

SHOPPING CENTER
(TITLE 30)

LAS VEGAS BLVD S/ERIE AVE

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-23-400010 (ZC-20-0598)-RIVERVIEW LVB DEVELOPMENT, LLC:

USE PERMITS FIRST EXTENSION OF TIME for the following: **1)** reduce the separation between on-premises consumption of alcohol establishments (taverns) to a residential use (multiple family); **2)** reduce the separation between outside dining, drinking (taverns), and cooking to a residential use (multiple family); and **3)** permit outside dining, drinking and cooking in conjunction with a tavern.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** alternative landscaping adjacent to a less intensive (multiple family) use; **2)** eliminate street landscaping; **3)** increase building height; **4)** allow modified driveway design standards (no longer needed); and **5)** allow non-standard improvements within the right-of-way (Las Vegas Boulevard South).

DESIGN REVIEWS for the following: **1)** shopping center; and **2)** finished grade on a 7.5 acre portion of 15.4 acres in a C-2 (General Commercial) Zone.

Generally located on the west side of Las Vegas Boulevard South and the south side of Erie Avenue within Enterprise (description on file). MN/md/syp (For possible action)

RELATED INFORMATION:

APN:

177-32-701-009 ptn

USE PERMITS:

1. Reduce the separation between on-premises consumption of alcohol establishments (taverns) to a residential use (multiple family) to 100 feet where 200 feet is required per Table 30.44-1 (a 50% reduction).
2. Reduce the separation between outside dining, drinking (taverns), and cooking to a residential use (multiple family) to 100 feet where 200 feet is required per Table 30.44-1 (a 50% reduction).
3. Permit outside dining, drinking, and cooking in conjunction with a tavern where only permitted in conjunction with a supper club, tourist club, mixed-use development, or restaurant per Table 30.44-1.

WAIVERS OF DEVELOPMENT STANDARDS:

1. Allow alternative landscaping adjacent to a less intensive (multiple family) use where required per Figure 30.64-11.
2. Eliminate street landscaping, including detached sidewalk, where required per Figure 30.64-17.

3. Increase building height to 73 feet where a maximum height of 50 feet is the standard per Table 30.40-4 (a 46% increase).
4. Reduce throat depth to 35 feet where a minimum of 150 feet is required per Uniform Standard Drawing 222.1 (a 76.7% reduction) (no longer needed).
5. Allow non-standard improvements (landscaping and detached sidewalk) within the right-of-way (Las Vegas Boulevard South) where not permitted per Chapter 30.52.

DESIGN REVIEWS:

1. Shopping center.
2. Increase finished grade to 36 inches where a maximum of 18 inches is the standard per Section 30.32.040 (a 100% increase).

LAND USE PLAN:

ENTERPRISE - ENTERTAINMENT MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 7.5 (project site)/15.4 (overall site)
- Project Type: Shopping center
- Number of Stories: 2 (Building A)/1 (Buildings B through F)
- Building Height (feet): 37 (Building A)/24 (Building B1)/22 (Building B2)/30 (Buildings C through F)/73 (canopy shade structure)
- Square Feet: 22,650 (Building A)/2,599 (Building B1)/2,254 (Building B2)/11,312 (Building C)/12,728 (Building D)/12,322 (Building E)/9,832 (Building F)
- Parking Required/Provided: 295/295

Site Plans

Application ZC-20-0598 was approved by the Board of County Commissioners in February 2020 to reclassify approximately 7.5 acres of a 15.4 acre site from an H-1 zone to a C-2 zone to permit a shopping center consisting of 6 buildings. Building A, located within the southwest portion of the site, consists of a restaurant, retail, and office space. A use permit was approved to reduce the separation requirement between Building A and the multiple family development (currently under construction) to the west for on-premises consumption of alcohol, outside dining, and drinking. Building A is divided into 2 parts and is connected via a breezeway at the second level of the building. Buildings B1 and B2, located within the northwest portion of the site, consist of restaurants. Building B1 features a 12 foot wide drive-thru lane located along the north side of the structure. Bicycle spaces are located at the northwest corner of Building B2. A use permit was approved to reduce the separation requirement between the buildings and the multiple family development (currently under construction) to the west for on-premises consumption of alcohol, outside dining, and drinking. Due to the grading of the site, the finished floor of Buildings A and B1 will be more than 24 inches higher than the grade along the west property line. Buildings C and E, located at the southeast portion of the site, feature retail and restaurant uses. Buildings D and F, located within the northern portion of the site, consist of retail and restaurant uses. All buildings depicted on the plans feature an area for outside dining and

drinking. The cumulative area designated for outdoor dining and drinking totals 7,700 square feet. Below is a table reflecting the building setbacks from the north, south, east, and west property lines of the site:

Building Setback from Property Lines (in feet)				
Building:	Property Line			
	North	East	South	West
A	619	273	500	102
B1	544	378	610	100
B2	554	273	608	210
C	627	130	368	354
D	390	128	604	358
E	631	21	364	462
F	389	21	600	469

All buildings are connected by a central walking path, lined with shade structures and desert native plants and trees. The walking path is constructed with decorative pavers and features pedestrian scale amenities such as benches and lighting. The central walking path also connects to the multiple family residential development to the west of the site, which is currently under construction. Immediately to the south of the central walking path is an existing 48 foot wide drive aisle that also connects to the multiple family residential development. Centrally located between Buildings C through F is a 73 foot high shade structure, necessitating a waiver of development standards for increased building height. The shade structure is set back 18 feet from the east property line adjacent to Las Vegas Boulevard South.

The required loading and trash enclosures for Buildings C through F are located in Building F-b, and will be fully enclosed with roll-down doors. The trash enclosure for Buildings A through B2, located on the west side of the site, will be fully screened with a decorative wall and surrounding landscaping. A 5 foot wide detached sidewalk is located along Las Vegas Boulevard South which connects to a 5 foot wide pedestrian trail located along the south and west boundaries of the project site. The 5 foot wide pedestrian trail consists of decorative paving materials complementing the central walking path internal to the site. All buildings within the project site are connected via a network of pedestrian walkways, connecting to the detached sidewalk along Las Vegas Boulevard South. The shopping center requires 295 parking spaces where 295 spaces are provided. Parking for the shopping center is located along the west side of the project site, and is screened from Las Vegas Boulevard South by Buildings A through F. Access to the site is granted by existing and proposed commercial driveways adjacent to Las Vegas Boulevard South. Three parallel parking spaces were removed along the north drive aisle and 1 parking space was added along the west property line. An existing 49 foot wide drive aisle, located along the south portion of the site, connects the shopping center to the multiple family development to the west. Secondary access to the commercial development is granted via a proposed commercial driveway along Erie Avenue. Future cross access is provided along the north and south perimeters of the project site.

Landscaping

The approved plans depict a 66 foot wide landscape area with a 5 foot wide detached sidewalk along Las Vegas Boulevard South. The landscape area consists of 24 inch box trees, shrubs, and groundcover. The proposed landscaping and detached sidewalk are located within Las Vegas Boulevard South, requiring a waiver for non-standard improvements within the right-of-way. An additional waiver of development standards is necessary to eliminate street landscaping along Las Vegas Boulevard South as the required landscaping is being provided within the street, and not within the boundaries of the project site. The landscape area along the west property line, adjacent to the multiple family development that is currently under construction, measures between 23 feet to 24 feet in width. Twenty-four inch box trees planted 20 feet on center, including shrubs and groundcover, are planted within this area. A decorative 6 foot high block wall will also be provided along this property line. A 5 foot wide pedestrian trail is also located within the landscape area along the west property line. The trail connects to the residential development to the west, to Erie Avenue, and to the trail along the south portion of the project site. A landscape area measuring between 15 feet to 25 feet in width is provided along the south portion of the property, adjacent to the 48 foot wide drive aisle. The landscape area consists of 24 inch box trees planted 20 feet on center, a pedestrian trail, shrubs, and groundcover. Interior parking lot landscaping is equitably distributed throughout the interior of the site.

Elevations

The approved plans depict Building A with a maximum height of 37 feet to the top of the parapet wall, while Buildings B1 and B2 have an overall height of 24 feet. Buildings C through F measure 30 feet to the top of the parapet wall. The exterior materials of the buildings feature aluminum storefront window systems, smooth EIFS exteriors, large format stone, wood composite panels, decorative metal (perforated and shade fins), and decorative metal panels and awnings. The rooftop mounted equipment on all buildings will be screened from public view by the parapet walls. The building materials will consist of neutral, non-vivid colors. The proposed fabric shade canopy structure measures 73 feet in height and is supported by metal poles. Fifteen foot high fabric shade structures are also intermittently dispersed throughout the central walking path that is interior to the project site.

Floor Plans

The approved floor plans for each building consists of shell space featuring restroom facilities and utility closets. Below is a table reflecting the area of Buildings A through F:

Building Information	
Building Area (in square feet)	
Building A – Level 1 (Restaurant/Retail)	10,383
Building A – Level 2 (Office)	12,267
Building B1 (Restaurant)	2,599
Building B2 (Restaurant)	2,254
Building C (Restaurant/Retail)	11,312
Building D-a (Restaurant/Retail)	10,661
Building E (Restaurant/Retail)	12,322
Building F (Restaurant/Retail)	11,959

Building Information	
Building Area (in square feet)	
Total Building Area	73,757
Building D-b (Trash enclosure)	1,688

Previous Conditions of Approval

Listed below are the approved conditions for ZC-20-0598:

Current Planning

- 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 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 permit, waivers of development standards, and design review applications must commence within 2 years of the approval date or they will expire.

Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include a 54 foot radius property line spandrel at the northeast corner of the site;
- Coordinate with Public Works - Traffic Management Division;
- Owner acknowledges that the proposed non-standard improvements (buildings, structures, landscaping, and improvements) are within the Las Vegas Boulevard right-of-way;
- Owners or its successors shall remove any non-standard improvements (buildings, structures, landscaping, and improvements) related to this application or any future applications within the planned right-of-way at its own expense upon notification from Clark County;
- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

Building Department - Fire Prevention

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features (buildings E & F cannot use Las Vegas Boulevard as fire department access).

- Applicant is advised to show fire hydrant locations on-site spaced at 400 feet (plan north-northeast side of development fire access lane has over spaced hydrants; hydrants cannot be placed within 6 feet of Fire Department access turning radii).

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been initiated for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0476-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require a new POC analysis.

Applicant's Justification

The applicant states the project site was approved subject to a 2 year period to commence by action of ZC-20-0598. This 2 year period expired on February 17, 2023. Despite the owner's best efforts, commencement has not occurred. The commercial project on the application site is a sister project to the multiple family development approved just to the west of the site where substantial work has been done. The project site and the multiple family development are physically related and development has been delayed for many months over general contractor issues. The owner is in the process of getting a new general contractor for the development and the project will resume in the near future. Because of the time, effort, and significant expense involved in resolving issues on the adjacent multiple family development, attention to the site had to be redirected. It is anticipated that additional work on the project site will begin before year end and thereafter proceed diligently until completion. It is respectfully requested that an additional 1 year period, until February 17, 2024, be granted for the commercial project to commence under the Code.

Prior Land Use Requests

Application Number	Request	Action	Date
VS-22-0431	Vacated an existing pedestrian access easement	Approved by PC	October 2022
DR-21-0665	Increased finished grade for a previously approved shopping center	Approved by BCC	January 2022
ZC-20-0598	Reclassified a portion of the project site from H-1 to C-2 zoning for a shopping center	Approved by BCC	February 2021
DR-19-0525	Established the lighting design and comprehensive sign plan	Approved by BCC	August 2019
ADET-19-900415 (UC-0344-17)	Multiple family residential development and high impact project	Approved by ZA	June 2019
VS-18-0862	Vacated easements	Approved by PC	July 2019
DA-18-0977	Development agreement for a multiple family residential development	Approved by BCC	January 2019
VS-0342-17	Vacated easements	Approved by BCC	June 2017
UC-0344-17	Multiple family residential development, high impact project with waivers of conditions of ZC-0674-01	Approved by BCC	June 2017

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-0674-01	Reclassified 259.6 acres, including this site, to H-1 zoning for resort hotels and to expand the Gaming Enterprise District	Approved by BCC	November 2001

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North & South	Entertainment Mixed-Use	H-1	Undeveloped
East	Entertainment Mixed-Use	H-1 & H-2	Undeveloped
West	Entertainment Mixed-Use	H-1	Multiple family residential

STANDARDS FOR APPROVAL:

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

Analysis**Comprehensive Planning**

Title 30 standards of approval on an extension of time application state that such an application may be denied or have additional conditions imposed if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws or policies affecting the subject property. Using the criteria set forth in Title 30, no substantial changes have occurred at the subject site since the original approval. Since approval of the original application in February 2020, a traffic study (20-18968), a drainage study (21-12227), and a structural study (21-16273) have been submitted and approved by Clark County. Furthermore, the applicant has been working towards commencement of this project by submitting for off-site improvement plans (21-19163). Therefore, staff can support the applicant's request for an extension of time for this project.

Public Works - Development Review

There have been no significant changes in this area. Staff has no objection to this extension of time.

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

- Until February 17, 2025 to commence;
- 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 a lack of necessary public service in the area.
- 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 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

- Compliance with previous conditions.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Enterprise - approval.

APPROVALS:

PROTEST:

APPLICANT: RIVERVIEW LVB DEVELOPMENT, LLC

CONTACT: LINDSAY KAEMPFER, KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DRIVE, SUITE 650, LAS VEGAS, NV 89135