

SHOPPING CENTER
(TITLE 30)

TOMPKINS AVE/FORT APACHE RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-21-0515-MIDDLEPOINT, LLC:

USE PERMITS for the following: **1)** on-premises consumption of alcohol (supper club); **2)** reduced separation for a supper club from a residential use; and **3)** reduced separation for outside dining areas from a residential use.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** landscaping; and **2)** alternative driveway geometrics.

DESIGN REVIEWS for the following: **1)** shopping center; **2)** alternative parking lot landscaping; and **3)** finished grade on 4.2 acres in a C-1 (Local Business) Zone in the CMA Design Overlay District.

Generally located on the northwest corner of Tompkins Avenue and Fort Apache Road within Spring Valley. JJ/al/jo (For possible action)

RELATED INFORMATION:

APN:

163-19-717-006; 163-19-717-007

USE PERMITS:

1. On-premises consumption of alcohol (supper club).
2. Reduce the separation for a supper club from a residential use to 155 feet where 200 feet is the standard per Table 30.44-1 (a 22.5% reduction).
3. Reduce the separation for outside dining areas from a residential use to 155 feet where 200 feet is the standard per Table 30.44-1 (a 22.5% reduction).

WAIVERS OF DEVELOPMENT STANDARDS:

1. Permit a minimum 14 foot wide landscape area along Fort Apache Road where a minimum 15 foot wide landscape area is required per Section 30.64.030 (a 6.7% reduction).
2. Reduce driveway throat depth to a minimum of 13 feet where 100 feet is required per Uniform Standard Drawing 222.1 (an 87% reduction).

DESIGN REVIEWS:

1. A shopping center with in-line retail buildings and a free standing restaurant.
2. Permit an alternative parking lot landscape design where parking lot landscaping is required per Figure 30.64-14.

3. Increase finished grade to 72 inches (6 feet) where a maximum of 18 inches (1.5 feet) is the standard per Section 30.32.040 (a 300% increase).

LAND USE PLAN:

SPRING VALLEY - COMMERCIAL NEIGHBORHOOD

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 4.2
- Project Type: Shopping center
- Number of Stories: 1
- Building Height (feet): 35
- Square Feet: 39,936
- Parking Required/Provided: 205/205

Site Plan

The plan depicts a shopping center consisting of 2 in-line retail buildings and a freestanding restaurant. This project is an expansion of the existing shopping center to the north and shared access will be provided between the 2 properties. In addition to the shared access with the shopping center to the north, access to this site will be provided by 2 driveways from Fort Apache Road and 2 driveways from Tompkins Avenue. The freestanding restaurant is located on the southeast corner of the site and will have an outside dining area on the east side of the building facing Fort Apache Road. The restaurant building is set back 24 feet from Tompkins Avenue and 16 feet from Fort Apache Road to the outside dining area. The smaller of the 2 in-line retail buildings is located on the northeast corner of the site and is set back 18 feet from Fort Apache Road. There is an outside dining area on the west side of this building that is 155 feet from the existing residential development to the west. The larger in-line retail building is located on the western portion of the site and is set back approximately 83 feet from Tompkins Avenue and 35 feet from the west property line. Parking for the shopping center is located to the east of the larger in-line retail building and between the other 2 buildings.

Landscaping

There is an existing attached sidewalk along Fort Apache Road which is an arterial street. Code requires that when attached sidewalks are provided along collector or arterial streets the adjacent landscape area is to be 15 feet wide. The plans show the landscape area along Fort Apache Road is a minimum of 14 feet in width and consists of trees, shrubs, and groundcover. The plan depicts an 11 foot wide landscape area consisting of 2 off-set rows of large Evergreen trees located along the west property line, which is adjacent to existing single family residential development. Landscaping along Tompkins Avenue is a minimum of 10 feet wide and consists of trees, shrubs, and groundcover. Additional landscape areas consisting of trees, shrubs, and groundcover are located within the parking lot areas. The placement of these landscape areas within the parking lot is not in compliance with the standards of Figure 30.64-14; however, the required number of trees for the parking lot area are being provided throughout the site.

Elevations

All of the buildings are 1 story. The largest of the in-line retail building has a flat roof behind parapet walls. The parapet walls vary in height to break-up the roofline. With architectural features the height of the building varies from 24 feet to 35 feet. The exterior of this building consists of a stucco finish painted in earth tone colors, stone veneer, and glass and aluminum store fronts for the lease spaces.

The smaller of the in-line retail building has a flat roof behind parapet walls that also varies in height to break-up the roofline. This building varies between 22 feet to approximately 27 feet in height. The exterior of this building consists of a stucco finish painted in earth tone colors, stone veneer, and glass and aluminum store fronts for the lease spaces.

The restaurant has a combination of a flat roof behind parapet walls and pitched roofs. The height of the building varies between 21 feet to approximately 30 feet. The portions of the roof that are pitched have concrete tile roofing material. The exterior of this building consists of a stucco finish painted in earth tone colors, stone veneer, and glass and aluminum store fronts.

Floor Plans

The shopping center has a total area of 39,936 square feet divided between the 3 buildings. The larger in-line retail building has an area of 29,505 square feet and can be divided into 24 lease spaces. The smaller in-line retail building has an area of 5,000 square feet and can be divided into 4 lease spaces. The restaurant has an area of 5,431 square feet.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant indicates that this shopping center is an expansion of the existing shopping center to the north and this site has been designed to be consistent with the design of the existing shopping center. The use of the site as a shopping center and the design of the site are consistent and compatible with existing developments in this area. The increase in finished grade is necessary to level the site in order to provide proper drainage. The alternative parking lot landscape design is being requested for the following reasons: 1) arrange parking areas to mitigate for the reduced driveway throat depths; 2) provide pedestrian connections through this site and connect to the shopping center to the north; and 3) to match the parking and drive aisles with the shopping center to the north. The driveway locations are existing and the alternative driveway geometrics are being requested to accommodate these existing driveway locations and to tie this site into the existing shopping center to the north. The reduction in the separations for the supper club and outside dining areas only effects a few lots within the residential development to the west. Most of the homes in the residential development are being buffered from these uses by the larger in-line retail building. The few homes that would be affected by the proposed reduction are buffered from this site by an intense landscape area located along the western property line. Additional landscaping within the parking lot and adjacent to the buildings will provide additional buffering to the residences.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-0024-97	Reclassified this site to C-1 zoning and the shopping center to the north to C-2 zoning for a shopping center	Approved by BCC	March 1997

Surrounding Land Use

	Planned land Use Category	Zoning District	Existing Land Use
North	Commercial General	C-2	Shopping center
South	Commercial Neighborhood	C-1	Undeveloped
East	Commercial General	C-2	Office building & bank building
West	Residential Suburban (up to 8 du/ac)	R-E & R-1	Single family residential

STANDARDS FOR APPROVAL:

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

Analysis

Current Planning

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.

Use Permits #1 & #2

Supper clubs have been found to be compatible uses within shopping centers, and in shopping centers in close proximity to residential developments. The proposed supper club is located on the southeast corner of this site. The proposed reduction in the separation to a residential use is to 1 single family residence to the west. A portion of the supper club will be buffered from this residence by the larger in-line retail building. There is an existing intense landscape buffer consisting of 2 off-set rows of large Evergreen trees located along the west property line of this shopping center which will help to mitigate the reduced separation. Between the property line and the supper club are parking areas with landscape islands which will provide added mitigation for the separation reduction. Therefore, staff finds that the in-line retail building, the landscaping along the west property line, and landscaping within the parking areas between the supper club and the existing residence will mitigate the impacts of the reduced separation to the existing residence. Therefore, staff finds that this location is appropriate for the supper club and will not result in an undue adverse effect on adjacent properties and supports these use permits.

Use Permit #3

This proposed reduction is for an outside dining area located on the west side of the smaller in-line retail building located on the northeast corner of the site. The majority of this outside dining area is buffered from the existing residential development to the west by the larger in-line retail building. However, there is a gap between the proposed larger in-line retail building in this

shopping center and an existing in-line retail building in the shopping center to the north. From this gap there are 2 existing residences that could be impacted by the reduction in the separation to the outside dining area. Within this gap are some landscape areas which will provide some buffering to these residential uses. Aerial photographs show additional landscaping within the rear yards of these existing residences which will also help to mitigate the separation reduction. Additionally, there is an existing drainage channel between the residences which does not increase the separation to the property lines of these residential uses but does increase the separation to the homes themselves. Therefore, staff can support this use permit.

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

If there was not an existing attached sidewalk along Fort Apache Road a landscape buffer per Figure 30.64-17 would be required along the street. This would require from what would typically be back of curb a total of 15 feet which would include a 5 foot wide detached sidewalk with 5 feet of landscaping (10 feet total) on each side of the sidewalk. The proposed plan from back of curb is depicting a 5 foot wide sidewalk with 14 feet of landscaping, 19 feet total distance for the back of curb. The plan indicates that the required trees, shrubs, and groundcover are being provided within the landscape area. Staff finds that the proposed reduction will not have a negative impact on the adjacent properties and the intent of Code for landscaping is being complied with. Therefore, staff can support this waiver.

Design Reviews #1 & #2

Staff finds the design of the proposed shopping center is consistent and compatible with existing developments in this area. The proposed alternative parking lot landscape design will match the existing shopping center to the north and will help to tie the 2 properties together into a more cohesive development. The proposed alternative parking lot landscape design also complies with the intent for landscaping per Code. Therefore, staff can support these design reviews.

Public Works - Development Review

Waiver of Development Standards #2

Staff can support the request to reduce the throat depth for all of the driveways. The applicant worked with staff to remove parking spaces to make access to the site safer.

Design Review #3

This design review represents the maximum grade difference within 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

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that approval of this application does not constitute or imply approval of a liquor or gaming license or any other County issued permit, license or approval; 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 this application must commence within 2 years of approval date or it 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.
- 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.

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 #0223-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Spring Valley - approval.

APPROVALS:

PROTESTS:

APPLICANT: MIDDLEPOINT, LLC

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