

COMMERCIAL CENTER
(TITLE 30)

UPDATE
BUFFALO DR/SUNSET RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

NZC-22-0231-ROY FAMILY LLC:

HOLDOVER ZONE CHANGE to reclassify 3.4 acres from an R-E (Rural Estates Residential) Zone and an R-E (Rural Estates Residential) (AE-60) zone to a C-2 (General Commercial) Zone and a C-2 (General Commercial) (AE-60) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce approach distance; **2)** reduce departure distance; **3)** reduce throat depth; **4)** waive cross access; **5)** reduce landscaping width; **6)** allow landscaping in the right-of-way; **7)** reduce setbacks; and **8)** reduce parking lot landscaping.

DESIGN REVIEW for a convenience store with gasoline sales, a vehicle wash, and an office building in the CMA Design Overlay District.

Generally located on the south side of Sunset Road and the west side of Buffalo Drive within Spring Valley (description on file). MN/jvm/jo (For possible action)

RELATED INFORMATION:

APN:

176-04-501-009

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce the approach distance along Sunset Road to 121 feet where 150 feet is required per Uniform Standard Drawing 222.1 (a 19% reduction).
2. Reduce the departure distance along Buffalo Drive to 109 feet where 190 feet is required per Uniform Standard Drawing 222.1 (a 43% reduction).
3.
 - a. Reduce throat depth to 50 feet for the driveway on Sunset Road where 100 feet is required per Uniform Standard Drawing 222.1 (a 50% reduction).
 - b. Reduce throat depth to 55 feet for a driveway on Buffalo Drive where 100 feet is required per Uniform Standard Drawing 222.1 (a 45% reduction).
4. Waive cross-access to the west where cross-access is required per Table 30.56-2.
5. Reduce landscaping along a portion of Buffalo Drive to 10 feet where 15 feet is required per Section 30.64.030.
6. Allow shrubs and groundcover within a portion of right-of-way where not allowed per Chapter 30.52.
7. Reduce the setback for a convenience store to 16 feet where 30 feet is required per Table 30.44-1. (a 47% reduction)

8. Allow a parking lot landscape finger every 12 spaces where every 6 spaces is required per Figure 30.64-14 (a 100% reduction).

LAND USE PLAN:

SPRING VALLEY - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 3.4
- Project Type: Convenience store/carwash/office
- Number of Stories: 1(convenience store & car wash)/3 (office)
- Building Height (feet): 25 (convenience store)/23 (gas canopy)/50 (office)
- Square Feet: 4,600 (convenience store)/3,843 (gas canopy)/46,775 (office)
- Parking Required/Provided: 210/214

Neighborhood Meeting Summary

The applicant conducted a neighborhood meeting at Desert Breeze Community Center on January 18, 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 Plan

The submitted plan depicts an irregular shaped, approximate 3.4 acre elongated parcel. Access is provided to the site by one commercial curb return driveway from both Sunset Road and Buffalo Drive. The convenience store is located on the north end of the parcel and is set back approximately 16 feet from Sunset Road. The convenience store building faces toward the south with the gas canopies located south of the store and the carwash located to the west. The office building is situated in the southern portion of the site and can only be accessed internally from the convenience store portion of the site. There are 3 trash enclosures depicted: 1 is located between the convenience store and car wash and the other 2 are located along the west property line near the office building. Two loading spaces are shown: 1 for each the convenience store and office building. The parking is disbursed equally around the site. A 24 foot wide drive aisle encircles the office building.

Landscaping

An up to 15 foot minimum landscaping area with a 5 foot detached sidewalk is depicted along Sunset Road. This area includes 24 inch box trees approximately spaced 20 feet on center, and the requisite shrubs and groundcover are also shown. Along the west property line a 6 foot tall zone boundary wall is shown with a primarily 6 foot wide landscape planter, one small area near the proposed car wash is shown at 9 feet 9 inches wide. No trees are depicted within this planter. Along Buffalo Drive a 10 foot wide planter is shown that angles backward so as to be adjacent to existing right-of-way for a CC 215 on-ramp. Also, there is a 10 foot wide landscape planter

along the south property line with a proposed maintenance road to the parcel to the south. Additional landscaping is provided around the office building and within the parking lot.

Elevations

The submitted elevations for the 3 story, up to 50 foot tall office building depict a structure that has decorative elements on all 4 sides. The primary mass of the building will be composed of EIFS with a light sand finish. Additional enhancements include decorative painted steel trellises on the front and corners of the building. The windows are composed of dual clear glazing with aluminum frames, and there is 1 roll-up door shown on the west elevation. There is a flat roof behind a parapet wall depicted.

The convenience store and gasoline canopy are up to 24 feet in height and have a contemporary design with materials consisting of stucco with light sand colors, EIFS finishes and accents with painted metal finishes. The windows and doors consist of dual pane clear glazing with aluminum frames.

Floor Plans

The floor plans for the 3 story office building show an open floor plan for all 3 floors with stairwells, restrooms, and elevators.

The floor plan for the convenience store depicts coolers, beer display, shelves for products, food preparation area, gaming area, cashier station, restrooms, and an office.

Signage

Signage is not a part of this request.

Applicant’s Justification

The applicant states that the subject site is located on 2 arterial streets planned and zoned for both General Commercial and Business Employment uses and is a business and employment center for the area. The project is appropriate and compatible with other uses in the area. In addition, this project will serve the existing residential developments in the area, and this project complies with the policies outlined in the Master Plan.

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Corridor Mixed-Use	M-D	Office & warehouse building
South	Business Employment	R-E	Undeveloped
East	Business Employment	C-2	Retail commercial buildings
West	Business Employment	C-2	Commercial & office buildings

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

Related Applications

Application Number	Request
VS-22-0232	A request to vacate patent easements and right-of-way 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

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 states that the recently adopted Clark County Master Plan designates the project site as BE Business Employment (BE). The parcels to the immediate west and east of the site, are zoned C-2 and designated BE in the recently adopted Master Plan. Additionally, the parcels on the northeast corner across Sunset Road and Buffalo Drive are zoned C-2 and designated as BE. The subject site, in addition to the parcel to the west and parcels to the northeast, will result in a more than 10 acre commercial node; therefore, making this request appropriate and compatible with the zoning and uses in the area. Additionally, the proposed project is compatible with the other existing uses in the area, which combined provides an employment center for the general area because of the existing R-2, R-3, and R-4 zoned residential uses in this area. The site is located at the intersection of two arterial streets, which are typically designated in the Master Plan as a commercial and employment node to serve the area. Therefore, recent changes in laws, policies and trends based on the recently adopted Master Plan and at similar intersections of arterial streets makes this request appropriate for and compatible with this area. The project complies with Goal 5.1 and with the accompanying policies 5.1.2 of continuing to develop the economic base by developing a commercial project that diversifies the uses in an industrial area. Goals 6.1, 6.2 and 6.3 support sustainable development patterns, and more resilient infrastructure in an area that is still under development in close proximity to the CC 215.

Staff agrees with the applicant that the proposed zone change will be compatible with the surrounding existing and planned uses and that the intersection of 2 arterials is an appropriate location for the C-2 zoning district.

- 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 areas to the west and east as well as the northeast of the project site are designated as BE with a CM Corridor Mixed-Use (CM) designation to the north across Sunset Road. Despite the BE land use designation of the adjacent parcels, non-conforming zone changes were approved, which rezoned them to C-2 and they are currently developed with C-2 uses. Therefore, the

proposed project is appropriate and compatible with the current designations, existing zoning and future zoning categories and land uses in the immediate area.

Staff agrees with the applicants statement that the proposed project is appropriate and compatible with the current designations, existing zoning and future zoning categories and land uses in the immediate area.

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.*

The immediate area is already designated for CM and BE land uses and are mostly developed with both C-2 and M-D zoned uses; therefore, the required public services are already planned for the area. Additionally, since the project is in the Public Facilities Needs Assessment Area (PFNA) the Developer will comply with the requirement to execute a standard development agreement to help mitigate any possible impacts of the project. Additionally, other properties to the north and south are designated for BE and CM uses, indicating that the area is trending or transitioning to more commercial mixed-use and employment development opportunities for the area.

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 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 will conform to Code requirements as well as adopted plans, goals, and policies. The project complies with specific goals and pertinent policies for commercial developments including SV-1.5; SV-2.1, SV-2.2 for the Spring Valley Planning Area. Staff agrees with the applicant's summation of the goals and policies.

Summary

Zone Change

This request is for a nonconforming zone change to C-2 zoning. Staff finds that the requested zoning and development could be conducted in a manner that is harmonious and compatible with existing development in the area; however, this is a nonconforming request that requires the applicant to enter into a resolution of intent, which is a contract between the County and applicant, that acknowledges that the proposed zoning request is subject to building the proposed project. Because staff cannot support the design of the project, staff cannot support the zoning request and recommends denial.

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 # 4

Staff cannot support this request as some of the on-site traffic and pedestrian conflicts may be eliminated if the cross access to the west were provided.

Waiver of Development Standards # 5

Staff has no practical problem with this request as the right-of-way for Buffalo Drive helps provide an on-ramp to the CC 215; however, since staff is not supporting the design review, staff cannot support this request.

Waiver of Development Standards # 7

Staff has no practical problem with this request as the sight zones are still intact; however, since staff is not supporting the design review, staff cannot support this request.

Waiver of Development Standards # 8

Since the applicant is only proposing a 6 foot wide planter along the western property line, the landscape planter fingers are required every 6 parking spaces. The applicant is showing planter fingers every 12 spaces. Staff cannot support this request.

Design Review

Staff cannot support the design review for this project as the on-site circulation for this development has multiple vehicular conflicts, which in turn will cause pedestrian and vehicle conflicts as well. The main concern is the location of the gas canopy near the driveway on Buffalo Drive. Since there are only 2 ingress/egress locations on this site and the fact that all of the office occupants and employees will have to utilize these driveways to arrive and leave, vehicles entering and leaving the site from the convenience store and gasoline pumps will be in direct conflict with one another. Also, the exit for the car wash is in conflict with both the vehicles trying to exit onto Sunset Road and all the vehicles gathering at the exit onto Buffalo Drive. In addition, an outside seating area is shown directly to the north of the Buffalo Drive driveway and can only be accessed by walking through the convenience store parking and fueling areas. Lastly, the fuel tanks for the gasoline dispensing pumps are located directly south of the Sunset Road driveway and drive aisle, which will cause backups onto Sunset Road when the tanks are being filled. Staff finds that there are too many uses being proposed on this site and the resulting vehicle and pedestrian conflicts do not promote the protection of the health and safety of the public.

Public Works - Development Review

Waiver of Development Standards #1

Although the driveway on Sunset Road could be moved farther west to provide more distance to the intersection, that would result in the driveway being too close to the existing driveway on the site to the west. If the subject site and the site to the west were to provide cross access, then staff would suggest that only the driveway on the adjacent parcel be used to increase safety along Sunset Road. The applicant requested to waive cross access and if that waiver is approved, then staff finds that the location of the driveway is appropriate. Since Planning is recommending denial of the cross access waiver and the rest of the application, staff cannot support this request.

Waiver of Development Standards #2

Staff has no objection to the reduction in the departure distance for the Buffalo Drive driveway since the applicant placed the driveway as far south as the site will allow. However, since Planning is recommending denial of the application, staff cannot support this request.

Waiver of Development Standards #3

Staff does not object to the reduced throat depth for both driveways. The applicant has reduced the potential for conflicts by providing extra landscape planters adjacent to the drive aisles to provide drivers more distance before they encounter any conflicting parking spaces. However, since Planning is recommending denial of the application, staff cannot support this request.

Waiver of Development Standards #6

The applicant is responsible for maintenance and up-keep of any non-standard improvement; the County will not maintain any landscaping placed in the right-of-way. Although staff does not object to this request, since Planning is recommending denial of the application, staff cannot support this request.

Staff Recommendation

Denial. This item will be forwarded to the Board of County Commissioners' meeting for final action on **July 20, 2022** at 9:00 a.m., unless otherwise announced.

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:

Current Planning

If approved:

- 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 service because of the 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; 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 this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Sunset Road improvement project;
- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way.
- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

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 #0156-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Spring Valley - denial.

APPROVALS:

PROTESTS:

PLANNING COMMISSION ACTION: June 7, 2022 – HELD – To 06/21/22 – per the applicant.

APPLICANT: JOSEPH KENNEDY

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