8 acres in a C-2 (General Commercial) Zone.

Generally located on the east side of Las Vegas Boulevard South, 430 feet south of Cactus Avenue within Enterprise. MN/hw/syp (For possible action)

RELATED INFORMATION:

APN:

177-33-101-005 through 177-33-101-009; 177-33-111-004; 177-33-111-005

WAIVERS OF DEVELOPMENT STANDARDS:

1. Eliminate street landscaping and detached sidewalks along Conn Avenue and Giles Street where required per Figure 30.64-17 (a 100% reduction).
2. Eliminate off-site improvements (sidewalks, curbs, gutters, pavement, and streetlights) along Conn Avenue and Giles Street where required per Section 30.52.040.

LAND USE PLAN:

ENTERPRISE - CORRIDOR MIXED-USE

ENTERPRISE - ENTERTAINMENT MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 2.8
- Project Type: Waive landscaping and off-site improvements for a hotel & retail complex
- Number of Stories: 4 (hotel)/1 (retail) (per ZC-21-0119)
- Building Height (feet): 49.5 (hotel)/24 (retail) (per ZC-21-0119)
- Square Feet: 13,940 (hotel)/4,650 (retail)
- Parking Required/Provided: 101/112 (site plus shared parking agreement spaces)

Site Plan, History, & Request

The plan provided depicts a previously approved hotel and retail complex located to the east of Las Vegas Boulevard South and approximately 330 feet south of Cactus Avenue. This complex was originally approved by the Board in May 2021 through ZC-21-0119. This application included a zone change from the H-2 (General Highway Frontage) zone to the C-2 (General Commercial) zone with waivers for the front setback of the retail building, alternative landscaping along Las Vegas Boulevard South, non-standard improvements (landscaping) in the Las Vegas Boulevard South right-of-way, and driveway geometrics. This application was to expire in May of 2023, but was extended to May 2025 to commence with ET-23-400078 (ZC-21-0119) in July of 2023.

The plan shows the previously approved 4,650 square foot retail building on the west side of the property along Las Vegas Boulevard South and the previously approved, 13,940 square foot, 4 story hotel building located in the southeast corner of the site. Access to the site is shown to be from a commercial driveway in the southwest corner of the site along Las Vegas Boulevard South, as was previously approved. Parking is provided throughout the site surrounding both the retail and hotel buildings and is accessed through a two-way, 24 foot driveway aisle that weaves through the site in an S shape. There are 2 points of cross access that were provided, 1 is in the north central portion of the site and provided to the retail complex to the north, and another located in the southeast corner of the site that provides access to the undeveloped parcel to the south. Both the access points and parking are shown as approved by ZC-21-0119.

The applicant is requesting the subject waivers of development standards to eliminate landscaping, sidewalks, and required off-sites, because of the required dedication of an elbow intersection at the intersection of Giles Street and Conn Avenue. Due to the required radius of the elbow intersection (75 feet), the right-of-way extends onto the subject property approximately 11 feet, which triggers the need for street landscaping, detached sidewalks, streetlights, curbs, and pavement in the very southeast corner of the property adjacent to the dedication, due to the 60 foot width of the Conn Avenue right-of-way. The plans show the applicant is proposing to pave a 20 foot to 35 foot section of Conn Avenue from where the paved portion of Conn Avenue ends currently (approximately 37 feet from the southeast property line) to 10.5 feet within the property boundary. Due to the placement of the right-of-way dedication and a Las Vegas Valley Water District easement, a 28 foot portion of the intense landscape buffer on the eastern property line and 3 parking stalls had to be removed from what was originally proposed in ZC-21-0119. The reduction in parking results in a total of 97 stalls being provided on-site with 15 spaces supplementing the on-site total due to a parking agreement. These additional 15 spaces are located in the south central portion of the northern retail complex adjacent to the proposed hotel/retail complex. This leads to 112 total provided spaces where 101 parking spaces are required for the uses on the subject site, based on shared parking totals.

Landscaping

The plans show that the landscaping as previously approved in ZC-21-0119 has remained essentially the same, except for the loss of a 294 square foot (28 feet long by 10.5 feet wide) portion of intense landscaping buffer in the southeastern corner of the property. The intense buffer along the eastern property line still contains a 10.5 foot wide planting strip with 2 rows of Calabrian Pine (*Pinus brutia*) trees 10 feet on center. The Calabrian Pine is a change from the

Afghan Pine (*Pinus brutia* var. *eldarica*) that was on the previously approved landscape plan. This intense buffer extends the otherwise full length of the eastern property line to the right-of-way line of Conn Avenue, based on this an additional waiver of development standards is not needed. The plans also indicate that decorative rock will be provided in the areas where parking stalls have been lost and are outside of the dedication/pavement area.

The plans provided, which otherwise matched the approved landscape plans, show the western 100 feet of the site as part of the future right-of-way for Las Vegas Boulevard South. A detached sidewalk is depicted within the right-of-way that is set back approximately 5 feet from the back of curb. Between this detached sidewalk and the edge of the future right-of-way, the plan depicts Mexican Fan Palm (*Washingtonia robusta*) trees, shrubs, and groundcover within this area. Within the 11 foot setback to the future right-of-way line for the commercial building the plan depicts landscaping consisting of Holly Oak (*Quercus ilex*) trees, shrubs, and groundcover, which the plans indicate will remain when future street improvements widen the right-of-way. Additional landscape areas are provided in the parking areas and adjacent to the buildings. Along the north side of the hotel building and along the southern property line, an 8 foot landscaping strip is shown with terminating landscaping islands. Along the north property line, a similar landscaping strip is provided, but only at a 6 foot width. Along the western property line, the 10.5 foot landscaping strip is combined with terminating landscape islands and a landscape island finger. Along the edge of the retail building, terminating and finger landscape islands are provided between every 4 to 6 spaces. All parking lot landscaping strips contain Holly Oak and Mexican Fan Palms with shrubs and groundcover. All necessary landscape waivers were approved with ZC-21-0119.

Applicant's Justification

The applicant states that the waivers being requested are due to the needed dedication of an elbow intersection of 75 feet, which accounts for fire truck turning. They state that they will extend the pavement of Conn Avenue to their property. The applicant states that 3 parking spaces will be lost due to this dedication and the placement of a Las Vegas Valley Water District easement. They state that decorative rock will be placed in the areas outside of the dedication area where parking has been lost. Additionally, they indicate that they expect no impacts to the surrounding area as a result of the loss in landscaping and off-site infrastructure due to the requested waivers.

Prior Land Use Requests

Application Number	Request	Action	Date
ET-23-400078 (ZC-21-0119)	First extension of time to reclassify the site from H-2 to C-2 zoning for a hotel and retail building with waivers	Approved by BCC	July 2023
ZC-21-0119	Reclassified the site from H-2 to C-2 zoning for a hotel and retail building with waivers	Approved by BCC	May 2021
PA-18-700009	Amended the land use categories from CT (Commercial Tourist) and OP (Office Professional) to CG (Commercial General) for the site	Approved by BCC	March 2019

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Entertainment Mixed-Use & Corridor Mixed-Use	C-2	Commercial/retail complex
South	Entertainment Mixed-Use & Neighborhood Commercial	H-2	Undeveloped
East	Ranch Estate Neighborhood (up to 2 du/ac)	R-E (RNP-I)	Single family residential
West	Entertainment Mixed-Use	H-1	Undeveloped

The subject site is within the Public Facilities Needs Assessment (PFNA) area.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis

Comprehensive Planning

Waivers of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

Waiver of Development Standards #1

While staff would not normally support the elimination of sidewalks and street landscaping, staff finds that the landscaping and detached sidewalks would be required on only a small, 22 foot corner section of the property on adjacent to currently underdeveloped roads with no sidewalks. As a result, staff finds that asking the applicant to provide a detached sidewalk with associated landscaping at this location would be out of place and would result in sidewalks leading to either unpaved streets or streets with no sidewalks. In addition, staff finds that given that the properties to the east are both zoned and planned for rural residential lots and uses and are protected as such by an RNP-I Overlay, it is unlikely future development on Conn Avenue would result in the need for sidewalks, and, as a result, leaving this portion of Conn Avenue without sidewalks and landscaping would not present a detriment to the area. While development to the south along Giles Street may lead to the need for sidewalks and landscaping, leaving the intersection curve/northern portion of Giles Street without landscaping should not lead to any issues, as significant landscaping is already provided by the intense buffer north of the intersection and this portion has already been approved without sidewalks. As a result, landscaping and sidewalks stopping before the intersection should also not pose an issue to the area in this scenario and may provide a transition from the more commercially adjacent Giles Street to the more residentially adjacent Conn Avenue. For these reasons, staff can support this request.

Public Works - Development Review**Waiver of Development Standards #2**

Staff has no objection to not install off-site improvement on the small portion of Conn Avenue and Giles Street as the portion of right-of-way that is impacted by their site is minimal.

Staff Recommendation

Approval.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:**Comprehensive Planning**

- Until May 5, 2025 to commence, to correspond with ET-23-400078 (ZC-21-0119).
- Applicant is advised approval of this application does not constitute or imply approval of any other County issued permit, license or approval; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

Public Works - Development Review

- Execute a Restrictive Covenant Agreement (deed restrictions).

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Enterprise - approval.

APPROVALS:

PROTESTS:

APPLICANT: ALEXANDER MACKOVSKI

CONTACT: ALEXANDER MACKOVSKI, 1594 VILLA RICA DRIVE, HENDERSON, NV 89052