

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-24-0071-MOAPA VALLEY PROPERTIES, LLC:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** attached sidewalks; **2)** full off-site improvements; and **3)** parking lot landscaping.

DESIGN REVIEWS for the following: **1)** restaurant with drive-thru and outdoor seating; and **2)** fuel canopy addition on 8.9 acres in a CG (Commercial General) Zone.

Generally located on the east side of Lewis Ranch Road and the south side of Interstate 15 within Moapa. MK/rr/ng (For possible action)

RELATED INFORMATION:

APN:

042-01-101-008

WAIVERS OF DEVELOPMENT STANDARDS:

1. Allow attached sidewalks along Lewis Ranch Road where detached sidewalks are required per Section 30.04.08C.
2. Waive full off-site improvements including curb, gutter, sidewalk, and streetlights and allow partial paving for Rhine Avenue where required per Section 30.04.08C.
3. Reduce parking lot landscaping in a row of parking where required by Section 30.04.01D.

LAND USE PLAN:

NORTHEAST COUNTY (MOAPA) - ENTERTAINMENT MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 900 Lewis Ranch Road
- Site Acreage: 8.9
- Project Type: Restaurant with drive-thru and outdoor seating and fuel canopy addition
- Number of Stories: 1
- Building Height (feet): 22 (restaurant), 19.5 (fuel canopy addition)
- Square Feet: 2,845 (restaurant), 520 (outdoor seating area), 864 (fuel canopy addition)
- Parking Required/Provided: 22/28 (restaurant), 30/46 (existing C-store, gas station)
- Sustainability Points Required/Provided: 0/8.5

Site Plan

The overall site plan depicts an 8.9 acre parcel located on the east side of Lewis Ranch Road between Interstate 15 and an undeveloped street, Rhine Avenue. The northern half of the site is

accessed from a 50 foot wide driveway from Lewis Ranch Road and includes an existing convenience store with a gas station for vehicles. East of the convenience store is a fueling station for trucks with 6 dispensers. To the east of the fueling station is an area for truck parking. The plan indicates that 2 additional fuel dispensers along with a canopy addition is proposed on the east side of the existing fuel canopy. On the south side of the property is a proposed restaurant building with a drive-thru and outdoor patio. A detailed site plan indicates a new 40 foot wide driveway to Rhine Avenue which will be extended from Lewis Ranch Road. The restaurant will be setback 30 feet 11 inches from Lewis Ranch Road and 31 feet 10 inches from Rhine Avenue. A drive-thru is proposed to be accessed from the existing driveway through a new parking area to be located east of the building. The drive-thru is shown as wrapping around the front of the building and then exiting to the driveway located to the east. From there traffic may exit south toward Rhine Avenue or turn north and then west toward Lewis Ranch Road. A 520 square foot outdoor covered patio is proposed on the south side of the building. A covered trash enclosure will be located to the northeast of the building.

Landscaping

The plans indicate street landscaping and parking lot landscaping is being provided where the new development is occurring on the south side of the property. Along Lewis Ranch Road Street, street landscaping consisting of an 18 foot 10 inch wide landscape strip, is provided where the minimum required width is 10 feet where an attached sidewalk is proposed. There is a waiver requested to allow an attached sidewalk rather than a detached sidewalk along the street. An attached sidewalk was approved in 2020 in conjunction with the development on the north side of the property. The street landscaping includes 7 large trees set apart approximately 30 feet on center with at least 3 shrubs per tree which meets the minimum requirements. Along Rhine Avenue, street landscaping consists of a 15 foot 11 inch wide landscape strip with 9 large trees with at least 3 shrubs per tree which meets the minimum requirements. The sidewalk along Rhine Avenue is requested to be waived. Within the parking lot there is a mixture of 9 large and 3 medium trees which meets the minimum requirement along with landscape islands and 17 foot wide planting strips; however, 1 landscape island is required but not provided along the front of the restaurant.

Elevations

The elevations of the restaurant show a 1 story building with a maximum height of 22 feet to the top of the roof screen and 18 feet to the highest point of the roof parapet. A fenced outdoor patio area includes an 11 foot high shade canopy. Metal canopies are also depicted above the drive-thru window, above all windows and building entrance. The building has exterior wall finishes consisting of stucco with different textures and colors, concrete, metal, and composite wood siding. The color palette consists of mostly light neutral colors that are similar to the existing convenience store to the north. The canopy for the truck fueling addition is 19 feet 6 inches in height and is proposed to be attached to the east side of the existing canopy. The canopy columns are proposed to be stucco with a stone veneer base.

Floor Plans

The plans indicate a 2,845 square foot restaurant with seating areas available both inside and outside of the building. The customer entrance is on the east side of the building. The floor

plans indicate two restrooms, a kitchen/prep area, customer order and pick-up areas, and a drive-thru window.

Applicant's Justification

The applicant states that the proposed development is designed to make the best use of the property under the current and future market conditions. The site is adjacent to Exit 91 from the I 15 Freeway. The existing gas station and convenience store serve as a truck stop and rest area. The development of this site will allow greater access to food and beverage options and the greater parking will allow a higher capacity of customers, bringing more business and traffic to the surrounding areas. The waivers are requested for the purpose of keeping the proposal consistent with the existing development to the north.

Prior Land Use Requests

Application Number	Request	Action	Date
ET-20-400162 (WS-18-0812)	First extension of time to waive full off-site improvements (partial paving, curb, gutter, sidewalk, and streetlights) and design review for a grocery store and gas station	Approved by BCC	February 2021
WS-20-0024	Allowed an attached sidewalk in conjunction with a grocery store and gas station	Approved by BCC	March 2020
WS-18-0812	Waived full off-site improvements (partial paving, curb, gutter, sidewalk, and streetlights) and design review for a grocery store and gas station	Approved by BCC	December 2018
ZC-0412-02	Reclassified 10 acres to C-2 zoning with a use permit for a truck stop, and design review for commercial uses	Approved by BCC	June 2002

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Open Lands & Corridor Mixed Use	CG & RS5.2	Interstate 15 & undeveloped
South	Open Lands	RS80	Undeveloped
East	Entertainment Mixed Use	RS80	Undeveloped
West	Entertainment Mixed Use	RS80	Agriculture uses (farm)

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 #3

The applicant has requested to not include a landscape island in a parking row on the east side of the restaurant. There are 8 parking spaces in a row without a landscape island on one end. The applicant is requesting the waiver to provide more parking directly in front of the building entrance. The parking row includes three ADA parking spaces and two accessible ramps. The applicant indicates that there are landscape parking strips that are 18 feet wide (17 feet inside the curbs) for 2 rows of 8 parking spaces and 1 row of 4 parking spaces, rather than the maximum of 12 parking spaces. The landscape strips are also wider than the minimum requirement of 8 feet and are planted with medium trees. Given the circumstances, staff can support this waiver.

Design Reviews

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 other 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 proposed location is in the Nonurban Area of Clark County which is defined in Title 30 as land that is 3 or more miles beyond the outer boundary of the BLM disposal boundary. In accordance with Section 30.04.05B.2 development in the Nonurban Area is exempt from the Site and Building Design requirements with the exception of the Hillside Development requirements. The site is not within a hillside area as defined by Code. This means the site is also exempt from the Sustainability requirements, although the applicant indicates they achieve 8.5 points out of 7 points required with the proposed design. Nonetheless, the design of the proposed development, including the restaurant and fuel canopy addition, appear to be generally compatible with the existing convenience store, gas station, and truck fueling areas to the north. 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 in accordance with the code requirements. The sustainability measures that are offered, while not required by code for this area, nevertheless help to support the implementation of the Clark County Sustainability and Climate Action Plan. Staff can, therefore, support the design review.

Public Works - Development Review

Waiver of Development Standards #1

Staff cannot support the request to not install detached sidewalks along Lewis Avenue. Detached sidewalks provide a safer pathway by providing pedestrians with an increased distance from traffic.

Waiver of Development Standards #2

Historical events have demonstrated how important off-site improvements are for drainage control. Additionally, full width paving allows for better traffic flow and sidewalks on public streets provide safer pathways for pedestrians and for children to walk to school. Therefore, staff cannot support the waiver of development standards for full off-site improvements.

Staff Recommendation

Approval of waiver of development standards #3 and the design reviews; denial of waivers of development standards #1 and #2.

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:

- Certificate of Occupancy and/or business license shall not be issued without approval of an application for a zoning inspection.
- 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 for Lewis Ranch Road;
- Execute a Restrictive Covenant Agreement (deed restrictions).
- Applicant is advised that Nevada Department of Transportation (NDOT) permits may be required.

Southern Nevada Health District (SNHD) - Engineering

- Applicant is advised to contact the SNHD Environmental Health Division at septics@snhd.org or (702) 759-0660 to obtain written approval for a Tenant Improvement, so that SNHD may review the impact of the proposed use on the existing Individual Sewage Disposal (Septic) System.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that there are no public sanitary sewer facilities available in the vicinity of the parcel and none are planned within the next 5 years.

TAB/CAC: Moapa - approval of waivers of development standards #1 and #3 and the design reviews; denial of waiver of development standards #2.

APPROVALS:

PROTESTS:

APPLICANT: ZIMMERMAN WEINTRAUB ASSOCIATES

CONTACT: ZIMMERMAN WEINTRAUB ASSOCIATES, 813 W. RANDOLPH, SUITE 300, CHICAGO, IL 60607