

06/17/26 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-26-0239-HUDSON CAPITAL DEVELOPMENTS, LLC SERIES 1:

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

DESIGN REVIEW for site modifications to an existing commercial development on 0.98 acres in a CP (Commercial Professional) Zone.

Generally located south of Windmill Lane and west of Bermuda Road within Enterprise. MN/jud/cv (For possible action)

RELATED INFORMATION:

APN:

177-16-501-051

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Eliminate the landscape buffer along the south property line where a 15 foot wide landscape strip consisting of a double row of offset evergreen trees is required per Section 30.04.02C.
- b. Allow an existing 5.5 foot high decorative screen wall to remain along the south property line where an 8 foot high decorative screen wall is required per Section 30.04.02C.
2. Reduce the rear setback adjacent to an NPO-RNP property to 28 feet where 30 feet is required per Section 30.04.06G (a 7% reduction).

LAND USE PLAN:

ENTERPRISE - NEIGHBORHOOD COMMERCIAL

BACKGROUND:

Project Description

General Summary

- Site Address: 365 E. Windmill Lane
- Site Acreage: 0.98
- Project Type: Modifications to commercial development (shade structure)
- Number of Stories: 1
- Shade Structure Height (feet): 14
- Square Feet: 3,200
- Parking Required/Provided: 24/28
- Sustainability Required/Provided: 7/2

Site Plan

The plans depict an existing single story, 8,680 square foot commercial building with existing attached sidewalks, street landscaping, access driveway, parking lot and perimeter landscaping. The building is located along the eastern portion of the site, with a north-south orientation. Parking is located along the west of the building, on both sides of the driveway. The building is set back 5 feet from the east property line; 15 feet from the north property line along Windmill Lane; 118 feet from the south property line; and 80 feet from the west property line. The site has access via Windmill Lane.

Along the south side of the property is an existing wash located between the existing commercial site and the existing single-family residential subdivision to the south. An existing 5.5-foot decorative screen wall (unpermitted) was constructed 28 feet north of the south property line. Additionally, there is a vacant pad between the existing commercial building and the two existing shade structures (unpermitted) erected on the southeast side of the site, 28 feet north of the residential development. The shade structures were installed to provide shade for the existing playground equipment located in that area as one of the businesses on site is a daycare facility. The playground as well as the vacant pad are fenced by a 6 foot high wall. The applicant is requesting the proposed modifications to the site to legalize both currently unpermitted shade structures and the wall.

Landscaping

The plan depicts an existing 15 foot wide street landscaping strip with large mature trees. Along the west side of the site, adjacent to the parking lot is an existing 5 foot wide landscaping strip consisting of medium and large mature trees. Additionally, on the west side of the building, there are existing, mature medium trees. The current application includes a waiver of development standards to eliminate the required 15 foot wide buffering landscape strip along the south property line and to allow the existing 5.5 foot high decorative wall to remain in-lieu of the required 8 foot high decorative screen wall.

Elevations

The photos provided illustrate dark green shade structures consisting of rectangular shade sails (tensioned fabric). These fabric sails are anchored to dark brown posts, which are 14 feet in height.

Applicant's Justification

The applicant states the existing commercial development was approved via ZC-1425-03. The commercial building, parking, perimeter walls, sidewalks, and landscape improvements were installed as approved. However, the south wall and shade structures were installed without permits. In addition, the trash enclosure was relocated from the originally approved location.

The applicant further states the existing residential properties to the south have a combination of physical separation and grade change providing substantial buffering and screening between the commercial site and the adjacent Neighborhood Protection Overlay (NPO) residential properties. The existing 5.5 foot high decorative screen wall along the southern portion of the site also adds to the buffering and screening requirements as an alternative to the Code required buffering and screening, and the requested waiver will not negatively impact adjacent residential properties.

Also, the reduction in the rear setbacks adjacent to the adjacent to the RNP-NPO lot should not negatively impact the residential uses to the south.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-16-0760	Waiver of development standards to increase the area of a wall sign	Denied by BCC	February 2017
ZC-1425-03	Zone change that reclassified the site from R-E to CRT zoning for an office building	Approved by BCC	March 2004
VS-1427-03	Vacation and abandonment of patent easements	Approved by BCC	October 2003

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Neighborhood Commercial	CP	Commercial development
South	Ranch Estate Neighborhood (up to 2 du/ac)	RS20	Single-family residential
East	Public Use	RS20	Undeveloped
West	Neighborhood Commercial	RS20	Undeveloped

Related Applications

Application Number	Request
WC-26-400039 (ZC-1425-03)	A waiver of conditions of a zone change for cross access and landscaping 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 #1

Staff finds that even though the residential property to the south has a natural physical separation (wash) between the existing commercial site and the existing residential subdivision, the shade

structures in the playground, the fence surrounding it and the 5.5 foot high decorative screen wall along the southern portion of the site do not screen the shade structure. Staff understands the commercial development was constructed approximately 20 years ago, and only slight changes are currently proposed to the existing site conditions. However, because those changes were constructed without permits, the applicant shall comply with today's Code requirements. The site does have sufficient space to provide the required buffering and screening. Therefore, staff cannot support this request.

Waiver of Development Standards #2

The actual affected residence is set back approximately 50 feet south of the 14 foot high shade structures; and there is a natural wash between the uses. Even though the required 30 foot setback is not met, the applicant constructed the shade structures 28 feet away from the property lines of the RNP-NPO properties and there is sufficient space between the uses. Staff can 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.

The proposed site design includes the request to eliminate buffering and screening and modify the screening requirements along the south. Although staff understands the existing commercial development was constructed several years ago, staff finds the adopted changes to the site conditions were implemented without permits and the site has sufficient physical space to meet today's Code requirements for buffering and screening adjacent to less intensive uses. The proposed waiver requests are also the result of a self-imposed hardship. As a result, staff is unable to support the design review request.

Staff Recommendation

Approval of waiver of development standards #2; denial of waiver of development standards #1 and the design review.

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.
- 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

- No comment.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Enterprise - approval.

APPROVALS:

PROTESTS:

APPLICANT: ASHLEY PATTERSON

CONTACT: ASHLEY PATTERSON, VALLEY BUILDERS, 5857 HEAVEN VIEW DRIVE,
LAS VEGAS, NV 89135