

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WC-24-400043 (ZC-1122-07)-PARACHUTE A B C T, LLC SERIES V, ET AL:**

**WAIVERS OF CONDITIONS** of a zone change for the following: **1)** prior to construction, applicant to build an 8 foot block wall along the east property line to buffer the residents during and after construction; **2)** the building will be placed on the west facing property line inward to the parking lot; **3)** all lighting shall be below 8 feet in height to prevent any spillover on to the adjacent property; and **4)** landscaping shall be minimized along Wigwam Avenue to maintain a line of sight across the property when the tenants are closed in conjunction with a proposed tavern 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)

---

RELATED INFORMATION:

**APN:**

176-16-201-041

**LAND USE PLAN:**

ENTERPRISE - NEIGHBORHOOD COMMERCIAL

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 8580 W. Wigwam Avenue
- Site Acreage: 0.55

History & Request

The site was previously reclassified to C-1 zoning via ZC-1122-07 for a proposed 2 story office/retail building. The site was approved subject to no resolution of intent, but the project never commenced. With the Clark County Title 30 rewrite, the zoning is CG (Commercial General), which allows a restaurant and related services. The applicant is proposing a different site design than what was previously approved via ZC-1122-07, which requires a waiver of conditions.

Previous Conditions of Approval

Listed below are the approved conditions for ZC-1122-07:

Current Planning

- No resolution of intent and staff to prepare an ordinance to adopt the zoning;

- Prior to construction, applicant to build an 8 foot high block wall along the east property line to buffer the residents during and after construction;
- The building will be placed on the west property line facing inward to the parking lot;
- All lighting shall be below 8 feet in height to prevent any spillover onto the adjacent property;
- Landscaping shall be minimized along Wigwam Avenue to maintain a line of sight across the property when the tenants are closed;
- 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;
- All applicable standard conditions for this application type.

#### Civil Engineering

- Drainage study and compliance;
- Construct full off-site improvements;
- Full off-sites and detached sidewalk shall be provided along Wigwam Avenue unless the Trail Plan requires a trail which conflicts with providing full off-sites and the detached sidewalk;
- Detached sidewalk will require granting necessary easements for utilities, pedestrian access, streetlights, and traffic control which may require a vacation of excess right-of-way or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way;
- If required by Regional Transportation Commission, dedicate and construct right-of-way for bus-turnout and/or passenger loading/shelter area in accordance with Regional Transportation Commission standards;
- Additional right-of-way dedication will be required for Durango Drive to 50 feet to back of curb with 54 foot spandrel;
- Driveway widths are required to be 32 feet minimum with throat depths to be 40 feet;
- Coordinate the construction, design, and location of the RTC bus turnout with the property to the north.

#### Applicant's Justification

The applicant is building a wall on the east property line that meets the condition of approval, but the wall will not be raised prior to construction, ultimately, this meets residential adjacency standards under today's Code. Additionally, the proposed structure is a different project type than what was approved under the ZC-1122-07 Notice of Final Action (NOFA). The proposed structure is single story, and not a 2 story structure, as previously approved under the prior NOFA. The current project seeks to place the structure on the east side of the property with sufficient buffers for residential adjacency. There will also be landscaping buffers and design elements that account for the proximity to the residential neighbors. Because the proposed structure will now be on the east side of the property, the amount of light that spills over into the neighboring property is greatly reduced. The height of the proposed lights will not exceed the height of the structure, and those lights are going to be shielded downlights that direct the visible light downward for the tenant's customers' benefit. Lastly, detached sidewalks and appropriate

street landscaping along Durango Drive and Wigwam Avenue will be provided as required by today's Code. Approval of the proposed use is a distinctly different project compared to the prior project.

#### **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 vacation and abandonment for a portion of right-of-way being Durango Drive and Wigwam Avenue for detached sidewalks is a companion item on this agenda.
WS-24-0131	Waivers of development standards to reduce parking, reduce driveway throat depth, reduce departure distance, reduce the trash enclosure setback from the street, and reduce landscape finger islands in addition to a design review for a proposed tavern and lighting 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**

A waiver of conditions may be approved upon a finding that the condition will no longer fulfill its intended purpose. Staff finds that the location of the proposed development is surrounded to the east, southeast, southwest, and northwest by existing single family residences. When ZC-1122-07 was approved, the conditions of approval were intended to minimize the potential impacts of a commercial building within the neighborhood. Although the subject parcel is master planned Neighborhood Commercial and is currently zoned CG, the applicant's building design is the opposite of what was approved with the ZC-1122-07 and the surrounding residential zoning districts and uses still exist to the east, southeast, southwest, and northwest. However, staff can support waiver of conditions #4. This condition states that landscaping shall be minimized along Wigwam Avenue to maintain a line of sight across the property when the tenants are closed. Landscaping along Durango Drive and Wigwam Avenue should not be minimized. The proposed

landscaping along Wigwam Avenue complies with today's standard which includes detached sidewalk and street landscaping.

**Staff Recommendation**

Approval of waiver of conditions #4; denial of waivers of conditions #1, #2, and #3.

Approval of the waiver of conditions request constitutes a finding by the Commission/Board that the conditions will no longer fulfill its intended purpose.

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:**

**Public Works - Development Review**

If approved:

- No comment.

**TAB/CAC:** Enterprise - approval of waiver of conditions #4; denial of waivers of conditions #1 through #3.

**APPROVALS:**

**PROTEST:**

**APPLICANT:** VOLUNTEER CROSSING, LLC

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