

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-25-0327-CHETAK DEVELOPMENT:**

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** increase maximum parking; **2)** increase retaining wall height; **3)** modify residential adjacency standards; and **4)** reduce the driveway approach distance.

**DESIGN REVIEW** for the proposed expansion of an existing shopping center on 4.17 acres in a CG (Commercial General) Zone.

Generally located on the northeast corner of Cactus Avenue and Valley View Boulevard within Enterprise. JJ/jud/cv (For possible action)

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RELATED INFORMATION:

**APN:**

177-29-404-009; 177-29-404-010

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Allow 168 parking spaces where 117 parking spaces are required and a maximum of 134 parking spaces is permissible per Section 30.04.04D (a 25% increase).
2. Increase the retaining wall height along the north property line to 4 feet where 3 feet is the maximum allowed per Section 30.04.03C (a 33% increase).
3. Allow a drive-thru lane 60 feet from a residential zoning district where 200 feet is required per Section 30.04.06E (a 70% reduction).
4. Reduce the driveway approach distance along Cactus Avenue to 89 feet where 150 feet is required per Uniform Standard Drawing 222.1 (a 41% reduction).

**LAND USE PLAN:**

ENTERPRISE - NEIGHBORHOOD COMMERCIAL

**BACKGROUND:**

**Project Description**

General Summary

- Site Acreage: 4.17
- Project Type: Shopping center expansion
- Number of Buildings: 2
- Number of Stories: 1
- Building Height (feet): 35
- Square Feet: 6,835 (Proposed Building A)/13,889 (Proposed Building B)
- Parking Required/Permitted/Provided: 117/134/168
- Sustainability Required/Provided: 7/7

### Site Plan

The plan depicts 2 parcels on the northeast corner of Cactus Avenue and Valley View Boulevard. The eastern parcel (177-29-404-010) is a fully developed shopping center, approved via NZC-0637-16) which included 4 parcels north of the subject property. Only the southern portion of the shopping center (adjacent to Cactus Avenue) was developed. The existing shopping center to the east includes 2 retail buildings. The first building is located on a singular pad site centrally located on the parcel. The second building is an in-line retail building oriented north to south along the west property line. Access to the site is provided via 2 existing driveways along Cactus Avenue.

The applicant's plans depict the proposed expansion of the existing shopping center to the western parcel (APN 177-29-404-009) where 2 additional buildings are proposed. Building A is located on the west side of the site and is an in-line building oriented north to south along Valley View Boulevard with the drive-thru lanes operating in a counterclockwise direction. This building will include retail and restaurant uses. Building B is a centrally located in-line building, adjacent to the existing in-line building to the east. Building B is also oriented north to south perpendicular to Cactus Avenue. A proposed drive-thru lane oriented east to west, is located along the north side of Building B and includes a pick-up window only without a drive-thru call box/menu board. This proposed drive-thru is located 60 feet from a recently approved residential use to the north, thus necessitating a waiver of development standards to modify residential adjacency standards to allow a drive-thru less than 200 feet from a residential use. Vehicle circulation is primarily around the perimeter of the site and within the drive-thru areas.

The applicant is proposing the required buffering and screening (15 foot wide landscape area with an 8 foot high screen wall) along the north property line, however; in addition to a proposed 8 foot wall, the applicant is proposing a 4 foot high retaining wall, where a maximum of 3 feet is permissible. Therefore, a waiver of development standards is required. Furthermore, the plans show a proposed 62 foot long block wall, located on the northeast portion of the east boundary wall, that will connect with an existing 6 foot high block wall located along the east property line.

Existing parking is located throughout the eastern parcel that is already developed. Proposed parking is located along the north property line of both parcels, as well as in between the proposed Building A and Building B on the western parcel. For the overall development, there are 168 parking spaces where 117 parking spaces are required; however, the maximum amount of parking spaces allowed is 134 parking spaces. Since the proposed parking exceeds 15% of the maximum parking spaces allowed, a waiver of development standards is required.

Access to the site is provided via 3 commercial driveways along Cactus Avenue. There are 2 existing driveways along the south property line of the eastern parcel, and a third proposed driveway will be along the south property line of the western parcel. A fourth driveway is proposed on the northwest corner of the site adjacent to Valley View Boulevard. The proposed driveway along Cactus Avenue has a driveway approach distance of 89 feet thus necessitating a waiver of development standards.

### Landscaping

The plan depicts a 15 foot wide landscape area with a detached sidewalk located along Cactus Avenue and Valley View Boulevard. Additional landscaping is located in 5 foot wide landscape areas located along the east property line and in areas within the parking lot. Each of the landscape areas consist of combinations of trees, shrubs, and groundcover. Furthermore, the plan shows the required buffering and screening along the north property line of the site, and the landscaping strip ranges from 15 feet to 33 feet in width.

### Elevations

The 35 foot high buildings depict exterior finishes which include terracotta colored stucco columns, cream and grey colored stucco walls, pop-outs, black aluminum glass storefront and low-e glazing window systems, cornices, and a parapet roof. Additionally, the plan shows canopies over windows and doors located throughout the various building elevations.

### Floor Plans

Building A consists of 6,835 square feet, of which 3,006 square feet are designated for a restaurant and 3,829 square feet to retail. Building B consists of 13,889 square feet of retail spaces.

### Applicant's Justification

The applicant states the reduction in approach distance has been minimized to the greatest extent possible given the location of the existing structures on the eastern parcel (APN 177-29-404-010) and this provides for a maximum separation between the intersection and the entrance on Cactus Avenue. The applicant further states that the waiver for maximum parking is justified given that the existing parking lot for the eastern parcel was designed under standards requiring more than 1 space per 350 square feet, and because the expected tenant mix will include several restaurants, which typically require 1 space per 150 square feet. The request to increase the retaining wall height to 4 feet, with an 8 foot screen wall is appropriate since it provides the buffering and screening standards for commercial properties adjacent to residential use. In addition, the applicant states the project proposes 2 drive-thru windows. The window on the east building is a proposed addition to the north side of an existing building. The drive-thru was contemplated with the construction of the original building as part of Cactus Plaza I but could not be added until the completion of the boundary land adjustment (BLA). The nearest point of the drive-thru lane (north side of Building B) from the residential property line is 60 feet, this drive-thru is located along the north side of proposed building B. The second drive-thru associated with the western building will have its queue beginning approximately 100 feet from the property line, but the call box will be located approximately 204 feet from the property line, and the pick-up window approximately 259 feet from the property line.

### **Prior Land Use Requests APN 177-29-404-009**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
VS-19-0966	Vacated and abandoned patent easements	Approved by PC	February 2020
VS-0280-16	Vacated and abandoned patent easements - expired	Approved by PC	June 2016

**Prior Land Use Requests APN 177-29-404-010**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
WS-20-0407	Waivers of developments standards and design review for signs in conjunction with an existing shopping center	Approved by BCC	November 2020
WS-20-0245	Reduced parking to 89 spaces where 120 spaces are required in conjunction with an existing commercial development	Approved by BCC	August 2020
ET-20-400042 (DR-0173-17)	Second extension of time to commence a tavern	Approved by BCC	June 2020
UC-19-0751	Retail marijuana store	Approved by BCC	November 2019
UC-19-0752	Retail marijuana store	Approved by BCC	November 2019
ADET-19-900254 (DR-0173-17)	Extended the time limit to commence a design review for a proposed tavern	Approved by ZA	June 2019
ET-18-400114 (WS-0130-16)	First extension of time for a comprehensive sign plan in conjunction with the subject property for this application	Approved by BCC	July 2018
DR-0173-17	Tavern (Dotty's) within the retail center - subject to a 1 year administrative review	Approved by BCC	April 2017
NZC-0637-16	Reclassified 9.7 acres from R-E and C-1 zoning to C-2 zoning and a design review for a proposed shopping center, veterinarian office, and mini-warehouse facility - expired (design review for veterinarian, mini-warehouse, and northern portion of the shopping center)	Approved by BCC	December 2016
NZC-0366-16	Reclassified 4.7 acres from R-E and C-1 zoning to C-2 zoning and a design review for a proposed shopping center with a lighting plan - withdrawn	Withdrawn	July 2016
WS-0130-16	Allowed an animated sign (video unit) and a design review for a comprehensive sign plan with a previously approved retail center	Approved by BCC	May 2016
DR-0787-15	Established a comprehensive lighting plan in conjunction with a previously approved retail center	Approved by BCC	January 2016
VS-0924-14	Vacated and abandoned patent easements	Approved by PC	January 2015
ZC-0596-14	Reclassified 2.5 acres (subject parcel related to this application) from R-E to C-1 zoning for a retail center	Approved by BCC	August 2014

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Compact Neighborhood (up to 18 du/ac)	RM18	Recently approved single family-residential development
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RM18	Multi-family residential development
East	Neighborhood Commercial (NC)	CG	Undeveloped
West	Corridor Mixed-Use (CM)	RS20	Undeveloped

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

**Related Applications**

<b>Application Number</b>	<b>Request</b>
ZC-25-0325	A zone change to reclassify 1.86 acres from RS20 to CG is a companion item on this agenda.
VS-25-0326	A vacation and abandonment of patent easements and right-of-way is a companion item on this agenda.
TM-25-500082	A tentative map for a 1 lot commercial subdivision is a companion 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**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

In the past, the existing portion of the shopping center required a waiver of development standards to reduce the number of parking spaces required. With the proposed shopping center expansion, the site will provide an excess number of parking spaces. Staff understands the applicant's justification for the excess parking, and although staff is concerned that excess parking may negatively contribute to the heat island effect. The applicant stated that they foresee a larger number of their renters to be restaurants, which will require a larger parking count than a typical shopping center. Also, the applicant has provided a well landscaped parking lot with

primarily smaller parking pockets throughout the entire site. Therefore, staff can support this request.

#### Waiver of Development Standards #2

Staff finds that the proposed combination retaining and screen wall along the north property line, does not meet the 8 foot high decorative screen wall requirement per Title 30. The applicant is, however providing the required landscape buffer along the north property line. Staff finds this area is developing at higher densities and intensities and an additional foot of retaining wall height should not have an impact on surrounding properties. Therefore, staff can support this request.

#### Waiver of Development Standards #3

The applicant does not meet Title 30 requirements related to residential adjacency, specifically the 200 foot required separation between drive-thru lanes and a residential zoning district, as a 60 foot and a 100 foot separation are being proposed. Staff finds that the proposed drive-thru location along the north and west sides of Building A is acceptable since the call box is located over 200 feet from the residential use. Also, with the landscape buffering as well as the vehicular traffic along Valley View Boulevard, most of the noise nuisance should be buffered from the residential use to the north. Even though staff finds the drive-thru window (pick-up window) on the north side of Building B has a closer distance to the residential use it should not be detrimental to the surrounding residential. Staff believes that the fact that there is no call box proposed with this second drive-thru should reduce the noise effects. For these reasons, 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.

Overall, staff finds that the proposed shopping center will provide new shopping/dining/work opportunities for the area. The designs of the proposed buildings are generally modern and consistent with the other existing buildings on the site. The site is also located along 2 major rights-of-ways to help to support the use of the development. Staff also finds that landscaping has been well provided throughout the site including street and parking lot landscaping. Although staff is concerned with the waiver request for the proposed north boundary retaining wall height the site and building designs are appropriate and consistent with other similar developments in the Valley. Therefore, staff can support this design review.

#### **Public Works - Development Review**

##### Waiver of Development Standards #4

Staff has no objection to the reduction in the approach distance for the Cactus Avenue commercial driveway. Although the approach distance does not comply with the minimum standards, staff finds the location allows vehicles to safely access the site.

## **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**

- No call box to be installed along the north drive-thru located on the north side of Building B;
- 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 approval of a Certificate of Compliance.
- Applicant is advised within 4 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;
- Full off-site improvements;
- Applicant to coordinate a contribution with Public Works for the worm island median on Valley View Boulevard;
- 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 devices.

### **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](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0180-2025 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Enterprise - approval of waivers of development standards #1 and #4; denial of waivers of development standards #2 and #3, and the design review.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** CHETAK DEVELOPMENT

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