

06/03/26 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-26-0231-32 ACRES, LLC:**

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** modify residential adjacency standards; **2)** reduce driveway approach distance; and **3)** reduce driveway departure distance.

**DESIGN REVIEW** for a proposed shopping center on 3.97 acres in a CG (Commercial General) Zone.

Generally located north of Ford Avenue and east of Durango Drive within Enterprise. JJ/bb/kh  
(For possible action)

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RELATED INFORMATION:

**APN:**

176-16-301-036

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. a. Reduce the setback from a proposed drive-thru lane to a residential use to 150 feet where 200 feet is the minimum required per Section 30.04.06E (a 25% reduction).
- b. Allow the largest building adjacent to a residential use where required to be within the core of the site per Section 30.04.06G.
2. Reduce the approach distance from a driveway on Durango Drive to Cougar Avenue to 67 feet where 150 feet is the minimum required per Uniform Standard Drawing 222.1 (a 56% reduction).
3. Reduce the proposed departure distance from Durango Drive to a driveway on Cougar Avenue to 158 feet where 190 feet is the minimum required per Uniform Standard Drawing 222.1 (a 17% reduction).

**LAND USE PLAN:**

ENTERPRISE - NEIGHBORHOOD COMMERCIAL

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 8620 S. Durango Drive
- Site Acreage: 3.97
- Project Type: Shopping center
- Number of Stories: 1
- Building Height (feet): 25
- Square Feet: Total 34,655/Building 1 5,600/Buildings 2 to 4 8,175 each/Building 5 2,265/Building 6 2,265

- Parking Required/Provided: 99/119 (includes 9 accessible and 3 EV-installed)
- Sustainability Required/Provided: 7/8

### History & Site Plan

A shopping center consisting of a restaurant, a retail building, and two 5,000 square foot drive-thru restaurants was approved on this site by WS-24-0144. The restaurant building, Building 1, is currently under construction.

The proposed plan shows a shopping center comprised of a restaurant building pad (Building 1) on the northwest corner of the parcel, and retail buildings (Building 2, 3 & 4) on the east portion of the site. The southwestern portion of the proposed shopping center includes 2 restaurant buildings (Buildings 5 and 6) with drive-thru lanes at each building.

Access to the site is via 1 driveway on the northeast corner on Cougar Avenue, 2 driveways along the west property line on Durango Drive, and 1 driveway on the southeast corner on Ford Avenue. There are 119 parking spaces provided where 99 spaces are required per Title 30, 9 accessible spaces and 3 EV-installed spaces reduce the total space count to 107 which is within the maximum parking standards, which limits the development to 113 parking spaces. Loading zone spaces are located between Buildings 2, 3, and 4, as well as next to Buildings 1 and 5.

The applicant is requesting to reduce the drive-thru lane setbacks from a residential use. Building 5 and Building 6 include drive-thru lanes. Furthermore, the applicant is requesting to allow an alternative building configuration. The largest buildings on-site are Buildings 2, 3, and 4, and the applicant is proposing to place these buildings adjacent to a residential use to the east, and not within the core of the site.

### Landscaping

The applicant is proposing street landscaping that meets Title 30 standards on the north, west, and south sides of the property. The plan also shows a sufficient amount of parking lot landscape finger islands throughout the proposed shopping center with required parking lot trees. Lastly, the applicant is proposing a 20 foot to 35 foot wide landscape buffer along the east property line, with a double row of large trees adjacent to a proposed 8 foot high decorative wall.

### Elevations

All 6 buildings have similar exterior architectural elements, which include storefront and window systems, canopies, stucco walls, and stone veneer paneling. All buildings are 1 story. Building 1 is under construction and has an overall height of 25 feet to the top of the roof. Buildings 2, 3, and 4 have an overall height of 25 feet. Buildings 5 and 6 are similar in design and both have an overall height of 21 feet.

### Applicant's Justification

The applicant is requesting to allow an alternative building configuration where the largest proposed buildings are adjacent to a residential use. The largest buildings (Buildings 2, 3, and 4) on the site are at the optimum location because of the depth of the lot and placement of the other buildings on the site. The 3 buildings along the east property line are the same size, screened, buffered, and finished with architectural details to ensure no impacts both visually and

environmentally to the residential uses to the east. The buildings comply with setback and screening requirements. This revised shopping center design reduces the overall building area from 35,800 square feet to 34,655 square feet. The proposed loading spaces have been improved with 4 spaces provided to meet Title 30 standards.

The proposed drive-thru lanes of both restaurants (Buildings 5 & 6) are buffered/screened from the residential development by the buffer area and a screen wall at the exit of the building 6 drive through. The east side buffer landscaping is a minimum 20 foot wide area adjacent to the residences and consists of landscaping that complies with Code requirements. This landscape area, trees, and the proposed 8 foot high decorative wall meets the required buffer standard. The second area is a 5 foot wide area which provides additional screening buffer and mitigates environment and visual impacts to the residential development. The call boxes, pay, and pick-up windows are all set back a minimum of 200 feet from the east property line which also reduces noise and visual impacts to the adjacent residential use.

Lastly, the applicant is requesting waivers of development standards regarding driveway geometrics. These requests are justified, previously approved, and will not have an impact on the adjacent streets because additional driveways are provided to the site. No parking spaces are adjacent to the driveway, which eliminates direct vehicular conflicts at the driveway. No vehicles will back out of the parking stalls to impede vehicles that ingress and egress the site. The waiver to reduce the driveway departure distance is justified because the subject driveway is set back as far east as possible to reduce impact to the intersection. This project will not impact the existing residential developments in the adjacent area.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
WS-24-0144	Waiver of development standards and design review for a shopping center	Approved by BCC	July 2024
VS-24-0145	Vacation and abandonment for portions of rights-of-way	Approved by BCC	July 2024
ZC-24-0143	Zone change to reclassify site from RS20 to CG zoning	Approved by BCC	July 2024

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Neighborhood Commercial	CG	SmartStop Self Storage facility
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS5.2	Single-family residential
East	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS3.3	Single-family residential & undeveloped
West	Neighborhood Commercial	RS20	Single-family residential

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 #1a

Proper setbacks and residential adjacency standards promote healthy environments and compatible transitions between differing uses and intensities aimed at reducing potential negative impacts that may occur when higher intensity features, such as a drive-thru lane, are located in close proximity to an existing residential subdivision. Staff finds that the previously approved restaurants with drive-thru lanes were moved west, increasing the distance from residential uses. The southernmost restaurant drive-thru is partially blocked by Building 4 from adjacent residential uses, and includes a 5 foot high sound wall at the end of the drive-thru that was previously a condition of approval. The landscape buffer at the southeast corner of the property is over 30 feet wide with 8 trees; therefore, staff can support this request.

##### Waiver of Development Standards #1b

The applicant is requesting to allow the largest proposed buildings (Buildings 2, 3, and 4) to be adjacent to a residential land use to the east. Per Section 30.04.06.G., the largest structures of a multiple building development must be within the core of the site. The applicant is providing a minimum 20 foot wide landscape area with a double row of large trees with a proposed 8 foot high decorative wall. Staff finds that Buildings 2, 3, and 4 are appropriately buffered and only 1 story; therefore, staff supports this request.

##### Design Review

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.

The proposed shopping center includes a building design, landscaping, and buffering that is appropriate and architecturally enhances the site. The current plan proposes 3 buildings along the east property line where 1 large building was previously approved. The new plan increases the distance from the residential property to the 2-restaurant drive through lanes. The drive-thru restaurant buildings are also better screened from the residential property by the 3 separate retail

buildings and a sound wall adjacent to the southern drive-thru restaurant building. The 4 loading zone spaces are distributed through the site and are a better design than the previously approved plan. The proposed shopping center provides ample site circulation, parking, and numerous pedestrian walkways; therefore, staff supports this request.

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

#### Waiver of Development Standards #2

Staff has no objection to the reduction in the approach distance for the Durango Drive commercial driveway. In the previously approved application, the applicant worked closely with staff and maintained the same driveway location that still allows vehicles to safely enter and exit the site without the potential for conflicts.

#### Waiver of Development Standards #3

Staff has no objection to the reduction in departure distance for the Cougar Avenue commercial driveway. The applicant placed the driveway as far east as the site will allow.

### **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**

- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance;
- Enter into a standard development agreement prior to any permits 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.
- 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;
- Full off-site improvements.

**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 #0524-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Enterprise - approval (add Comprehensive Planning condition: add 3 architectural features to Buildings 2, 3, and 4 east elevations).

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** MK ARCHITECTURE

**CONTACT:** MK ARCHITECTURE, 50 E. SERENE AVENUE #414, LAS VEGAS, NV 89123