

06/21/23 BCC AGENDA SHEET

COMMERCIAL CENTER  
(TITLE 30)

FORT APACHE RD/HUNTINGTON COVE PKWY

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-23-0203-TOP SHELF DEVELOPMENT, LLC:**

**WAIVER OF DEVELOPMENT STANDARDS** to reduce the building height setback ratio.

**DESIGN REVIEWS** for the following: **1)** a commercial center with a retail building and fast food restaurant with a drive-thru; and **2)** alternative parking lot landscaping on 2.0 acres in a C-2 (General Commercial) Zone.

Generally located on the northwest corner of Fort Apache Road and Huntington Cove Parkway within Enterprise. JJ/jor/syp (For possible action)

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RELATED INFORMATION:

**APN:**

176-18-518-001

**WAIVER OF DEVELOPMENT STANDARDS:**

Reduce the building height setback ratio to 19 feet where a minimum of 48 feet is required per Figure 30.56-10 (a 60% decrease).

**DESIGN REVIEWS:**

1. A commercial center to include a retail building and a fast food restaurant building with a drive-thru.
2. Alternative parking lot landscaping where parking lot landscaping is required per Figure 30.64-14.

**LAND USE PLAN:**

ENTERPRISE - CORRIDOR MIXED-USE

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 8275 S. Fort Apache Road
- Site Acreage: 2
- Project Type: Commercial center with a proposed retail building and fast food restaurant with a drive-thru
- Number of Stories: 1
- Building Height (feet): 22 (maximum)

- Square Feet: 5,366 (existing tavern building)/6,000 (proposed retail building)/1,990 (restaurant building for fast food with a drive-thru)
- Parking Required/Provided: 98/99

### History Summary

Application ZC-1276-04 reclassified 3 parcels located south of Warm Springs Road, north of Wigwam Avenue, and on the east and west sides of Fort Apache Road (10 acres total) from R-E and C-P zoning to C-2 zoning for future commercial development. WS-1757-06 was approved for a proposed shopping center on the subject parcel and included waivers for an intense landscape buffer and reduced setback for a trash enclosure. This application (WS-1757-06) proposed an in-line retail building only, located on the west portion of the subject parcel, with future pad sites on the northeast and southeast corner of the site; however, this application expired. In addition, UC-0578-07 was approved for a proposed tavern (Putter's) on the southeast corner of the parcel, and this application also expired.

Furthermore, UC-0563-14 was also approved for a similarly designed retail center on the site which included 1 in-line retail building along the west portion of the site, a tavern on the northeast corner, and a future pad site with a drive-thru lane on the southeast corner of the subject parcel. On October 2016, DR-0595-16 was approved for a tavern on the northeast corner of the site and a waiver of conditions of a use permit UC-0563-14 for landscaping per revised plans was included. Today, there is a tavern on the northeast corner of the site including existing parking spaces on the northwest corner, and centrally located parking spaces south of the tavern building. On February 2019, WS-18-0794 and WC-18-400224 (UC-0563-14) was approved to complete the retail center. Plans show a 6,000 square foot retail building on the west half of the site and a fast food restaurant building with a drive-thru on the southeast corner of the site. WC-18-400224 (UC-0563-14) eliminated the condition of approval from UC-0563-14 which removed the drive-thru lane per plans associated with UC-0563-14. Since WS-18-0794 and WC-18-400224 (UC-0563-14) expired, the applicant is now proposing the same building and layout design to complete the commercial center development.

### Site Plan

The plan depicts access to the site via 1 existing commercial driveway along the east property line adjacent to Fort Apache Road. There is an existing tavern (PT's) located on the northeast corner of the site. The applicant is proposing a 6,000 square foot in-line retail building on the west half of the site. The proposed fast food restaurant building is located on the southeast corner of the site, and the proposed drive-thru lane is south of the fast food restaurant building, along the south property line. Existing parking is located on the northwest corner of the site, and in the middle of the commercial center adjacent to the 3 buildings.

The applicant is requesting a waiver of development standards to reduce the building height setback ratio of the fast food restaurant building from the parcel to the south (landscape area maintained by a Home Owner's Association) since this area is zoned R-2 and has a Planned Land Use of Mid-Intensity Suburban Neighborhood. Code requires a minimum of 48 foot height setback ratio per Figure 30.56-10. The application also includes a design review for the expansion of this commercial center to include a retail building and a fast food restaurant building with a drive-thru and alternative parking lot landscaping.

### Landscaping

The plan depicts existing and proposed landscaping. The north property line includes existing shrubs and trees adjacent to an existing 4 foot high CMU block wall. There is an existing 10 foot wide landscape buffer with existing Evergreen trees along the west property line. However, the landscape plan shows that the applicant will upgrade this landscape buffer with a double row of 24 inch box, large Evergreen trees, and the existing 10 foot high CMU block wall will remain. The applicant is proposing a 6 foot wide landscape strip along the south property line with 1 row of 24 inch box trees spaced every 20 feet. In addition, there is an existing 8 foot high CMU block wall along the south property line. The 18 foot wide undeveloped landscape strip on the southeast corner of the site will now include new trees and shrubs to finally complete the streetscape and landscaping adjacent to Fort Apache Road. Lastly, the site has existing parking lot landscaping; however, the proposed parking spaces east of the retail building, and west/north of the fast food restaurant building do not include landscape finger islands after every 6 parking spaces as required per Code. Since the applicant is including additional trees to the site, a design review for alternative parking lot landscaping is a part of this application.

### Elevations

Both the proposed fast food restaurant building and the retail building have an overall height of 22 feet and are 1 story. The buildings have flat roofs behind parapet walls and the exterior of the buildings have a combination of a light sand plaster finish and stone veneer. Horizontal decorative V-grooves will be added to the exterior walls.

### Floor Plan

The proposed retail center will have a total area of 13,356 square feet; the existing tavern has an area of 5,366 square feet. The in-line retail building has an area of 6,000 square feet and the restaurant has an area of 1,990 square feet consisting of dining area, kitchen, office, and restrooms.

### Signage

Signage is not a part of this request.

### Applicant's Justification

Per the applicant's letter, the proposed design is consistent with the intent of the C-2 zoning district and Corridor Mixed-Use planned land use designation. The C-2 zoning district is intended to accommodate, in part, a full range of commercial uses, and completing the overall design of the commercial center is appropriate for the neighborhood. Additionally, the proposed retail building and fast food restaurant with a drive-thru are permitted uses by right in a C-2 zoning district. Furthermore, the same request was approved with WS-18-0794 and WC-18 400224 (UC-0563-14) but both subsequently expired since the uses did not commence. The proposed uses are in harmony with the purpose, goals, objectives and standards of the Master Plan and Title 30 and the proposed uses will be adequately served by public improvements, facilities, and services and will not impose an undue burden.

### Prior Land Use Requests

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
WS-18-0794	Retail center to include a retail building to the west, maintain existing tavern to the northeast pad site, and proposed fast food restaurant building on the southeast corner pad site with a proposed drive-thru lane, waivers include reduced height setback ratio, alternative landscaping, and a design review for alternative parking lot landscaping and for the entire retail center - expired	Approved by BCC	February 2019
WC-18-400224 (UC-0563-14)	Waiver of conditions of a use permit to remove the proposed drive-thru as shown on future Pad #1 - expired	Approved by BCC	February 2019
TM-0109-17	Commercial subdivision	Approved by PC	August 2017
UC-0563-14 (ET-0182-16)	First extension of time for a retail center with a tavern including reduced parking, setback for a trash enclosure, and landscaping	Approved by BCC	February 2017
DR-0595-16	Modifications to an approved tavern (northeast corner) and waiver of conditions of UC-0563-14 requiring landscaping per revised plans on file with intense landscaping on the westernmost property line	Approved by BCC	October 2016
UC-0563-14	Retail center with a proposed tavern (southeast corner) including reduced parking, setback for a trash enclosure, and landscaping	Approved by BCC	December 2014
UC-0578-07 (ET-0166-08)	First extension of time to commence the reduction in separation between an on-premises consumption of alcohol establishment (tavern) and a residential development on a separate property, this includes a design review for a tavern	Approved by BCC	August 2008
WS-1757-06 (ET-0165-08)	First extension of time to commence waivers related to landscaping and reduced trash enclosure setback, and design review for a retail center	Approved by BCC	August 2008
UC-0578-07	Reduced the separation between an on-premises consumption of alcohol establishment (tavern) and residential development - expired	Approved by BCC	July 2007
WS-1757-06	Reduced landscaping requirements and reduced setback for a trash enclosure for a proposed retail center - expired	Approved by BCC	February 2007
ZC-1276-04	Reclassified this site and 2 other parcels to C-2 zoning for future commercial development	Approved by BCC	September 2004

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Corridor Mixed-Use	C-2	Convenience store with gasoline sales, vehicle wash, & fast food restaurant with drive-thru service
South, East, & West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac) & Major Development Project (Rhodes Ranch)	R-2	Single family residential

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

### **Related Applications**

<b>Application Number</b>	<b>Request</b>
WC-23-400051 (UC-0563-14)	A waiver of conditions of a use permit to eliminate the drive-thru lane related to previously approved plan is a companion 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**

##### Waiver 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.

Currently, the subject parcel is adjacent to a residential use to the west and to the south. The parcel to the south is a landscape area (common element within a residential subdivision) with a walking path that is maintained by a Home Owner's Association. Since this is considered a less intense use and zoned R-2, the applicant must request a waiver of development standards to reduce the building height setback ratio to 19 feet where a minimum of 48 feet is required per Figure 30.56-10 (a 60% decrease). Staff determines that this request is reasonable since there are no residences to the south. The applicant also upgraded previously approved plans for landscaping along the south property line, the applicant will install a 6 foot wide landscape strip and a single row of 24 inch box trees spaced every 20 feet, which matches Figure 30.64-11. This buffer helps mitigate the reduced height setback ratio request. Staff supports this request.

##### Design Reviews

Staff finds that the applicant is proposing a mirrored design of what was previously approved in 2019. Completing the development of the commercial center will further enhances the streetscape, provides economic opportunities for the immediate area, and the site will offer the

neighborhood additional retail and restaurant amenities. Furthermore, the applicant proposes an adequate amount of landscaping throughout the site; therefore, staff can support the alternative parking lot landscaping. Staff supports these requests.

### **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**

- 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 final zoning inspection.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; 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; 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 this application must commence within 2 years of approval date or it will expire.

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

- Traffic study and compliance.

#### **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](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0153-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Enterprise - approval (design review as a public hearing for lighting and signage).

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** ACTIVE COMMERCIAL, LLC

**CONTACT:** DIONICIO GORDILLO, 204 BELLE ISLE CT., HENDERSON, NV 89012