

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-24-0673-MATONOVICH, KENNETH & MI 1999 TR & MATONOVICH, KENNETH & MI SIK TRS:

HOLDOVER WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce parking lot landscaping; **2)** reduce buffering and screening; **3)** increase maximum parking; **4)** reduce drive-thru distance to properties subject to residential adjacency; and **5)** allow an attached sidewalk.

DESIGN REVIEW for a commercial development on 3.89 acres in a CG (General Commercial) Zone.

Generally located on the north side of Windmill Lane between Haven Street and Rancho Destino Road within Enterprise. MN/sd/kh (For possible action)

RELATED INFORMATION:

APN:

177-09-403-023; 177-09-403-026 through 177-09-403-029

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce parking lot landscaping finger islands and trees where required per Section 30.04.01D.
2. Reduce the width of the landscape buffer adjacent to a less intense district to 10 feet where 15 feet is required per Section 30.04.02C (a 33% reduction).
3. Allow 192 parking spaces where 78 parking spaces are required and a maximum of 90 parking spaces is permissible per Section 30.04.04D.
4. Reduce the distance from a drive-thru to properties subject to residential adjacency to 190 feet where 200 feet is required per 30.04.06E (a 5% reduction).
5. Allow an attached sidewalk on Windmill Lane where a detached sidewalk is required per Section 30.04.08C.

LAND USE PLAN:

ENTERPRISE - NEIGHBORHOOD COMMERCIAL

BACKGROUND:

Project Description

General Summary

- Site Address: 110 E. Windmill Lane & 8075 Rancho Destino Road
- Site Acreage: 3.89
- Project Type: Commercial development
- Number of Stories: 1
- Building Height (feet): 32

- Square Feet: 27,422
- Parking Required/Provided: 78/192
- Sustainability Required/Provided: 7/7

Site Plans

The plans depict a new commercial retail center on 5 different parcels located on the north side of Windmill Lane between Haven Street and Rancho Destino Road. Currently, there are 2 existing single-family residential homes on 2 of the parcels. The existing home adjacent to Haven Street will be demolished due to poor conditions and the existing home adjacent to Rancho Destino Road will remain and be remodeled to accommodate commercial uses. Access to the site is from 1 driveway that is centrally located on Windmill Lane. Pedestrian pathways are shown from Windmill Lane and between the buildings. A total of 6 commercial buildings are proposed, including the converted residence, with a mixture of both retail and restaurants. The 3 buildings closest to Windmill Lane show drive-thru lanes. The drive-thru lanes for the central and eastern buildings are buffered from the north by the retail buildings, while the drive-thru lane for the western building is only partially buffered from the residential properties to the north. 2 buildings are along the north, 15 foot setback from the property line, and the converted residence is on the west side of the property line. A total of 192 parking spaces are provided where 78 parking spaces are required and a maximum of 90 parking spaces are permissible. Along Windmill Lane is an existing attached sidewalk that the applicant is requesting to remain.

Landscaping

The plans depict landscaping along Windmill Lane, Rancho Destino Road, and Haven Street. Both Haven Street and Rancho Destino Road will have detached sidewalks with landscape strips on both sides of the detached sidewalk. A 10 foot wide landscape strip is shown along Windmill Lane. The plans depict interior parking lot landscaping; however, several landscape islands have not been provided for every 6 parking spaces and the number of required trees short of current Code requirements. The landscape buffer along the north property line is 10 feet where 15 feet is required.

Elevations

The plans depict commercial buildings that vary in height from 22 feet to 32 feet. The buildings' exterior depicts a stucco finish with stone veneer columns, stone materials, pitched roofline and parapet walls, glazed storefront windows, and metal canopies. The commercial buildings incorporate horizontal articulation with variation in roofline, and changes in texture, materials, surface colors, and columns.

Floor Plans

Buildings A and B are proposed retail and restaurant spaces. Buildings C, D, and E are proposed restaurants with drive-thrus. Building F, which is the dwelling that will be converted, shows office spaces, but the applicant indicates this building may be for retail as well.

Applicant's Justification

The applicant states the commercial site is justified on this parcel because it will be developed with shops and services that are essential to the adjacent residential neighborhoods. The home adjacent to Haven Street will be demolished because it is in poor condition. The home adjacent

to Rancho Destino Road will remain because it is in very good condition and can be remodeled to accommodate a commercial use. The reduction of parking lot landscaping is due to the design being done under the prior version of Title 30 and the reduced width of the landscape buffer adjacent to the RNP area to the north can be justified because it is comparable to other projects that exist in the area. The request for 192 parking spaces where a maximum of 90 parking spaces are permissible is because some of the buildings could potentially become restaurants. The drive-thrus will have very little effect on the residential areas to the north. The existing attached sidewalk on Windmill Lane was constructed by the County.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-0756-01 (ET-0218-04)	First extension of time for a zone change to CRT to convert existing residences into office buildings and constructed additional commercial buildings	Approved by BCC	August 2004
ZC-0756-01	Reclassified the site to CRT zoning to convert existing residences into office buildings and constructed additional commercial buildings	Approved by BCC	September 2001

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Ranch Estate Neighborhood (up to 2 du.ac)	RS20 (NPO-RNP)	Single-family residential & undeveloped
South	Neighborhood Commercial	RS20	Single-family residential
East	Neighborhood Commercial	CP	Undeveloped
West	Neighborhood Commercial	CP	Single-family residential

Related Applications

Application Number	Request
ZC-24-0671	A zone change from CP to CG is a companion item on this agenda.
VS-24-0672	A vacation and abandonment of patent easements and rights-of-way is a companion item on this agenda.
TM-24-500146	A tentative map for a commercial subdivision 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 cannot support the request to reduce parking lot landscaping as proposed. The applicant is asking to increase the allowable number of parking spaces and numerous areas have more than 6 spaces without trees. The purpose of parking lot landscaping is to reduce the urban heat island. With no mitigation proposed, staff cannot support this request.

Waiver of Development Standards #2

Staff cannot support the waiver of development standards to reduce the width of the required landscape buffer to the RNP area to the north. The 15 foot width is required to provide more separation between buildings and residential properties and to ensure the landscaping within the buffer has sufficient space to grow successfully to reduce any negative impacts on the existing residential uses. Staff finds the applicant can redesign the site to accommodate a 15 foot wide landscape buffer, and therefore cannot support this request.

Waiver of Development Standards #3

Staff cannot support the waiver of development standards to increase the parking above the maximum of 15%. The intent is to reduce the amount of hardscape that contributes to heat island effect. The parking analysis requires 78 parking spaces and the applicant is requesting to increase that number to 192 parking spaces. With a maximum of 15% above the minimum amount required would be 90 parking spaces. Staff finds the parking for the proposed commercial center is excessive, and therefore staff cannot support this request.

Waiver of Development Standards #4

Staff can support the request to reduce the residential adjacency for a drive-thru to less than 200 feet. Building C has a drive-thru that begins adjacent to Haven Street and is 190 feet away from the residential properties to the north. While the other 2 drive-thru buildings will be buffered by the on-site retail buildings, Building C will only partially be buffered. Therefore, for these reasons 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 design of the buildings is appropriate for the site, but the overall site design is dependent upon numerous waivers that staff cannot support. Therefore, staff cannot support the proposed design review.

Public Works - Development Review

Waiver of Development Standards #5

Staff cannot support the request to not install detached sidewalks along Windmill Lane. Although attached sidewalks exist in the area, detached sidewalks along streets provide a safer pathway for pedestrians by increasing the distance from traffic. With the redevelopment of the site, staff finds that it is imperative to provide the detached sidewalks.

Staff Recommendation

Approval of waiver of development standards #4; denial of waivers of development standards #1 through #3 and #5, 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, and payment of the tree fee-in-lieu is required for any required trees waived.
- Applicant is advised within 4 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;
- 30 days to coordinate with Public Works - Design Division and submit separate document if required, for dedication of any necessary right-of-way and easements for the Duck Creek/Blue Diamond, Bermuda to Las Vegas Boulevard improvement project; 90 days to record said separate document for the Duck Creek/Blue Diamond, Bermuda to Las Vegas Boulevard improvement project;
- The installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control devices.

Southern Nevada Health District (SNHD) - Engineering

- Applicant is advised that there are active septic permits on APN 177-09-403-026 and APN 177-09-403-029; to connect to municipal sewer and remove the septic system in accordance with Section 17 of the SNHD *Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management*; and to submit documentation to SNHD showing that the system has been properly removed.

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 #0502-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC:

APPROVALS: 1 card

PROTESTS: 2 cards

COUNTY COMMISSION ACTION: January 8, 2025 – HELD – To 01/22/25 – per the applicant.

COUNTY COMMISSION ACTION: January 22, 2025 – HELD – To 03/05/25 – per the applicant.

APPLICANT: PHILLIP REGESKI

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