

**UPDATE**

SHOPPING CENTER  
(TITLE 30)

SILVERADO RANCH BLVD/VALLEY VIEW BLVD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ZC-23-0610-ROOHANI FAMILY TRUST ETAL & ROOHANI KHUSROW TRS:**

**HOLDOVER ZONE CHANGE** to reclassify a 3.9 acre portion of a 5.6 acre site from an R-E (Rural Estates Residential) Zone to a C-2 (General Commercial) Zone.

**USE PERMITS** for the following: **1)** reduced separation from a convenience store to a residential use; **2)** reduced separation from a car wash to a residential use; and **3)** reduced separation from a tavern to a residential use.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduce height/setback ratio adjacent to a single family residential use; **2)** allow alternative landscaping/screening adjacent to a single family residential use; **3)** allow a talk box to face future residential development; and **4)** allow modified driveway design standards.

**DESIGN REVIEWS** for the following: **1)** shopping center with a tavern, retail, convenience store, gasoline station, vehicle wash, and restaurants with drive-thru; and **2)** finished grade.

Generally located on the north side of Silverado Ranch Boulevard and the west side of Valley View Boulevard within Enterprise (description on file). JJ/rk/syp (For possible action)

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RELATED INFORMATION:

**APN:**

177-19-802-017 ptn

**USE PERMITS:**

1. Reduce the separation from a convenience store to a residential use to 76 feet where a minimum of 200 feet is required per Table 30.44-1 (a 62% reduction).
2. Reduce the separation from a vehicle wash to a residential use to 87 feet where a minimum of 200 feet is required per Table 30.44-1 (a 57% reduction).
3. Reduce the separation from a tavern to a residential use to the north to 10 feet where 200 feet is the standard per Table 30.44-1 (a 95% reduction).

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. a. Reduce the height/setback ratio adjacent to a single family residential use (to the north) to a minimum 10 feet where 75 feet is required per Figure 30.56-10 (an 87% reduction).
- b. Reduce the height/setback ratio adjacent to single family residential uses (to the west) to a minimum 23 feet where 65 feet is required per Figure 30.56-10 (a 65% reduction).

2. Allow alternative landscaping/screening adjacent to a less intensive use to consist of a decorative fence where a decorative wall is required per Table 30.64-2 and Figure 30.64-11.
3. Allow a talk box to face future residential development.
4. Reduce throat depth to 14.6 feet for a driveway located along Valley View Boulevard where a minimum of 25 feet is required per Uniform Standard Drawing 222.1 (a 59% reduction).

#### **DESIGN REVIEWS:**

1. Shopping center with a tavern, retail, convenience store, gasoline station, vehicle wash, and restaurants with drive-thru.
2. Increase finished grade up to 42 inches (3.5 feet) where a maximum of 36 inches (3 feet) is the standard per Section 30.32.040 (a 17% increase).

#### **PROPOSED LAND USE PLAN:**

ENTERPRISE - CORRIDOR MIXED-USE

#### **BACKGROUND:**

##### **Project Description**

##### General Summary

- Site Address: N/A
- Site Acreage: 3.9 (portion)/5.6 (site)
- Project Type: Shopping center
- Number of Stories: 1
- Building Height (feet): Up to 25
- Square Feet: 4,200 (convenience store & car wash); 6,600 (restaurant pad sites); 11,600 (in-line retail); 5,000 (tavern)
- Parking Required/Provided: 143/145

##### Site Plans

The plans depict a commercial shopping center consisting of a convenience store, vehicle wash, gasoline station, retail building, restaurant pad sites and a tavern on the northwest corner of Silverado Ranch Boulevard and Valley View Boulevard. The site is 3.9 acres which is surrounded by a proposed R-5 multiple family project to the north and west. The in-line retail building and tavern are located on the northern portion of the site and the convenience store, gasoline station, and vehicle wash are located on the eastern portion of the site adjacent to Valley View Boulevard. While the restaurant pad sites with drive-thrus are located on the southern portion of the site adjacent to Silverado Ranch Boulevard. One of the talk boxes associated with the restaurant pad site near the southwest corner of the site, faces north towards an undeveloped R-E parcel which is proposed for a future multiple family development. The talk box is approximately 137 feet from the north property line. For the remaining uses, the convenience store building is set back 76 feet from the north property line, the car wash is 87 feet from the north property line, and the in-line retail building and tavern is approximately 10 feet from the north property line. The closest restaurant pad site to residential property (to the west) is shown at 23 feet. A total of 145 parking spaces are distributed throughout the site. Access to the

proposed development is shown from 2 driveways on Silverado Ranch Boulevard and one driveway on Valley View Boulevard.

### Landscaping & Screening

The plans depict a 15 foot wide landscape area along Silverado Ranch Boulevard and Valley View Boulevard featuring a 5 foot wide detached sidewalk. A 5 foot wide landscape buffer with trees spaced 20 feet apart is proposed along the north property line adjacent to a proposed multiple family development and a 10 foot wide landscape buffer with trees spaced 20 feet apart is proposed along the west property line. Interior to the site, landscaping is distributed throughout the parking lot and around portions of the building footprint. The applicant is requesting a waiver to the 6 foot decorative wall requirement along the northern and western property lines. The applicant is proposing a 6 foot decorative fence in lieu of the decorative wall.

### Elevations

The buildings range in height from 24 feet to 31 feet, and the gasoline canopy is 15 feet. The buildings have flat roofs and similar facades including painted cement plaster, brick veneer accents, aluminum storefront windows and doors, and decorative metal awnings. The gasoline canopy will also utilize the same colors and textures to unify the design of the entire site.

### Floor Plans

The square footage of the overall shopping center is 27,400 square feet. The plans indicate the buildings will be constructed with open floor plans that will be modified to meet the needs of the tenants. From east to west, the plans are as follows: the convenience store is 4,200 square feet with a car wash tunnel on the east side of the building; the tavern is 5,000 square feet; the in-line retail building consists of 5 lease spaces and is 11,600 square feet; and the 2 restaurants buildings are 3,200 square feet and 3,400 square feet.

### Signage

Signage is not a part of this request.

### Applicant's Justification

The applicant indicates the site is located along Silverado Ranch Boulevard and Valley View Boulevard, which are planned at full buildout as 100 foot rights-of-way. The C-2 commercial request is appropriate, as Silverado Ranch Boulevard is undergoing a change in trend from what was once a single family low density residential use, to higher intensity commercial uses. On the southwest corner of Silverado Ranch Boulevard and Valley View Boulevard is approximately 6.4 acres that was recently approved for a master plan amendment to NC and zone changes to commercial. Additionally, the southeast corner of Silverado Ranch Boulevard and Valley View Boulevard is master planned CM and hard zoned C-2. Due to the increase in higher density developments and the influx of people to the area, there is a need for more commercial uses to meet the needs and demands of residents. Therefore, the proposed zone change will help meet the needs of the growing Enterprise community and the proposed zone change to C-2 will not have a negative effect on adjacent properties.

### Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-E	Undeveloped
South	Neighborhood Commercial	R-E	Undeveloped
East	Open Lands	R-E	Undeveloped
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-E	Undeveloped

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

### Related Applications

Application Number	Request
PA-23-700028	A master Plan Amendment to re-designate the land use category from Mid-Intensity Suburban Neighborhood (MN) to Corridor Mixed-Use (CM) on the southern portion of APN 177-19-802-017 is a companion item on this agenda.
VS-23-0612	A vacation of patent easements and rights-of-way that traverse the site is a related item on this agenda.
PA-23-700029	A master Plan Amendment to re-designate the land use category from Mid-Intensity Suburban Neighborhood (MN) to Urban Neighborhood (UN) on the northern portion of the subject parcel and on parcels to the north and west is a related item on this agenda.
ZC-23-0611	A zone change to reclassify the northern portion of the subject parcel and on parcels to the north and west from R-E to R-5 zoning, with waivers of development standards and design reviews is a related item on this agenda.

### STANDARDS FOR APPROVAL:

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

### Analysis

#### Comprehensive Planning

##### Zone Change

There is a concurrent Master Plan Amendment application to re-designate the land use category from Mid-Intensity Suburban Neighborhood (MN) (up to 8 du/ac) to Corridor Mixed-Use (CM), which staff is supporting. The trend at the intersection of Silverado Ranch Boulevard and Valley View Boulevard has been for the establishment of C-2 zoning. The southeast corner is hard zoned C-2, while the southwest corner was approved under Resolution of Intent for C-2 zoning (NZA-20-0030 & NZA-19-0504), although those Resolutions of Intent have recently expired. There is no indication that the project will have a substantial adverse effect on public facilities and services in this area and due to the increase in higher density developments and the influx of people to the area, there is a need for more commercial uses to meet the needs and demands of residents and future warehouse development in the area. As a result, staff can support the zone change.

### Use Permits

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

A tavern, convenience store with gasoline station, and vehicle wash are permitted as a conditional use in the C-2 zoning district subject to complying with conditions. One of those conditions is complying with the minimum separation of 200 feet from residential. Staff finds that even though the proposed uses above are within the separation distances, the development can be beneficial to the surrounding community and will provide services and amenities for the surrounding area. The proposed request would allow commercial uses in an area with increasing residential development and a lack of commercial services; and thus, the request would comply with Policy 1.3.3 of the Master Plan which encourages the integration of grocery stores, restaurants, medical offices, and other daily-needs services as part of or adjacent to new neighborhoods to minimize the need for longer vehicle trips. Additionally, the applicant is proposing to provide trees 20 feet on center per Figure 30.64-11 to “buffer adjacent to a less intensive use” along the residential property lines. However, staff finds to provide a better buffer adjacent to the future residential development, the applicant should provide more trees within the landscape planters along the north and west property lines; therefore, with the condition listed below, staff can support this portion of the request.

### 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 through #3 & Design Review #1

The applicant requests a waiver to allow the drive-thru talk box to face proposed residential development. Per Table 30.56-2, talk boxes shall be set behind the building or faced to minimize noise when adjacent to residential developments. The applicant proposes 2 drive-thru aisles that have talk boxes facing north toward residential uses. The talk box for the more eastern drive-thru restaurant space has a call box that is buffered by the retail and tavern pads. However, the western drive-thru restaurant space, although not buffered by any buildings, is facing north, and set back a significant distance of approximately 137 feet from the residential use to the north. With that, this waiver request will not negatively impact the future residential uses to the north. The applicant is also requesting a waiver to the 6 foot decorative wall requirement along the northern and western property lines. Instead, the applicant is proposing a 6 foot decorative fence in lieu of the decorative wall. The decorative fence will be aesthetically pleasing and will provide sufficient screening once the shrubs are established next to the proposed multiple family project. Lastly, the design provides varying building heights as encouraged by policies of the Master Plan, the commercial development has placed buildings near the proposed residential development to the north; however, the opportunity to provide a variety of building placement on

3.9 acres is limited. Additionally, the proposed residential development to the north and west is designed with a maximum building height of 41 feet, while the commercial project has a maximum height of 25 feet. Therefore, staff can support this waiver request and the overall land use requests.

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

#### Waiver of Development Standards #4

Staff can support the request to reduce the throat depth for the driveway on Valley View Boulevard. The 3 driveways should see equal use, mitigating potential impacts from the reduced throat depths.

#### 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. This item will be forwarded to the Board of County Commissioners' meeting for final action on December 6, 2023 at 9:00 a.m., unless otherwise announced.

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 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;
- Provide trees spaced 10 feet on center along the north and west property lines;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that 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; 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 use permits, 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;
- Provide access for APNs 177-19-802-008 and 177-19-802-009.
- 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 or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way; 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.

### **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 #0330-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

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

**APPROVALS:** 3 cards

**PROTESTS:** 6 cards

**PLANNING COMMISSION ACTION:** November 7, 2023 – HELD – To – 11/21/23 – per the applicant.

**APPLICANT:** THE ARDOUR COMPANY

**CONTACT:** KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DR, SUITE 650, LAS VEGAS, NV 89135