

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ET-25-400032 (ZC-22-0143)-LACONIC LP:**

**WAIVERS OF DEVELOPMENT STANDARDS SECOND EXTENSION OF TIME** for the following: **1)** reduced driveway departure distance; and **2)** reduced driveway throat depth.

**DESIGN REVIEWS** for the following: **1)** a proposed retail center; and **2)** finished grade on 1.73 acres in a CG (Commercial General) Zone.

Generally located on the north side of Cactus Avenue and the west side of Bermuda Road within Enterprise. MN/jm/kh (For possible action)

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RELATED INFORMATION:

**APN:**

177-28-803-011

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce the proposed driveway departure distance along Cactus Avenue to 161 feet where 190 feet is required per Uniform Standard Drawing 222.1 (a 15% decrease).
2. Reduce the proposed driveway throat depth to 11 feet where 25 feet is required per Uniform Standard Drawing 222.1 (a 56% decrease).

**DESIGN REVIEWS:**

1. A proposed retail center with a drive-thru restaurant.
2. Increase finished grade to 48 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 33% increase).

**LAND USE PLAN:**

ENTERPRISE - NEIGHBORHOOD COMMERCIAL

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 1.73
- Project Type: Retail center
- Number of Stories: 1
- Building Height (feet): 30 (per ADR-24-900621)
- Square Feet: 9,000 (proposed retail building)/2,509 (proposed drive-thru only restaurant) (per ADR-24-900621)
- Parking Required/Provided: 43/44 (per ADR-24-900621)

### History and Request

In June 2022, ZC-22-0143 was approved for an L-shaped retail building and a standalone restaurant. The zone change request to C-1 (currently CG) was permanently approved, and waiver #1 to reduce parking and waiver #2 to reduce height setback ratio were withdrawn without prejudice. In June 2024, the project was extended for an additional year via ADET-25-900399. Later in September 2024, ADR-24-900621 was approved for changes to the site.

### Site Plan

The previously approved site plan with ZC-22-0143 depicted a proposed retail center on 1.73 acres located on the northwest corner of Cactus Avenue and Bermuda Road. A new commercial driveway was proposed on the northeast corner of the site adjacent to Bermuda Road, and a second driveway was proposed on the southwest corner of the parcel adjacent to Cactus Avenue.

An L-shaped retail building was proposed on the northwest corner of the site that was set back 10 feet from the west property line, 10 feet from the north property line, 94 feet from the south property line, and 124 feet from the east property line. The second building was a proposed restaurant (drive-thru only), located on the southeast corner of the site. This building was set back 27 feet from the east property line, 57 feet from the south property line, 158 feet from the west property line, and 133 feet from the north property line.

The applicant also requested a design review for the entire site, and an increase in finished grade to 48 inches. The request to increase the finished grade to a maximum of 48 inches is primarily located along the south property line. Lastly, the applicant requested to reduce the departure distance to 161 feet where 190 feet was required and reduce the proposed driveway throat depth to 11 feet where 25 feet was required.

ADR-24-900621 reconfigured the site and altered the parking. The retail building along the east property line was changed from a “L” shape (9,246 square feet) to an in-line building (9,000 square feet). Also, the restaurant pad increased from 750 square feet to 2,509 square feet. An additional drive-thru lane was added to the standalone restaurant, and parking throughout the site was reconfigured. Those revisions changed the parking count to 44 spaces provided where 43 parking spaces were required.

### Landscaping

Along the north and west property lines (adjacent to existing single-family residences) a 7 foot to 10 foot wide landscape buffer was depicted with 24 inch box trees spaced every 15 feet. In addition, the approved plans with ZC-22-0143 depicted shrubs planted between and adjacent to the proposed trees along the north and west property lines. The south property line included an attached sidewalk with proposed trees and shrubs. The east property line included a detached sidewalk with proposed shrubs and trees. The landscape finger islands throughout the parking lot and the pad site which was a part of the proposed restaurant (drive-thru only), included trees and shrubs.

ADR-24-900621 modified the previously approved plans. Landscaping was slightly increased along the north property line while greatly reduced due to the reconfiguration of the standalone

restaurant pad along the east property line. The interior landscape island was nearly eliminated. Along the south property line landscaping was reduced due to the added drive-thru lane.

### Elevations

The previously approved elevation plans with ZC-22-0143 depicted an L-shaped retail building with a maximum height of 32 feet. This building included varying heights of parapet roofs to show some visual interest. The exterior walls included a stucco finish with decorative stucco pop-outs and neutral earth tone colors. The main entrances to the lease spaces were along the east facing elevations. The proposed restaurant building (drive-thru only) had an overall height of 20 feet to the top of the parapet roof. The design of the building was to match the larger retail building. There was an existing 6 foot high CMU block wall along the west and north property lines. No screening was proposed along the east and south property lines.

ADR-24-900621 slightly modified the building elevations. They still have vertical and horizontal articulation, but the overall height of the main retail building has been reduced to 30 feet. The new designs feature more glass on the front façade of the buildings and have added some decorative stone detailing. The restaurant façades changed due to the increased size.

### Floor Plans

The previously approved floor plan with ZC-22-0143 for the proposed restaurant (drive-thru only) included a prep space, pick-up window area, a storage room, and a restroom. The approved plans with ADR-24-900621 increased the building size from 750 square feet to 2,509 square feet,

The proposed retail building consisted of 7 proposed lease spaces each containing restrooms. The approved plans with ADR-24-900621 reduced the building size from 9,246 square feet to 9,000 square feet and shows 5 proposed lease spaces.

### Signage

Signage was not a part of the original request.

### Previous Conditions of Approval

Listed below are the approved conditions for ADET-24-900399 (ZC-22-0143):

- Until June 8, 2025 to commence.
- Applicant is advised that the application must commence by the stated date or the application will expire; no extensions of time are permitted; 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.

Listed below are the approved conditions for ZC-22-0143:

### Current Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Businesses are limited to daytime hours only;
- Maximum building height of 30 feet which includes 4 feet of screening for mechanical equipment;

- Building to be finished on all 4 sides with additional architectural enhancements such as pop-outs and faux windows to be added to the north and west building faces;
- Doors along the north and west sides of the buildings to be emergency exits only;
- Reduce the square footage by 250 square feet (as shown on revised plans);
- Install intense landscaping per Title 30.64-12 adjacent to the residential to the west and the north;
- 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 the waivers of development standards and design reviews must commence within 2 years of approval date or they will expire.

#### Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Full off-site improvements;
- If required by the Regional Transportation Commission (RTC), dedicate right-of-way for a combination bus turnout/right turn lane.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals; and that 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 or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

#### 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 #0124-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require a new POC analysis.

#### Applicant's Justification

The applicant states ZC-22-0143 was approved in June of 2022 for a zone change, waivers of development standards, and design review. In June of 2024, an administrative extension of time

was granted. Later in September 2024, changes to the approved plans were approved via ADR-24-900621. The applicant is now requesting a second extension of time to implement the design changes previously approved so they can start pre-leasing the project.

#### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ADR-24-900621	Changes to approved plans to ZC-22-0143	Approved by ZA	September 2024
ADET-24-900399 (ZC-22-0143)	First extension of time for ZC-22-0143	Approved by ZA	June 2024
VS-22-0144	Vacated and abandoned easements of interest to Clark County	Approved by BCC	June 2022
ZC-22-0143	Zone change to C-1, waivers for driveway departure distance and throat depth, and design review for retail center and finished grade	Approved by BCC	June 2022

#### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Neighborhood Commercial	RS10	Single-family residential development
South	Ranch Estate Neighborhood (up to 2 du/ac)	RS20 (NPO-RNP)	Undeveloped
East	Neighborhood Commercial	CG	Gas station & multi-family residential development
West	Neighborhood Commercial	RS10	Single-family residential development

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

#### **Clark County Public Response Office (CCPRO)**

There is an active, unpaid, Code enforcement case for signs attached to fencing (CE23-26381).

#### **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**

Title 30 standards of approval for an extension of time state an application may be denied if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws, regulations, or policies affecting the subject property. Additionally, the applicant must demonstrate the project is progressing through the applicable development permit or licensing process.

Staff finds that ADR-24-900621 was approved in September 2024 for revised plans for the project. Therefore, staff can support this second request for an extension of time to allow the applicant to commence the project. However, staff may not be able to support any future extension of time requests if no progress is made towards commencement of the project.

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

There have been no significant changes in this area. Staff has no objection to this extension of time.

#### **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**

- Until June 8, 2027 to commence or the application will expire unless extended with approval of an extension of time.
- Applicant is advised 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; the County has adopted a rewrite to Title 30 effective January 1, 2024, 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; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

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

- Compliance with previous conditions.

##### **Fire Prevention Bureau**

- No comment.

##### **Clark County Water Reclamation District (CCWRD)**

- No comment.

**TAB/CAC:** Enterprise - approval.

**APPROVALS:**

**PROTEST:**

**APPLICANT:** LACONIC LP

**CONTACT:** KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DRIVE, SUITE 650, LAS VEGAS, NV 89135