

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
WS-24-0437-MFE, INC.:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce street landscaping; **2)** alternative parking lot landscaping; **3)** reduce buffer landscaping; **4)** modify residential adjacency standards; and **5)** alternative driveway geometrics.

DESIGN REVIEWS for the following: **1)** lighting; and **2)** modifications and additions to a previously approved shopping center on a 2.75 acre portion of 3.79 acres in a CG (Commercial General) Zone.

Generally located on the west side of Jones Boulevard and the south side of Cactus Avenue within Enterprise. JJ/hw/syp (For possible action)

RELATED INFORMATION:

APN:
176-35-520-002 through 176-35-520-003 ptn

WAIVERS OF DEVELOPMENT STANDARDS:

1. Eliminate a portion of street landscaping along Jones Boulevard where 5 foot wide landscape strips are required on each side of a detached sidewalk per Section 30.04.01D.
2. Allow alternative parking lot landscaping with reduced landscape finger islands within the parking area where parking lot landscaping is required per Section 30.04.01D.
3. Reduce the width of a landscaping buffer strip to 5.5 feet where a 15 foot wide landscaping buffer strip is required per Section 30.04.02C (a 63% reduction).
4.
 - a. Allow access to a residential local street (Conn Avenue) where access to a local street is not permitted per Section 30.04.06D.
 - b. Reduce the separation of a drive-thru lane to a residential property to 75 feet where a minimum of 200 feet is required per Section 30.04.06E (a 62.5% reduction).
 - c. Reduce the setback of a trash enclosure to an adjacent residential property to 10 feet where 50 feet is required per Section 30.04.06K (an 80% reduction).
5. Reduce the minimum departure distance for a driveway (along Conn Avenue) to 120 feet where 190 feet is the standard per Uniform Standard Drawing 222.1 (a 36% reduction).

LAND USE PLAN:
ENTERPRISE - NEIGHBORHOOD COMMERCIAL

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 2.75 (retail complex)/3.79 (overall site)
- Project Type: Additions and modifications to an existing shopping center
- Number of Stories: 1
- Building Height (feet): 24
- Square Feet: 7,540 (total restaurant additions)/11,841 (total retail additions)/19,381 (total additions)/27,403 (overall shopping center)
- Parking Required/Provided: 93/117 (overall)
- Sustainability Required/Provided: 7/7

Site Plans & History

The plans depict a 3.79 acre commercial site at the southwest corner of Cactus Avenue and Jones Boulevard. The overall site is broken-up into an existing 1.04 acre developed site and a currently undeveloped 2.75 acre parcel. The overall site was originally approved for a zone change from the R-E (now RS20) zone to the C-1 (now CG) zone in August 2007, through ZC-0726-07, for the purposes of constructing a convenience store with a shopping center and additional pad sites, but the design review portion of this application ultimately expired. Another attempt on the site to develop a similar convenience store and shopping center with pad sites was approved through UC-0789-16 in January 2017 but is also expired. The existing convenience store, car wash, gas station, and pad sites were approved in January 2017 with UC-0789-16 and has had various landscaping and building modifications since then through ADR-0540-17 and DR-20-0445. The most recent approvals were specific; however, to the northern portion of the site that is now developed, hence the need for another set of design review and waivers for the portion of the site being developed now. The plans show that currently in the developed portion of the site is an existing 4,992 square foot convenience store and 1,380 square foot lease space with a car wash located in the same building in the northwest corner of the site. A fuel canopy with pumps is located directly to the east of the convenience store building.

A total of 4 additional buildings are being proposed with 2 of the buildings being retail in nature and the other 2 buildings being quick service restaurants (QSR). The plans shows that the first QSR building will be directly across from the existing convenience store approximately 26.5 feet west of Jones Boulevard, 58 feet east of the fuel canopy, and approximately 82 feet south of Cactus Avenue. This QSR building will be rectangular in shape with 3,600 square feet and a drive-thru that starts south of the building and will run between the building and Jones Boulevard. This drive-thru is shown to be 115 feet from the residential properties to the east across Jones Boulevard. Another 2,500 square foot rectangular QSR building is shown in the southeast corner of the site with a diagonal southwest-northeast orientation. The building is shown set back 33.8 feet from Jones Boulevard and 34.75 feet from Conn Avenue. The building is equipped with a drive-thru lane that will start west of the building and will wrap around the building's south and west sides. This drive-thru is shown to be set back 115 feet from the residential properties to the east across Jones Boulevard, 75 feet from the residential properties to the south across Conn Avenue, and 123 feet from the adjacent residential properties to the west.

Two additional retail buildings are shown in the southwest portion of the site. The 2 buildings are shown to be set back 10 feet from the western property line and will be approximately 10 feet apart in a north-south orientation. The south building is 5,025 square feet and is rhomboid in shape. The southern retail building is approximately 85 feet north of Conn Avenue. The northern retail building is 6,816 square feet and is rectangular in shape and is set back approximately 90 feet south from the convenience store building. Parking is located between the 2 retail buildings and the southern QSR building.

Parking is also provided surrounding most of the existing and proposed buildings. A total of 93 parking spaces are required for both the existing and proposed portions of the shopping center with 117 spaces being provided, including ADA spaces and EV spaces. Access to the site is provided by 2 existing commercial driveways with 1 accessing Cactus Avenue in the central portion of the northern property line and a second driveway accessing Jones Boulevard located centrally along the eastern property line. A third proposed driveway is found centrally along the southern property line accessing Conn Avenue.

A 100 foot wide utility easement runs through the southern portion of the site from the southwest corner of the site towards the northeast. No structures have been placed within the easement area and the buildings have been configured to avoid being placed within the easement.

Landscaping

The plans show that street and parking lot landscaping along with buffering landscaping will be provided. The plans also show that landscaping along the street and western property line and within the parking area is already provided north of the Jones Boulevard driveway, with the exception of the parking area associated with the northern QSR building which will not be modified.

The plans show that most of the landscaping associated with the proposed retail and QSR building is located in the southern portion of the site. Along Jones Boulevard, street landscaping is provided within a variable 15 foot wide landscaping strip, consisting of two, 5 foot wide landscaping strips on each side of a detached sidewalk with a western strip varying in width. On the south side of the driveway along Jones Boulevard a drainage area is proposed with no live landscaping. Along Conn Avenue, a single 6 foot wide to 20 foot wide landscaping strip is provided behind a 5 foot wide attached sidewalk. Along both Jones Boulevard and Conn Avenue, a single row of Shoestring Acacia (*Acacia Stenophylla*), which are considered large trees, are provided every 20 feet. A single row of trees is provided along Jones Boulevard, and not 2 staggered rows, due to sight visibility zones.

Within the parking lot, Western Honey Mesquite (*Prosopis Glandulosa* var. *Torreyana*) trees are provided generally every 5 to 11 spaces within landscape finger islands. However, in some areas along most of the newly proposed buildings, no additional landscaping strip has been provided when the number of spaces exceeds 6 spaces between terminal landscape finger islands. The trees that should be within these additional landscaping strips or finger islands have been provided within large, landscaped areas to the south of each QSR building. A total of 39 internal trees have been provided where 30 trees are required within the new portions of the site.

Along the southwestern property line, a landscaping buffer has been provided which acts as an extension of the existing buffer along the northwestern property line. The proposed landscape buffer consists of a 5.5 foot wide to 10 foot wide landscaping strip with 2 rows of Shoestring Acacia trees every 10 feet. An existing 8 foot tall wall exists to the west of the proposed buffer.

Elevations

The plans show that the 2 QSR buildings and the southern retail building will have a matching architectural design. These 3 buildings will all be 24 feet tall to the highest part of the parapet. These buildings will primarily consist of painted stucco over block. The middle portions of these buildings will be painted a tan color with the bottom portions and the foam roof treatments painted an accented grey color. All customer facing doors will be double doored aluminum commercial window and door systems with all back of house doors being painted metal hollow doors. The roof is treated with a decorative foam parapet and is generally variable. All windows and doors have an aluminum awning.

The northern retail building will consist of brand specific architecture but will be similar in style and height. The northern retail building is shown to be a maximum 23 feet tall and consists primarily of a painted masonry block with painted stucco pop-outs. The roofline is variable with decorative foam parapets. Customer access to the building is through a double door aluminum commercial window-door system with additional access provided by painted hollow metal doors. Metal awning have been installed over all windows and doors.

Floor Plans

The plans provided show a shell 2,500 square foot quick service restaurant and a 3,800 square foot shell quick service restaurant with both customer entrances facing west. The southern retail building is shown to be 5,025 square feet with a possibility of 4 suites with customer entrances facing east. The northern retail building is shown to be 6,816 square feet and will contain mostly customer and assisted sales areas with additional areas for deliveries, storage, offices, and restrooms.

Lighting

The applicant has provided lighting plans in order to comply with the provisions of the original zone change for the site (ZC-0726-07), which required a design review for lighting and signage with signage being deferred until later. The plans show that the lighting provided will mainly consist of wall sconces and single and dual head pole mounted lights. The plans show several pole mounted lights located within the various parking lot landscape islands and along the drive-thru lanes with these pole fixtures not exceeding 18 feet in height. The photometric plans shows that there will be no light spillage into the residential properties to the west and minimal light spillage into the surrounding streets.

Applicant's Justification

The applicant indicates they are requesting to develop the pad sites for the previously approved shopping center on the site. They intend to develop 2 restaurants and 2 retail buildings for a total of 19,381 square feet in additional building area. The applicant states the site is well parked and landscaped and that the proposed lighting should not cause any disturbances to the surrounding area and is compliant with Title 30. The applicant indicates the reduction in street landscaping

along Jones Boulevard is to accommodate a rip rap area and the reduction in the strip width is necessary for suitable drive aisle widths. The applicant also indicates the access to Conn Avenue is needed for easy access for northbound traffic from Jones Boulevard and any lost parking lot landscaping has been mitigated by landscaping placed elsewhere on the site.

Prior Land Use Requests

Application Number	Request	Action	Date
WC-23-400072 (UC-0789-16)	Waived the condition of a use permit limiting the hours of operation for a vehicle wash	Denied by BCC	July 2023
UC-23-0048	Allowed a food cart not within an enclosed building	Approved by PC	April 2023
ET-20-400142 (UC-0789-16)	Second extension of time for a shopping center with a gas station, car wash, and pad sites	Approved by BCC	January 2021
DR-20-0445	Modified the site for alternative landscaping and modified building location	Approved by BCC	November 2020
WC-20-400116 (UC-0789-16)	Waived the condition of a use permit for a 14 foot intense landscape buffer along the western property line	Approved by BCC	November 2020
VS-19-0339	Vacated and abandoned patent easements and rights-of-way - recorded	Approved by PC	June 2019
ET-18-400235 (UC-0789-16)	First extension of time for a shopping center with a gas station, car wash, and pad sites	Approved by BCC	December 2018
TM-18-500145	1 lot commercial subdivision	Approved by BCC	December 2018
ADR-0540-17	Relocated and reduced the size of approved shopping center buildings	Approved by ZA	May 2017
UC-0789-16	Shopping center with a gas station, car wash, and pad sites	Approved by BCC	January 2017
UC-0525-14 (ET-0011-16)	First extension of time for a shopping center with a gas station, car wash, and pad sites	Approved by BCC	May 2016
VS-0951-14	Vacated and abandoned patent easements and rights-of-way - expired	Approved by PC	January 2015
TM-0212-14	1 lot commercial subdivision - expired	Approved by PC	January 2015
UC-0525-14	Shopping center with a gas station, car wash, and pad sites - expired	Approved by BCC	July 2014
VS-0336-08	Vacated and abandoned patent easements and rights-of-way - expired	Approved by PC	June 2008
ZC-0726-07	Reclassified the site from R-E to C-1 zoning for a shopping center with a convenience store and pad sites - waiver of development standard and design review- expired	Approved by BCC	August 2007
UC-0497-01	Allowed a 38.3 mile 138-230kV transmission line	Approved by PC	June 2001

Prior Land Use Requests

Application Number	Request	Action	Date
UC-0386-99	Allowed a 5.4 mile 138-230kV transmission line	Approved by PC	April 1999

Surrounding Land Use*

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Open Lands	RS20	Undeveloped
East	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS3.3 (PCO-Southern Highlands)	Southern Highlands - single-family residential
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS3.3	Single-family residential subdivision
West	Neighborhood Commercial	RS3.3	Single-family residential subdivision

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

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

The purpose of reviewing waivers of development standards for street landscaping is to assure that any requested reduction in landscaping is being off-set and any mitigating factors are considered. Staff finds that, in this case, the loss of 53 feet of street landscaping along Jones Boulevard is quite a bit of landscaping to lose but represents only 8% of the street frontage along this street, and the rip rap impacting the street landscaping is existing and needed for the drainage of the site. Staff also finds that street landscaping is necessary to shade pedestrian walkways along street frontages such as Jones Boulevard. In in this case, the trees that could have been lost have been placed further to the south along Jones Boulevard, so staff finds that the trees have provided a mitigating benefit and have off-set the shading benefit to other portions of the street frontage. As a result, staff could support this waiver of development standards; however, since staff is not supporting the other waivers, staff is unable to support this request.

Waiver of Development Standards #2

Staff finds that the site has been provided with a generous amount of landscaping within the overall site, particularly in the parking lot. While the parking lot itself has been provided with more trees than is required by Code, these trees have not always been placed within terminal landscaping fingers. Staff finds that in this case, the additional trees and the locations that these trees have been placed have provided a mitigating benefit for the trees not being placed within typical landscape islands and have off-set the shading benefit to other portions of the site that would not have otherwise benefited from the shade provided by trees in landscape finger islands. A similar request for alternative parking lot landscaping was also approved for the existing development on the site. For these reasons, staff could support this waiver of development standards; however, since staff is not supporting the other waivers, staff is unable to support this request.

Waivers of Development Standards #3

Overall, staff finds that the propose of screening and buffering landscaping is to provide a physical and natural barrier between uses of differing intensity to ultimately reduce the impact that higher intensity uses could impart on lower intensity uses, such as noise, light, and building massing, amongst other factors. Staff finds that, while the buffering landscape strip in question is being provided with the appropriate amount of plant material, there is a significant reduction in the width of the landscaping strip. In regard to the landscape strip width, the provided width of 6.5 feet is significantly reduced mainly to due the placement of the retail buildings along the western portion of the site. Staff finds that the placement of the buildings and their mass along the western property line emphasizes the need for a fully compliant buffer landscape strip. In addition, there is sufficient space on-site to readjust the retail building further east to provide the necessary landscaping. Staff finds that the reduction in landscaping width is a self-imposed hardship. As a result, staff is unable to support this request.

Waiver of Development Standards #4a

The purpose of reviewing a commercial project and its access to a local street is to assure that the traffic that results from the proposed development does not impact the adjacent residential developments. Staff finds that the proposed development has a large number of high-frequency uses, such as quick service restaurants and a gasoline station, so staff anticipates that there will be a significant traffic increase in the area and along the surrounding streets. In addition, residential lots take direct access on Conn Avenue and Conn Avenue leads west into an established single-family residential development that also accesses Cactus Avenue further to the west. Staff is concerned that given the scale of the proposed project, the nature of the proposed uses, and Conn Avenue's connection to the wider residential road network to the west, there could be a significant increase in traffic through the neighborhoods to the west which could create safety issues. For these reasons, staff is unable to support this request.

Waiver of Development Standards #4b

Staff finds that the siting of drive-thrus and their related equipment is important to consider due to the impact that such facilities can have on noise and air quality for surrounding properties. The proposed drive-thrus are sited along a highly traveled arterial street in Jones Boulevard and the drive-thrus have been sited on the street side of each QSR building. Staff appreciates that the proposed design reduces impacts as much as possible, but ultimately the portion of the site being

developed is raw land and could be designed to accommodate the drive-thru and comply with Title 30 requirements. Given the constraints of the site and the proximity of so many residential area, staff finds that this site may not be suitable for multiple drive-thrus. As a result, staff is unable to support this request.

Waiver of Development Standards #4c

Staff finds that the purpose of reviewing the location of trash enclosures on the site is to assure that the placement will not result in undue impacts on the surrounding properties as a result of odor or visual impacts. Staff finds that the proposed trash enclosure is located within 10 feet of a residential area. The landscaping areas between the trash enclosure and the residential areas has been reduced. Staff finds that, while there are significant design constraints on the site, the site could have been redesigned to avoid locating the trash enclosure so close to the residential areas to the west and the need for this waiver is a self-imposed hardship. For these reasons, staff cannot support request.

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.

Design Review #1

The purpose of reviewing lighting is to ensure the compliance of lighting standards and to assure that the proposed lighting will not negatively affect surrounding properties. Staff finds that the 18 foot tall luminaries are typical of such shopping centers and will blend into the design of the site. The proposed lighting fixtures will be at typical and compliant heights along the buildings and throughout the site. Due to the landscaping provided along the western property line, minimal spillover light is projected onto the residential properties to the west. For these reasons, staff could support this design review, but, since staff is not supporting other waivers, staff is unable to support this request.

Design Review #2

Overall, staff finds that the proposed shopping center provides new dining and retail opportunities for the area. The location of the proposed uses is also sited at the intersection of 2 large streets. The designs of the proposed buildings are generally modern and consistent with other shopping centers and brand specific buildings both within Clark County and nationally. In addition, there is sufficient parking provided on the site and circulation is generally well thought out on the site. Staff also finds that the proposed building and layout will flow and connect seamlessly with the existing facilities on-site. The site is designed to accommodate the 100 foot wide utility that crosses the site The landscaping has been well provided with street and parking lot landscaping able to provide needed shade in an area with high heat island impacts. Additionally, the development of the subject site would also activate a previously underutilized property which will support Master Plan Policy 1.4.4, which encourages the redevelopment of previously used in-fill lots. With that said, staff has concerns regarding the ability of the site to reduce potential impacts on the residential properties to the west due to the significant reduction

of the landscape buffer and the effects that this reduction may cause due to on-site activities. For these reasons, staff is unable to support this design review especially given that the proposed buildings are being developed on raw land and could be designed to meet Title 30 requirements or at least provide more mitigating actions.

Public Works - Development Review

Waiver of Development Standards #5

Although the departure distances does not comply with the minimum standards, staff finds the location allows vehicles to safely access the site without causing stacking within the right-of-way. Therefore staff can support the reduction in the distance from the intersection of Jones Boulevard and Conn Avenue. However, since Planning is recommending denial of the application, staff cannot support this waiver.

Staff Recommendation

Denial.

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:

- Enter into a standard development agreement prior to any permits or subdivision mapping for the portion of the site currently being developed, 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 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.
- Applicant is advised that off-site improvement permits may be required.

Fire Prevention Bureau

- Applicant to show fire hydrant locations on-site and within 750 feet.

- Applicant is advised that fire/emergency access must comply with the Fire Code as amended; and that operational permits may be required for this facility and to contact Fire Prevention for further information at (702) 455-7316.

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 #0373-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - approval of waivers of development standards #1, #3, #4a, #4b and #5 and the design reviews; denial of waivers of development standards #2 and #4c.

APPROVALS:

PROTESTS:

APPLICANT: GURPAUL KULAR

CONTACT: JOHN VORNSAND, 62 SWAN CIRCLE, HENDERSON, NV 89074