

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-24-0266-TCB ENTERPRISES NV, LLC SERIES SILVERADO & RAINY DAY INVESTMENTS, LLC:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increase retaining wall height; and **2)** modified driveway design standards.

DESIGN REVIEW for a restaurant with drive-thru on 1.25 acres in a CG (Commercial General) Zone in the Airport Environs (AE-60) Overlay.

Generally located on the northeast corner of Ullom Drive and Silverado Ranch Boulevard within Enterprise. JJ/rr/syp (For possible action)

RELATED INFORMATION:

APN:

177-19-406-004

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase the height of a retaining wall to 4 feet where a maximum height of 3 feet is allowed per Section 30.04.03C (a 33.3% increase).
2. Reduce the driveway departure distance along Ullom Drive to 161 feet where 190 feet is required by Uniform Standard Drawing 222.1 (a 15.3% decrease).

LAND USE PLAN:

ENTERPRISE - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 1.25
- Project Type: Restaurant with drive-thru
- Number of Stories: 1
- Building Height (feet): 22
- Square Feet: 3,700
- Parking Required/Provided: 26/30
- Sustainability Required/Provided: 7/7

Site Plan

The plan depicts a 1.25 acre parcel located on the northeast corner of Silverado Ranch Boulevard and Ullom Drive. A proposed restaurant with a drive-thru is indicated on the site plan in the center of the property. The building will be setback 101 feet, 2 inches from Silverado Ranch

Boulevard, and 67 feet, 6 inches from Ullom Drive. The plan also shows the building with a rear setback of 93 feet, 6 inches on the north side and a side setback of 35 feet on the east side. A single 36 foot wide driveway is proposed along Ullom Drive which is located 161 feet north of Silverado Ranch Boulevard. This driveway will provide access to the parking lot with 30 spaces located along the north, south, and west sides of the restaurant as well as to a drive-thru. The plan shows 2 drive-thru lanes with a call box entering along the south side of the building and then merging into a single lane with the pick-up window located on the east side of the building. The drive-thru lane then exits to a drive aisle located north of the building. The drive aisle connects to the driveway on Ullom Drive and provides for future cross-access to the property to the east. A trash enclosure and a loading space is proposed to be located on the north side of the building. A bicycle rack is located along the west side of the restaurant near the main entrance. A retaining wall up to 4 foot high is located along the eastern property line of the subject site and is the subject of a waiver request, and a 6 foot high block wall is proposed on top of the retaining wall.

Landscaping

The plans indicate street landscaping along Ullom Drive consists of a 15 foot, 6 inch to 17 foot, 6 inch wide area comprising 2 landscape strips with 5 gallon shrubs and large trees planted 30 feet on center and a 5 foot wide detached sidewalk. Along Silverado Ranch Boulevard the street landscaping is proposed to be a 20 foot wide area comprising 2 landscape strips with 5 gallon shrubs and large trees planted 30 foot on center and a 5 foot wide detached sidewalk. Large trees are also indicated within the parking areas, including within landscape islands. An NV Energy easement traverses the northwestern portion of the site. The applicant proposes an alternative landscape plan to allow trees that would normally be planted within the easement to be planted elsewhere in the parking area and along the east side of the site.

Elevations

The plans of the restaurant show a 1 story building with a maximum height of 22 feet from the ground level to the top of the roof parapet. Awnings are also depicted above the drive-thru window, above all windows, and above the building entrance. The building has exterior wall finishes consisting of colored stucco, metal siding, and stone veneer. The storefront and windows are proposed to have anodized aluminum frames and low-e glass. Roof top equipment is proposed to be screened from public view and the adjacent rights-of-way.

Floor Plans

The plans indicate a 3,700 square foot shell building for a future drive-thru restaurant. The main customer entrance is on the west side of the building with a second entrance on the north side of the building. The drive-thru window is located on the northeast side of the proposed building.

Applicant's Justification

The applicant states that the intent is to construct a 3,700 square foot shell building with a drive-thru. The proposed tenant improvement details to be provided under a separate permit. Adjoining streets will be fully improved with this development including curb, gutter, detached sidewalks, and streetlights. The applicant states that requested waivers for wall height and departure distance will have a negligible impact on the area and are reasonable and essential for optimal land utilization without compromising safety.

Surrounding Land Use

| | Planned Land Use Category | Zoning District (Overlay) | Existing Land Use |
|--------------|----------------------------------|----------------------------------|--------------------------|
| North & East | Business Employment | RS20 (AE-60) | Undeveloped |
| South & West | Corridor Mixed-Use | RS20 (AE-60) | Undeveloped |

The subject site is within the Public Facilities Needs Assessment (PFNA) area.

Related Applications

| Application Number | Request |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PA-24-700011 | A plan amendment to redesignate the existing land use category from Business Employment (BE) to Corridor Mixed-Use (CM) is a companion item on this agenda. |
| ZC-24-0265 | A zone change to reclassify the site from RS20 to CG zoning is a companion item on this agenda. |
| VS-24-0267 | A vacation and abandonment for patent easements is a companion item on this agenda. |

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request is consistent with the Master Plan and is in compliance with Title 30.

Analysis**Comprehensive Planning**Waivers of Development Standards

The applicant shall have the burden of proof to establish that the proposed request is appropriate for its proposed location by showing the following: 1) the use(s) of the area adjacent to the subject property will not be affected in a substantially adverse manner; 2) the proposal will not materially affect the health and safety of persons residing in, working in, or visiting the immediate vicinity, and will not be materially detrimental to the public welfare; and 3) the proposal will be adequately served by, and will not create an undue burden on, any public improvements, facilities, or services.

Waiver of Development Standards #1

The applicant is requesting a waiver to allow a retaining wall up to 4 feet high along the eastern property line of the subject site. Section 30.04.03C states that retaining walls shall be no more than 3 feet in height above an adjacent property with certain exceptions. None of the exceptions apply in this case. The property to east is undeveloped and is lower in elevation. The finished grade could change at the time of development. Staff does not support a waiver for the higher retaining wall as there are other available options that do not require a waiver. For example, Section 30.04.03C allows for tiered retaining walls as well as a retaining wall up to 6 feet in height if the fence located on top of the retaining wall is 85% open. The applicant is currently indicating that a 6 foot solid screen wall will be placed on the top of the retaining wall.

Additionally, no other developed property to the east and west have an increased retaining wall topped with a 6 foot block wall. Staff is not supporting this request as there are other options available.

Design Review

Development of the subject property is reviewed to determine if 1) it is compatible with adjacent development and is harmonious and compatible with development in the area; 2) the elevations, design characteristics and others architectural and aesthetic features are not unsightly or undesirable in appearance; and 3) site access and circulation do not negatively impact adjacent roadways or neighborhood traffic.

The applicant has proposed an alternative landscape plan per Section 30.04.01E.1 due to the presence of a NV Energy easement which traverses the northwestern side of the property. The applicant proposes a modified tree planting plan to ensure compliance and avoid any conflicts with the existing overhead transmission lines within the easement. Large trees that would otherwise be planted along portions of Ullom Drive and in portions of the northern parking lot are proposed to be relocated around the drive-thru, in southern portions of the parking area, and along the east side of the property. Five gallon shrubs are proposed to be planted within the easement areas along Ullom Drive and the north side of the parking lot. Staff could normally support this request; however, since staff is not supporting the waiver for the retaining wall height staff recommends denial.

Building materials include the use of stucco, metal siding, and stone veneer. The building facades feature wall reveals, changes in surface colors and materials with 2 foot high roofline variations at the building corners and in the center of the south and west sides of the building which face the public street. The customer entrance faces Ullom Drive and features awnings above the doors and all windows. Cross-access is provided to the undeveloped property to the east. Pedestrian connectivity is provided between the public sidewalk along Ullom Drive and the building entrance with a walkway using concrete pavers across the parking area. The trash enclosure on the north side of the restaurant is proposed to be constructed of 8 inch CMU brown-colored block. The trash enclosure will have double gates on the north side with a pedestrian gate on the west side.

The building design and architectural features are not unsightly or undesirable. Site access and circulation will not impact any other properties as the surrounding area is undeveloped. The design of the parking areas, including loading areas, as well as the landscaping is generally in accordance with the Code requirements. Based on this information, staff could normally support this request, however, since staff is not supporting the waiver for retaining wall height staff recommends denial.

Public Works - Development Review

Waiver of Development Standards #2

Staff has no objection to the reduction in the departure distance for the Ullom Drive commercial driveway. The applicant placed the driveway as far north as the site will allow. However, since Planning is recommending denial of the application, staff cannot support this waiver.

Staff Recommendation

Denial. This item will be forwarded to the Board of County Commissioners' meeting for final action on September 4, 2024 at 9:00 a.m., unless otherwise announced.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:**Comprehensive Planning**

If approved:

- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance.
- Applicant is advised within 2 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; 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; changes to the approved project will require a new land use application; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 25 feet to the back of curb for Ullom Drive, 45 feet to the back of curb for Silverado Ranch Boulevard and associated spandrel;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for any collector street or larger;
- 90 days to record required right-of-way dedications and any corresponding easements for any collector street or larger.
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

Fire Prevention Bureau

- No comment.

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 #0274-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - denial.

APPROVALS:

PROTESTS:

APPLICANT: MARK ANTHONY RUA

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