

09/04/24 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-24-0276-PALM PROPERTIES, LLC:**

**WAIVER OF DEVELOPMENT STANDARDS** to modify residential adjacency standards.  
**DESIGN REVIEW** for a proposed commercial truck parking lot on 2.83 acres in a CG (Commercial General) Zone.

Generally located on the southwest corner of Happy Valley Avenue and Nellis Boulevard within Sunrise Manor. TS/jor/syp (For possible action)

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RELATED INFORMATION:

**APN:**

161-08-810-082; 161-08-810-083

**WAIVER OF DEVELOPMENT STANDARDS:**

Allow nonresidential vehicular access to a residential local street (Happy Valley Avenue) where not permissible per Section 30.04.06.D.

**LAND USE PLAN:**

SUNRISE MANOR - CORRIDOR MIXED-USE

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 3125 S. Nellis Boulevard
- Site Acreage: 2.83
- Project Type: Commercial truck parking lot
- Number of Stories: 1 (Proposed guard building)
- Building Height (feet): 8 (Proposed guard building)/8 feet, 4 inches (Proposed carport north of guard building)
- Square Feet: 25 (Proposed guard building)/720 (Proposed carport north of guard building)
- Parking Provided: 99
- Sustainability Required/Provided: 7.5/7

History & Site Plan

Records show that as early as the 1980's, parcel 161-08-810-083 included an existing shopping center building (in-line rectangular building) adjacent to Nellis Boulevard. A vehicle sales lot was approved on the southern end of this parcel via DR-1464-97 but expired after 1 year.

ZC-0480-98 reclassified both subject parcels (161-08-810-082 and 161-08-810-083) to C-2 zoning (now CG zoning) for a proposed 34,000 square foot shopping center (L-shaped building along the south and west property lines) with a portion of the existing shopping center building along Nellis Boulevard to the east to be expanded as a grocery store. The proposed 34,000 square foot shopping center under the zone change did not commence. Additional land use applications were approved on-site for vehicle sales, check cashing, a communication tower, and a waiver of conditions of a zone change (WC-0025-99) which re-applied conditions related to landscaping, site circulation, parking, access, and screening. Under DR-0727-99 (a design review for vehicle sales), the conditions of approval under WC-0025-99 were complied with. The existing building and vehicle sales lot adjacent to Nellis Boulevard remained on-site until 2012 and has since been demolished.

Today, the applicant is requesting approval of a design review for a proposed commercial truck parking lot. A waiver of development standards related to modifying residential adjacency to allow access to a local street being Happy Valley Avenue is also part of this application. Access is provided via 1 driveway along the north property line adjacent to Happy Valley Avenue. Although Title 30 does not allow nonresidential vehicular access to a local street, access to Happy Valley Avenue has existed for more than 25 years. The Nevada Department of Transportation (NDOT) closed the existing driveways along the east property line adjacent to Nellis Boulevard, and NDOT reconstructed the attached sidewalk.

The site plan depicts a proposed parking lot with 99 commercial vehicle parking spaces, which are the following:

- 35 parking stalls (40 feet by 12 feet) are located along the north property line and on the southwest corner of the site.
- 17 parking stalls (35 feet by 12 feet) are located along the west property line.
- 42 tandem parking stalls (70 feet by 12 feet) are located along the east property line.
- 4 parking stalls (20 feet by 9 feet) are located east of the driveway along the north side of the site adjacent to Happy Valley Avenue.
- 1 accessible parking stall south of the 4 parking stalls, adjacent to the guard building.

The site plan also shows a proposed guard building adjacent to the driveway on the southeast corner of the driveway throat depth area. There is also a proposed carport north of the guard building to be constructed over 4 parking stalls. The existing communication tower along the south property line will remain, and the applicant will install a trash enclosure along the south property line. There is an existing 8 foot high CMU block wall which will remain on-site along the west property line adjacent to an existing residence. The existing 8 foot high CMU block wall along the south property line will also remain. Proposed light poles up to 18 feet high are located adjacent to the driveway along the north property line at the northeast corner, 2 at the southeast corner, and 2 additional light poles that are centrally located within the parking area. Lastly, proposed lighting meets residential adjacency standards per Title 30.

### Landscaping

Detached sidewalks will be installed along the north property line along Happy Valley Avenue with an 8 foot high beige colored vinyl fence set back over 10 feet from the future property line (back of curb). The existing attached sidewalk will remain along the east property line along

Nellis Boulevard. The applicant will continue the 8 foot high beige colored vinyl fence behind the landscape area along Nellis Boulevard.

The applicant provided a landscape plan drafted by a licensed landscape architect. The proposed landscape plan shows that all existing palm trees will remain on-site. The street landscaping along the north property line includes detached sidewalks with 5 foot wide landscape strips on either side of the sidewalk which will feature large trees and shrubs. The west property line includes a 20 foot wide landscape buffer with a double row of large trees and shrubs. The east side of the site will include a 10 foot wide landscape area with large trees and shrubs adjacent to the existing attached sidewalk.

### Elevations

The proposed guard building has an overall height of 8 feet and will be constructed of pre-manufactured steel. The exterior color of the guard building is blue and features 6 windows and 1 door. The proposed carport north of the guard building has an overall height of 8 feet, 4 inches. This carport is comprised of pre-treated cedarwood for outdoor durability.

### Floor Plans

The proposed guard building has an overall area of 25 square feet. The proposed carport has an overall area of 720 square feet.

### Applicant's Justification

The applicant is proposing a commercial truck parking lot which will enable truck drivers to have a place to legally park their local trucks (no long haul trucks). This will help keep trucks from parking on public streets creating enforcement and neighborhood issues. It will also provide a safer, more secure parking environment that will have solar powered cameras that the Las Vegas Metropolitan Police Department can access. Additionally, a security guard is always present. The site as proposed is compatible as a parking lot on an arterial street (Nellis Boulevard) with completion of infrastructure, lighting, landscaping, and fencing.

The site is zoned for commercial (CG), and the prior development had access from Happy Valley Avenue. The Nevada Department of Transportation (NDOT) closed previously existing driveways along Nellis Boulevard in 2021 during NDOT's improvements to Nellis Boulevard. Happy Valley is the sole means of access given this limitation. The proposed commercial truck parking lot use will provide a location for truck drivers to park their vehicles outside of residential subdivisions and not on public roadways. This will also help minimize safety hazards, trash dumping, graffiti control, homeless encampments, and Code citations. It will also add to the appearance with fencing and landscaping. The use is compatible with the surrounding commercial and residential development in the area as it is supported by the neighbors.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-19-0630	Temporary construction storage for an off-site Las Vegas Valley Water District project (main replacement and The Dales subdivision)	Approved by PC	October 2019

### Prior Land Use Requests

Application Number	Request	Action	Date
UC-18-0578	Increased height of existing communication tower, and design review for additional antenna	Approved by PC	October 2018
ADR-0333-05	73 foot high monopole communication tower with an antenna array	Approved by ZA	April 2005
UC-0040-04	Vehicle, watercraft, and recreational vehicle sales	Approved by PC	February 2005
UC-0431-02	Check cashing facility	Approved By BCC	June 2002
ADR-1086-01	Communication facility	Approved by ZA	November 2001
DR-0727-99	Revised plans for a previously approved shopping center and to continue the use of a vehicle sales lot	Approved by BCC	June 1999
WC-0025-99 (ZC-0480-98)	Waiver of conditions of a zone change for the proposed shopping center with an existing restaurant building on site	Approved by BCC	March 1999
ZC-0480-98	Reclassified the site (both subject parcels- 161-08-810-082 and 161-08-810-083) to C-2 zoning (now CG) for a proposed 34,000 square foot shopping center	Approved by BCC	May 1998
DR-1464-97	Vehicle sales lot within an existing shopping center - expired	Approved by PC	September 1997

### Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Corridor Mixed-Use & Compact Neighborhood (up to 18 du/ac)	CG & RM18	Multi-family residential & a tavern
South	Corridor Mixed-Use	CG	Commercial center
East	Compact Neighborhood (up to 18 du/ac)	RM18	Multi-family residential
West	Ranch Estate Neighborhood (up to 2 du/ac)	RS20	Single-family residential

### Related Applications

Application Number	Request
VS-24-0277	A request to vacate and abandon a portion of a right-of-way is a companion item on this agenda.

### CLARK COUNTY PUBLIC RESPONSE OFFICE:

There is an active case, CE23-05369, for vehicles parked on unpaved areas.

## **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**

##### Waiver 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.

The applicant provided correspondence from NDOT which states that access to Nellis Boulevard is not required, and if access is requested in the future, the applicant must comply with NDOT's 2017 Access Management System and Standards with sufficient engineering justification. Per the correspondence on file, the applicant's engineer determined that the site does not meet NDOT's access location and spacing standards. Per photos on file, NDOT closed 3 driveways along the east property line of the site adjacent to Nellis Boulevard and NDOT reconstructed the attached sidewalk sometime in 2021. Today, Title 30 does not allow nonresidential access on a local street; although records show that access to Happy Valley Avenue has been in place for over 25 years and the access has been used by commercial vehicles for over 3 years with no impact to the residences. Also, the average daily trips for this use are expected to be less trips than for other commercial uses. Staff determines that the aforementioned circumstances warrant staff's support for the waiver of development standards.

##### 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.

The proposed project complies with Policy 5.5.3 under the Master Plan which encourages the retention and revitalization of established local business districts. The site has been vacant since 2012 and the proposed improvements comply with today's Code. For example, the applicant is proposing detached sidewalks along Happy Valley Avenue with street landscaping, and since there is an existing attached sidewalk along Nellis Boulevard (NDOT right-of-way), the applicant will install a 10 foot wide landscape strip. The applicant is also providing a decorative fence along the north and east property lines to mitigate the view of any trucks parked on site. In addition, the site will be monitored by on site security. The applicant also provided 7.5 points worth of sustainability design features where 7 is required per Title 30. For these reasons staff recommends approval.

## **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**

- Work with the Las Vegas Metropolitan Police Department for the installation and use of security cameras and surveillance operation;
- 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;
- Full off-site improvements.
- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control; and that Nevada Department of Transportation (NDOT) permits may be required.

### **Fire Prevention Bureau**

- No comment.

### **Clark County Water Reclamation District (CCWRD)**

- No comment.

**TAB/CAC:** Sunrise Manor - denial.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** LEADING EDGE VENTURES, LLC

**CONTACT:** G.C. GARCIA, INC, 1055 WHITNEY RANCH DRIVE, SUITE 210, HENDERSON, NV 89014