

09/21/22 BCC AGENDA SHEET

RETAIL BUILDING  
(TITLE 30)

**UPDATE**  
CACTUS AVE/DEAN MARTIN DR

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**NZC-22-0324-GUNN DOREEN FAMILY TRUST & GUNN DOREEN & JAMES TRS:**

**HOLDOVER ZONE CHANGE** to reclassify 0.6 acres from an R-E (Rural Estates Residential) Zone to a C-1 (Local Business) Zone.

**DESIGN REVIEW** for a retail building (coffee shop) with drive-thru service.

Generally located on the south side of Cactus Avenue, 250 feet west of Dean Martin Drive within Enterprise (description on file). JJ/rk/tk (For possible action)

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RELATED INFORMATION:

**APN:**

177-32-101-020

**LAND USE PLAN:**

ENTERPRISE - MID-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 8 DU/AC)

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 3353 Cactus Avenue
- Site Acreage: 0.6
- Project Type: Retail building (coffee shop) with drive-thru service
- Number of Stories: 1
- Building Height (feet): Up to 24
- Square Feet: 950
- Parking Required/Provided: 11/12

**Neighborhood Meeting Summary**

The applicant conducted a neighborhood meeting at the Windmill Library on April 25, 2022, as required by the nonconforming amendment process, prior to formal filing of this application. All property owners within 1,500 feet of the subject site were notified about the meeting. There were no neighbors present for the meeting.

Site Plans

The subject site is currently zoned R-E with an existing house and designated as Mid-Intensity Suburban Neighborhood in the Master Plan which makes this zone boundary request

nonconforming with that land use designation. The plans submitted with this request depict a proposed retail building (coffee shop) consisting of 1 building that is centered near the front portion of the site. The small pad site building is located along Cactus Avenue with the drive-thru aisle located on the south, east, and north sides of the building, and traffic will circulate around the building. A portion of the drive-thru lane will be double stacked to allow for more queuing. Parking is equitably distributed throughout the site with the majority of the parking spaces shown in the middle. Also shown on the plans are 6 parallel parking spaces located along the west property line that will count towards the required parking for the site. There is 1 main access point shown along Cactus Avenue to the north. The project will also provide a potential cross access driveway to the south if that future development is of a similar use.

### Landscaping

Street landscaping is shown at 31 feet in width with an existing attached sidewalk along Cactus Avenue. A landscape area 3 feet to 14 feet wide with landscaping buffers are shown around the remaining perimeter of the site. Interior to the site, landscaping is located adjacent to the building. The parking lot landscaping is equitably distributed throughout the site.

### Elevations

The plans depict a 1 story building with a maximum height of 24 feet. The building has a flat roof behind parapet walls and the building varies in height between 12 feet to 24 feet. The exterior of the building has the standard façade for a Dutch Bros coffee shop including vertical ribbed siding walls, brick veneer accents, aluminum store front windows and doors, and metal awnings. On the west elevation of the building is a walk-up window only with no outdoor seating for the public.

### Floor Plans

The plans depict a 950 square foot building for the proposed coffee shop. The entire building will be used for the preparation of beverages. There is no inside seating area for the customers.

### Signage

Signage is not a part of this request.

### Applicant's Justification

The applicant indicates that the overall site plan, building elevations, and layout are compatible with other commercial developments in the area. According to the applicant this section and area of Cactus Avenue has been in transition over the past 10 years to local business uses which are neighborhood serving uses. Many of the developed parcels in this area to the immediate east and north are zoned C-1 or C-2; therefore, have the same intensities and similar to the requested zoning and use. Furthermore, the proposed zone change will not result in any additional impacts on the surrounding infrastructure already contemplated in the area.

### **Prior Land Use Requests**

| <b>Application Number</b> | <b>Request</b>   | <b>Action</b>    | <b>Date</b> |
|---------------------------|--|------------------|-------------|
| LUP-20-700132             | Redesignated the planned land use category from RS (Residential Suburban) to CG (Commercial General) | Cancelled by BCC | July 2020   |

### **Surrounding Land Use**

|              | <b>Planned Land Use Category</b>           | <b>Zoning District</b> | <b>Existing Land Use</b>              |
|--------------|--|------------------------|---------------------------------------|
| North        | Corridor Mixed-Use                         | C-2                    | Vehicle maintenance facility          |
| South & West | Neighborhood Commercial                    | R-E                    | Undeveloped                           |
| East         | Mid-Intensity Neighborhood (up to 8 du/ac) | C-1                    | Convenience store with gasoline pumps |

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

### **STANDARDS FOR APPROVAL:**

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

### **Analysis**

#### **Current Planning**

##### Zone Change

The applicant shall provide Compelling Justification that approval of the nonconforming zoning boundary amendment is appropriate. A Compelling Justification means the satisfaction of the following criteria as listed below:

- 1. A change in law, policies, trends, or facts after the adoption, readoption or amendment of the land use plan that have substantially changed the character or condition of the area, or the circumstances surrounding the property, which makes the proposed nonconforming zone boundary amendment appropriate.*

The applicant indicates this section of Cactus Avenue has been in transition over the past 10 years to local business uses which are neighborhood serving uses. Furthermore, the site is located in close proximity to the intersection of Cactus Avenue and Dean Martin Drive which are an arterial and collector street, respectively, typically designated and developed with commercial uses.

Staff finds there has been continued construction of both commercial and residential (single family and multiple family) uses in the area, along with increased traffic from the Cactus Avenue freeway interchange which has resulted in a more traditional commercial and intense development pattern along Cactus Avenue. The site is near 2 arterial streets, and the project is adjacent to a developed convenience store and gasoline station to the east. The immediate area consists of a predominant land use character of existing, approved, or planned C-1 and C-2 zoned uses.

- 2. The density and intensity of the uses allowed by the nonconforming zoning is compatible with the existing and planned land uses in the surrounding area.*

The applicant states many of the developed parcels in this area to the immediate east and north are zoned C-1 or C-2; therefore, they have the same intensities and are similar to the requested zoning and use.

The intent of a balanced land use plan is to encourage an orderly development pattern with an appropriate spatial distribution of land uses that complement each other. This request for C-1 zoning is compatible with the existing and proposed land uses in the area. The design and layout of this project have addressed some of the impacts that come with the sensitivity of commercial development adjacent to less intensive uses. The plans depict adequate parking on-site, and sensitivity was given to site design, building materials, and landscape buffers.

- 3. There will not be a substantial adverse effect on public facilities and services, such as roads, access, schools, parks, fire and police facilities, and stormwater and drainage facilities, as a result of the uses allowed by the nonconforming zoning.*

Various Clark County service departments have reviewed this development proposal and found adequate services available or have specified the type of improvements that are needed for this development. Sufficient public services may not exist in the immediate area and because the site is in the Public Facilities Needs Assessment (PFNA) area, a standard development agreement will be necessary prior to issuance of any building permits to mitigate any short falls in needed public facilities.

- 4. The proposed nonconforming zoning conforms to other applicable adopted plans, goals, and policies.*

The proposed amendment conforms to Code requirements as well as adopted plans, goals, and policies. This proposed project is located adjacent to other commercial developments and is designed with landscaping to screen and buffer adjacent uses which exceed Code requirements, and appropriately screens and buffers the parcels in the immediate area. This section of Cactus Avenue has been in transition over the past ten years to local business uses which are neighborhood serving uses and comply with policy 3.2.5 which encourages sustainable growth of areas in the County.

## **Summary**

### **Zone Change & Design Review**

Increased residential growth in Enterprise has increased the demand for supporting commercial development, and the location of the proposed C-1 zoning is compatible with surrounding existing and planned land uses. The proposed intensity of the project is compatible with the existing and planned land uses in this area. There is no indication that the project will have a substantial adverse effect on public facilities and services in this area and the request complies with other Goals and policies within the Master Plan. Furthermore, the project provides appropriate buffers, building height, and a double queuing lane for the drive-thru. The proposed landscaping and building materials comply with Title 30 standards, and are appropriate for the area. As a result, staff can support the zone change and design review.

## **Staff Recommendation**

Approval. This item has been forwarded to the Board of County Commissioners for final action.

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.

**PLANNING COMMISSION ACTION:** July 19, 2022 – APPROVED – Vote: Unanimous

**Current Planning**

- Resolution of Intent to complete in 3 years;
- 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 services because of a 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 new application for a nonconforming zone boundary amendment may be required in the event the building program and/or conditions of the subject application are proposed to be modified in the future; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that 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.

**Public Works - Development Review**

- Extend the median on Cactus Avenue 50 feet west of the point of curve on the west side of the driveway;
- Drainage study and compliance;
- Traffic study and compliance.

**Fire Prevention Bureau**

- Applicant is advised to show on-site fire lane, turning radius, and turnarounds.

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

- 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 #0059-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Enterprise - approval (design review as a public hearing for signage and lighting).

**APPROVALS:** 1 card

**PROTESTS:** 1 card

**COUNTY COMMISSION ACTION:** August 17, 2022 – HELD – To 09/07/22 – per the applicant.

**COUNTY COMMISSION ACTION:** September 7, 2022 – HELD – To 09/21/22 – per the applicant.

**APPLICANT:** JOSEPH BONIFATTO

**CONTACT:** CASSANDRA WORRELL, 520 S. FOURTH STREET, LAS VEGAS, NV 89101