

RETAIL CENTER
(TITLE 30)

CACTUS AVE/BERMUDA RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ZC-22-0143-LACONIC, LP:

ZONE CHANGE to reclassify 1.7 acres from an R-E (Rural Estates Residential) Zone to a C-1 (Local Business) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduced parking; **2)** reduced height setback ratio; **3)** reduced driveway departure distance; and **4)** reduced driveway throat depth.

DESIGN REVIEWS for the following: **1)** a proposed retail center; and **2)** finished grade.

Generally located on the north side of Cactus Avenue and the west side of Bermuda Road within Enterprise (description on file). MN/jor/jo (For possible action)

RELATED INFORMATION:

APN:

177-28-803-011

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce required parking to 39 parking spaces where 40 parking spaces are required per Chapter 30.64 (a 2% decrease).
2. Reduce the 3:1 height setback ratio to 10 feet where 78 feet is required per Section 30.56-10 (an 87% decrease).
3. Reduce the proposed driveway departure distance along Cactus Avenue to 161 feet where 190 feet is required per Uniform Standard Drawing 222.1 (a 15% decrease).
4. Reduce the proposed driveway throat depth to 11 feet where 25 feet is required per Uniform Standard Drawing 222.1 (a 56% decrease).

DESIGN REVIEWS:

1. A proposed retail center with a drive-thru restaurant.
2. Increase finished grade to 48 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 33% increase).

LAND USE PLAN:

ENTERPRISE - NEIGHBORHOOD COMMERCIAL

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 1.7
- Project Type: Retail center
- Number of Stories: 1
- Building Height (feet): 32
- Square Feet: 9,246 (propose retail building)/750 (propose drive-thru only restaurant)
- Parking Required/Provided: 40/39

Site Plan

The submitted site plan depicts a proposed retail center on 1.7 acres located on the northwest corner of Cactus Avenue and Bermuda Road. The applicant is proposing 1 new commercial driveway on the northeast corner of the site adjacent to Bermuda Road, and a second driveway on the southwest corner of the parcel adjacent to Cactus Avenue.

The applicant is proposing an L-shaped retail building on the northwest corner of the site that is set back 10 feet from the west property line, 10 feet from the north property line, 94 feet from the south property line, and 124 feet from the east property line. The second building is a proposed restaurant (drive-thru only), located on the southeast corner of the site. This building is set back 27 feet from the east property line, 57 feet from the south property line, 158 feet from the west property line, and 133 feet from the north property line. Lastly, the applicant is providing 39 parking spaces on the northern and central areas of the site, where 40 parking spaces are required per Title 30.

The applicant is requesting a conforming zone change from R-E zoning to C-1 zoning, a design review for the entire site, and an increase in finished grade to 48 inches where 36 inches is allowed. The request to increase the finished grade to a maximum of 48 inches is primarily located along the south property line.

Furthermore, the applicant is requesting waivers of development standards to reduce the required parking from 40 parking spaces to 39 parking spaces. In addition, the applicant is also requesting to reduce the 3:1 height setback ratio to 10 feet where 78 feet is required. Lastly, the applicant is requesting to reduce the departure distance to 161 feet where 190 feet is required and reduce the proposed driveway throat depth to 11 feet where 25 feet is required.

Landscaping

Along the north and west property lines (adjacent to existing single family residences), the applicant is providing a 7 foot to 10 foot wide landscape buffer with 24 inch box trees spaced every 15 feet (27 trees total). In addition, the applicant is proposing to plant 37 shrubs between and adjacent to the proposed 27 trees along the north and west property lines.

The south property line includes an attached sidewalk, 11 proposed trees and 27 proposed shrubs. The east property line includes a detached sidewalk with 26 proposed shrubs and 12 proposed trees.

The landscape finger islands throughout the parking lot include trees and shrubs and the pad site which is a part of the proposed restaurant (drive-thru only), includes 8 proposed trees and 51 proposed shrubs.

Elevations

The elevation plans depict an L-shaped retail building with a maximum height of 32 feet. This building includes varying heights of parapet roofs to show some visual interest. The exterior walls will include a stucco finish with decorative stucco pop-outs. The building will be painted in neutral earth tone colors. The main entrances to the lease spaces are along the east facing elevations only. The proposed restaurant building (drive-thru only) has an overall height of 20 feet to the top of the parapet roof. The design of the building will match the larger retail building.

The applicant is requesting to reduce the 3:1 height setback ratio to 10 feet where 78 feet is required. This waiver is related to the L-shaped retail building located on the northwest corner of the site. Per the plans, there is an existing 6 foot high CMU block wall along the west and north property lines. No screening is proposed along the east and south property lines.

Floor Plan

The floor plan for the proposed restaurant (drive-thru only) includes a prep space, pick-up window area, a storage room, and a restroom. The overall area for the proposed restaurant building is 750 square feet. The proposed retail building has an overall area of 9,246 square feet. The floor plan for the retail building includes 7 proposed lease spaces each containing restrooms.

Signage

Signage is not a part of this request.

Applicant's Justification

The surrounding parcels to the north and the west are zoned (R-D) and the Planned Land Use is Neighborhood Commercial. Per the applicant, a previous purchaser filed a land use application on the subject property for a convenience store with a gasoline station. The neighborhood protested the application and the potential purchaser withdrew the request. Today, the property owner is filing this request in order to reclassify the site from R-E zoning to C-1 zoning (a conforming zone change) to develop a small retail center. As a result of the previous request being contested, the current property owner held a neighborhood meeting in June 2021 with the surrounding neighborhood. The applicant is proposing a 9,246 square foot retail building and a 750 square foot pad, drive-thru restaurant.

The applicant's design review request includes the review of the entire site and increasing the finished grade to a maximum of 48 inches. The highest point will be 48 inches and will allow the property to drain to the street. The site slopes away from the street so the finished grade needs to be increased to allow the drainage towards the rights-of-way and away from the residences. In addition, the proposed driveway along Cactus Avenue requires a departure distance waiver since both driveways have been pushed as far to the west and to the north as possible to avoid the intersection.

Furthermore, the Cactus Avenue commercial driveway is not meeting the minimum required throat depth of 25 feet. The applicant is requesting to reduce the throat depth to 11 feet. The applicant needs to dedicate an RTC bus lane/turn out, which makes it difficult to meet the throat depth; however, the purpose of the throat depth is to allow for turning maneuvers onto the site without impacting the flow of traffic on westbound Cactus Avenue. The RTC bus lane/turn out allows for vehicles to turn into the site if a bus is stopped. If there is no bus, this lane can function as a deceleration lane; therefore, removing any impediment to the westbound traffic lane.

The residential to the north and west is master planned for commercial, but a nonconforming zone change approved the request from neighborhood commercial to residential, making the property in this request more difficult to develop. The applicant is requesting a reduction in the 3:1 setback from residential. There is a 6 foot wall, and the building is 32 feet in height, so the setback would normally be 78 feet; however, only 10 feet is provided. The site is too small to meet all the setbacks from residential, but originally the residential area was planned for commercial and there would not be a 3:1 setback required. To mitigate this, the applicant is proposing a 7 foot to 10 foot wide landscape buffer with 24 inch box trees spaced every 15 feet.

Lastly, the applicant is requesting to reduce the required parking spaces by 1 space. The site will provide 39 parking spaces where 40 parking spaces are required. The site is well landscaped and the proposed restaurant is drive-thru only.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-19-0441	Reclassified from R-E to C-1 zoning for a gasoline station and convenience store with a restaurant and drive-thru	Withdrawn without prejudice	September 2019

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North & West	Neighborhood Commercial	R-D	Single family residential
South	Ranch Estate Neighborhood (up to 2 du/ac)	R-E (RNP-I)	Undeveloped
East	Neighborhood Commercial	C-2	Convenience store with a gasoline station & The Lennox Apartments

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

Related Applications

Application Number	Request
VS-22-0144	A vacation and abandonment of easements and a portion of right-of-way is a companion item on this agenda.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis

Current Planning

Zone Change

The applicant is requesting a conforming zone change from R-E zoning to C-1 zoning. Staff finds that reclassifying the site to C-1 zoning is appropriate and conforming to the Land Use Plan designation of Neighborhood Commercial. Per Title 30, the purpose of C-1 zoning allows for retail business uses or personal services establishments to serve as a convenience to neighborhoods. Staff can support this request and finds C-1 zoning appropriate for the site, especially since C-1 zoning is encouraged on parcels that are less than 10 acres. Furthermore, the neighborhoods to the north and west are well established, and incorporating a C-1 zoned property is more suitable especially since the applicant proposes a smaller retail center and not another convenience store and gas station similar to the parcel to the east.

Waivers of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

Waiver of Development Standards #1

The applicant is requesting to reduce required parking to 39 parking spaces where 40 parking spaces are required per Chapter 30.64 (a 2% decrease). Staff does not usually support parking reductions, especially since site designs and future businesses can alter the required parking for a site such as this. Staff finds that a parking reduction of 1 parking space should not negatively impact the site with the proposed design of the site; therefore, staff can support the request.

Waiver of Development Standards #2

The applicant is requesting to reduce the 3:1 height setback ratio to 10 feet where 78 feet is required per Section 30.56-10 (an 87% decrease). This request is for the L-shaped retail building on the northwest corner of the site. Staff finds that the 78 foot setback is required since the proposed building is 32 feet tall. Even if the building were only proposed at 20 feet high the 3:1 height setback ratio would still be 42 feet from the residential uses to the north and west. The site is only 1.7 acres, and site constraints prevents adequate setback ratios to be met unless the proposed building were reduced in overall area and shifted towards the center of the parcel. Staff finds that a 7 foot to 10 foot wide landscape buffer and an existing 6 foot high block wall will help mitigate the required setback ratio; therefore, staff can support the request.

Design Review #1

Staff finds that the proposed retail center with a drive-thru restaurant is appropriate for the site. The applicant is proposing ample landscaping and building designs which allows for proper

vehicular and pedestrian circulation. Since staff supports the zone change and the waivers of development standards, staff can also support this request.

Public Works - Development Review

Waiver of Development Standards #3

Staff has no objection to the reduction in the departure distance for the Cactus Avenue commercial driveway. The applicant placed the driveway as far west as the site will allow.

Waiver of Development Standards #4

Staff worked with the applicant on the throat depths on the Cactus Avenue driveways to provide an increased distance between the driveways and parking spaces to reduce conflicts. In order to accommodate this, the applicant removed parking spaces adjacent to the Cactus Avenue driveway. Therefore, staff does not object to this request.

Design Review #2

This design review represents the maximum grade difference within the boundary of this application. This information is based on preliminary data to set the worst case scenario. Staff will continue to evaluate the site through the technical studies required for this application. Approval of this application will not prevent staff from requiring an alternate design to meet Clark County Code, Title 30, or previous land use 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:

Current Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- 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 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; 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;
- If required by the Regional Transportation Commission (RTC), dedicate right-of-way for a combination bus turnout/right turn lane.
- Applicant is advised 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; and 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 or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

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 #0124-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require a new POC analysis.

TAB/CAC: Enterprise - approval; denial of design review #2 (public hearing for signage and significant changes to plans; limit operating hours to daytime hours).

APPROVALS:

PROTESTS:

APPLICANT: LACONIC, LLC

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