

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-24-0131-PARACHUTE ABCT, LLC SERIES V, ET AL**

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduce parking; **2)** reduce setback; **3)** reduce the number of landscape finger islands; **4)** reduce driveway throat depth; and **5)** reduce driveway departure distance.

**DESIGN REVIEWS** for the following: **1)** a proposed restaurant and related services building; and **2)** lighting on 0.5 acres in a CG (Commercial General) Zone.

Generally located on the northeast corner of Durango Drive and Wigwam Avenue within Enterprise. JJ/jor/ng (For possible action)

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RELATED INFORMATION:

**APN:**

176-16-201-041

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce the proposed parking to 24 parking spaces where 30 parking spaces are required per Section 30.04.04 (a 20% reduction).
2. Reduce the side street setback for a proposed trash enclosure to 8 feet, 4 inches where 10 feet is required per Section 30.02.14 (a 16% reduction).
3. Reduce the proposed number of landscape finger islands on the west side of the building to 1 landscape island at the end of a row of 9 parking spaces where 1 landscape island is required after every 6 parking spaces (2 total) per Section 30.04.01.
4. Reduce the proposed driveway throat depth to 6 feet, 6 inches where 25 feet is required per Uniform Standard Drawing 222.1 (a 74% reduction).
5. Reduce the proposed driveway departure distance to 66 feet, 6 inches where 190 feet is required per Uniform Standard Drawing 222.1 (a 65% reduction).

**LAND USE PLAN:**

ENTERPRISE - NEIGHBORHOOD COMMERCIAL

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 8580 W. Wigwam Avenue
- Site Acreage: 0.5
- Project Type: Restaurant and related services
- Number of Stories: 1
- Building Height (feet): 28 feet, 10 inches
- Square Feet: 4,450

- Parking Required/Provided: 30/24
- Sustainability Required/Provided: 7/7

### Request & Site Plan

The applicant is requesting the following: reduce parking to 24 parking spaces where 30 are required, reduce the side street setback of a proposed trash enclosure, reduce the amount of landscape finger islands, reduce driveway throat depth, and reduce departure distance.

The site plan depicts a proposed tavern building to be constructed on the northeast corner of the subject parcel. Access to the site is via 1 driveway on the northwest corner of the site adjacent to Durango Drive. The tavern building will be set back 15 feet from the east and north property lines, 67 feet from the south property line adjacent to Wigwam Avenue, and 83 feet from the west property line. The applicant is proposing to install an 8 foot high decorative block wall along the north property line. Along the east property line there is an existing 6 foot high block wall; the applicant is proposing to raise the block wall height to 8 feet as per Title 30 standards. The site plan shows a 6 foot to 10 foot wide walkway for patrons along the west and south sides of the building, along with a new stained concrete pedestrian walkway west of the building. A total of 24 parking spaces are distributed on the west and south portions of the parcel. A proposed trash enclosure will be installed 8 feet, 4 inches from the west property line where a minimum setback of 10 feet is required per code.

### Landscaping

The landscaping for the site consists of a 15 foot wide landscape buffer along the north and east property lines. The double row of trees will include Shoestring Acacia trees per the SNWA plant list. The applicant will install detached sidewalks with street landscaping along Durango Drive and Wigwam Avenue. The street landscaping includes large trees (Indian Rosewood) spaced every 20 feet with shrubs in between. Lastly, there are 9 parking spaces on the west side of the proposed tavern building. Code requires a landscape finger island after every 6 parking spaces. The plan shows that there is 1 missing parking lot landscape finger island within the row of 9 parking spaces west of the building, hence the waiver of development standards request. Nine trees along the streets are required, and 14 trees total are provided and 1 medium or large tree is required for every 6 parking spaces where 1 tree is provided on the south island and the landscape buffer to the north serves as the trees at the end of a parking row.

### Elevations and Lighting

The plans show a proposed 1 story tavern building with a maximum height of 28 feet, 10 inches to the top of the parapet. The elevations show a variety of architectural roof heights, stucco walls, composite cladding, aluminum storefront and windows with awnings, large stucco reveal grid patterns on all sides of the building. Proposed lighting on-site includes 1 shielded wall pack light on the east and north sides of the building to be installed a maximum height of 14 feet. The plan also shows 2 proposed light poles that will be down shielded and have an overall height of 18 feet.

### Floor Plan

The applicant is proposing a tavern building with an overall area of 4,450 square feet.

### Applicant's Justification

The applicant is requesting to reduce parking to 24 parking spaces where 30 are required and reduce the number of landscape finger islands along the west side of the tavern building. To help mitigate this request additional trees are proposed. The applicant further requests to reduce the side street setback for a proposed trash enclosure to be set back 8 feet, 4 inches from the street where 10 feet is required. Per the applicant, providing the 10 foot setback would have a negative impact on the site. The trash enclosure gates would open into the drive aisle. Furthermore, the applicant is requesting to reduce the proposed driveway throat depth to 6 feet, 6 inches where 25 feet is the minimum required. Per the applicant, providing the 25 foot throat depth would have a negative impact on the flow of traffic within the site and would require additional parking to be removed. Lastly, the applicant is requesting to reduce the proposed driveway departure distance to 66 feet, 6 inches where 190 feet is required. The driveway is located as far away from the intersection as possible without encroaching into the neighboring parcel.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-1122-07	Reclassified the site to C-1 zoning for a proposed 2 story retail building	Approved by BCC	March 2008

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Neighborhood Commercial	RS20	Undeveloped
South, East, & West	Neighborhood Commercial	RS20	Single family residential

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

### **Related Applications**

<b>Application Number</b>	<b>Request</b>
VS-24-0132	A request to vacate and abandon a portion of right-of-way being Durango Drive and Wigwam Avenue for detached sidewalks is a companion item on this agenda.
WC-24-400043 (ZC-1122-07)	Waiver of conditions of a zone change (ZC-1122-07) to waive specific Current Planning conditions 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

Sufficient parking counts provide safe and convenient interaction between vehicles and pedestrians, provide necessary access for service and emergency vehicles, and avoids unnecessary off-site parking adjacent to existing residences. The applicant is requesting to reduce the proposed parking to 24 parking spaces where 30 parking spaces are required per Section 30.04.04. Staff finds that the site can be designed to have a smaller building footprint, which would allow the accommodation of additional parking spaces. Staff does not support this request.

#### Waiver of Development Standards #2

The applicant is requesting to reduce the proposed trash enclosure side street setback to 8 feet, 4 inches where 10 feet is required per Section 30.02.14. Staff finds that this request is a self-imposed hardship and falls on the overall site design. Although the site is on a half-acre parcel, the placement of the trash enclosure can be located to meet the required side street setback. Staff does not support this request.

#### Waiver of Development Standards #3

The applicant is requesting to reduce the proposed number of landscape finger islands on the west side of the building. The plan shows a row of 9 parking spaces, and only 1 landscape island at the end of this row. Title 30 requires a landscape finger island after 6 parking spaces. Since the landscape buffer on the north consists of trees which shade the parking stalls, staff could support this request. However, since staff is not supporting other components of the application, staff cannot support this 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.

While the proposed building includes 4 sided architecture, staff finds that the design is too intense for the immediate surrounding area, which is comprised of single family residences. Additionally, the prior approval on this site required the building to be placed on the west

property line to provide a buffer to residents. The proposed design imposes the building directly adjacent to the single family uses. Therefore, staff cannot support this request.

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

#### Waiver of Development Standards #4

Staff cannot support the request to reduce the throat depth for the commercial driveway on Durango Drive as there are immediate conflicts with vehicles entering the site and vehicles accessing the parking spaces opposite the driveway. Since Durango Drive is an arterial street, it is important that traffic can flow without the impediment of vehicles attempting to access the parking lot. Therefore, staff cannot support this request.

#### Waiver of Development Standards #5

Staff has no objection to the reduction in the departure distance for the Durango Drive commercial driveway. The applicant placed the driveway as far north as the site will allow. However, since staff cannot support other components of the application, staff cannot support this request.

### **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 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;
- Expunge design review and waiver of development standards portion of ZC-1122-07.
- 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; applicant to work with Comprehensive Planning staff to provide and maintain the Durango Avenue on-street trail; 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; 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;
- Right-of-way dedication to include 54 foot property line radius;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Blue Diamond Wash Trail improvement project.
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb, vacation of excess right-of-way, and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

**Fire Prevention Bureau**

- No comment.

**Southern Nevada Health District (SNHD) - Engineering**

- Applicant is advised to contact the SNHD Environmental Health Division at [septics@snhd.org](mailto:septics@snhd.org) or (702) 759-0660 to obtain written approval for a Tenant Improvement, so that SNHD may review the impact of the proposed use on the existing Individual Sewage Disposal (Septic) System.

**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 #0161-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

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

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** VOLUNTEER CROSSING, LLC

**CONTACT:** HOWARD & HOWARD ATTORNEYS PLLC, 3800 HOWARD HUGHES PKWY, SUITE 1000, LAS VEGAS, NV 89169