

11/06/24 BCC AGENDA SHEET

**PUBLIC HEARING**

**APP. NUMBER/OWNER/DESCRIPTION OF REQUEST**

**WS-24-0495-AAA LAND INVESTMENT, LLC:**

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** modify residential adjacency standards; and **2)** driveway geometrics.

**DESIGN REVIEW** for expansion of a commercial development on a 2.35 acre portion of a 4.11 acre site in a CG (Commercial General) Zone.

Generally located on the east side of Fort Apache Road and the north side of Warm Springs Road within Spring Valley. JJ/rr/kh (For possible action)

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**RELATED INFORMATION:**

**APN:**

176-05-401-026; 176-05-401-027 ptn

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. a. Reduce setback for drive-thru lanes to 97 feet to the east property line where 200 feet from an area subject to residential adjacency is required per Section 30.04.06E.
- b. Allow the largest buildings not to be located within the core of the site where required per Section 30.04.06.G.
2. Reduce throat depth to 50 feet where 75 feet is required per Uniform Standard Drawing 222.1.

**LAND USE PLAN:**

SPRING VALLEY - CORRIDOR MIXED-USE

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 2.35 (project site)/4.11 (overall)
- Project Type: Retail/office and restaurant additions
- Number of Stories: 1
- Building Height (feet): 24 (all buildings)
- Square Feet: 4,650 (Building 1)/2,460 (Building 2)/7,650 (Building 3)/5,000 (Building 4)
- Parking Required/Provided: 83/86
- Sustainability Required/Provided: 7/8

### Site Plan

The plan depicts a 2.35 acre parcel (APN 176-05-401-026) located on the east side of Fort Apache Road. It is part of a larger site which includes APN 176-05-401-027 to the south, located at the northeast corner of Fort Apache Road and Warm Springs Road. The parcel to the south is developed with a gas station and convenience store. The plan depicts 4 proposed buildings on the northern parcel. Building 1 is proposed to be a restaurant and is located on the southern side of the property. The building is proposed to be set back approximately 85 feet from Fort Apache Road, 90 feet from the east property line adjacent to a compact single-family neighborhood, and 10 feet from the south property line. Building 2 is proposed to be a restaurant with a drive-thru and is shown in the center of the property. The building is proposed to be set back approximately 105 feet from Fort Apache Road and 130 feet from the east property line. The nearest point of the drive-thru lanes to the adjacent residential neighborhood is 97 feet from the east property line which is the subject of a waiver request. Buildings 3 and 4 are proposed for office and retail uses and are located on the north side of the property. Both buildings are proposed to be set back 32 feet from the north property line, which borders a single-family neighborhood. Building 3 is proposed to be set back 15 feet from Fort Apache Road and Building 4 is proposed to be set back 37 feet 9 inches from the east property line.

A single 38 foot wide driveway area from Fort Apache Road is proposed to provide access to the site, including all parking areas with a total of 86 parking spaces as well as the drive-thru for Building 2. The plan shows 2 drive-thru lanes on the east side of the building which merge into a single lane at the pick-up window located on the north side of the building. Two call boxes are depicted on the east side of Building 2 which are proposed to be located 109 feet and 123 feet from the east property line. The plan indicates a 5 foot high sound attenuation wall will be constructed along the east side of the drive-thru lanes. Two trash and recycling enclosures are shown to the east of the drive-thru and are located 74 feet and 75 feet from the east property line. A loading space is located near the northeast corner of Building 1, 76 feet from the east property line. Cross access with a 24 foot wide drive aisle is provided to the property to the south. Eight accessible parking spaces are provided for the site adjacent to Buildings 1, 3, and 4. Two bicycle racks are located near the entrances to Buildings 1 and 2 and, one between Buildings 3 and 4. Pedestrian circulation is provided throughout the site extending from the public sidewalk and adjacent bus turn-out to all building entrances and include the use of pedestrian walkways and crosswalks with pavers or other changes to materials. An 8 foot tall decorative screen wall is proposed along the length of the north and east property lines.

### Landscaping

The plan indicates that street landscaping, parking area landscaping, and a landscape buffer along the north and east sides of the property are being provided. Along Fort Apache Road, north of the driveway, the street landscaping consists of a detached 5 foot wide sidewalk, a 5 foot wide landscape strip between the sidewalk and the curb, and another 10 foot to 15 foot wide landscape strip between the sidewalk and Building 3. To the south of the driveway, the plan indicates an attached sidewalk adjacent to an existing bus turn-out with a landscape strip approximately 20 feet wide. The street landscaping consists of 12 large trees including Shoestring Acacia, Willow Acacia, and Indian Rosewood set apart approximately 30 feet on center with 3 shrubs proposed per tree. Within the parking lot there are 29 medium Mulga Acacia trees provided in the landscape islands and at the ends of the parking rows per the

minimum requirements. A landscape buffer is provided along the north and east sides of the property where it abuts the single-family neighborhood. The buffer includes 2 alternating rows of large evergreen trees, including Shoestring Acacia, Willow Acacia, and Indian Rosewood, planted 20 feet apart on center in each row. The proposed landscape buffer along the east side of the property ranges from 19 feet to 37 feet 9 inches wide, while the buffer along the north side of the property is 32 feet to 33 feet wide. Site lighting information is provided on the plan which indicates compliance to the Code.

Elevations

The plans depict all 4 sides of the 4 proposed buildings have similar architectural styles. The maximum height of all buildings is 24 feet to the top of the highest parapet. The building materials consist of stucco wall finishes with contrasting and complimentary colors. Design accents include stone veneers, painted metal awnings and strips, doors and windows with aluminum and glass store front doors and windows. Canopies are depicted over all storefronts, windows, and building entrances as well as over the drive-thru window on Building 2. However, no building entrances for Buildings 3 and 4 are facing the street.

Floor Plans

The plans indicate 4 shell buildings with no floor plan details and a total of 19,750 square feet. Building 1 is 4,650 square feet with entrances proposed on the north, west, and east sides of the building. Building 2 is 2,450 square feet with the entrances on the south and west sides of the building. The drive-thru window is located on the north side of the building. Building 3 is 7,650 square feet with 3 entrances on the south side of the building. Building 4 is 5,000 square feet with 4 entrances on the south side of the building.

Applicant’s Justification

The applicant states that the proposed shopping center is a community serving use with customers drawn from the immediate area. The use is depicted as an in-fill project on a site which is the only remaining undeveloped parcel in the half mile segment of the street frontage. The applicant states that the development of the site fulfills growth management requirements by maximizing the capacities of existing infrastructure and services.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
WS-0163-12	Waiver for full off-site improvements in conjunction with a future commercial development	Approved by BCC	May 2012
UC-0421-10	Allowed a retail center on a portion of the site	Approved by BCC	October 2010
UC-0461-07	Allowed a shopping center consisting of 3 retail buildings, tavern, and convenience store with a car wash - expired	Approved by BCC	July 2007
TM-0459-06	1 lot commercial subdivision	Approved by PC	December 2006

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-1646-00 (ET-0315-05)	Second extension of time to remove time limit and adopt zoning with previous conditions	Approved by BCC	February 2006
TM-0108-04	1 lot commercial subdivision - expired	Approved by PC	April 2004
ZC-1646-00 (ET-0248-03)	First extension of time for a zone change to C-2 zoning	Approved by BCC	November 2003
UC-1564-03	Reduced setback from a residential development to a proposed tavern in a shopping center	Approved by BCC	November 2003
ZC-1646-00	Reclassified the subject site to C-2 zoning	Approved by BCC	January 2001

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North & East	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-3 (Rhodes Ranch - Planned Community)	Single-family residential
South	Corridor Mixed-Use	RS3.3	Single-family residential
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS3.3	Single-family residential

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

**Related Applications**

<b>Application Number</b>	<b>Request</b>
VS-24-0494	A vacation and abandonment of patent easements 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 #1a

The applicant is requesting a waiver to reduce the setback for drive-thru lanes to 97 feet from the east property line which abuts a single-family residential neighborhood where 200 feet is required. The drive-thru includes 2 call boxes which are 109 feet and 123 feet from the east property line. The drive-thru lanes are proposed to be buffered by a 19 foot wide landscape area to the east, a 32 foot wide landscape area and Buildings 3 and 4 on the north, as well as an 8 foot tall decorative screen wall along the north and east property lines. Additionally, the applicant is proposing a 5 foot high sound attenuation wall along the east side of the drive-thru lanes which is intended to mitigate noise and visual impacts to the residential development to the east. The Code allows drive-thru lanes to be less than 200 feet from areas subject to residential adjacency when the lanes are separated from the residential area by a primary building. The placement of Buildings 3 and 4 provides the necessary separation for the residential areas to the north. However, there is no building that provides a similar buffer between the drive-thru and the residential area to the east. Although a noise attenuation wall is provided which may mitigate potential noise issues at the drive-thru, staff is still concerned with air quality impacts resulting from idling vehicles and it appears the redesign could increase the separation between the residences and drive-thru. Therefore, staff cannot support this request.

#### Waiver of Development Standards #1b

The applicant is requesting a waiver to allow the largest proposed buildings to not be located within the core of the site. The largest building on the site, Building 3, is 7,650 square feet and is located approximately 32 feet from the northern property line. While the smallest building on the site, Building 2, is 2,450 square feet and is located in the center of the property. The applicant states that the largest buildings are at the optimum location because of the depth of the lot and the location of other buildings on the site. The applicant further states that the buildings are set back, screened, buffered, and finished with architectural details to ensure no impacts both visually and environmentally to the residential uses to the north and east. In this case the smallest building could have the greatest impact on the residential area as this is the only building proposed with a drive-thru. Therefore, it would not be desirable to have this building be located any closer to the residential area and it currently serves as a buffer to the residences to the north from the drive-thru. However, because the design review is not being supported, staff cannot 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.

Building materials include the use of stucco, aluminum and glass storefronts, painted metal awnings, and stone veneer. The building facades feature wall reveals, changes in surface colors and materials with 1 foot to 3 foot high roofline variations. Customer entrances are provided for Buildings 1 and 2 which face Fort Apache Road. However, Buildings 3 and 4 have entrances that face the interior of the site rather than the street and the building facades facing Fort Apache Road lack architectural treatment to give the appearance of windows and doors. Three foot

canopies are provided above the building entrances and all windows. Cross access is provided to the property to the south. Pedestrian connectivity is provided between the public sidewalk along Fort Apache Road and all building entrances with a series of walkways with pavers or other changes to materials. The 2 trash enclosures located east of Building 2 are proposed to be surrounded by 6 foot tall screen walls with a stone veneer and double steel gates to match the stucco color.

The building design and architectural features are not unsightly or undesirable. Site access and circulation will not impact any other properties. The design of the parking areas, including loading areas, as well as the landscaping is generally in accordance with the Code requirements. Based on this information, staff could normally support this request, however, staff is not supporting the waiver for the drive-thru and, therefore, cannot support the design review.

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

#### Waiver of Development Standards #2

Staff has no objection to the reduced throat depth for the commercial driveway on Fort Apache Road. The applicant provided additional landscape buffers adjacent to the site entrance. The buffers improve the visibility of traffic trying to access the site, allowing vehicles to safely exit the right-of-way. However, since Planning is recommending denial of the application, staff cannot support this waiver.

### **Staff Recommendation**

Denial.

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**

If approved:

- 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 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 #0415-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Spring Valley - no recommendation.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** MK ARCHITECTURE

**CONTACT:** MK ARCHITECTURE, 50 E. SERENE AVENUE #414, LAS VEGAS, NV 89123