

06/21/23 BCC AGENDA SHEET

RETAIL/RESTAURANT DEVELOPMENT
(TITLE 30)

WINDMILL LN/PLACID ST

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ZC-23-0207-WINDMILL & PLACID, LLC:

ZONE CHANGE to reclassify 4.0 acres from a CRT (Commercial Residential Transition) Zone to a C-1 (Local Business) Zone.

USE PERMITS for the following: **1)** convenience store; **2)** reduce separation from a convenience store to a residential use; **3)** gasoline station; **4)** reduce setback from a gasoline station to a residential use; and **5)** allow alcohol sales, liquor - packaged only where not in conjunction with a grocery store.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** landscaping; **2)** allow a drive-thru talk box to face residential development; **3)** allow modified street standards; and **4)** allow modified driveway design standards.

DESIGN REVIEWS for the following: **1)** convenience store; **2)** gasoline station; **3)** restaurants with drive-thru and outside dining; **4)** retail building; and **5)** lighting.

Generally located on the north side of Windmill Lane and the east side of Placid Street within Enterprise (description on file). MN/md/syp (For possible action)

RELATED INFORMATION:

APN:

177-09-810-001

USE PERMITS:

1. Convenience store.
2. Reduce the separation from a convenience store to a residential use to 95 feet where a minimum of 200 feet is required per Table 30.44-1 (a 52.5% reduction).
3. Gasoline station.
4. Reduce the setback from a gasoline station (fueling canopy) to a residential use to 112 feet where a minimum of 200 feet is required per Table 30.44-1 (a 44% reduction).
5. Allow alcohol sales, liquor - packaged only when required to be in conjunction with a grocery store per Table 30.44-1.

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce street landscaping to 10 feet along Placid Street and Fairfield Avenue where 15 feet of landscaping is required behind an existing attached sidewalk per Section 30.64.030 (a 33.3% reduction).

2. Allow a drive-thru talk box to face residential development where talk boxes shall be set back behind the building or face to minimize noise away from adjacent homes per Table 30.56-2.
3.
 - a. Reduce the approach distance to the intersection of Placid Street and Windmill Lane to 88 feet where a minimum of 150 feet is required per Uniform Standard Drawing 222.1 (a 41.4% reduction).
 - b. Reduce the departure distance from the intersection of Fairfield Avenue and Windmill Lane to 92 feet where a minimum of 190 feet is required per Uniform Standard Drawing 222.1 (a 51.2% reduction).
4. Reduce throat depth to 27 feet where a minimum of 75 feet is required per Uniform Standard Drawing 222.1 (a 64% reduction).

LAND USE PLAN:

ENTERPRISE - NEIGHBORHOOD COMMERCIAL

BACKGROUND:

Project Description

General Summary

- Site Address: 300 E. Windmill Lane
- Site Acreage: 4
- Project Type: Retail/restaurant development
- Number of Stories: 1
- Building Height (feet): 31 (Building A)/29 (Building B)/29 (Building C)/22 (Building D)/24 (Building E)/19 (fuel canopy)
- Square Feet: 10,010 (Building A)/3,300/1,224 (Building B)/2,508 (Building C)/907 (Building D)/1,900 (Building E)/1,000 (outside dining)
- Parking Required/Provided: 126/133

Site Plan

This request is for a conforming zone change to reclassify 4 acres from a CRT zone to a C-1 zone to permit a commercial development consisting of a convenience store, gasoline station, retail building, and 4 restaurants with drive-thru lanes. The proposed retail building is located at the northeast portion of the site, while 3 of the 4 restaurants are located along the south portion of the site, along Windmill Lane. The fourth restaurant is attached to the proposed convenience store, centrally located within the west portion of the project site. The gasoline station (fuel canopy) is located at the southwest corner of the development, in proximity to the Windmill Lane and Placid Street intersection. A use permit is required to reduce the separation between the convenience store and residential use (single family) to the north. A second use permit is required to reduce the setback from the gasoline station (single family) and the residential use to the west, across Placid Street.

Below is a table reflecting the commercial building setbacks from the north, south, east, and west property lines of the site:

Building Setback from Property Lines (in feet)				
	Property Line			
Building:	North	East	South	West
Building A - (Dollar Tree)	20	140	193	315
Building B - (convenience store with fast-food)	95	430	138	92
Building C - (restaurant)	220	314	33	221
Building D - (coffee shop)	202	355	46	217
Building E - (drive-thru restaurant)	188	22	40	529
Gasoline station - (fuel canopy)	200	478	40	35

All buildings within the commercial development are connected through north/south and east/west cross access drive aisles. Access to the site is granted via 2 proposed commercial driveways along Windmill Lane. A waiver of development standards is requested to reduce the approach and departure distances from the Placid Street/Windmill Lane and Fairfield Avenue/Windmill Lane intersections, respectively. A second waiver is required to reduce the throat depth to 27 feet for the commercial driveway located at the southwest corner of the development. The commercial development requires 126 parking spaces where 133 parking spaces are provided. Existing, 5 foot wide attached sidewalks are located adjacent to Placid Street, Fairfield Avenue, and Windmill Lane.

Landscaping

The plans depict a 15 foot wide landscape area adjacent to Windmill Lane and 10 foot wide landscape areas along both Fairfield Avenue and Placid Street. All street landscape areas are located behind existing, 5 foot wide attached sidewalks. The street landscape areas consist of trees, shrubs, and groundcover. Parking lot landscaping is equitably distributed throughout the interior of the site. A 10 foot wide landscape area is located along the north property line of the project site, adjacent to the existing single family residential development. The landscape area consists of large, 24 inch box Evergreen trees. Furthermore, a landscape buffer measuring 20 feet in width, featuring a double row of large, 24 inch box Evergreen trees is located between Building A and the single family residential development. An existing 6 foot high block wall is located along the northeast property line and a new, 6 foot high block wall will be constructed along the northwest property line. A 14 foot wide landscape median with large trees, in conjunction with a 6 foot high CMU screen wall, provides an additional buffer between the drive-thru lane serving Building B (convenience store with fast food) and the single family residential development to the north.

Elevations

The plans depict a 1 story retail Building A measuring between 24 feet to 31 feet in height to the top of the parapet wall. The exterior of the building consists of a stucco exterior with an aluminum storefront window system located on the front (south) elevation. Decorative metal canopies are located above the storefront window system. The exterior of the building will be painted with neutral, earth tone colors with green accents reflecting the brand of the retail store.

Building B, convenience store with fast food, features varying rooflines measuring between 24 feet to 29 feet in height to the top of the parapet wall. The exterior of the building consists of a stucco exterior with an aluminum storefront window system located on the front (south) elevation. Building C, restaurant, ranges between 24 feet to 29 feet in height to the top of the parapet wall. The exterior of the building consists of a stucco exterior with an aluminum storefront window system located on the front (north) elevation and portions of the east and south elevations. Building D, coffee shop, features varying rooflines measuring between 13 feet to 22 feet in height to the top of the parapet wall. The exterior of the building consists of stucco with decorative accent metal. Building E, drive-thru restaurant, measures between 16.5 feet to 24 feet in height with varying rooflines. The exterior of the building consists of a stucco exterior with an aluminum storefront window system located on the front (south) elevation. The gasoline station (fuel canopy) consists of a metal canopy with a flat roof measuring 19 feet in height. All buildings, including the fuel canopy, will be painted with neutral, earth tone colors. Furthermore, all rooftop mounted equipment will be screened from public view and the right-of-way by parapet walls.

Floor Plans

The plans for each building consists of shell space. Below is a table reflecting the area of Buildings A through F:

Building Information	
Building Area:	(In square feet)
Building A - (Dollar Tree)	10,010
Building B - (convenience store with fast-food)	3,300/1,224
Building C - (restaurant)	2,508
Building D - (coffee shop)	907
Building E - (drive-thru restaurant)	1,900
Total Building Area	19,849

Outside dining areas measuring 750 square feet and 250 square feet in area are located to the east and northwest of Buildings C and D, respectively. The outside dining areas are set back a minimum of 200 feet from the single family residential development to the north.

Lighting

The plans depict a photometric plan for the commercial development with corresponding details on light fixtures. The lighting plan has the following elements: 1) wall pack LED fixtures at either 10 feet or 15 feet from grade on the various buildings; 2) 15 foot high LED parking lot light poles nearest the north property line; 3) 20 foot high LED parking lot light poles throughout the remaining areas of the site; and 4) recessed LED light fixtures at 16 feet from grade within the gasoline canopy. All light fixtures comply with Code requirements and are downcast to minimize or eliminate any light pollution. The photometric plan depicts values of near zero throughout the 12 foot wide landscape buffer adjacent to the single family residential use to the north. The lighting values do not take into account the screening and buffering that will be provided by the landscape buffer, which includes a 6 foot high decorative wall. Therefore, there will not be any light intrusion to the adjacent residential development.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states the requested zone change to C-1 is entirely consistent with the intent of the Neighborhood Commercial (NC) planned land use designation and in compliance with several goals and policies contained within the Master Plan. The C-1 zoning district is intended to provide for the development of retail business uses or personal services and to serve as a convenience to neighborhoods and limited local markets typically on a site less than 10 acres. The applicant indicates the convenience store is designed in such a manner on the site to function as a buffer to the residential use to the north. With a combination of enhanced landscaping and transitional space, the proposed use will not have any adverse impact on the immediate area. While the convenience store does not meet the standard separation, it is recognized that individual sites may present unique characteristics, the operation and location of site uses that could be best developed through the application of alternative site development standards which depart from Code requirements. The orientation of the building functions as a buffer for the nearest residential use. Other site and building design elements that will ameliorate and mitigate possible negative impacts include the following: 1) the building will have full cut-off, shielded, low level lighting on the façade that faces west and north; 2) there is a drive aisle that functions as a transitional space; 3) low level, shielded LED parking lot lights will be provided; and 4) the applicant has provided a 12 foot wide intense landscape buffer along the north property line. If the applicant designed a site where the minimum separations complied with Title 30, the use would face the residential use and all the parking would be nearest to the residential use rather than buffered as currently designed.

The proposed gasoline station is buffered by the convenience store and enhanced landscaping and oriented away from any residential use. As with the convenience store, with a combination of enhanced landscaping and transitional space, the proposed use will not have any adverse impact on the immediate area. The gasoline station setback reduction is to a residential use on the west side of Placid Street. In this particular instance, the applicant designed the use on the site in a manner that not only buffers the use from the residential use but minimizes any potential impacts. Other site and building design elements that will ameliorate and mitigate possible negative impacts include the following: 1) the building will have full cut-off, shielded, low level lighting on the canopy; 2) there are parking areas and drive aisles that function as a transitional space; 3) low level, shielded LED parking lot lights will be provided; and 4) the gasoline station is separated by Placid Street and street landscaping. The sale of packaged liquor is an ancillary use to the convenience store.

The applicant indicates the proposed street landscaping along Placid Street and Fairfield Avenue is consistent and compatible with the surrounding area. The drive-thru talk box will be screened by a 6 foot high CMU block wall adjacent to the drive-thru lane, in addition to landscaping adjacent to the wall. A 10 foot wide landscape area with a 6 foot high block wall will also be provided along the north property line. The proposed throat depth is consistent with other driveway geometrics in the immediate area, either west or east along the Windmill Lane corridor, with no known adverse impacts. The proposed throat depths are on the egress side of the driveways and; therefore, will not have any adverse impact on vehicles that could queue in the

right-of-way. The ingress sides of both driveways are 66 feet and 81 feet, respectively, which will preclude any vehicular conflicts when entering the site. The applicant states the proposed throat depth will provide for minimal site conflicts that will result in no stacking of vehicles within the right-of-way. The intent of the departure distance standard is to minimize any potential vehicular conflicts between vehicles turning west on Fairfield Avenue and vehicles entering or exiting the eastern driveway along Windmill Lane. The applicant indicates the proposed departure distance will provide for minimal site conflicts that will result in no stacking of vehicles within the right-of-way. As with the reduced departure distance, the intent of the approach distance standard is to minimize any potential vehicular conflicts between vehicles exiting the site, turning west on Windmill Lane and queueing of vehicles that are at the intersect of Windmill Lane and Placid Street. The applicant states the proposed approach distance will provide for minimal site conflicts that will result in no stacking of vehicles within the right-of-way. The proposed site plan depicts an effective layout of the buildings, parking areas, circulation, and sensitivity to the heavily traveled street corridor of Windmill Lane and no access to either of the adjacent local streets. The scale and intensity of the development, at this location, is appropriate and compatible with existing and planned land uses in the area. All light fixtures are in compliance with Title 30 and downcast to minimize or eliminate any light pollution. Therefore, there will not be any light intrusion to the adjacent residential development.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-0011-17	Appealed the administrative denial of an off-site improvement bond extension of time in conjunction with a previously approved office complex	Denied by BCC	May 2017
ADET-0856-16	Twelfth extension of time for off-site bond	Denied by ZA	April 2016
ADET-0397-09	First extension of time for off-site bond	Approved by ZA	April 2009
VS-0163-06	Vacated and abandoned driveway easements - recorded	Approved by PC	April 2006
TM-0378-05	1 lot commercial subdivision - expired	Approved by PC	November 2006
WS-1940-05	Reduced parking and design review for an office complex - expired	Approved by BCC	January 2006
ZC-0135-04	Reclassified subject property from R-E to CRT zoning	Approved by BCC	April 2004

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Ranch Estate Neighborhood (up to 2 du/ac)	R-E (RNP-I)	Single family residential
West	Neighborhood Commercial	R-E	Single family residential & undeveloped
South	Neighborhood Commercial	CRT & R-E	Place of worship & undeveloped

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
East	Neighborhood Commercial	CRT	Office complex

Related Applications

Application Number	Request
VS-23-0208	A request to vacate and abandon government patent easements is a companion item on this agenda.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis**Comprehensive Planning**Zone Change

The intent of the C-1 zoning district is to provide for the development of retail business uses or personal services and to serve as a convenience to neighborhoods and limited local markets. The intent of the district is for sites which are typically on a site less than 10 acres except for mixed-use development which shall require a site of 10 acres or more. Furthermore, the Neighborhood Commercial land use designation encourages a mix of retail, restaurants, offices, service commercial, and other professional services. There are undeveloped parcels immediately to the west and south of the project site also planned for Neighborhood Commercial. The proposed zoning is consistent and compatible with the existing and approved land uses in the area; therefore, staff recommends approval.

Use Permits

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

Use Permits #1 & #2

Staff finds the convenience store is compatible with the additional retail and restaurant buildings proposed with the development. The convenience store should not have an adverse or negative impact on the surrounding land uses and properties; therefore, staff recommends approval.

The intent of the required 200 feet of separation distance from a convenience store to a residential use is to ensure an appropriate buffer is established between the uses to reduce any negative impacts on the residential use. Although the reduction in separation distance between the convenience store and residential use to the north exceeds 50 percent, the applicant has provided an additional landscape buffer to mitigate any impact. Immediately to the north of the drive-thru lane, which is adjacent to the convenience store and restaurant, is a 14 foot wide landscape planter with large trees and a 6 foot high CMU screen wall. Located 43 feet to the north of the planter is a secondary landscape area measuring 12 feet in width with large

Evergreen trees that will be planted 20 feet on center. Staff finds the proposed landscaping should mitigate any impact the reduced separation may have on the residential development; therefore, recommends approval.

Use Permits #3 & #4 & Design Review #2

The intent of the required 200 feet of separation distance from a gasoline station to a residential use is to ensure an appropriate buffer is established between the uses to reduce any negative impacts on the residential use. The reduced separation between the gasoline station and residential use is a self-imposed burden. Goal 3.1 of the Master Plan states the following: “Maintain air quality at a level that protects public health and improves visual clarity.” Staff is concerned that reducing the distance between the gasoline station and the existing single family residences may have the following impacts: 1) a reduction in air quality through the release of vapors during vehicle fueling; and 2) noise during the evening hours. Therefore, staff recommends denial of these requests.

Use Permit #5

The sale of packaged liquor is an ancillary use typically associated with convenience stores. Staff finds the sale of packaged liquor should have minimal to no impact on the surround area; therefore, recommends approval.

Waivers of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

Waiver of Development Standards #1

Staff typically does not support requests to reduce the required street landscaping along public streets. However, recent aerial photographs reveal existing street landscaping measuring 10 feet, to the east of the project site, across Fairfield Avenue. Staff finds the proposed street landscaping, consisting of trees, shrubs, and groundcover, along Fairfield Avenue and Placid Street is consistent with the existing landscaping within the surrounding area. Therefore, staff recommends approval.

Waiver of Development Standards #2

Staff finds the drive-thru talk box, which is set back 82 feet from the north property line, should not impact the adjacent single family residences. An appropriate buffer has been provided between the talk box and residential development consisting of the following: 1) a 10 foot wide landscape area is located along the north property line, consisting of large, 24 inch box Evergreen trees and a new 6 foot high block wall; and 2) a 14 foot wide landscape median with large trees, in conjunction with a 6 foot high CMU screen wall, located immediately adjacent to the drive-thru lane serving Building B (convenience store with fast food). Therefore, staff recommends approval.

Design Reviews #1, #3, & #4

The design of the proposed restaurants, convenience store, and retail building feature variations in building height contributing to breaking-up the mass of the commercial buildings. Staff finds the commercial buildings comply with the Master Plan, which encourages varying building heights and breaking-up the mass of the buildings. The proposed landscaping also complies with the Master Plan, which encourages perimeter and interior parking lot trees for shade and visual relief. Height, color, and material variations have been incorporated into the design of the buildings, and the proposed development is compatible with the surrounding land uses and single family residential development within the area. The layout of the parking lot is functional and provides immediate cross access between the commercial uses. Furthermore, the project site is a cohesive and unified development that provides internal pedestrian access throughout the site and pedestrian walkways connecting to Windmill Lane. Therefore, staff recommends approval.

Design Review #5

The plans indicate that all of the lighting fixtures will be shielded and/or directed away from the adjacent single family residential development to the north and west. The photometric calculations submitted for the lighting indicate the on-site lighting should not have a negative impact on the surrounding development. Therefore, staff recommends approval.

Public Works - Development Review

Waiver of Development Standards #3

Staff can support the reduction of the departure and approach distances along Windmill Lane. The applicant has provided adequate spacing for vehicles to have safe movements on site and within the rights-of-way.

Waiver of Development Standards #4

Staff can support the request to reduce the throat depth for the western driveway on Windmill Lane. The applicant has provided a safe distance between the driveways and parking spaces to reduce conflicts normally caused by the reduction. Additionally, the eastern driveway meets standards and should see equal use, further mitigating potential impacts from the reduced throat depths.

Staff Recommendation

Approval of the zone change, use permits #1, #2, and #5, waivers of development standards, and design reviews #1, #3, #4 and #5; denial of use permits #3 and #4, and design review #2.

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:

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;

- 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; approval of this application does not constitute or imply approval of any other County issued permit, license, or approval; 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 use permits, 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;
- Traffic study and compliance;
- Applicant to install a median in Windmill Lane.
- Applicant is advised that off-site improvement permits may be required.

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 #0154-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: WINDMILL AND PLACID, LLC

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