

COMMERCIAL COMPLEX  
(TITLE 30)

SILVERADO RANCH BLVD/ARVILLE ST

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**NZC-21-0037-COUNTY OF CLARK (AVIATION):**

**ZONE CHANGE** to reclassify 1.1 acres from an R-E (Rural Estates Residential) Zone to a C-2 (General Commercial) Zone.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduce landscaping; **2)** reduce height/setback ratio; **3)** reduce parking; and **4)** alternative driveway geometrics.

**DESIGN REVIEW** for a commercial complex.

Generally located on the south side of Silverado Ranch Boulevard, 670 feet west of Arville Street within Enterprise (description on file). JJ/jt/jd (For possible action)

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RELATED INFORMATION:

**APN:**

177-30-103-004

**WAIVERS OF DEVELOPMENT STANDARDS:**

1.
  - a. Reduce landscaping to a less intense use along the east property line to 4 feet where 5.5 feet is the minimum width per Figure 30.64-11 (a 27% reduction).
  - b. Reduce landscaping to a less intense use along the west property line to 5 feet where 5.5 feet is the minimum width per Figure 30.64-11 (a 9% reduction).
  - c. Allow 8 parking spaces between landscape fingers where 6 parking spaces between landscape fingers is the maximum per Figure 30.64-14 (a 34% increase).
  - d. Reduce the width of parking lot landscape fingers to 3 feet where 6 feet is the minimum per Figure 30.64-14 (a 50% reduction).
2.
  - a. Reduce the height/setback ratio to the east property line to 19 feet where 65 feet 3 inches is required per Figure 30.56-10 (a 71% reduction).
  - b. Reduce the height/setback ratio to the west property line to 39 feet where 65 feet 3 inches is required per Figure 30.56-10 (a 41% reduction).
3. Reduce parking to 41 spaces where 50 spaces are required per Table 30.60-1 (an 18% reduction).
4. Reduce throat depth on Silverado Ranch Boulevard to 1 foot where 25 feet is the minimum distance per Uniform Standard Drawing 222.1 (a 96% reduction).

**LAND USE PLAN:**

ENTERPRISE - RESIDENTIAL SUBURBAN (UP TO 8 DU/AC)

## **BACKGROUND:**

### **Project Description**

#### **General Summary**

- Site Address: N/A
- Site Acreage: 1.1
- Project Type: Commercial complex
- Number of Stories: 1
- Building Height (feet): 28
- Square Feet: 9,911
- Parking Required/Provided: 50/41

#### **Neighborhood Meeting Summary**

Neighborhood meeting notices were mailed to property owners within 1,500 feet of the subject site notifying them of a virtual neighborhood meeting on December 14, 2020. No neighbors attended the neighborhood meeting.

#### **Site Plan**

The site plan depicts 2 retail/restaurant buildings. The northern building is set back 76 feet from the north property line along Silverado Ranch Boulevard, 52 feet from the east property line, and 65 feet from the west property line. The southern building is set back 23 feet from the southern property line, 19 feet from the east property line, and 39 feet from the west property line. A height/setback ratio of 65 feet is required for both the east and west setbacks for both buildings, which necessitates a waiver of development standards.

Access to the site is provided by a single driveway from Silverado Ranch Boulevard. A waiver of development standards is necessary to reduce the throat depth to 1 foot where 25 feet is the minimum required distance. Parking spaces are provided on the east and west sides of the northern portion of the site and on the north sides of both buildings. The restaurant portions of the buildings require 10 parking spaces per 1,000 square feet, and the remainder of the buildings require 4 parking spaces per 1,000 square feet. As a result, 50 parking spaces are required, but only 41 parking spaces are provided, which requires a waiver of development standards.

A drive-thru lane is provided on the west and south sides of the northern building, and a second drive-thru lane is adjacent to the west, south, and east sides of the southern building. A trash enclosure and loading space are provided on the northwest side of the southern building. Lastly, future cross access to the adjacent eastern parcel is shown in the southeast portion of the site. Cross access will be installed if the adjacent parcel to the east develops with commercial uses.

#### **Landscaping**

Landscaping along Silverado Ranch Boulevard is 15 feet wide with a detached sidewalk. On the east side of the site, landscaping is 4 feet wide where 5.5 feet is the minimum width required, and on the west side of the site, landscaping is 5 feet wide where a minimum width of 5.5 feet is required. A waiver of development standards is necessary to reduce the landscaping width required adjacent to a less intense use along both the east and west property lines. Along the south property line, landscaping is 5 feet 10 inches in width.

Additional landscaping is provided on the west side of the southern building and in landscape fingers in the parking lot. Parking lot landscape fingers are provided every 6 parking spaces or less except in the northwest portion of the site where 8 parking spaces are located between landscape fingers. Also, the width of the landscape fingers in the parking lot vary, with 1 landscape finger measuring approximately 3 feet wide, inside of curb to inside of curb. Six feet is the minimum width required for landscape fingers. As a result, a waiver of development standards is necessary to increase the number of parking spaces between landscape fingers and to reduce the width of landscape fingers.

#### Elevations

Both buildings are approximately 28 feet high to the tallest portion of the parapet wall along the roofline. The lower parapet wall along the roofline is 24 feet high. Exterior materials for both buildings include painted stucco, fabric awnings, storefront glazing, and wall mounted pack lights.

#### Floor Plans

The northern retail/restaurant building is 3,006 square feet, which is comprised of 2,206 square feet of retail space and 800 square feet of restaurant space. The southern retail/restaurant building is 6,905 square feet, which is comprised of 6,105 square feet of retail space and 800 square feet of restaurant space. The suites will be built-out specific to future tenant needs.

#### Signage

Signage is not a part of this request.

#### Applicant's Justification

According to the applicant, the retail/restaurant buildings will attract new businesses to the area, which in turn will create employment opportunities. The design intent, color scheme, and finishes will harmoniously blend with the proposed developments in the surrounding area. Waivers of development standards are necessary for the proposed project but will not create any negative impacts. For example, additional medium trees and shrubs are provided to compensate for the reduced landscaping to less intense uses, reduced parking lot landscaping, and reduced height/setback ratios. Forty-one parking spaces is appropriate for the proposed uses and increasing the throat depth would further reduce on-site parking.

#### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
SC-1156-03	Rename Gomer Road to Silverado Ranch Boulevard	Approved by PC	September 2003

#### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Public Facilities	P-F	Nevada National Guard armory
South	Public Facilities	P-F	Detention basin

### Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
East	Residential Suburban (up to 8 du/ac)	C-2	Single family residential (approved for restaurants, retail, and vehicle maintenance facility)
West	Residential Suburban (up to 8 du/ac)	R-E	Undeveloped

### 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.*

According to the applicant, a change in trends in the area is the approval of C-2 zoning on the adjacent parcels to the east.

Two parcels to the east were approved under a Resolution of Intent for C-2 zoning in February 2020 with retail, restaurants, and vehicle maintenance. At this time, no technical studies or building permits have been submitted with the County for review. Additionally, the Resolution of Intent will expire February 2023 unless the project is deemed to be complete or an extension of time is filed. Additionally, an applicant of the parcel west of the subject site is currently seeking to change the land use plan designation from Residential Suburban to Commercial Neighborhood. Staff is recommending approval of this request which will be heard by the Planning Commission on April 6, 2021 and forwarded to the Board for final action on April 21, 2021. Based on the above, staff finds there have been changes which make the proposed nonconforming zone boundary amendment appropriate.

- 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 indicates that the intensity of the uses allowed in a C-2 zone is compatible with the vacant parcels to the west and the approved C-2 zoning to the east.

The C-2 zoning district is the most intense form of commercial zoning, which permits many uses by right. Given the approval of the request to change the zoning on the 2 acres to the east of the

subject site to C-2 and current consideration to change the land use designation on the 1 acre to the west, combined with the fact that the parcel to the south is being utilized for a large detention basin and the property to the north is developed by the Nevada Army National Guard staff finds the intensity of uses allowed on the site would be compatible with existing and planned land uses in the surrounding 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.*

There has been no indication from service providers that this request will have a substantial adverse effect on public facilities and services.

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

The proposed nonconforming zone boundary amendment complies with the goals and policies in the Comprehensive Master Plan. For example, Goal 1 promotes development that is compatible with adjacent land uses. The proposed C-2 zoning would allow development that is compatible with past and current land use decisions and existing uses.

## **Summary**

### **Zone Change**

Overall, there has been a change in law, policies, trends, or facts to justify the nonconforming zone change. Also, the intensity of uses allowed in the C-2 zone is compatible with the past and current land use decisions and existing uses. However, since staff is not recommending approval of the design related components of this application, staff cannot support the nonconforming zone boundary amendment.

### **Waivers of Development Standards #1, #2, #3, & Design Review**

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.

The proposed development is too intense for the site. As designed, the project cannot meet the minimum landscape buffer requirements on the east and west property lines. The number of parking spaces is increased between landscape fingers, and landscaping fingers are reduced in size, which would not allow adequate room for tree growth. The height/setback ratios are reduced to the east and west property lines, which could negatively impact the existing and future planned land uses. Lastly, the minimum number of parking spaces are not provided for the site. Furthermore, if the restaurant uses expand beyond the 2 proposed 800 square foot suites, additional parking will be required, which would exacerbate the parking deficiency. As a result, site access and circulation could negatively impact traffic on Silverado Ranch Boulevard.

In conclusion, the project is inconsistent with the Enterprise Land Use Plan goals and policies and Title 30 standards; therefore, staff cannot support the waivers of development standards or the design review.

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

#### **Waiver of Development Standards #4**

Silverado Ranch Boulevard is a major arterial right-of-way that sees a high volume of traffic. Staff has concerns that vehicles traveling on Silverado Ranch Boulevard trying to access the site may face immediate conflicts with the onsite movements and cause slowing or stopping in the right-of-way creating a dangerous situation. The site can be re-designed to allow vehicles to get out of the right-of-way onto the site in a safe manner.

### **Staff Recommendation**

Denial. This item will be forwarded to the Board of County Commissioners meeting 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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

**PLANNING COMMISSION ACTION:** May 18, 2021 – APPROVED – Vote: Aye: Stone, Waltho, Nguyen, Frasier, Kilarski, Castello Nay: Kirk

### **Current Planning**

- Resolution of Intent to complete in 3 years;
- No permits shall be issued until the deed conveying ownership of the parcels to the applicant, LV Cactus Schrills, LLC., or its successors or assigns, is recorded;
- Provide cross access with the adjacent parcels to the east and west if the adjacent parcels develop with commercial uses;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that any future restaurant uses within the retail buildings may require additional on-site spaces or a land use application to reduce the required number of parking spaces which may not be supported by staff; 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**

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- Coordinate with Public Works - Design Division for the Silverado Ranch Boulevard improvement project;
- Dedicate any right-of-way and easements necessary for the Silverado Ranch Boulevard improvement project;
- The installation of detached sidewalks will require the vacation of excess right-of-way together with a subdivision map granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or the execution of a License and Maintenance Agreement for non-standard improvements in the right-of-way.

**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 #0454-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**WAIVER OF DEVELOPMENT STANDARDS #1C DENIED.**

**TAB/CAC:** Enterprise - approval of the zone change; denial of the waivers of development standards and design review (reduce to C-1 zoning; design review as a public hearing for lighting and signage; design review as a public hearing for significant changes to plans; and provide cross access to properties to the east and west).

**APPROVALS:**

**PROTESTS:**

**PLANNING COMMISSION ACTION:** April 6, 2021 – HELD – To 04/20/21 – per the applicant.

**PLANNING COMMISSION ACTION:** April 20, 2021 – HELD – To 05/18/21 – per the applicant.

**APPLICANT:** SHELDON COLEN

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