

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ET-25-400030 (ZC-21-0119)-MACKOVSKI, ALEXANDER:**

**WAIVERS OF DEVELOPMENT STANDARDS SECOND EXTENSION OF TIME** for the following: **1)** landscaping; **2)** non-standard off-site improvements (landscaping); and **3)** alternative driveway geometrics.

**DESIGN REVIEWS** for the following: **1)** hotel; **2)** commercial building; **3)** lighting plan; **4)** alternative parking lot landscaping; and **5)** finished grade on 2.76 acres in a CG (Commercial General) Zone.

Generally located on the east side of Las Vegas Boulevard South, 425 feet south of Cactus Avenue within Enterprise. MN/dd/cv (For possible action)

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RELATED INFORMATION:

**APN:**

177-33-101-005 through 177-33-101-009

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Permit alternative landscaping along Las Vegas Boulevard South where a minimum 15 foot wide landscape area per Figure 30.64-17 is required.
2. Permit non-standard improvements (landscaping) within the right-of-way and future right-of-way of Las Vegas Boulevard South where not permitted per Section 30.52.052.
3. Reduce driveway throat depth to 51 feet where a minimum of 75 feet is required per Uniform Standard Drawing 222.1 (a 32% reduction).

**DESIGN REVIEWS:**

1. A hotel building with 94 guest rooms.
2. A commercial building for future retail and restaurant uses.
3. A lighting plan.
4. Alternative parking lot landscaping where landscaping is required per Figure 30.64-14.
5. Increase finished grade to 39 inches (3.3 feet) where a maximum of 18 inches (1.5 feet) is the standard per Section 30.032.040 (a 117% increase).

**LAND USE PLAN:**

ENTERPRISE - CORRIDOR MIXED-USE

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 2.76

- Project Type: Hotel with commercial building for future retail/restaurant uses
- Number of Hotel Units: 94
- Number of Stories: 4 (hotel)/1 (commercial building)
- Building Height (feet): 50 (hotel)/24 (commercial building)
- Square Feet: 13,940 (hotel)/4,650 (commercial building)
- Parking Required/Provided: 101/112 (site plus shared parking agreement spaces per WS-23-0396)

### History

This application originally included a zone change from H-2 (General Highway Frontage) to C-2 (now CG), and the zoning was permanently approved. The approved plans for this project depicted a 6 foot setback for the proposed commercial building from the future right-of-way line of Las Vegas Boulevard South. The plans also depicted a drive-thru service in conjunction with the commercial building which raised concerns for staff. The applicant submitted revised plans which removed the drive-thru service and increased the building setback to the future right-of-way line. Therefore, waivers #1a and #1b were withdrawn and design review #2 is for the commercial building without a drive-thru service.

The original application (ZC-21-0119) was granted its first extension of time (ET-23-400078) in July of 2023. Then, in September of 2023, WS-23-0396 was approved to waive street landscaping and off-site improvements for the site. This is the second extension of time request for ZC-21-0119. The applicant is also requesting an extension of time (first request) for WS-23-0396, concurrently.

### Site Plan

The approved site is approximately 2.76 acres of undeveloped land located between Las Vegas Boulevard South and the Giles Street alignment, approximately 425 feet south of Cactus Avenue. Giles Street along the east side of this site has been vacated. Access to the site is provided by a proposed driveway from Las Vegas Boulevard South on the southwest corner of the site and a cross access with the existing commercial development to the north. A future cross access with the adjacent parcel to the south is depicted on the southwest corner of the site. The project consists of 2 buildings being a commercial building for retail and restaurant uses and a hotel. The commercial building is located on the northwestern portion of the site and the hotel is located on the south half of the eastern half of the site. The plans indicate the western 100 feet of the site will be taken for right-of-way for Las Vegas Boulevard South. The proposed commercial building will be set back 11 feet from the future right-of-way line for Las Vegas Boulevard South. Parking for the project is located to the north and east of the hotel building and to the south and east of the commercial building. The proposed development was originally required to have 118 parking spaces and 100 parking spaces were provided on the site. The applicant had presented staff with a shared access and parking agreement with the property owner of the commercial development to the north. With the shared access and parking agreement with the commercial development to the north, the 2 developments were required to have 286 parking spaces and 342 parking spaces were to be provided. The approved plan also depicted a pool and patio area on the south side of the hotel building located between the building and the south property line.

The approved cross section plan indicates that the hotel building will be increased approximately 2 feet above the existing grade of the site and the commercial building approximately 3.3 feet above existing grade. It also indicates the proposed finished floor elevations for the project will be similar to the finished floor elevation for the existing single-family residence to the east but approximately 3 feet higher than the existing commercial building to the north.

### Landscaping

The approved plan with ZC-21-0119 depicted a minimum 10 foot wide landscape area consisting of large evergreen trees along the east property line adjacent to an existing single-family residence. The approved plan also shows 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 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 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. Landscaping within the parking areas to the north of the hotel and to the east of the commercial building do not comply with the requirements of Figure 30.64-14; however, the number of trees required for the parking areas is provided and located throughout the site.

With WS-23-0396, the street landscaping and sidewalk requirements along Conn Avenue and Giles Street were waived, but otherwise matched the approved landscape plans with ZC-21-0119. The other notable difference from the approval of ZC-21-0119 was the loss of a 294 square foot (28 feet long by 10.5 feet wide) portion of landscaping in the southeastern corner of the property to make way for a Las Vegas Valley Water District easement.

### Lighting

The approved plan indicates that lighting will consist of wall mounted light fixtures and parking lot light poles. The wall mounted light fixtures will consist of LED fixtures set approximately 14 feet above grade on the buildings. There will be a total of 10 parking lot light poles. These light poles will consist of eight, 16 foot high poles located in the central and western portions of the site and two, 12 foot high poles along the east portion of the parking lot nearest the existing residential use. All light fixtures will be downcast to minimize or eliminate light pollution.

### Elevations

The approved commercial building is 1 story with a maximum height of 24 feet. The building has a flat roof behind a parapet wall that varies between 21 feet and 24 feet in height. The exterior of the building has a stucco finish painted in earth tone colors.

The approved hotel building is 4 stories with a maximum height of approximately 50 feet. The building has a flat roof behind parapet walls that vary the height of the building between 44 feet and 50 feet. The exterior of the building consists of a stucco finish painted in earth tone colors, stone veneer, and multiple surface plane variations to give both vertical and horizontal articulation which include accent bands and reveal lines.

### Floor Plan

The approved floor plans depict the commercial building as having an area of 4,650 square feet. The building will be constructed as a shell building where the interior of the building will be completed by future building permits to meet the needs of future tenants and can be divided into 2 lease spaces.

The approved hotel building has an area of 13,940 square feet divided between 4 floors with a total of 94 guest rooms. The first floor will consist of guest rooms, fitness center, meeting rooms, lobby area, and support areas. Floors 2 through 4 will consist of guest rooms and housekeeping storage areas.

### Signage

Signage was not a part of the original request.

### Previous Conditions of Approval

Listed below are the approved conditions for ET-23-400078 (ZC-21-0119):

#### Comprehensive Planning

- Until May 5, 2025 to commence.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; 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

- Compliance with previous conditions.

Listed below are the approved conditions for ZC-21-0119:

#### Current Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Design review for signage;
- Work with the Las Vegas Metropolitan Police Department for the installation of security cameras and surveillance operation;
- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that 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; 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; and that the waivers of development standards and design reviews must commence within 2 years of approval date or they will expire.

**Public Works - Development Review**

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include an elbow at the intersection of Conn Avenue and Giles Street;
- Right-of-way dedication for Las Vegas Boulevard South to accommodate a proportionate share of a 200 foot wide right-of-way;
- Applicant to execute and sign a License and Maintenance Agreement for any non-standard improvements within the right-of-way.
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control; and that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

**Building Department - Fire Prevention**

- Cross access agreement required.

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

- Applicant is advised that a Point of Connection (POC) request has been initiated for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0126-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require a new POC analysis.

**Applicant's Justification**

The applicant states that early grading on the site has already been completed, and that the bond for construction has already been posted. Additionally, the applicant states that building plans for the commercial pad have been submitted, as well as the building plans for the proposed hotel on-site.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
WS-23-0396	Waiver of development standards for street landscaping and off-site improvements	Approved by BCC	September 2023
ET-23-400078 (ZC-21-0119)	First extension of time for waivers and use permits for a non-gaming hotel and commercial building	Approved by BCC	July 2023
ZC-21-0119	Reclassified from H-2 to C-2 zoning with waivers and use permits for a non-gaming hotel and commercial building	Approved by BCC	May 2021

### Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Entertainment Mixed-Use & Corridor Mixed-Use	CG	Restaurant & commercial development
South	Entertainment Mixed-Use & Neighborhood Commercial	H-2	Undeveloped
East	Ranch Estate Neighborhood (up to 2 du/ac)	RS20 (NPO-RNP)	Single-family residential
West	Entertainment Mixed-Use	CR	Undeveloped

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

### Related Applications

Application Number	Request
ET-25-400031 (WS-23-0396)	An extension of time for a waiver of development standards for street landscaping and off-sites is a related item on this agenda.

### 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

Title 30 standards of approval for an extension of time state an application may be denied if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws, regulations, or policies affecting the subject property. Additionally, the applicant must demonstrate the project is progressing through the applicable development permit or licensing process.

Staff finds that the applicant has made some progress towards commencement of the project by obtaining the early grading permit for the site and posting the bond for the project. Additionally, building permits BD24-41079 and BD25-06736 are under review for the commercial pad and hotel, respectively. Also, WS-23-0396 was approved in September of 2023 to waive street landscaping and off-site improvements. Therefore, staff can support the request. However, staff may not be able to support any future extension of time requests, as the project was approved in 2021 and a new development Code has since been adopted, and the expectation is that moving forward, projects conform to new regulations.

#### Public Works - Development Review

There have been no significant changes in this area. Staff has no objection to this extension of time.

**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, 2027 to commence or the application will expire unless extended with approval of an extension of time.
- Applicant is advised 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; 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; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

**Public Works - Development Review**

- Compliance with previous conditions.

**Fire Prevention Bureau**

- No comment.

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

- No comment.

**TAB/CAC:** Enterprise - approval.

**APPROVALS:**

**PROTEST:**

**APPLICANT:** ALEXANDER MACKOVSKI

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