

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-24-0289-3450 S MARYLAND PARKWAY, LLC:**

**USE PERMIT** for a congregate care facility.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** modified Maryland Parkway Overlay design standards; and **2)** modified driveway design standards.

**DESIGN REVIEWS** for the following: **1)** congregate care facility; and **2)** parking lot modifications in conjunction with an existing commercial complex on a 17.34 acre portion of a 76.04 acre site in a CG (Commercial General) Zone within the Airport Environs (AE-60) and Maryland Parkway Overlays.

Generally located on the west side side of Oneida Way and the east side of Maryland Parkway within Paradise. TS/rr/syp (For possible action)

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RELATED INFORMATION:

**APN:**

162-14-101-002, 162-14-101-003, 162-14-314-001, 162-14-213-001, 162-14-213-002, 162-14-213-003, 162-14-314-002, 162-14-314-003

**WAIVERS OF DEVELOPMENT STANDARDS:**

1.
  - a. Allow parking areas and drive aisles between the street and front of the building façade where not allowed per Section 30.02.26E.
  - b. Waive enhanced sidewalks requirement where a minimum of 20 feet enhancement is required per Section 30.04.05H and Table 30.04-9.
  - c. Reduce pedestrian pathway width to 5 feet where a minimum of 10 feet is required per Section 30.02.26E (a 50% reduction).
  - d. Allow façade windows fronting on a right-of-way (Oneida Way) to occupy 11.6% of the area of the façade where a minimum of 20% is required per Section 30.02.26E (a 42% reduction).
  - e. Allow 11.6% transparent glass on the ground floor of a street facing façade (Oneida Way) where at least 70% transparent glass is required per Section 30.02.26E (a 42% reduction).
  - f. Allow 17.4% transparent glass on the ground floor of façades not facing streets where 35% is the minimum required per Section 30.02.26E.3 (a 50.3% reduction).
2.
  - a. Reduce throat depth to 6 feet where a minimum of 150 feet is required per Uniform Standard Drawing 222.1 (a 96% reduction).
  - b. Reduce driveway separation to 180 feet where 190 feet is required per Uniform Standard Drawing 222.1 (a 5.3% reduction).
  - c. Reduce driveway width to 32 feet 9 inches from face of curb to face of curb where 35 feet is required per Uniform Standard Drawing 222.1 (a 6.4% reduction).

- d. Reduce minimum driveway radius to 12 feet 1 inch where 25 feet is required per Uniform Standard Drawing 222.1 (a 48.3% reduction).

## **LAND USE PLAN:**

WINCHESTER/PARADISE - CORRIDOR MIXED-USE

## **BACKGROUND:**

### **Project Description**

#### General Summary

- Site Address: 3450 S. Maryland Parkway
- Site Acreage: 17.34 (project site)/ 76.04 (overall)
- Project Type: Congregate care facility
- Number of Stories: 1
- Building Height (feet): 27
- Square Feet: 78,024 (Congregate care facility)/1,177,712 (overall)
- Open Space Required/Provided: 9,932/15,148 (Congregate care facility)/21,456/44,824 (overall)
- Parking Required/Provided: 50/151 (Congregate care facility)/2,552/4,767 (overall)
- Sustainability Required/Provided: 7/7

#### History & Request

The Boulevard Mall was originally constructed in 1965 and features retail space consisting of in-line, pad, and out parcels with multiple tenants. The north portion of the mall property, being the subject parcel, was reclassified to C-2 zoning via ZC-1078-00 by the Board of County Commissioners in September 2000. Most recently in 2023 WS-23-0226 approved the redevelopment of a 5.3 acre portion of the western side of APN 162-14-101-003 with a gas station (fuel canopy), convenience store with vehicle wash, and 3 retail buildings with restaurants that include drive-thru lanes. The subject request is to redevelop a 5.03 acre portion of the eastern side of APN 162-14-101-003 for a congregate care facility. The project site is located within the Maryland Parkway Overlay (MPO) District and waivers from certain standards have been requested.

#### Site Plan

An overall site plan has been submitted which includes 8 parcels associated with the Boulevard Mall extending from Desert Inn Road on the north to Katie Avenue on the south and located along the east side of Maryland Parkway. This area is 76.04 acres and includes 1,077,929 square feet of existing retail, office, and theater space, with both existing surface parking and parking structures. Additionally, the site plan shows the development approved via WS-23-0226 which has not yet been constructed along the west side of parcel 162-14-101-003. This includes a 4,472 square foot convenience store, 613 square foot vehicle wash and gas canopy, and 16,674 square feet of retail space in 3 buildings.

A detailed site plan shows the proposed 78,024 gross square foot congregate care facility located on the eastern side of the subject parcel and north of the existing retail/office building. The building is proposed to be set back 74 feet 7 inches from Oneida Way, 219 feet 9 inches from Desert Inn Road, 288 feet from Maryland Parkway, and 548 feet from the southern property

boundary. The main building entrance is located in a front plaza which is shaded by a canopy. The main entrance faces west towards Maryland Parkway. Two additional entrances are located along the west side of the building along with 3 entrances on the east side of the building. Two open air yard areas with patios are located within the northern and southern portions of the building which are internally accessed. The facility is surrounded by new parking spaces on all sides with 10 accessible parking spaces adjacent to the main entrance. Vehicular access will be from 2 existing driveways from Maryland Parkway, 2 existing driveways from Oneida Way, and 1 existing driveway from Desert Inn Road. Modifications are also proposed to the existing retail/office building south of the proposed congregate care facility. The existing loading dock will be relocated to the east side of the building.

### Landscaping

The plans indicate street landscaping along Oneida Way consisting of an attached existing sidewalk, an existing 2 foot high wall, and a 17 foot 9 inch wide landscape strip. Within the landscape strip the plan indicates 5 gallon shrubs with large trees planted 30 feet on center. At the end of the strip next to the southern driveway is an existing tree which will be preserved. Medium trees with 5 gallon shrubs are indicated in the new parking areas within the development area on site, including the landscape islands. Trees and shrubs are also located around the perimeter of the proposed building and within the 2 open space yards in the center of the northern and southern portions of the building with covered patios. All proposed trees and shrubs are drought tolerant species with low or very low water needs and are selected from the SNRPC plant list.

### Elevations

The plans depict a 1 story building which is primarily 23 feet in height with a portion near the main entrance which is 27 feet in height. All building entrances are shaded with canopies, not including utility rooms and service entries. The main entrance features a wood look panel canopy with storefront windows. All building windows protected by metal sunshades with low-emissivity glass. Exterior building materials consist of a stucco system with 4 different colors and wall reveals. The building has a flat roof with parapets with 2 foot variations. All roof mounted equipment will be screened by the parapets from public view and the rights-of-way.

### Floor Plans

The plans indicate a 78,024 square foot, 120 bed facility with 60 rooms with 1 bed and 30 rooms with 2 beds. The plans also show offices and other staff areas, 4 nursing stations, waiting areas, a physical therapy room, salon/barber, kitchen, 4 dining/recreation areas, and storage areas. Two open space areas in the centers of the north and south sides of the building are accessed internally. The plans also depict a 1,119 square foot accessory structure for emergency generators and a 595 square foot accessory structure for bulk oxygen storage located on the east side of the facility.

### Pedestrian Circulation Plan and Art Plan

The MPO requires the submittal of a pedestrian circulation plan and an art plan for the site. The pedestrian circulation plan documents that the entire building will be surrounded by a 5 foot wide sidewalk with pedestrian crosswalks across the parking area which allow pedestrians to access the site from the public rights-of-way along Desert Inn Road, Maryland Parkway, and

Oneida Way, as well as from the commercial and office development located to the south. Normally the requirement is for 10 foot wide sidewalks in the MPO. This is the subject of a waiver request. The art plan indicates 5 general locations along the front of the building facing Maryland Parkway where art benches are proposed to be installed, as well as the location of a sculpture in the front plaza of the care facility. The art plan, however, is requested to be deferred according to the applicant. Therefore, this will need to be reviewed with a future land use application.

Signage

The MPO requires wayfinding signage on the approach side of each street intersecting Maryland Parkway. In this case the adjacent street, Onieda Way, does not intersect with Maryland Parkway. However, wayfinding signs were approved with WS-23-0226 along this street.

Applicant’s Justification

The applicant states they are requesting a use permit for a 120 bed congregate care facility. The purpose of the facility is to be a transition between the hospital and home. The facility is for in-patient rehabilitation, allowing patients to go home once they are equipped to care for themselves. The applicant further states that the parking lot, including landscaping, will be brought up to current standards which will make the property more contemporary. The applicant also states that the open space provided for this project exceeds the amount required by the MPO by over 5,000 square feet and over 50% is shaded. Finally, the applicant states that the MPO requirements along Maryland Parkway will be met with the approval of WS-23-0226.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
WS-23-0226	Modified driveway standards in conjunction with new commercial development	Approved by BCC	June 2023
ADR-21-900276	Mini-warehouse	Approved by ZA	June 2021
UC-20-0016	Major training facility (vocational)	Approved by BCC	March 2020
WS-19-0219	Waived standards for roof and illuminated signage	Approved by PC	May 2019
ADR-18-900481	Exterior building (façade) modified in conjunction with an existing mall	Approved by ZA	August 2018
ADR-0618-17	Addition located along the rear (east) side of the shopping center for the theater	Approved by ZA	June 2017
UC-0899-16	Recreational facility with waivers to allow roof signs, and a design review for a roof sign and façade modified for an existing building	Approved by BCC	February 2017
UC-0679-14 (AR-0102-15)	Application review for a recreational facility	Approved by PC	December 2015
ADR-0373-15	Additional building entrance to existing mall building	Approved by ZA	May 2015

**Prior Land Use Requests**

Application Number	Request	Action	Date
UC-0679-14	Recreational facility	Approved by PC	September 2014
ZC-1078-00	Clark County initiated zone boundary amendment from C-C to C-2 zoning	Approved by BCC	September 2000

**Surrounding Land Use**

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Corridor Mixed-Use	CG (MPO & AE-60)	Parking lot & undeveloped
South	Corridor Mixed-Use	CG (MPO & AE-60)	Boulevard Mall
East	Neighborhood Commercial & Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	CP & RS5.2 (Historic Overlay District)	Single-family residential & offices
West	Corridor Mixed-Use	CG & CR (MPO & AE-60)	Commercial development

**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**

Use Permit

A special use permit is considered on a case by case basis in consideration of the standards for approval. Additionally, the use shall not result in a substantial or undue adverse effect on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare; and will be adequately served by public improvements, facilities, and services, and will not impose an undue burden.

Section 30.03.03A.9 requires a special use permit for congregate care and that the facility shall be adjacent to and accessed from an arterial or collector street or a commercial complex. In this case the proposed facility is adjacent to 2 arterial streets, Maryland Parkway and Desert Inn Road, and is also accessible through a commercial complex, which is the existing Boulevard Mall. The site is also currently accessible from Oneida Way, which includes several CP zoned parcels, as well as single-family residential development.

The subject site is currently a surface parking area for the north side of the Boulevard Mall, which appears to be underutilized. The proximity to Sunrise Medical Center as well as other nearby medical facilities would appear to make a congregate care facility a logical use for the site. Furthermore, the proposed development would comply with Policy 1.4.4 of the Master Plan by encouraging in-fill development and redevelopment in established neighborhoods through flexible standards and other regulatory incentives, while promoting compatibility with

the scale and intensity of the surrounding area. Redevelopment of commercial areas, particularly in areas where high frequency transit exists, such as Maryland Parkway, is encouraged by the Master Plan. Therefore, staff recommends approval of this request.

#### 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

Within the MPO, parking areas and drive aisles are not permissible between street and front building facades. In addition, surface parking areas shall be at least 20 feet from the back of the sidewalk and at least 5 feet from the side and rear lot lines. The applicant states that the layout of the site is surrounded on 3 sides with streets. Also, the distance between the back of the sidewalk along Oneida Way and the proposed surface parking will be less than 20 feet. However, the parking lot as it currently exists has virtually no setback from the sidewalk. There is a 2 foot tall headlight wall along the length of Oneida Way which will remain in place. The addition of 17 feet to 18 feet of landscaping will further buffer the site from the residential areas to the east and will improve the current conditions by providing additional separation from the residential areas to the east. Additionally, the parking provided at this location is at the rear of the development. The parking areas and drive aisles closer to Maryland Parkway approved in association with WS-23-0226 is in accordance with these requirements. Staff can therefore recommend approval of this request.

#### Waiver of Development Standards #1b & #1c

Within the MPO, enhanced sidewalk requirements are required along the street. In this case the requirement along Oneida Way would be a 5 foot wide detached sidewalk with a 5 foot wide amenity zone between the curb and front of the sidewalk, and a 10 foot wide amenity zone between the back of the sidewalk and the building. In this case, an existing 5 foot wide attached sidewalk and existing 2 foot high wall immediately adjacent to the wall would need to be removed to accommodate this design and would not provide enough room for parking along the east side of the proposed building. The area along Oneida Way is essentially the rear side of the site. The development approved with WS-23-0226 along Maryland Parkway will provide enhanced sidewalk requirements along the street frontage of the subject parcel. In addition, the MPO requires pedestrian access and pathways to be at least 10 feet in width between sidewalks and building entrances. The applicant has provided a pedestrian plan with 5 foot wide sidewalks surrounding the proposed building and crosswalks to existing sidewalks and to the public right-of-way. However, the sidewalks are not 10 feet in width. Given the nature of the use which is a congregate care facility located away from the main street along Maryland Parkway, the amount of pedestrian traffic is likely to be minimal compared to a retail or service use. Also the residents at the care facility are not likely to be ambulatory in a way that there would be a need

for wide pedestrian pathways in the immediate area. Given these circumstances, staff recommends approval of these requests.

#### Waiver of Development Standards #1d #1e & #1f

The MPO requires façade windows that front along a right-of-way or public space to occupy at least 20% of the total area of the façade. Additionally, transparent glass is required to be on at least 70% of the ground floor facing the street and at least 35% of the ground floor not facing a street. An analysis conducted by the applicant indicated that for the building façade facing east towards Oneida Way, the windows with transparent low-e glazing represent only 11.6% of the façade area. The transparent windows facing west towards Maryland Parkway is 29.9% of the façade. The windows facing north towards Desert Inn Road and south towards the office building is 17.36% on each facade. The applicant is requesting these requirements to be reduced because privacy is important for their patients and increased transparency of the building will negatively impact their privacy. Because this facility is more similar to a hospital rather than a retail or office use, staff can support these requests.

#### Design Reviews

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 intent of the Maryland Parkway Overlay District is to implement design standards for transit-oriented, walkable, and sustainable development and revitalization of properties within the MPO generally located along Maryland Parkway between Sahara Avenue and Russell Road. The proposed development provides the following elements required within the MPO: 1) Main building entrance faces a public space in the form of a front plaza and has a recessed entryway; 2) The building exhibits architectural features every 20 linear feet or less with facades that exhibit design continuity with a decorative finish; 3) The building facades adjacent to shared driveways provide windows; 4) Architectural variations are provided in the roofline; 5) Vehicular access is provided from a side roadway, Oneida Way; 6) A pedestrian circulation plan is provided which allows access to the surrounding public rights-of-way and adjacent properties; 7) A public art installation will be provided although it is deferred and will need to be reviewed in the future; and 8) Open space exceeding the requirements of the MPO will be provided with over 50% of the area shaded.

Furthermore, the proposed development complies with Policy 1.4.4 of the Master Plan by encouraging in-fill development and redevelopment in established neighborhoods through flexible standards and other regulatory incentives, while promoting compatibility with the scale and intensity of the surrounding area. Redevelopment of commercial areas, particularly in areas where high frequency transit exists, such as Maryland Parkway, is encouraged by the Master Plan. Therefore, staff recommends approval of these requests.

## **Public Works - Development Review**

### Waiver of Development Standards #2a

Although the throat depth for the northernmost driveway on Oneida Way does not comply with the minimum standard, the applicant worked with staff to remove parking spaces, which provides more room for vehicles to safely exit the right-of-way to gain access to the site. Additionally, traffic on Oneida Way will be minimal since it terminates south of the site. Therefore, staff has no objection to this request.

### Waiver of Development Standards #2b

Staff has no objection to the reduction in departure distance for the Desert Inn Road commercial driveway. The applicant is reconstructing the existing driveway to current standards, helping to mitigate the conflicts caused by reducing departure distance.

### Waiver of Development Standards #2c and #2d

Staff can support the request for reduced driveway width and back of curb radii for the existing southernmost driveway on Oneida Way. Although the driveway does not comply with the minimum standard, traffic on Oneida Way will be minimal since it terminates adjacent to the driveway.

## **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**

- Appropriate land use application is required for the art plan, and the art shall be installed prior to Certificate of Completion;
- 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 is advised that off-site improvement permits may be required.



**Fire Prevention Bureau**

- No comment.

**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 #0279-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Paradise - approval (no drug rehabilitation facility may be located here; a crash gate shall be installed on the entrance to Oneida Way; a 6 foot wall shall be built along the property line on Oneida Way; and neighborhood meeting required prior to the BCC meeting scheduled for August 7, 2024).

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** OCHOA DEVELOPMENT

**CONTACT:** LUCY STEWART, LAS CONSULTING, 1930 VILLAGE CENTER CIRCLE,  
BLD 3 STE 577, LAS VEGAS, NV 89134