

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ZC-23-0931-GTL PROPERTIES LLC:**

**HOLDOVER ZONE CHANGE** to reclassify 2.8 acres from a C-2 (General Commercial) Zone to an R-5 (Apartment Residential) Zone.

**WAIVER OF DEVELOPMENT STANDARDS** for reduced parking.

**DESIGN REVIEWS** for the following: **1)** alternative parking lot landscaping; **2)** a restaurant; and **3)** a multiple family residential development on 3.2 acres.

Generally located on the south side of Charleston Boulevard, approximately 300 feet east of Lamb Boulevard within Sunrise Manor (description on file). TS/hw/ng (For possible action)

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RELATED INFORMATION:

**APN:**

161-05-115-002; 161-05-115-010

**WAIVER OF DEVELOPMENT STANDARDS:**

1. a. Reduce the number of required parking stalls for a drive-thru restaurant to 7 spaces where 8 spaces are required per Table 30.60-1 (a 13% reduction).
- b. Reduce the number of required parking stalls for a multiple family development to 169 spaces where 212 spaces are required per Table 30.60-1 (a 20% reduction).

**DESIGN REVIEWS:**

1. Permit alternative parking lot landscaping (tree location & landscaping finger islands) where parking lot landscaping is required per Figure 30.64-14.
2. Drive-thru only restaurant.
3. A 139 unit multiple family residential development.

**PROPOSED LAND USE PLAN:**

SUNRISE MANOR - ENTERTAINMENT MIXED-USE

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 0.4 (restaurant)/2.8 (multiple family)/3.2 (overall)
- Project Type: Drive-thru restaurant and multiple family development
- Number of Lots/Units: 139 (overall)/119 (1 bedroom units)/20 (2 bedroom units)
- Density (du/ac): 49.3
- Number of Stories: 1 (restaurant)/4 (multiple family)
- Building Height (feet): 18 (restaurant)/46 (multiple family)

- Square Feet: 783 (restaurant)/63,591 (multiple family)
- Open Space Required/Provided: 13,900/15,330
- Parking Required/Provided: 8/7 (restaurant)/212/169 (multiple family)/220/176 (overall)

### Site Plans

The plans depict a commercial and multiple family residential development (apartments) spread across 3.2 acres, approximately 300 feet east of the southeast corner of Lamb Boulevard and Charleston Boulevard. The overall development is shown to be located on 2 parcels with the commercial development located on the northern parcel along Charleston Boulevard with this parcel shown to be 0.4 acres, and the multiple family residential development located on a 2.8 acre parcel to the south.

The commercial development is shown to be a 783 square foot drive-thru only restaurant. The restaurant building is shown to be rectangular in shape and is in the west-central portion of the parcel with the building set back 58 feet from Charleston Boulevard, 23 feet from the western property line, 28 feet from the southern property line, and 77 feet from the eastern property line. The drive-thru lane is shown to be 13 feet wide and will start near the driveway to Charleston Boulevard to the north of the restaurant building, wrap around the western side of the building, and exit to the south of the building near the drive aisle to the property to the south. Parking, the trash enclosure, and a 25 foot by 10 foot loading area are located directly to the east of the restaurant building and to the west of a 32 foot wide drive aisle. A total of 7 parking spaces are provided where 8 are required. Access to the site is provided by a 32 foot wide existing drive aisle to Charleston Boulevard. No pedestrian walkway is shown connecting the building to the street.

The multiple family residential development is shown to be in the south-central portion of the southern parcel with the multiple family residential building set back 55 feet from the northern property line, 72 feet from the eastern property line, 78 feet from the southern property line, and 36 feet from the western property line. The 63,591 square foot residential building is N-shaped with 15,330 square feet of open and activity space located adjacent to the southern portion of the building. The open and activity space includes open areas, a pool, and a pickleball court. The building meets the required height-setback ratio setback of 78 feet from the single family residential development to south. The plans indicate the multiple family building will contain a total of 139 units for a total density of 49.3 dwelling units per acre where 50 dwelling units per acre is allowed.

Parking is located surrounding all 4 sides of the building and are connected using 24 foot wide drive aisles. A total of 176 parking spaces are provided where 212 spaces are required. Access to the site is provided by a cross access driveway, with 32 foot wide drive aisles that connects to the commercial property to the north, which has access to Charleston Boulevard. Two trash enclosures are located along the eastern property line and are within 200 feet of the building. No pedestrian walkway is shown connecting the building to the property to the north nor to the street.

### Landscaping

The landscaping plans show that on the north parcel only, street landscaping is being provided along Charleston Boulevard. The landscaping strip along Charleston Boulevard is shown to contain an existing 5 foot wide sidewalk with a 28 foot wide landscaping strip behind the sidewalk.

The landscaping strip contains a single row of Desert Willow (*Chilopsis linearis*) trees spaced approximately 30 feet on center. Five trees are placed along the frontage where 4 trees are required. No trees or landscape finger islands are provided within the parking lot on the northern parcel.

Within the southern parcel, both parking lot and perimeter landscaping are proposed to be provided. Within the parking lot, Desert Willow trees within 6 foot wide landscape finger islands are provided approximately every 6 spaces throughout the parking lot. Overall, the development requires 31 parking lot trees where 78 trees have been provided, allowing for a design review for alternative parking lot landscaping. Along the northern, eastern, and western property lines, Desert Willow trees have been provided within a 5.5 foot wide landscaping strip spaced approximately 20 feet to 30 feet on center. Along the southern property line, an intense landscape buffer has been provided. Overall, 35 Turkish Pine trees are provided in 2 staggered rows with trees spaced 10 feet on center within a 10 foot wide landscape strip. An existing 7 foot tall CMU block wall is provided along the southern property line.

### Elevations

The drive-thru restaurant building is shown to be an overall 18 feet tall and will consist primarily of stucco paneling on the exterior. The plans show that the building will consist of a 15 foot tall portion with a portion along the southern facades of the building that has a 3 foot tall roof extension. The 15 foot tall portion will be primarily gray stucco with the extended area accented by white scored stucco panels. The building will have orange metal awning along the eastern and southern elevations with an orange, 11 foot tall metal canopy along the western elevation. Green stucco pop-outs are provided at window and door areas along the eastern, southern, and northern elevations. Walk-up service windows are provided along the eastern elevation with an access door in the central portion of the eastern façade. In addition, a drive-thru service window is provided on the western elevation.

The multiple family residential building is shown to be an overall 46 feet tall spread across 4 stories. The exterior of the building is primarily stucco paneling with a metal roof parapet. The building overall is painted tan with vertical sand-colored panels to break up the facades. The roof is accented with chocolate colored stucco panels. A main building entrance is shown on the northern elevation with an aluminum commercial window-door system provided. Side entrances with aluminum/glass doors are provided on the other 3 facades. A system of double pane windows is provided on all floors and facades.

### Floor Plan

The floor plans show that the restaurant building will contain 783 square feet with this area spaced between a main cooking and food preparation area, a drive-thru service area, office, restrooms, and a storage and freezer/refrigerator area. The floor plans also show that the restaurant contains no indoor or outdoor seating areas.

The floor plans for the multiple family residential building shows that there will be 3 separate models available for rent. There is a standard 1 bedroom model that is 22 feet by 21.5 feet for a total of 473 square feet, and a corner 1 bedroom studio-type model that is triangular in street and is 427 square feet. The building also contains a 2 bedroom model that is 28.5 feet by 21.5 feet for a total of 627 square feet. The plan show that the first floor will contain an entryway along with

an office and gym space. In addition, the first floor will have 25 standard 1 bedroom units, 4 corner 1 bedroom units, and 5, two bedroom units. The second through fourth floors will contain a total of 35 units each with 26 standard 1 bedroom units, 4 corner 1 bedroom units, and 5, two bedroom units.

Applicant’s Justification

The applicant indicates that the proposed zone change is acceptable due to the high demand for housing within the area and the proposed residential building will have easy access to a variety of services and nearby parks. The applicant also indicates that both proposed buildings are well sited and meet the intent of Title 30. The applicant states that the reduction in parking for the restaurant is justified as it is minimal and that since it is a drive-thru only restaurant, a significant amount of parking is not needed. The applicant also states that parking reduction for the residential building is justified due to the proximity of the site to RTC bus stops and transit routes.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-0446-16	Replaced and increased the height of electric utility poles	Approved by PC	August 2016
TM-0042-09	1 lot commercial subdivision (Charleston & Arden)	Approved by PC	June 2009
ZC-152-89	Reclassified the site from R-E & R-2 to C-2 and H-1 zoning for a hotel/casino development	Withdrawn	June 1989
VC-1261-98	Allowed a check cashing service	Approved by PC	August 1988
UC-176-87	Established an off-set printing facility within a shopping center	Approved by PC	July 1987

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	City of Las Vegas	C-1	Shopping Center
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-1	Single family residential
East	Corridor Mixed-Use	C-2	Retail & service buildings
West	Corridor Mixed-Use	C-1	Retail & service buildings/undeveloped

**Related Applications**

<b>Application Number</b>	<b>Request</b>
PA-23-700055	A plan amendment to reclassify the site from Corridor Mixed-Use to Entertainment Mixed-Use is a companion item on this agenda.

## **STANDARDS FOR APPROVAL:**

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

### **Analysis**

#### **Comprehensive Planning**

##### Zone Change

In addition to the standards for approval, the applicant must demonstrate that the zoning district is compatible with the surrounding area. Staff finds that the surrounding area is primarily commercial and single family oriented both along Lamb Boulevard and Charleston Boulevard. With that said, staff finds that there are similarly zoned projects in the City of Las Vegas, zoned R-3, which permit a similar level of density (13-50 du/ac) within 500 feet to the northwest along Lamb Boulevard, and approximately 1,000 feet to the northeast along Charleston Boulevard. While staff finds that a multiple family residential district located between Charleston Boulevard and the commercially zoned areas nearby would serve a good transition to the single family residential areas to the south, staff ultimately finds that an R-5 zoning for the subject property would yield a density that would be much higher than the adjacent single family residential development, and would not serve as a complementary transition. In addition, the proposed R-5 zoning is a higher intensity zoning than the similar multiple family zoning in the nearby area to the south of Charleston Boulevard. As a result, staff does not find that this rezone would serve to promote Policy 1.4.5, which encourages proper transitions between commercial and differing densities of residential development. For these reasons, staff cannot support the zone change.

##### 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 #1a

Staff finds that the purpose of reviewing waivers of development standards for reduced parking is to assure that the proposed development will still have sufficient parking without impacting nearby businesses and the public right-of-way. Staff finds that given the ability of the site to have connections with surrounding properties through cross access, the relatively small reduction in the number of parking spaces, and nearby transit connections, the proposed reduction in the number of spaces for the restaurant building should not cause a significant impact on the surrounding areas and the site itself. In addition, the building is being supplied with more than the required number of bicycle spots to aid in the transit options to the site and the building will mainly need parking for employees as there is not an outside or inside dining area being provided. For these reasons, staff can support this waiver of development standards.

##### Waiver of Development Standard #1b

Staff finds that the purpose of reviewing waivers of development standards for reduced parking is to assure that the proposed development will still have sufficient parking without impacting nearby

businesses and the public right-of-way. Staff finds that given the ability of the site to have connections with nearby transit connections and the overall number of bicycle parking spaces being provided, a small reduction in the number of parking space could be justified. In addition, staff finds that in the recently revised version of Title 30 this same multiple family residential building would only require 164 spaces given the number of units and reduction due to the proximity of the site to public transportation routes. With that said, 43 space reduction for multiple family residential uses can be significant given the need for spaces for both visitors and current and future tenant spaces, but this issue may also be reduced based on the percentage of 1 bedroom units within the building. For these reasons, staff could support this waiver of development standards, but because the site is being developed from undeveloped land and the site could be configured to have the required number of parking stalls, staff cannot support this waiver of development standards.

#### Design Review #1

The purpose of parking lot landscaping is to soften the appearance of the buildings and large swaths of parking lot pavement from the street, but also to provide relief from the heat caused by large expanses of pavement. While parking lot landscaping is mostly absent from the commercial portion of the site, the parking lot landscaping has been designed to take advantage of the necessary perimeter landscaping to add shade to the parking lot areas along the southern boundary of the commercial portion of the site. In addition, within the interior of the site, terminal islands have been provided along all rows having mostly been provided every 6 to 12 parking spaces per Figure 30.64-14 in the residential portion of the site. The site also has sufficient perimeter and street landscaping to buffer the visual burden of the site. Overall, staff can support this design, as the trees are provided where possible within the interior of the site while considering the specific challenges of the site.

#### Design Reviews #2 & #3

Overall, the design of both the restaurant building and apartment building are similar in nature to the architecture of the surrounding commercial areas and residential buildings. The apartment building is sufficiently screened and set back from adjacent single family residential uses using walls and an intense landscape buffer. The apartment building is also designed with architectural features that help break-up the bulk appearance of the building. In addition, sufficient space has been provided for active and outdoor activities. The proposed restaurant building is set back sufficiently from Charleston Boulevard and the traffic flows associated with the drive-thru should not cause any significant traffic impacts provided proper traffic control devices are used. The site has proper vehicular access. In addition, the commercial building has been provided with a pedestrian walkway from the sidewalk along Charleston Boulevard, which is important as the purpose of pedestrian walkway connections within larger developments is to assure that pedestrians have safe pathways from the street and within the overall development. Given that the restaurant building is part of a larger commercial shopping center and that the multiple family residential building relies on cross access through another property for access, staff finds that pedestrian walkways within the site and to the Charleston Boulevard sidewalk are essential for both buildings, however, the multiple family residential building lacks any pedestrian connections to Charleston Boulevard and the adjacent RTC bus stop. For these reasons, staff can support design review #2 for the commercial building but cannot support design review #3 due to the indicated

issues with pedestrian access and parking and the inability of staff to support the zone change and waivers of development standards.

### **Staff Recommendation**

Approval of waiver of development standards #1a and design reviews #1 and #2; denial of the zone change, waiver of development standards #1b, and design review #3. This item has been forwarded to the Board of County Commissioners' meeting for final action.

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.

### **PLANNING COMMISSION ACTION:** February 20, 2024 – APPROVED – Vote: Unanimous **Comprehensive Planning**

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- A maximum of 120 units;
- Building to be a maximum of 3 stories;
- A 5 foot pedestrian walkway providing safe passage from the RTC bus stop along Charleston Boulevard to the entrances of both the restaurant and multiple family residential building shall be provided;
- Record perpetual cross access and ingress/egress between APNs 161-05-115-002 and 161-05-115-010;
- Record perpetual cross access and ingress/egress, and shared parking agreement between APNs 161-05-115-002 and 161-05-115-003;
- Provide on-site a stop sign at the exit of the drive-thru lane;
- Certificate of Occupancy and/or business license shall not be issued without approval of an application for a zoning inspection.
- 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; the County has adopted a rewrite to Title 30 effective January 1, 2024, 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; 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 is advised that Nevada Department of Transportation (NDOT) permits may be required.

### **Fire Prevention Bureau**

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features;
- Applicant to show fire hydrant locations on-site and within 750 feet.

- Applicant is advised that fire/emergency access must comply with the Fire Code as amended; and that fire protection may be required for this facility and to contact Fire Prevention for further information at (702) 455-7316.

**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 #0019-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

DESIGN REVIEW #3 WAS DENIED.

**TAB/CAC:** Sunrise Manor - approval of waiver of development standards #1a and design reviews #1 and #2; denial of the zone change, waiver of development standards #1b and design review #3.

**APPROVALS:**

**PROTESTS:**

**COUNTY COMMISSION ACTION:** March 20, 2024 – HELD – To 04/17/24 – per Commissioner Segerblom.

**COUNTY COMMISSION ACTION:** April 17, 2024 – HELD – To 05/08/24 – per the applicant.

**COUNTY COMMISSION ACTION:** May 8, 2024 – HELD – To 05/22/24 – per the applicant.

**APPLICANT:** PEYMAN MASACHI

**CONTACT:** JAMES GRINDSTAFF, 2608 MOUNTAIN RAIL DR, NORTH LAS VEGAS, NV 89084