

SHOPPING CENTER
(TITLE 30)

LAS VEGAS BLVD S/ERIE AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ZC-20-0598-RIVERVIEW LVB DEVELOPMENT, LLC:

AMENDED ZONE CHANGE to reclassify 7.5 acres of a 15.4 acre site from H-1 (Limited Resort and Apartment) Zone to C-2 (General Commercial) Zone.

USE PERMITS 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.

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/jd (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 - COMMERCIAL TOURIST

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 and Request

This request is for a conforming zone change 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 is requested 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 is also requested 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. The waiver request to reduce the throat depth at the northeast portion of the site has been eliminated, and a minimum throat depth of 150 feet has been provided in compliance with the adopted standards. The increase to the throat depth required the relocation of a loading dock from Buildings F to D. 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 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

Building A has 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 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
Total Building Area	73,757
Building D-b (Trash enclosure)	1,688

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states the H-1 pads on the north and south side of the proposed shopping center shall be developed in the future and are not part of the current scope of work at this time. The proposed C-2 portion of the site is just under 8 acres, which meets the intent of the Code with respect to a minimum of 10 acres for C-2 zoning. The C-2 portion of the site is large enough to have a mix of commercial uses on the property, unlike many smaller existing C-2 parcels throughout the County. 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.

A special use permit is requested to reduce the minimum separation distance from on-premises consumption of alcohol with outdoor dining, drinking and cooking as shown on the site plan and the approved residential to the west. The exact location of tenants that would have on-premises consumption of alcohol and/or outdoor dining, drinking and cooking is unknown at this time; however, they will comply with the required conditions of approval for on-premises consumption of alcohol and outside dining, drinking and cooking.

Clark County Public Works requires a 200 foot right-of-way along Las Vegas Boulevard. At this time the curb is located approximately 55 feet to the east of the current property line. Having the sidewalk and landscaping located within the property line will result in an unsightly approach to both the retail center and apartments just to the west. The applicant requests the landscape and sidewalk be allowed within the right-of-way for both aesthetics and public safety. A 20 foot buffer between Buildings E and F is provided so that the sidewalk and required landscaping can be accommodated within the property line. The detached sidewalk and landscaping located within the right-of-way will be provided within the boundaries of the project site when Las Vegas Boulevard South is widened. It should also be noted that the sewer easement shown along Las Vegas Boulevard South is private, and trees and shrubs can be planted within the easement.

The proposed canopy height of 72 feet will be an enhancement to the site and provide shade for the central plaza between Buildings C, D, E, and F. Since the apartments to the west are a less

intensive use, Figure 30.64-11 is required along the western property line. This will allow trees to be located on each side of a meandering sidewalk as opposed to a straight line along the screen wall. A sidewalk is required by the apartment building to provide pedestrian connection to Erie Avenue. By allowing the trees to be located on each side of the sidewalk, it will provide an inviting pedestrian experience between the apartments and the retail center. This request does not change the spacing or specifications that are required in Figure 30.64-11.

Prior Land Use Requests

Application Number	Request	Action	Date
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 – until June 21, 2021 to complete	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
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	Commercial Tourist	H-1	Undeveloped
East	Commercial Tourist & Office Professional	H-1 & H-2	Undeveloped
West	Commercial Tourist	H-1	Multiple family development under construction

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 C-2 zoning district is established to accommodate a full range of commercial uses, or mixed commercial and residential uses, in a manner that can be located to serve the needs of the entire

community, yet be buffered from having adverse impacts on any adjacent residential neighborhoods. The conforming zone change request is within the range of intensity allowed by the Comprehensive Master Plan. Immediately to the west of the project site is an H-1 zoned parcel with a developing multiple family project. Four hundred feet to the south of the project site is an undeveloped parcel with 9 acres of C-2 zoning fronting on Las Vegas Boulevard South. To the east of the project site, across Las Vegas Boulevard South, are undeveloped parcels zoned H-1 and H-2 with planned land uses of Commercial Tourist and Office Professional. The proposed C-2 zoning will permit commercial uses serving the multiple family development to the west, in addition to the existing single family residential development within the immediate area. Staff finds the proposed zoning is consistent and compatible with the existing and approved land uses in the area; therefore, staff recommends approval.

Use Permits

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Comprehensive Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

Staff typically does not support requests to significantly reduce the required separation distance between on-premises consumption of alcohol establishments with outside dining and drinking to residential uses. However, the applicant has provided several mitigating measures to alleviate potential impacts the requested reduction may have on the developing multiple family project to the west of the project site. A landscape area with a minimum width of 25 feet, consisting of evergreen trees and a 6 foot high wall, will be located along the west property line of the project site. Buildings A and B1, as depicted on the site plan, are set back 127 feet and 100 feet from the west property line, respectively. However, the actual separation distances between Buildings A and B1 to the nearest multiple family buildings is 219 feet and 203 feet, respectively. Staff finds the separation distances and landscape buffer along the west property line provide appropriate mitigation to alleviate any potential impact to the multiple family development; therefore, recommends approval.

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 #1

In lieu of the required landscaping adjacent to a less intensive use, consisting of 1 large 24 inch box evergreen tree planted 20 feet on center within a 5.5 foot wide landscape area, an alternative landscape configuration along the west property line is proposed for the project site. The proposed landscaping consists of a 25 foot wide area featuring medium, 24 inch box evergreen trees planted 20 feet on center, planted on both sides of a 5 foot wide meandering pedestrian trail. Multiple species of shrubs and groundcover are also planted within the landscape area,

complimenting the trees along the trail. Furthermore, the pedestrian trail provided within the landscape area connects to the existing multiple family development to the west and the 5 foot wide attached sidewalk along Erie Avenue, along the north property line of the project site. Staff finds the proposed landscaping provides an alternative that meets the intent of Code, but also provides a design that enhances and improves the aesthetics of the project site; therefore, staff recommends approval of the request.

Waiver of Development Standards #2

Staff can support the request to eliminate the required street landscaping as required along Las Vegas Boulevard South. The applicant has provided a landscape area measuring 46 feet in width within the right-of-way of Las Vegas Boulevard South, consisting of 24 inch box trees, shrubs, and groundcover. However, since the landscaping is located within the public right-of-way, and not within the boundaries of the project site, the waiver to eliminate landscaping is required. Approximately 20 feet of landscaping is located between Buildings E and F and the eastern property line, located along Las Vegas Boulevard South. In the event additional right-of-way is needed in the future, the required street landscaping and detached sidewalk can be constructed within the boundaries of the project site; therefore, staff recommends approval.

Waiver of Development Standards #3

Staff has no objection to the increase in building height for the canopy structure. The canopy structure compliments the existing building architecture and will provide shade to the patrons and employees of the commercial development. The shade structure should have minimal to no impact on the surrounding properties and land uses; therefore, staff recommends approval.

Design Review #1

The design of the proposed restaurant, retail, and office buildings feature variations in building height contributing to breaking-up the mass of commercial buildings. Staff finds the commercial buildings comply with Urban Specific Policy 19 of the Comprehensive Master Plan, which encourages varying building heights and breaking-up the mass of the buildings. The proposed landscaping also complies with Urban Specific Policy 73, which encourages perimeter and interior parking lot trees for shade and visual relief. Height, color, and material variations have been incorporated into the design of the buildings, and the proposed development is compatible with the adjacent multiple family residential use to the west. The development is also compatible with the surrounding land uses within the area; therefore, staff can support this request.

Public Works - Development Review

Waiver of Development Standards #4

No longer needed.

Waiver of Development Standards #5

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. Staff can support Waiver of Development Standards #5, but the applicant must execute and sign a License and Maintenance Agreement for any non-standard improvements within the right-of-way.

Design Review #2

This design review represents the maximum grade difference along the boundary of this application. This information is based on preliminary data to set the worst case scenario. Staff will continue to evaluate the site through the technical studies required for this application. Approval of this application will not prevent staff from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approval.

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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

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.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: BRYAN JORDAN

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