PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
NZC-0525-17 – SEC BADURA & MONTESSORI, LLC:

ZONE CHANGE to reclassify 2.0 acres from R-E (Rural Estates Residential) Zone to C-2 (General Commercial) Zone in the CMA Design and MUD-3 Overlay Districts.
WAIVER OF DEVELOPMENT STANDARDS to allow modified commercial driveway geometrics.
DESIGN REVIEW for a proposed retail center consisting of an in-line retail building and a restaurant pad site with drive-thru.

Generally located on the south side of Badura Avenue and the east side of Montessouri Street within Spring Valley (description on file). SS/rk/ml (For possible action)

RELATED INFORMATION:

APN:
176-03-703-004

WAIVER OF DEVELOPMENT STANDARDS:
Allow modified commercial driveway geometrics where commercial driveways are required per Uniform Standard Drawing 222.1.

LAND USE PLAN:
SPRING VALLEY - BUSINESS AND DESIGN/RESEARCH PARK

BACKGROUND:
Project Description
General Summary
- Site Address: N/A
- Site Acreage: 2.0
- Project Type: Retail center
- Number of Stories: 1
- Building Height: Up to 36 feet
- Square Feet: 15,000 (in-line retail)/5,000 (restaurant pad site)
- Parking Required/Provided: 109/120

Neighborhood Meeting Summary
This request is for a nonconforming zone change to reclassify approximately 2.0 acres from an R-E zone to a C-2 zone for a retail center. The applicant conducted a neighborhood meeting on June 12, 2017, as required by the nonconforming zone boundary amendment process. The neighborhood meeting was held in an open house format at the Desert Breeze Community
Center. The required meeting notices were mailed to the neighboring property owners and no neighboring property owners attended the meeting.

**Site Plans**
The plans depict a proposed retail center consisting of an in-line retail building and a restaurant pad site with drive-thru. The restaurant pad site is located near the northwest portion of the property and the in-line retail building is located along the south property line. Parking is located north of the in-line retail building and east of the restaurant pad site. The site will have 1 access point from Badura Avenue and 1 access point from Montessouri Street. The site will also provide cross access to the adjacent properties to the south and east. The designs of the buildings and the layout of the site comply with the requirements of the CMA Design Overlay District.

**Landscaping**
A street landscape buffer is shown at a 15 foot width along Badura Avenue and 6 feet in width along Montessouri Street. Six to 7 foot wide landscape areas consisting of trees and groundcover are located along the south and east property lines to provide a buffer to the adjacent future developments. Interior to the site, landscaping is distributed throughout the parking lot and around portions of the building footprints. The landscape materials include large trees, shrubs, and groundcover.

**Elevations**
The proposed buildings are 1 story, up to 36 feet high, and similar in design. The additional building height (36 feet) is for decorative features on both buildings and is not habitable space. Generally, the roofs of the buildings are flat with parapet walls ranging from 22 to 30 feet. Building materials consist of plaster finish walls, stone veneer accents, metal canopies, reveal bands, aluminum window treatments, and metal roof elements.

**Floor Plans**
The plans depict a total building area of 20,000 square feet. The 5,000 square foot restaurant building consists of a dining area, kitchen, office, and restrooms. The in-line retail building has an area of 15,000 square feet. The plans indicate the building will be constructed with an open floor plan with areas that will be modified to meet the needs of the future tenants.

**Signage**
Signage is not a part of this request.

**Applicant’s Justification**
The applicant indicates that the requested C-2 zoning for the site is an expansion of the existing commercial development farther north (Arroyo Crossing Shopping Center). Additionally, to the east of the subject site is a 13 acre undeveloped C-2 zoned parcel and on the west side of Montessouri Street is an additional 20 acres of C-2 zoned property. As such, the surrounding zoning of the properties demonstrates that the character of the area is commercial in nature and that a zone change to C-2 is compatible and consistent with the area.
Prior Land Use Requests

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<th>Application Number</th>
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<tr>
<td>VS-0092-15</td>
<td>Vacation and abandonment of patent easements on the property</td>
<td>Approved by PC</td>
<td>April 2015</td>
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Surrounding Land Use

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<th>Planned Land Use Category</th>
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<td>North</td>
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<td>R-E &amp; C-2</td>
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<td>South</td>
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<td>R-E</td>
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<tr>
<td>East &amp; West</td>
<td>Business and Design/Research Park</td>
<td>C-2</td>
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STANDARDS FOR APPROVAL:
The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis
Current Planning
This request does not conform to the Spring Valley Land Use Plan. Nonconforming zone boundary amendments must provide compelling justification that approval of the nonconforming zoning is appropriate. A compelling justification means the satisfaction of the following criteria as listed below for proposed nonconforming zone boundary amendments:

1. *A change in law, policies, trends, or facts after the adoption 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.*

While the area has not substantially changed since the most recent adoption of the area land use plan, the site is located in an area that is developing with commercial uses (retail and restaurant uses) consistent with the proposed request. Generally north of Warm Springs Road are a number of C-2 zoned developments with the largest 1 being Arroyo Crossing Shopping Center. Based on the character of the area, the development proposed by the applicant would be more consistent and compatible with the surrounding area. Additionally, this requested zoning is the same as the C-2 zoning approved on either side of this site.

This site and the abutting properties were designed for Business and Design/Research Park development by the previous Spring Valley Land Use Plan. However, the previous Spring Valley Land Use Plan allowed zone boundary amendments to a C-2 zone for properties designed as Business and Design/Research Park. The abutting parcels that are zoned C-2 were reclassified when the land use plan allowed conforming zone change applications under the Business and Design/Research Park. The Business and Design/Research Park land use designation no longer permits a request to reclassify a property to a C-2 zone as a conforming zone change.
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 site is in an area that is transitioning to higher commercial uses located between the 215 Beltway and Warm Springs Road. Similar commercial uses are developing all around the proposed site. Therefore, the land use and intensity proposed with this application are consistent and compatible with the existing nearby land uses.

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.

Various Clark County service departments have reviewed this development proposal and based on the information submitted by the applicant and comments received from those service providers, the project is not anticipated to have additional impacts on the surrounding infrastructure than what would have been anticipated with an office/warehouse development. The site has access from Badura Avenue, which can accommodate high traffic volume and the proposed commercial development will not have a direct impact on schools and parks.

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

The zoning request is appropriate because the area along this corridor is partially transitioning to higher commercial uses. The request complies with Urban Land Use Policy 65 of the Comprehensive Master Plan that encourages, in part, cross access with adjoining sites. The proposed site design complies with Urban Land Use Policy 67 which encourages, in part, ensuring that commercial developments are complementary with abutting uses through site planning and building design. The request is also compliant with Urban Land Use Policy 74 which encourages, in part, portions of the building to be along the street perimeter.

**Summary**

**Zone Change**

Staff finds that there has been a change in law, policies, and trends that make this request appropriate for the area. The reclassification of the site to a C-2 zone would allow the proposed uses within the retail center, within a zoning district that is compatible with existing and planned land uses in the area. There has been no indication that the proposed retail center will have an adverse effect on public facilities and services in the area. In addition, the request complies with other adopted goals and policies. Therefore, staff finds that the request satisfies the requirements for a Compelling Justification to warrant the approval of the zone boundary amendment.

**Design Review**

The design of the building, with the variations in building height, complies with Urban Specific Policy 19 of the Comprehensive Master Plan, which encourages varying building heights and breaking up the mass of a building. The proposed landscaping also complies with Urban Specific Policy 73, which encourages perimeter and interior parking lot trees for shade and visual relief. The project complies with the requirements of Title 30 and Comprehensive Master Plan policies. Therefore, staff supports the design review.
Public Works – Development Review
Applicant is requesting a waiver to reduce the driveways approach and departure distance to and from the intersection. Staff cannot support this waiver of development standards because the lot is large enough to be designed within Clark County standards.

Staff Recommendation
Approval of the zone change and design review; and denial of the waiver of development standards. This item has been forwarded to the Board of County Commissioners.

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.

TAB/CAC: Spring Valley – approval.
APPROVALS: 3 cards
PROTESTS:

PLANNING COMMISSION ACTION: August 15, 2017 – APPROVED – Vote: Unanimous
Absent: Kirk

Current Planning
• Resolution of intent to complete in 3 years;
• Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
• Applicant is advised that the site is located within the CMA Design Overlay District and that a design review for a comprehensive sign plan is required prior to any building permits for signage.

Public Works – Development Review
• Drainage study and compliance;
• Traffic study and compliance;
• Full off-site improvements;
• Coordinate with Regional Transportation Commission the construction of a bus stop (without a turn out) along Badura Avenue;
• Applicant is advised that the installation of detached sidewalk will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

Clark County Water Reclamation District (CCWRD)
• Applicant is advised that a Point of Connection (POC) request has been completed for this project; request your POC by emailing sewerlocation@cleanwaterteam.com and referencing POC Tracking #0023-17; and that a CCWRD approved POC must be included when submitting civil improvement plans.

APPLICANT: SEC Badura & Montessouri, LLC
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