

12/17/24 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-24-0605-REGAL I, LLC & EASTGATE THEATRE, INC. LEASE:

USE PERMIT for outdoor storage.

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

DESIGN REVIEWS for the following: **1)** recreational vehicle storage; and **2)** retail buildings on a portion of 17.7 acres in a CG (General Commercial) Zone.

Generally located on the northeast corner Eastern Avenue and Pebble Road within Paradise. MN/sd/kh (For possible action)

RELATED INFORMATION:

APN:

177-13-423-003; 177-13-423-005; 177-13-423-007; 177-13-423-009; 177-13-423-011; 177-13-423-026; 177-13-423-029; 177-13-432-030; 177-13-423-032 through 177-13-423-039; 177-13-423-041; 177-13-423-042

WAIVERS OF DEVELOPMENT STANDARDS:

1.
 - a. Reduce the width of a landscaping buffer strip along the north property line to 10 feet, with 1 row of trees where a 15 foot wide landscaping buffer strip with 2 rows of trees is required per Section 30.04.02C (a 33% reduction).
 - b. Reduce the width of the landscaping buffer strip along the east property line from 10 feet to zero feet, with 1 row of trees where a 15 foot wide landscaping buffer strip with 2 rows of trees is required per Section 30.04.02C (up to a 100% reduction).
 - c. Reduce the perimeter wall height to 6 feet where 8 feet is required along the north property line per Section 30.04.02C (a 25% reduction).
 - d. Reduce the perimeter wall height to 6 feet where 8 feet is required within the east property line per Section 30.04.02C (a 25% reduction).
2.
 - a. Allow outdoor storage adjacent to a residential district where not permissible per Section 30.04.06E.
 - b. Allow higher activity areas (loading) adjacent to a residential district where not permissible per Section 30.04.06E.

LAND USE PLAN:

WINCHESTER/PARADISE - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 8816 S. Eastern Avenue
- Site Acreage: 17.7 (overall shopping center)/2.99 (mini warehouse)/2.43 (retail store buildings)
- Project Type: Outdoor storage/mini warehouse
- Number of Stories: 1
- Building Height (feet): 31 (mini storage facility)/28 (retail buildings)/20 (RV carports)
- Square Feet: 326,587 (overall shopping center)/156,952 (mini warehouse)/9,000 (Retail building 5)/9,000 (retail building 6)/700 (patio retail building 5)/700 (patio retail building 6)
- Parking Required/Provided: 706/771
- Sustainability Required/Provided: 7/7

Site Plans

The plans depict an existing shopping center with cross access and shared parking with the other commercial buildings. The proposed site plan depicts 2 new retail commercial buildings in the center portion of the shopping center and the addition of a recreational vehicle parking and outdoor storage area in conjunction with a mini warehouse. A previous movie theater was remodeled into the mini-warehouse which was approved as a permitted use under the previous Title 30 regulations. The RV parking and storage area is located along the eastern portion, as well as small area of the southern portion of the site, adjacent to a residential development in a RS 3.3 zone to the north and a common area for a residential development and a drainage channel to the east. Existing parking is being removed for the storage area; however, the site is compliant with parking requirements. The plans show bicycle parking, 4 new EV parking spaces and 35 EV capable parking spaces. Shade structures for the RV storage are shown adjacent to the east side of the mini-warehouse building, setback 60 feet from the northern property line and 34 feet from the eastern property line. Loading spaces are located along this elevation as well. A proposed trash enclosure is located more than 50 feet from the north and east property lines. A 24 foot-wide drive aisle is maintained between the shade structures and the landscape strip. Access is from Eastern Avenue and Pebble Road. No other changes are proposed to the other existing commercial buildings.

Landscaping

The plans depict landscape areas located adjacent to Pebble Road and Eastern Avenue and within the parking areas. With the proposed addition of 2 new retail commercial buildings parking lot landscaping will be provided for with landscape islands every 6 spaces within the area being redeveloped. The applicant has provided for additional trees to the perimeter where an intense landscape buffer is required along the east and north property lines but does not comply with the complete landscape requirements. The width of the landscape strip is 10 feet for the northern and a portion of the eastern property line. There is access to the drainage channel from this site, therefore landscaping is not provided at the point of access. Six foot high walls exist on the northern and eastern property lines, where 8 feet is required per the landscaping and buffering regulations as well as the regulations in Section 30.03.07 regarding screening for outdoor storage

adjacent to non-industrial uses. Trees are noted at 20 feet on center and are from the SNRPC Regional Plant list.

Elevations

The plans depict the existing mini-warehouse building at 31 feet in height with stucco finished parapet walls, pop-outs, store front windows and awnings. The new retail commercial buildings with outdoor patio will be 18 feet in height with parapet walls, storefront glass entry, steel metal canopy, concrete tilt-up panels, and ceramic tile. The shade structures are up to 20 feet and staff recommends the color of the structures matches the color of the mini-warehouse building.

Floor Plans

The plans depict 2 new retail commercial buildings with various suites with open floor plan.

Applicant's Justification

The overall development is located on the northeast corner of Pebble Road and Eastern Avenue within an existing shopping center consisting of an existing tavern, restaurant, offices, and retail shops. According to the applicant the theater moved out and is replaced by a mini-warehouse project with outdoor recreational vehicle spaces for lease. The applicant would like to add 2 retail buildings in the center of the site. Each building is 9,000 square feet in size and 1,400 square feet of patio area. Eight new bicycle parking spaces, 4 new EV parking spaces, and 35 EV capable spaces are being added for the new structures. Pedestrian walkways are being added for the new buildings.

For the outdoor storage the applicant states that there is an existing 8 foot CMU wall in front of the storage along Pebble Road. However, there is an existing 6 foot CMU wall along the eastern boundary. The center was built 25 years ago, and it doesn't appear the footings will allow additional courses of blocks to be added. Additional landscaping is provided where possible but there is electrical conduit below the landscape area which may interfere with landscaping. The recreational vehicle parking is located behind the building and screened away from Pebble Road and from Eastern Avenue.

Because of the change of use, intense landscaping is required along the northern and eastern property lines. The driveways are not being changed so there is not adequate room for an intense buffer, however, there are no changes to the exterior of the building nor is it moving any closer to the residential boundary. Along the northern property line some parking spaces are being removed and replaced by new landscaping. The existing landscaping between the residential and commercial uses has vacant areas which will be enhanced. To the east of the eastern boundary is a park area for the residential development and a drainage channel. Those 2 parcels are owned by the City of Henderson and the homeowner's association. The applicant indicates trees will be added where possible and planted 20 feet on center. There will be no impact on the residential developments, since mini-warehouses and RV storage generate less traffic than a movie theater.

Prior Land Use Requests

Application Number	Request	Action	Date
VS-18-0170	Vacated and abandoned easements	Approved by PC	March 2018
UC-18-0121	Recreational facility within an existing commercial shopping center	Approved by PC	March 2018
UC-1049-17	Proposed recreational facility (indoor dog park) and a dog kennel	Approved by PC	January 2018
ZC-1113-95	Reclassified the subject property and other parcels to C-2 zoning for a shopping center	Approved by BCC	September 1995

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS3.3	Single-family residential
South	Open Lands	RS20 & PF	Public utility structure & undeveloped
East	City of Henderson	RM-10	Single-family residential
West	Corridor Mixed-Use	CG	Commercial shopping center

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

Use Permit

A special use permit is considered on a case by case basis in consideration of the standards for approval. Additionally, the use shall not result in a substantial or undue adverse effect on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare; and will be adequately served by public improvements, facilities, and services, and will not impose an undue burden.

Design Reviews

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.

Use Permit & Design Review #1

Staff can support the requested use permit to allow for the proposed outdoor storage for recreational vehicles as it is compatible with the surrounding area. The requested use permit to

allow for outdoor storage for recreational vehicles will conform in part with Policy SM-1.2: Adaptive reuse of existing or underutilized buildings that will help promote reinvestment. Outdoor storage of RVs and boats are common with a mini-warehouse project. Due to the infrequency of traffic, and with proper screening, there are typically no negative impacts to the surrounding area. However, due to the intensity of the northern portion of the site, staff does not support the related waivers and cannot support the use permit or design review for the outdoor storage.

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.

Waivers of Development Standards #1a, #1c, #2a, & #2b

There is an existing 10 foot wide landscape area along the northern property line, similar to the eastern property line. However, there are no conditions that will help mitigate impacts to the adjacent residential development to the north. Staff finds that portion of the landscape width noted at 10 feet can be redesigned with the existing driveways and proposed interior landscaping to install a 15 foot wide landscape buffer along the northern property line. The landscape plan depicts an area showing new landscaping right up against the mini warehouse along the northern drive aisle that is 10 feet wide. Such installation can be redesigned to incorporate this into the landscape buffer and expand the width to 15 feet adjacent to the 2 residences directly impacted by the use. In addition, staff does not support the reducing the height of the buffer wall to 6 feet. Both the landscaping and wall requirements are needed to mitigate the impacts from nonresidential uses adjacent to residential uses, as well as specifically for outdoor storage as regulated in Section 30.07.03. A different design or removing structures from the northern area of the site may have less of an impact. Staff cannot support the request as proposed.

Waivers of Development Standards #1b & #1d

Staff can support the reduction in the required landscape buffer to 10 feet where 15 feet is required with a double row of planted trees along the eastern property line, including the portion where there is no landscape area because of the existing access to the drainage channel that prevents installation of a landscape area. A review of the area shows that directly behind the eastern CMU wall is currently a park for the residential development to the northeast of the site and the existing drainage channel. Staff finds these existing conditions, including the existing 6 foot wall, along with the proposed landscaping will help mitigate any impacts associated with the outdoor storage area with the residential development to the northeast as well as to the east across from the draining channel. The closest residential home is over 172 feet away from the adjacent property line and the outdoor storage area. Staff can support these waivers, however since staff does not support the other waivers or use permit, staff cannot support this request.

Design Review #2

Staff finds that the proposed retail buildings incorporate architectural amenities including sustainability measures such as metal canopies, shaded windows, varied roofline and other elements to break-up any mass on the exterior elevations. Staff finds the overall design will not impact the existing shopping center or those adjacent property uses; therefore, staff can support the proposed design review.

Staff Recommendation

Approval of design review #2; denial of the use permit, waivers of development standards, and design review #1.

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:

- RV shade structures to be painted to match the building;
- 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

- Drainage study and compliance;
- 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 and reference POC Tracking #0473-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC:
APPROVALS:
PROTESTS:

APPLICANT: OCHOA DEVELOPMENT

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