RETAIL BUILDING       HACIENDA AVE/EASTERN AVE
(TITLE 30)

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
NZC-0227-13 – I RENT B & E, LLC:

ZONE CHANGE to reclassify 1.0 acre from C-P (Office & Professional) Zone to C-1 (Local Business) Zone.
WAIVER OF DEVELOPMENT STANDARDS for reduced landscaping.
DESIGN REVIEW for the conversion of an office building into a retail building.

Generally located on the south side of Hacienda Avenue and the east side of Eastern Avenue within Paradise (description on file). MBS/dg/ml (For possible action)

RELATED INFORMATION:

APN:
162-25-310-001

WAIVER OF DEVELOPMENT STANDARDS:
1. a. Reduce the required minimum landscape area width to 6 feet along an arterial street (Eastern Avenue) where 15 feet is required (a 60% reduction).
   b. Reduce the required minimum landscape area width to 10 feet along a collector street (Hacienda Avenue) where 15 feet is required (a 33% reduction).
   c. Reduce the required number of parking lot trees where compliance with Figure 30.64-14 is required.

LAND USE PLAN:
WINCHESTER/PARADISE - OFFICE PROFESSIONAL

BACKGROUND:
Neighborhood Meeting Summary
The applicant conducted a neighborhood meeting in January 2013, as required by the non-conforming amendment process, prior to formal filing of this application. All owners within 1,500 feet of the project site were notified about the meeting. There were approximately 13 people present with discussion on several issues and other related procedural questions regarding the site. The general consensus from those present was opposition to C-1 zoning and the range of uses permitted in the C-1 zone along with signage, hours of operation, and lighting concerns. The applicant has fulfilled all provisions of Title 30 regarding pre-submittal and submittal of a non-conforming zone boundary amendment.
Project Description
General Summary
- Site Acreage: 1
- Project Type: Existing office building to be converted to retail building & uses
- Number of Stories: 1
- Building Height: 19 to 27 feet
- Square Feet: 11,229
- Parking Required/Provided: 45/45

Project Scope and Site Plan
This request is intended to reclassify an existing office building with all existing on-site improvements to C-1 zoning and allow for the conversion to a retail building and retail uses. The building is located along the east portion of the site with parking and street landscaping along Hacienda Avenue and Eastern Avenue. Access to the site is from a single access driveway along Hacienda Avenue. No additional site design changes are proposed with this request.

Screening and Buffering (Landscaping)
The plans depict an existing 10 foot wide landscape area along Hacienda Avenue frontage and a 6 foot wide area along Eastern Avenue. There is some parking lot landscaping but not with sufficient trees as required by Figure 30.64-14. There is no additional street or parking lot landscaping proposed with this request. Along the east property line and a portion of the south property line, adjacent to R-E zoned properties that are designated Rural Neighborhood Preservation (RNP) areas, the plans depict additional trees to supplement the existing landscape buffer consistent with an intense landscape buffer per Figure 30.64-12.

Elevations
The plans depict a 1 story, 19 to 27 foot high office building. The building consists of stucco siding with concrete tile roof with architectural elements on the north and south ends of the building. Accent stone veneer is used on portions of the north and west elevations. The building has parapet walls with cornice treatment. The elevations also depict various store fronts. No changes are proposed to the existing elevations.

Floor Plans
The plans depict an 11,229 square foot office building consisting of 6 to 7 suites. The intent of this request is to permit retail uses within the suites.

Applicant’s Justification
The applicant indicates that since the new T3 Terminal has opened on Russell Road, many people choose to drive to the airport from Eastern Avenue and Russell Road. Traffic is significant on Eastern Avenue making it ideal for a small neighborhood commercial center. The existing office building is only half leased and this request will allow additional uses that will allow the remainder of the building to be leased.

Prior Land Use Requests

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Request</th>
<th>Action</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>WS-0361-09</td>
<td>Increase sign areas in conjunction with an office building</td>
<td>Approved by PC</td>
<td>July 2009</td>
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### Application Number, Request, Action, Date

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Request</th>
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<tbody>
<tr>
<td>WS-0546-07</td>
<td>An illuminated 25 foot high freestanding sign – conditioned on a monument sign only</td>
<td>Denied by BCC</td>
<td>July 2007</td>
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<tr>
<td>DR-1738-04</td>
<td>Office building</td>
<td>Approved by PC</td>
<td>November 2004</td>
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<tr>
<td>ZC-0656-95</td>
<td>Zone boundary amendment to C-P zoning for the conversion of an existing residence to an office building</td>
<td>Approved by BCC</td>
<td>June 1995</td>
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### Surrounding Land Use

<table>
<thead>
<tr>
<th>Planned Land Use Category</th>
<th>Zoning District</th>
<th>Existing Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Office Professional</td>
<td>C-P</td>
</tr>
<tr>
<td>East</td>
<td>Rural Neighborhood Preservation (up to 2 du/ac)</td>
<td>R-E</td>
</tr>
<tr>
<td>South</td>
<td>Rural Neighborhood Preservation (up to 2 du/ac) &amp; Office Professional</td>
<td>R-E &amp; C-P</td>
</tr>
<tr>
<td>West</td>
<td>Office Professional</td>
<td>C-P &amp; CRT</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 Winchester/Paradise Land Use Plan. Non-conforming zone boundary amendments must provide compelling justification that approval of the non-conforming zoning is appropriate. A Compelling Justification means the satisfaction of the following criteria as listed below for proposed non-conforming zone boundary amendments:

1. *A change in law, policies, trends, or facts after the adoption, re-adoption 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 amendment appropriate.*

There are no unique or special circumstances that have occurred in the immediate area since the adoption of the Winchester/Paradise Land Use Plan in September 2010 to make this request appropriate. There has been considerable amount of neighborhood discussion and public input regarding this corridor and appropriate range of land uses. The intent was to provide a low intensity land use to provide minimal land use conflicts and impacts to nearby residential areas. Compatibility, peripheral relationships, and transitional considerations of the various land uses were considered and adopted in the last major update. The immediate area has seen the development of low intensity office uses along this portion of the Eastern Avenue corridor, especially mid-block between the Russell Road and Tropicana Avenue nodal retail commercial. Therefore, there has been substantial reliance on the land use pattern that was considered and adopted as part of the participatory planning process of a major land use plan update. Staff finds such a sudden change or transition, within a neighborhood without any extenuating circumstances or changes in the area, cannot be justified or appropriate.
2. *The density and intensity of the uses allowed by the non-conforming zoning is compatible with the existing and planned land uses in the surrounding area.*

The Eastern Avenue corridor between the retail commercial nodes of Russell Road and Tropicana Avenue has always been planned as an area intended to provide for a transitional space and use in the immediate area, especially to the single family residential uses adjacent to this site. This portion of the Eastern Avenue corridor has been planned and zoned to provide an appropriate land use buffer area of office zoning. Therefore, this request intends to zone an isolated parcel mid-block along this corridor. As defined, that results in spot-zoning since it may be incompatible with surrounding uses and favors a particular owner.

Staff is concerned with the potential incompatibility between the range of allowable and permitted uses in the C-1 zoning district in the immediate area, especially Hacienda Avenue since it provides collector access to large lot single family residential uses on both sides of Hacienda Avenue for approximately one-half mile immediately east of this site.

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 non-conforming zoning.*

Based on information provided by the various reviewing agencies and materials submitted by the applicant, and notwithstanding traffic generation, there will be no substantial impact on public services and facilities in the area since the project site is in an urban area. The traffic generated by a particular site is a function of the specific use on that site. A general office use has a substantially less traffic generation than a typical use permitted within the C-1 zoning district. A restaurant, which would now be permitted in the proposed C-1 zoning district, may have anywhere from a 100% to 200% increase in traffic generation from that of a conforming, office development.

Staff has concerns with traffic generated from this project that may travel east into a single family residential area, including an adopted Rural Neighborhood Preservation (RNP), and create negative and adverse impacts. The plans depict only 1 access from Hacienda Avenue into the proposed retail center.

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

The applicant provides numerous policies that show this request is compliant with the Winchester/Paradise Land Use Plan. However, those policies appear to be taken out of context for purposes of justifying this request. While it is factually true this project complies with the policies listed on file, such as outside storage being discouraged and screening of parking areas with landscaping, the location of the request and the isolated nature of the C-1 zone request, in relation to the existing or planned Office Professional, make this non-compliant to all applicable goals and policies contained within the Winchester/Paradise Land Use Plan. For example, Policy 1.3 encourages infill developments to be compatible with existing adjacent development.
Staff finds there are policy issues involving transitioning of land uses along this portion of the Eastern Avenue corridor. The intrusion of higher intensity retail commercial uses can create demands that were not planned for and change the character of established neighborhoods. If this area is appropriate for more intense commercial development, consistent with C-1 zoning, as is asserted by the applicant, such a transition or designation should be done through a comprehensive plan update rather than a piece-meal approach of a non-conforming zone boundary amendment. A major plan update, with corresponding outreach program and comprehensive analysis, is a more sound and predictable method by which staff, the applicant, residents, and the Board may assess whether this area is still viable as Office Professional or appropriate for more intense retail commercial development.

Staff finds this request does not comply with Goal 1 of the Winchester/Paradise Land Use Plan which encourages, in part, the implementation of a comprehensive land use plan by promoting development that is compatible with adjacent land uses, and that is well integrated with appropriate service and facilities. Policy 1.21 of the Winchester/Paradise Land Use Plan directly addresses this proposal by recommending that new development or uses, adjacent to existing land uses are appropriately buffered with transitional space and/or uses. There is no land use or appropriate intensity transition with this request adjacent to an adopted RNP and existing single family residential uses. The land use plan defines a transitional land use as the placement of uses of intermediate density or intensity between 2 incompatible uses. The disparity between the adjacent planned land use and the proposed retail commercial is not compliant with the land use plan and staff finds the difference in intensity from what currently exists on this site will cause incompatibility and adverse impacts.

Summary
Zone Change and Waivers of Development Standards
This area has had extensive discussion regarding the intent of maintaining the low intensity business, professional, and office uses. No changes in the immediate area have occurred to merit a change. The permitted and allowable uses within the C-1 zoning district, with commensurate level of impacts, will substantially and adversely affect the nearby residential uses.

The issue of transitioning land uses in this immediate area through a non-conforming zone change and not part of a comprehensive area wide land use plan update could have adverse impacts to the immediate area. Unexpected land use patterns may have significant impacts on traffic, noise, lighting, and signage that may lead to dramatic changes in existing neighborhoods. Staff finds a more sound and predictable approach to consider this proposed land use transition would be through a holistic and comprehensive major land use plan update. A major plan update allows for more public review of the proposed land use intensity and pattern and ensures a predictable consideration of the range of uses with corresponding impacts and a cohesive and uniform land use pattern in the surrounding area.

The applicant shall have the burden of proof to establish the waivers of development standards are appropriate for this location. One of several criteria that must be addressed is the use and value of the area adjacent to the property included in the waiver request will not be affected in a substantially adverse manner. Staff finds the following: 1) the applicant has not demonstrated compatibility with all applicable community goals per Chapter 30.16.010; and 2) the applicant has neither provided the necessary justification nor mitigation to merit approval of the waivers of development standards.
Therefore, staff finds the applicant has neither demonstrated nor satisfied the criteria for compelling justification to merit approval of the C-1 portion of this non-conforming zone boundary amendment.

**Design Review**  
The site design, building design, and development parameters are established and dependent on consideration of the zone change and waiver requests, thereby requiring contingent consideration of the design review. Staff finds the applicant has not established that the plans satisfy the following criteria for a design review: 1) the proposed development is compatible with adjacent development; 2) the proposed development is consistent with the applicable land use plan and Title 30; 3) building elevations, design characteristics, and other architectural and aesthetic features are not unsightly or undesirable in appearance; and 4) are harmonious and compatible with development in the area.

**Staff Recommendation**  
Denial. This item will be forwarded to the Board of County Commissioners’ meeting on July 3, 2013 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 Plan, Title 30, and/or the Nevada Revised Statutes.

**PRELIMINARY STAFF CONDITIONS:**

**Current Planning**  
If approved:
- Design review as a public hearing to the Board of County Commissioners on any site design changes and any new signage and lighting;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time; and that this application must be completed within 3 years of approval date or it will expire.

**Public Works – Development Review**
- No comment.

**Clark County Water Reclamation District (CCWRD)**
- Applicant is advised that zoning changes affect sewer capacities, this requires the submittal of civil improvement plans for full engineering review and evaluation (including estimated wastewater flow rates at project build-out) CCWRD has no objection to the zoning change as submitted.

**TAB/CAC:** May 14, 2013 Paradise Town Board – Denied - town board commented that the applicant did not show a compelling reason to allow C-1 uses to this shopping center. 18 people attended the town board meeting, all in opposition to this request. /bv

**APPROVALS:**

**PROTESTS:**
APPLICANT:  I Rent B & E, LLC
CONTACT:   LAS Consulting, Lucy Stewart, 1916 Trail Peak Lane, Las Vegas, NV  89134