

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-25-0506-BLUE SKY IRREVOCABLE TRUST:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduced street landscaping; **2)** reduced setback; **3)** allow an attached sidewalk; and **4)** alternative driveway geometrics.

DESIGN REVIEW for a commercial building on 0.4 acres in a CG (Commercial General) Zone.

Generally located south of Charleston Boulevard and east of Mojave Road within Sunrise Manor. TS/mh/kh (For possible action)

RELATED INFORMATION:

APN:

162-01-510-001

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce the width of the street landscape area along Charleston Boulevard to 5 feet where a minimum of 6 feet is required per Section 30.04.01D (a 17% reduction).
2. Reduce the side street setback to 5 feet where a minimum of 10 feet is required per Section 30.02.14B (a 50% reduction).
3. Allow an attached sidewalk along Mojave Road where a detached sidewalk is required per Section 30.04.08C.
4.
 - a. Reduce the driveway approach distance along Mojave Road to the intersection of Charleston Boulevard and Mojave Road to 77 feet where a minimum distance of 150 feet is required per Section 30.04.08 and Uniform Standard Drawing 222.1 (a 49% reduction).
 - b. Reduce the ingress driveway throat depth for a proposed driveway along Mojave Road to 9 feet where a minimum of 25 feet is required per Section 30.04.08 and Uniform Standard Drawing 222.1 (a 64% reduction).
 - c. Reduce the egress driveway throat depth for a proposed driveway along Mojave Road to 16 feet where a minimum of 25 feet is required per Section 30.04.08 and Uniform Standard Drawing 222.1 (a 36% reduction).

LAND USE PLAN:

SUNRISE MANOR - NEIGHBORHOOD COMMERCIAL

BACKGROUND:

Project Description

General Summary

- Site Address: 3121 E. Charleston Boulevard

- Site Acreage: 0.4
- Project Type: Commercial
- Number of Stories: 1
- Building Height (feet): 19
- Square Feet: 5,830
- Parking Required/Provided: 17/16
- Sustainability Required/Provided: 7/4.5

History & Site Plan

The site was previously approved for a convenience store via UC-19-0745 in January 2020. An administrative extension of time (ADET-22-900186) was approved in April 2022, but subsequently expired on January 21, 2023 due to the project failing to commence. The applicant is now proposing a new commercial building with associated waivers of development standards.

The plans depict a new 5,830 square foot building that is set back 5 feet from the north property line, 10 feet from the east property line, 23 feet from the south property line, and 81 feet from the west property line. The side street setback requirement from the north property line is 10 feet, so the 5 foot setback provided requires a waiver of development standards. The site is accessed via a 2-way commercial driveway along Mojave Road. The ingress and egress throat depths for the driveway along Mojave Road are 9 feet and 16 feet, respectively, where a minimum of 25 feet is required, necessitating a waiver of development standards. Parking is located along the west side of the building, with 16 spaces provided where 17 are required. However, the site is located approximately 260 feet east of a fixed transit stop along Charleston Boulevard, allowing for a 10% parking reduction; therefore, the parking reduction is permissible without a waiver of development standards. A pedestrian walkway connects the south side of the parking area to the building entrances, with an approximately 7 foot wide walkway provided along the building frontage. A loading space is located southwest of the building, and the trash enclosure is located just west, along the south property line. A 5 foot high screen wall is located along the east property line.

Landscaping

The plans depict attached sidewalks with street landscaping along Charleston Boulevard and Mojave Road, consisting of medium and large trees, shrubs, and groundcover. The landscape area along Mojave Road is 10 feet in width as required by Title 30, while the landscape area along Charleston Boulevard is 5 feet in width where 6 feet is required, requiring a waiver of development standards. Several of the trees along the streets are within 20 feet of the parking area and count toward the parking area tree requirement per Title 30. Trees are provided at the ends of both parking areas, with additional shrubs located along the south property line.

Elevations

The plans depict a 19 foot high building with a flat roofline. The west side of the building features storefront doors, while the east side has man doors to exit the building. The south side has an exit for the fire riser room. The north side of the building does not provide any architectural enhancements or articulations. The south, east, and west building façades feature white doors and a stucco finish painted an almond color.

Floor Plans

The plans depict an open layout featuring a mix of office and retail uses, with a total area of 5,830 square feet. The plans indicate that the retail and office suites on the south end of the building will be part of the Phase 1 construction, while the convenience store and liquor store on the north side of the building will be part of the Phase 2 construction. A fire riser room is located in the southeast corner of the building.

Applicant's Justification

The applicant states that the site was formerly occupied by a convenience store and is now vacant. The site entrance has been redesigned to align with the preferences of Public Works. The landscaping does not meet the Title 30 standards, but it should be sufficient and will exceed the landscaping provided on neighboring properties. The driveway along Mojave Road has been located as far south as possible, but site constraints prevent the minimum approach distance from being met. The proposed use is consistent with the zoning and is compatible with residential development in the vicinity of the site.

Prior Land Use Requests

Application Number	Request	Action	Date
ADET-22-900186 (DR-19-0745)	First extension of time for use permits for a convenience store and alcohol sales, waivers for reduced parking, reduced separation for trash enclosure, alternative landscaping, reduced driveway separation, and alternative driveway geometrics, and design reviews for a retail building and alternative parking lot landscaping - expired	Approved by ZA	April 2022
UC-19-0745	Use permits for a convenience store and alcohol sales, waivers for reduced parking, reduced separation for trash enclosure, alternative landscaping, reduced driveway separation, and alternative driveway geometrics, and design reviews for a retail building and alternative parking lot landscaping - expired	Approved by PC	January 2020

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	City of Las Vegas	M	Office
South	Compact Neighborhood (up to 18 du/ac)	RS3.3	Manufactured home park
East	Neighborhood Commercial	CG	Vehicle maintenance
West	Compact Neighborhood (up to 18 du/ac)	RS3.3 & C-1	Undeveloped

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request is consistent with the Master Plan and is in compliance with Title 30.

Analysis

Comprehensive Planning

Waivers of Development Standards

The applicant shall have the burden of proof to establish that the proposed request is appropriate for its proposed location by showing the following: 1) the use(s) of the area adjacent to the subject property will not be affected in a substantially adverse manner; 2) the proposal will not materially affect the health and safety of persons residing in, working in, or visiting the immediate vicinity, and will not be materially detrimental to the public welfare; and 3) the proposal will be adequately served by, and will not create an undue burden on, any public improvements, facilities, or services.

Waiver of Development Standards #1

Staff finds that the reduction in the landscape area width along Charleston Boulevard is minimal, particularly because the applicant is providing enough trees to meet Title 30 standards. Staff does not anticipate any adverse effects resulting from the reduced landscape area. Therefore, staff can support this request.

Waiver of Development Standards #2

Staff finds that the building setback reduction along the north property line will not negatively impact the public right-of-way or surrounding properties. The lot size and configuration constrain the extent to which the site can feasibly be developed, and staff has no objection to the proposed setback reduction. Therefore, staff can support this request.

Design Review

Development of the subject property is reviewed to determine if 1) it is compatible with adjacent development and is harmonious and compatible with development in the area; 2) the elevations, design characteristics and others architectural and aesthetic features are not unsightly or undesirable in appearance; and 3) site access and circulation do not negatively impact adjacent roadways or neighborhood traffic.

Staff finds that the site is generally well designed and compatible with development in the surrounding area. However, the building does not meet the design standards for nonresidential development and the site does not provide the sustainability measures required by Title 30. Therefore, staff cannot support the design review.

Public Works - Development Review

Waiver of Development Standards #3

Staff cannot support the request to allow an attached sidewalk in place of a detached sidewalk along Mojave Road. The site is new construction; therefore, there is no reason a detached sidewalk cannot be installed. Additionally, detached sidewalks along streets provide a safer pathway for pedestrians by increasing the distance from traffic.

Waiver of Development Standards #4a

Staff has no objection to the reduction in the approach distance for the Mojave Road commercial driveway. The applicant placed the driveway as far south as the site will allow. However, since staff cannot support this application in its entirety, staff cannot support this request.

Waivers of Development Standards #4b & #4c

Staff cannot support the request to reduce the throat depth for the commercial driveway on Mojave Road. Staff finds vehicles entering the site will come into conflict with the loading dock opposite the commercial driveway. Furthermore, the sanitation bin enclosure adjacent to the commercial driveway will create stacking in the right-of-way when a sanitation truck is present.

Staff Recommendation

Approval of waivers of development standards #1 and #2; denial of waivers of development standards #3 and #4 and the design review.

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

If approved:

- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance.
- Applicant is advised within 2 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; 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; changes to the approved project will require a new land use application; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Applicant to relocate the sanitation bin enclosure and loading zone away from the Mojave Road commercial driveway;
- 30 days to coordinate with Public Works - Design Division and submit separate document if required, for dedication of any necessary right-of-way and easements for the Mojave Road improvement project;
- Said dedication must occur prior to issuance of building permits, concurrent with the recording of a subdivision map, OR within 30 calendar days from a request for dedication by the County.

- Applicant is advised that off-site improvement permits may be required; and that Nevada Department of Transportation (NDOT) permits may be required.

Fire Prevention Bureau

- Applicant is advised that fire/emergency access must comply with the Fire Code as amended.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0050-2026 to obtain your POC exhibit; and flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Sunrise Manor - approval.

APPROVALS:

PROTESTS:

APPLICANT: DAVID STRAIT

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