

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-24-0144-PAMAKA LAND HOLDINGS, LLC:

HOLDOVER WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** residential adjacency standards; **2)** loading spaces; **3)** reduce driveway approach distance; and **4)** reduce driveway departure distance.

DESIGN REVIEW for a proposed shopping center on 3.85 acres in a CG (Commercial General) Zone.

Generally located on the northeast corner of Durango Drive and Ford Avenue within Enterprise. JJ/jor/ng (For possible action)

RELATED INFORMATION:

APN:

176-16-301-036

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Reduce proposed drive-thru lane setback from a residential development to 72 feet where 200 feet is the standard per Section 30.04.06.E (a 64% reduction).
- b. Allow nonresidential access to a local street (Ford Avenue and Cougar Avenue) where nonresidential development access is not permissible per Section 30.40.06.D.
- c. Allow the largest proposed building adjacent to a residential land use where the largest structure of a multiple building development must be within the core of the site per Section 30.04.06.G.
2. Allow loading spaces within customer parking where not permitted per Section 30.04.04.
3. Reduce the proposed driveway approach distance to 67 feet, 3 inches where 150 feet is the minimum required per Uniform Standard Drawing 222.1 (a 55% reduction).
4. Reduce the proposed driveway departure distance to 158 feet, 10 inches where 190 feet is the minimum required per Uniform Standard Drawing 222.1 (a 17% reduction).

LAND USE PLAN:

ENTERPRISE - NEIGHBORHOOD COMMERCIAL

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 3.85
- Project Type: Shopping center
- Number of Stories: 1

- Building Height (feet): 21
- Square Feet: 20,200 (Building 1 - Retail)/5,600 (Building 2 – Restaurant)/5,000 (Building 3 – Restaurant with a drive-thru)/5,000 (Building 4 – Restaurant with a drive-thru)
- Parking Required/Provided: 102/117
- Sustainability Required/Provided: 7/8

Site Plan & Request

The site plan depicts a 3.85 acre parcel on the southside of Cougar Avenue, the east side of Durango Drive, and the north side of Ford Avenue. The applicant is proposing a shopping center comprised of a restaurant building pad (Building 2) on the northwest corner of the parcel, and a retail building (Building 1) on the northeast portion of the site. The southern half of the proposed shopping center includes 2 restaurant buildings (Buildings 3 and 4) with drive-thru lanes.

The building setbacks are as follows:

	North (Cougar Avenue)	South (Ford Avenue)	East (Residential Use)	West (Durango Drive)
Building 1	126 feet	286 feet	36 feet	150 feet
Building 2	20 feet	224 feet	170 feet	16 feet
Building 3	390 feet	170 feet	84 feet	88 feet, 10 inches
Building 4	470 feet	89 feet	88 feet	84 feet

Access to the site is via 1 driveway on the northeast corner (along Cougar Avenue), 2 driveways along the west property line adjacent to Durango Drive, and 1 driveway on the southeast corner along Ford Avenue. One hundred seventeen parking spaces are provided where 102 parking spaces are required per Title 30.

The applicant is requesting to reduce the drive-thru lane setback from a residential use to 72 feet where 200 feet is the standard per Code. Both Building 3 and Building 4 include drive-thru lanes, however, this request is related to Building 3 since the proposed drive-thru lane is set back 72 feet from the residential use to the east. The applicant is also requesting to allow nonresidential access to a local street to the north being Cougar Avenue and to the south being Ford Avenue. Furthermore, the applicant is requesting to allow an alternative building configuration. The largest building on-site is Building 1, and the applicant is proposing to place this building adjacent to a residential use to the east, and not within the core of the site. In addition, the applicant is requesting to allow loading spaces to be within the customer parking area, east of Building 2 and southeast of Building 1. The remaining waivers of development standards are associated with proposed driveway approach and departure distance dimensions. Lastly, a design review for the overall shopping center is a part of this request.

Landscaping

The landscape plan shows detached sidewalks with street landscaping along Ford Avenue (south), Durango Drive (west), and Cougar Avenue (north). The applicant is proposing 8 large trees planted 30 feet on center along the south property line where 7 large trees are required per Code. In addition, the plan also shows 18 large street trees to be planted along Durango Drive where 15 large trees are required per Title 30. Furthermore, 8 large trees will be planted along

the north property line (adjacent to Cougar Avenue) where 7 large trees are required per Title 30. The plan also shows a sufficient amount of parking lot landscape finger islands throughout the proposed shopping center. Lastly, the applicant is proposing a 24 foot to 35 foot wide landscape buffer along the east property line, with a double row of large trees adjacent to a proposed 8 foot high wall.

Elevations & Floor Plans

Building 1 has an overall height of 21 feet to the top of the parapet roof and has an overall area of 20,200 square feet. Building 2 has an overall height of 21 feet and has an overall building area of 5,600 square feet. Buildings 3 and 4 are similar in design and both have an overall height of 21 feet. These buildings will be future restaurants with a drive-thru lane for each building. All 4 buildings have exterior architectural elements which include storefront and window systems, canopies, stucco walls, Alumaboard siding, and faux stone paneling. All buildings are 1 story only.

Applicant's Justification

The proposed drive-thru lanes of both restaurants (Buildings 3 & 4) are buffered/screened from the residential development by 2 landscape areas. The first landscaping area (easternmost) is a minimum 27 foot wide area adjacent to the residences and consists of landscaping that complies with Code requirements. This landscape area and the proposed 8 foot high block wall also creates the required buffer. The second area is a 5 foot wide area which provides additional screening buffer and mitigates environment and visual impacts to the residential development. The call boxes, pay, and pick-up windows are all set back a minimum of 136 feet from the east property line which also reduces noise and visual impacts to the adjacent residential use.

The applicant is also requesting a waiver to allow direct access (ingress/egress) to the site from local streets (Ford Avenue & Cougar Avenue) to serve the residential area to the south and east. This direct access is a safe way for residents to access the site without accessing Durango Drive and attempting unsafe turns to access or depart the proposed shopping center. This also provides optimum on-site circulation which allows neighborhood traffic to access the site without accessing Durango Drive.

In addition, the applicant is requesting to allow an alternative building configuration where the largest proposed building is adjacent to a residential land use. The largest building (Building 1) on the site is at the optimum location because of the depth of the lot and placement of the other buildings on the site. Building 1 is set back, screened, buffered, and finished with architectural details to ensure no impacts both visually and environmentally to the residential uses to the east. The building complies with setback and screening requirements.

Furthermore, the proposed loading spaces are located at the optimum locations on the site to allow for easy access for the delivery vehicles. The loading spaces southeast of Building 1 includes a wing wall and is buffered with landscaping. The loading space east of Building 2 is adjacent to the street landscaping along Cougar Avenue.

Lastly, the applicant is requesting waivers of development standards regarding driveway geometrics. These requests are justified and will not have an impact on the adjacent street

because additional driveways are provided to the site. The design of the site allows no parking spaces adjacent to the driveway, which eliminates direct vehicular conflicts at the driveway. No vehicles will back out of the parking stalls to impede vehicles that ingress and egress the site. The applicant is also requesting to reduce the driveway approach distance from the northernmost driveway to the intersection of Durango Drive and Couger Avenue. Vehicles departing from the driveway and approaching the intersection will not be at the allowable speed on Durango Drive and will be at a lower speed, therefore, will not create an impact. The turn movements will not impact other vehicles traveling past the intersection; therefore, will not slow down traffic on Durango Drive.

The waiver to reduce the driveway departure distance is justified because the subject driveway is set back as far east as possible to reduce impact to the intersection. Additionally, the driveway is placed at the proposed location to also reduce impacts to any future residential uses on the undeveloped portion of the residential parcel to the east and the existing residences to the east.

The project complies to the following specific Goals and pertinent policies for commercial developments for the Enterprise Planning area including EN-1.1, EN-2.1, EN-6.5 and EN-6.6 which indicates that this request is appropriate for, and compatible with, existing uses, developments, and planned uses in the area. This project will not impact the existing residential developments in the adjacent area.

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Neighborhood Commercial	CG	SmartStop Self Storage facility
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS5.2	Single family residential
East	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS3.3 & RS20	Single family residential & undeveloped
West	Neighborhood Commercial	RS20	Single family residential

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

Related Applications

Application Number	Request
VS-24-0145	A request to vacate and abandon portions of rights-of-way is a companion item on this agenda.
ZC-24-0143	A zone change request to reclassify the site from RS20 zoning to CG zoning 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

Staff does not support the proposed drive-thru lane setback from residences of 72 feet where 200 feet is the standard per Code. Proper setbacks and residential adjacency standards promote healthy environments and compatible transitions between differing uses and intensities aimed at reducing potential negative impacts that may occur when higher intensity features, such as a drive-thru lane, are located in close proximity to an existing residential subdivision. Staff finds that an ample amount of vehicular traffic, noise/light pollution, and reduced air quality due to idling vehicles will negatively impact the adjacent residences to the east; therefore, staff cannot support this request.

Waiver of Development Standards #1b

The applicant is requesting to allow nonresidential access to local streets (Ford Avenue & Cougar Avenue) where nonresidential development access is not permissible per Section 30.40.06.D. The proposed driveways allow patrons to access the shopping center without having to utilize Durango Drive as the only point of ingress/egress. Staff finds that providing additional points of ingress/egress to a proposed shopping center allows for better vehicular circulation and access to the different establishments within the shopping center.

Waiver of Development Standards #1c

The applicant is requesting to allow the largest proposed building (Building 1) to be adjacent to a residential land use to the east. Per Section 30.04.06.G., the largest structure of a multiple building development must be within the core of the site. The site plan shows Building 1 as a 20,200 square foot retail building located on the northeast portion of the proposed shopping center. Building 1 is the largest building in terms of overall area, however, all proposed buildings on site are 1 story, with a maximum height of 21 feet. Furthermore, the applicant is providing a minimum 25 foot wide landscape area with a double row of large trees with a proposed 8 foot high wall. Staff finds that Building 1 is appropriately buffered and is only 1 story; therefore, staff supports this request.

Waiver of Development Standards #2

The site plan shows 2 proposed loading spaces, the first being on the east side of Building 2, set back approximately 41 feet south of the north property line (Cougar Avenue). The second loading space is located southeast of Building 1, and set back 50 feet from the residences to the east. Section 30.04.04 states that loading spaces shall be separate from customer parking, and pedestrian walkways shall not cross these areas. Staff finds that location of the proposed loading

spaces do not negatively affect the site and allow for optimum accessibility by the future tenant's delivery vehicles. Furthermore, the applicant provided a wingwall for the loading space southeast of Building 1 and the loading space east of Building 2 is buffered by street landscaping and is not within the central parking area. Staff recommends approval.

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. The proposed shopping center includes a building design, landscaping, and buffering that is appropriate and architecturally enhances the site. The proposed shopping center provides ample site circulation, parking, and numerous pedestrian walkways.

Public Works - Development Review

Waiver of Development Standards #3

Staff has no objection to the reduced approach distance for the northernmost driveway on Durango Drive. The applicant worked with staff on the driveway design, and even though the approach distance does not comply with the minimum standards, staff finds the location allows vehicles to safely access the site.

Waiver of Development Standards #4

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

Staff Recommendation

Approval of waivers of development standards #1b, #1c, #2, #3, #4, and the design review; denial of waiver of development standards #1a.

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:

- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance;
- 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.
- 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;
- Full off-site improvements;
- Right-of-way dedication to include the spandrel in the northwest corner of the site at the intersection of Durango Drive and Cougar Avenue;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for any collector street or larger;
- 90 days to record required right-of-way dedications and any corresponding easements for any collector street or larger.
- Applicant is advised that the installation of detached sidewalks will require vacation to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

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 #0180-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - approval (provide 5 foot high sound attenuating walls on the east side of the drive-thru lane pads extending 15 feet beyond the curves to the west; emergency exit only on the east side of Building 1; add architectural features on the east elevation of Building 1).

APPROVALS: 1 card

PROTESTS: 12 cards, 5 letters

COUNTY COMMISSION ACTION: June 5, 2024 – HELD – To 07/03/24 – per the applicant.

APPLICANT: MK ARCHITECTURE

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