

RETAIL BUILDING
(TITLE 30)

PECOS RD/GOWAN RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-23-400057 (ZC-0215-15)-SULEIMAN, WATHIQ:

USE PERMIT FOURTH EXTENSION OF TIME for retail sales as a principal use.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce street landscape width; **2)** reduce trash enclosure setback from a residential development; **3)** reduce setbacks; and **4)** reduce height/setback ratio adjacent to a single family residential use on 0.4 acres in an M-D (Designed Manufacturing) (AE-75) Zone.

Generally located on the southeast corner of Pecos Road and Gowan Road within Sunrise Manor (description on file). WM/bb/syp (For possible action)

RELATED INFORMATION:

APN:

140-07-315-001

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce street landscape width along Pecos Road and Gowan Road to 10 feet where a minimum of 15 feet is required (a 33.3% reduction).
2. Reduce trash enclosure setback (south) from a residential development to 10 feet where a minimum of 50 feet is required (an 80% reduction).
3.
 - a. Reduce the rear setback (east) to 12 feet for a retail building where a minimum of 20 feet is required (a 40% reduction).
 - b. Reduce the interior side setback (south) to 10 feet for a trash enclosure where a minimum of 20 feet is required (a 50% reduction).
 - c. Reduce the front setback (west) to 10 feet for a trash enclosure where a minimum of 20 feet is required (a 50% reduction).
4. Reduce the height/setback ratio adjacent (east) to a single family residential use to 12 feet where a minimum of 18 feet is required (a 33.3% reduction).

LAND USE PLAN:

SUNRISE MANOR - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: 3580 & 3590 N. Pecos Road
- Site Acreage: 0.4

- Project Type: Retail building
- Building Height (feet): 15
- Square Feet: 3,300
- Parking Required/Provided: 14/14

History & Site Plans

The original application consisted of a zone change, use permit, waivers of development standards, and a design review. With approval of the request in May 2015 the Board of County Commissioners made the zoning permanent and included a condition of 1 year to commence and review the use permit and waivers of development standards as a public hearing. This application is a request for an extension of the commencement date of the use permit and waivers of development standards.

The original plans show a proposed retail building located 12 feet from the east property line and 52 feet from the south property line. Access to the site is via 1 ingress/egress point from Pecos Road. A trash enclosure is located on the southwest portion of the site, 10 feet from the south property line. A total of 14 parking spaces are provided along the west and south sides of the building where a minimum of 14 parking spaces are required.

Landscaping

The approved plans show a 10 foot wide street landscape area along Pecos Road and Gowan Road, consisting of 25 inch box Arizona Cypress trees every 20 feet with Jasmine shrubs and groundcover. Attached sidewalks exist along Pecos Road and Gowan Road. A minimum 10 foot wide intense landscape buffer per Figure 30.64-12 is provided along the east and south property lines consisting of Arizona Cypress trees and Jasmine shrubs. A Palo Verde tree and Texas Ranger shrubs are provided within the parking lot area.

Elevations

The approved plans depict a 1 story, 15 foot high retail building constructed of stucco finish, storefront window systems, and a flat roof with a parapet wall. The main entrances of the building face west toward Pecos Road. A 3 inch wide bronze color, architectural reveal is depicted across the top portion of the north, south, and west elevations.

Floor Plans

The approved plans show a 3,300 square foot retail building with 2 tenant spaces.

Signage

Signage was not a part of the original application and is not a part of this request.

Previous Conditions of Approval

Listed below are the approved conditions for ET-20-400049 (ZC-0215-15):

Current Planning

- Until May 20, 2022 to commence and review as a public hearing;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.

- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; and that 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.

Public Works - Development Review

- Compliance with previous conditions.

Listed below are the approved conditions for ET-18-400187 (ZC-0215-15):

Current Planning

- Until May 20, 2020 to commence and review as a public hearing;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; and 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.

Public Works - Development Review

- Compliance with previous conditions.

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 #0444-2016 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

Listed below are the approved conditions for ZC-0215-15 (ET-0070-16):

Current Planning

- Until May 20, 2018 to commence and review the use permit and waivers of development standards as a public hearing.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application to review; and that 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.

Public Works – Development Review

- Compliance with previous conditions.

Listed below are the approved conditions for ZC-0215-15:

Current Planning

- No resolution of intent and staff to prepare an ordinance to adopt the zoning;
- 1 year to commence and review the use permit and waivers of development standards as a public hearing;
- Provide a development agreement to mitigate impacts to the neighbors;

- Provide a letter to Comprehensive Planning from the property owner to the south agreeing to the trash enclosure location and landscape buffer as shown on the plan;
- No alcohol sales;
- A minimum 3 foot wide raised sidewalk and/or landscape area be placed along the north and south sides of the building;
- Trash enclosure walls to be stucco finished and painted to match the building;
- A perpetual cross access easement be provided with the property to the south if the adjacent property is developed with similar type uses;
- Provide an intense landscape buffer per Figure 30.64-12 along the south and east property lines;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that certain uses are not permitted in the airport environs and certain other uses will require a special use permit; and that any change in circumstances or regulations may be justification for the denial of an extension of time.

Public Works – Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Right-of-way dedication to include 54 feet radius spandrel at corner for a traffic signal;
- Commercial curb return driveways per Standards 222.1 and 225.

Building/Fire Prevention

- Applicant is advised that the proposal has been reviewed and it does not conflict with Fire Code requirements.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that existing sewer is located within 400 feet of the parcel; and that at time the of development CCWRD requires submittal of civil improvement plans and estimated wastewater flow rates to determine sewer point of connection.

Applicant's Justification

The applicant has commenced but has not completed the construction. The previous Notice Of Final Action for ET-20-400049 (ZC-0215-15) required a review. This application is to comply with the requirement for an application review, even though the business is not currently operating and the building is still under construction.

Prior Land Use Requests

Application Number	Request	Action	Date
ET-20-400049 (ZC-0215-15)	Third extension of time to commence and review retail sales with waivers for reduced street landscape width, reduced trash enclosure setback from a residential development, reduced setbacks, and reduced height/setback ratio	Approved by BCC	July 2020

Prior Land Use Requests

Application Number	Request	Action	Date
ET-18-400187 (ZC-0215-15)	Second extension of time to commence and review retail sales with waivers for reduced street landscape width, reduced trash enclosure setback from a residential development, reduced setbacks, and reduced height/setback ratio	Approved by BCC	October 2018
ZC-0215-15 (ET-0070-16)	First extension of time to commence and review retail sales with waivers for reduced street landscape width, reduced trash enclosure setback from a residential development, reduced setbacks, and reduced height/setback ratio	Approved by BCC	July 2016
ZC-0215-15	Reclassified 0.4 acres from R-T to M-D zoning with a use permit to allow retail sales as a principal use and waivers to reduce street landscape width, reduced trash enclosure setback from a residential development, reduced setbacks, and reduced height/setback ratio adjacent to a single family residential use with a design review for a retail building	Approved by BCC	May 2015
ZC-0789-14	Reclassified the site from R-T to M-D zoning for a convenience store	Withdrawn without prejudice	November 2014

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North, South, & East	Business Employment	R-T	Single family residential
West	City of North Las Vegas	C-1 & M-2	Retail stores, convenience store, & undeveloped

STANDARDS FOR APPROVAL:

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

Analysis**Comprehensive Planning**

Title 30 standards of approval for an application for review state that such an application may be denied or have additional conditions imposed if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws or policies affecting the subject property. Using the criteria set forth in Title 30, no substantial changes have occurred since the original approval.

A condition to commence and review the use permit for retail sales as a principal use and several waivers of development standards were included with the previous approvals and extensions of time. Work towards construction of the retail building has commenced, but is not yet completed, so the actual operation of the business has not started. The requirement to review remains to allow the applicant to return in 1 year for a review after operations begin. Staff recommends 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:

Comprehensive Planning

- Until May 20, 2025 to review as a public hearing.
- Applicant is advised that 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 and application for review; and that 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.

Public Works - Development Review

- Compliance with previous conditions.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that the property is already connected to the CCWRD sewer system; and if any existing plumbing fixtures are modified in the future, then additional capacity and connection fees will need to be addressed.

TAB/CAC:

APPROVALS:

PROTEST:

APPLICANT: WATHIQ SULEIMAN

CONTACT: LORA DREJA, BROWN, BROWN, AND PREMSRIRUT, 520 S. FOURTH STREET, LAS VEGAS, NV 89101