

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-25-0033-TOMPKINS PLAZA, LLC:**

**HOLDOVER USE PERMIT** for a vehicle wash.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduce buffering and screening; **2)** increase retaining wall height; **3)** increase maximum parking; **4)** modify residential adjacency standards; **5)** allow attached sidewalks; and **6)** reduce throat depth.

**DESIGN REVIEW** for a vehicle wash and restaurants with drive-thrus on a 3.14 acre portion of a 4.19 acre site in a CG (Commercial General) Zone.

Generally located on the southwest corner of Tompkins Avenue and Fort Apache Road within Spring Valley. JJ/mh/kh (For possible action)

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RELATED INFORMATION:

**APN:**

163-19-818-002; 163-19-818-004; 163-19-818-005 ptn

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Eliminate a decorative screen wall along a portion of the west property line where an 8 foot high decorative screen wall is required per Section 30.04.02C.
2. Increase retaining wall height to 4 feet where 3 feet is the maximum per Section 30.04.03C (a 33% increase).
3. Allow 106 parking spaces where 67 parking spaces are required and a maximum of 77 parking spaces is permissible per Section 30.04.04D (a 38% increase).
4.
  - a. Allow a drive-thru lane 52 feet from a residential zoning district where 200 feet is required per Section 30.04.06E (a 74% reduction).
  - b. Allow higher activity areas (parking and circulation) of development adjacent to a residential district where not permissible per Section 30.04.06G.
  - c. Allow the largest structure in a multi-building development not within the core of the site where required per Section 30.04.06G.
5.
  - a. Allow an attached sidewalk to remain where a detached sidewalk is required along Tompkins Avenue per Section 30.04.08C.
  - b. Allow an attached sidewalk to remain where a detached sidewalk is required along Fort Apache Road per Section 30.04.08C.
6. Reduce the throat depth along Fort Apache Road to 4 feet where 25 feet is required per Uniform Standard Drawing 222.1 and Section 30.04.08 (an 84% reduction).

**LAND USE PLAN:**

SPRING VALLEY - NEIGHBORHOOD COMMERCIAL

## **BACKGROUND:**

### **Project Description**

#### **General Summary**

- Site Address: N/A
- Site Acreage: 3.14 (portion of 4.19)
- Project Type: Vehicle wash and restaurants with drive-thrus
- Number of Stories: 1
- Building Height (feet): 21 (Building A)/29 (Building B)/19 (Building C)/29 (Building D)
- Square Feet: 3,561 (Building A)/900 (Building B)/2,150 (Building C)/3,588 (Building D)/438 (outdoor dining)
- Parking Required/Provided: 67/106
- Sustainability Required/Provided: 7/7

#### Site Plans

The plans depict a commercial development accessed via two-way commercial driveways along Tompkins Avenue to the north and Fort Apache Road to the east. Cross access is proposed along the southeast and southwest corners of the site, which will connect the subject site (APN 163-19-818-002) with the existing commercial development to the south. There are 4 proposed buildings, including a drive-thru vehicle wash and 3 restaurants with drive-thrus. The vehicle wash is labeled as Building D and is located along the south side of the site, with Buildings B and C centrally located in the core of the site, and Building A located in the northern portion of the site. All 4 buildings feature drive-thrus that are within the 200 foot minimum separation from a residential zone as required by Code, with Building D's drive-thru lane being the closest with a 52 foot setback from the adjacent residences.

Building A is set back 102 feet from the west property line and 100 feet from the north property line, while the drive-thru is set back 60 feet from the west property line, which is adjacent to residential development. A 438 square foot outdoor dining area is shown on the east side of Building A, which buffers it from the adjacent residential development. Building B is set back 138 feet from the west property line, and the drive-thru is set back 64 feet from the west property line. Building C is set back 122 feet from the west property line, and the drive-thru is set back 89 feet from the west property line. The vehicle wash is set back 102 feet from the west property line, which is adjacent to residential development, while Title 30 requires a 200 foot separation. The vehicle wash also features 19 vacuum spaces for vehicles, which are located on the south side of the vehicle wash structure.

Vehicle circulation is primarily around the perimeter of the site and through the drive-thrus, with one-way drive aisles between Building B and Building C, and between Building C and Building D. A proposed 4 foot high retaining wall is depicted along a portion of the west property line, which terminates near the middle of the shared property line. An existing fence and wall combination is located across the west property line, ranging in height between 10 feet, 6 inches and 11 feet, 10 inches. Parking is located on the north, east, and west sides of the site, with pedestrian walkways connecting some parking areas to the buildings, and an additional walkway provided between the restaurant buildings. For the subject site, there are 73 parking spaces provided where 54 parking spaces are required. For the overall development, there are 106

parking spaces where 67 parking spaces are required, exceeding the maximum parking permitted by Title 30 by 38% or by 29 spaces.

### Landscaping

The plans depict street landscaping consisting of large trees and shrubs in accordance with Title 30 standards, which are located on the interior side of the existing attached sidewalks along Tompkins Avenue and Fort Apache Road. Parking area trees and shrubs are located throughout the site and around each of the buildings. Along the west property line, which is adjacent to residential development, a landscape buffer is provided that ranges between 15 feet and 23 feet. This landscape area features a double row of evergreen trees planted off-set and spaced 20 feet apart, which complies with the Title 30 landscape buffer requirements. However, the applicant is not providing the required 8 foot high decorative screen wall, resulting in a waiver of development standards for screening.

### Elevations

The plans depict 4 building elevations. Building A is 21 feet high with a variable flat roofline, featuring storefront doors and windows, metal awnings, CMU wall portions, and a stucco finish. Building B is 29 feet high with a flat roofline consisting of a decorative metal wall system which extends to the side of the building and is supported by a concrete and painted steel overhang support. A walk-up ordering window is shown on the north side of the building, while the drive-thru window is on the south side. The building features decorative wood and metal portions, along with aluminum frame windows. Building C is 19 feet high with a variable flat roofline and fine pebble finish. The building façade consists of metal and wood screen walls, along with windows that are shaded by metal canopies. Building D is 29 feet high with a variable flat roofline, with a split face CMU base, and a smooth face CMU and stucco finish façade. The vehicle wash entry and exit are located on the west and east sides, respectively, while the west and north sides feature walk-in storefront doors. Shade canopies are also provided along the sides of the building.

### Floor Plans

The plans depict 4 building floor plans. Building A is a 3,561 square foot restaurant, featuring an open layout with entry and exit doors located on the north and east sides of the building, and the drive-thru window on the south side. Building B is a 900 square foot restaurant, featuring a kitchen and wash area, restroom, a walk-up window on the north side, and drive-thru window on the south side. Building C is 2,150 a square foot restaurant, featuring an open layout, with the entrance on the north side of the building and the drive-thru window on the south side. Building D is a 3,588 square foot vehicle wash, featuring the vehicle tunnel, a restroom, an office, and storage rooms.

### Applicant's Justification

The applicant states that providing the required 200 foot separation from a vehicle wash to residential development would impact the traffic flow within the site. To mitigate this request, an intense landscape buffer is provided along the west property line. For buffering and screening, the landscaping requirement is met, while a 4 foot high retaining wall is proposed, which is redundant to an existing combination fence and wall that provides an additional buffer. Additional parking is also requested, which is mitigated by the provision of additional parking

lot trees along the perimeter of the parking areas. Noise concerns resulting from the reduced separation between the drive-thrus and adjacent residential use are mitigated by the location of the residential buildings, which are set back approximately 60 feet from the site. Parking and circulation adjacent to the residential zone will be mitigated by the double row of large evergreen trees provided along the west property line. Maintaining the existing attached sidewalk is consistent with the surrounding area, which features attached sidewalks to the north, south, and east of the subject site. Lastly, providing the required throat depth would have a negative impact on traffic flow within the site. Overall, the proposed development will attract new businesses to the area and create employment opportunities.

#### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-0170-17	Vehicle rental and vehicle wash facility, waiver for reduced separation from a residential use, and comprehensive sign plan - expired	Approved by BCC	April 2017
TM-0052-11	Commercial subdivision	Approved by PC	August 2011
UC-1583-06 (ET-0226-10)	Second extension of time for a use permit for increased building height and reduced separation for outside dining from residential development, waiver for increased building height, and design review for a retail and office center - expired	Approved by BCC	April 2011
UC-1583-06 (ET-0327-08)	First extension of time for a use permit for increased building height and reduced separation for outside dining from residential development, waiver for increased building height, and design review for a retail and office center - expired	Approved by BCC	January 2009
UC-1583-06	Increased building height and reduced separation for outside dining from residential development, waiver for increased building height, and design review for a retail and office center - expired	Approved by BCC	December 2006
DR-0867-05	Office building - expired	Approved by PC	July 2005
ZC-0337-97 (ET-0110-99)	First extension of time for a zone change from R-E to C-1 zoning for a retail shopping center, with a use permit for a convenience store with self-service gasoline pumps	Approved by BCC	April 1999
TM-0124-98	1 commercial lot	Approved by PC	June 1998
ZC-0337-97	First extension of time for a zone change from R-E to C-1 for a retail shopping center, with a use permit for a convenience store with self-service gasoline pumps	Approved by BCC	May 1997

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
VS-0336-97	Vacated and abandoned easements of interest	Approved by BCC	April 1997

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Neighborhood Commercial	CG	Shopping center
South	Neighborhood Commercial	CG	Vehicle maintenance facility & shopping center
East	Corridor Mixed-Use	CG	Office complex
West	Compact Neighborhood (up to 18 du/ac)	RM18	Multi-family residential

**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**Use Permit

A special use permit is considered on a case by case basis in consideration of the standards for approval. Additionally, the use shall not result in a substantial or undue adverse effect on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare; and will be adequately served by public improvements, facilities, and services, and will not impose an undue burden.

Title 30 requires a vehicle wash servicing automobiles to be 200 feet away from any residential zoning district, while the proposed vehicle wash is 102 feet away from the residences to the west. The applicant is providing an intense landscape buffer and a combination fence and wall along the shared property line, however staff still has concerns about the proximity of a vehicle wash due to the noise and consistent vehicular traffic associated with this use. The vehicle wash is the southernmost building on the site and will not be buffered from the residential development by any other building. The vehicle entry into the tunnel also faces the residential zone, which increases the intensity of the use. For these reasons, staff cannot support this request.

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.

#### 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.

#### Waivers of Development Standards #1 & #2

Staff finds that although there is an existing combination fence and wall along the west property line, it does not meet the 8 foot high decorative screen wall requirement per Title 30. The proposed 4 foot high retaining wall could be redesigned to meet Code by decreasing the retaining wall portion to 3 feet in height and providing an additional 5 foot high decorative screen wall on top of the retaining wall. Staff finds that there is not compelling justification to allow the increased height for the retaining wall, given that the applicant is also not meeting the screening requirements. Therefore, staff cannot support these requests.

#### Waiver of Development Standards #3

The applicant is providing additional landscaping to help offset the increased number of parking spaces and mitigate the urban heat island effect. However, staff is concerned that the excess parking will negatively affect both pedestrian and vehicular safety, while also impacting the adjacent residential development due to the inadequate screening along the west property line. The proposed drive-thru uses will likely have constant vehicular traffic, while the added parking will only increase the number of vehicles moving through the site at a given time, creating potential safety concerns. Therefore, staff cannot support this request.

#### Waiver of Development Standards #4 & Design Review

The applicant is not meeting several Title 30 requirements related to residential adjacency, including the 200 foot required separation between a drive-thru lane and a residential zoning district, as a 52 foot separation is being proposed. Staff finds that the proposed location and design of 3 restaurant drive-thrus encroaching into the required separation is too intense for this site. The parking and circulation generated by the proposed uses and design increases the impact on the adjacent residences, as does the location of the largest structures on the northernmost and southernmost portions of the site. The traffic flow within the site may also affect pedestrian and vehicular safety due to the number of drive-thrus and their proximity to one another. The one-way drive aisles in the interior of the site may also cause unsafe turns through the parking areas, some of which do not feature pedestrian walkways for customers to safely walk from the parking area to the respective buildings. Ultimately, this is an undeveloped lot that could be redesigned to eliminate several of the requested Waivers of Development Standards and mitigate the adverse impacts on the adjacent residential properties. For these reasons, staff cannot support these requests.

## **Public Works - Development Review**

### Waiver of Development Standards #5

Staff cannot support the request to not install detached sidewalks along Tompkins Avenue and Fort Apache Road. Detached sidewalks along streets provide a safer pathway for pedestrians by increasing the distance from traffic and with the development, staff finds that it is imperative to provide the detached sidewalks.

### Waiver of Development Standards #6

Staff cannot support the request for the reduction of throat depth for the Fort Apache Road commercial driveway. History shows that vehicle wash establishments generate long queue times. The vehicle wash entrance is immediate upon entering the site from Fort Apache Road creating vehicle stacking in the right-of-way. Furthermore, the Building C drive-thru lane has vehicles exiting opposite the driveway on Fort Apache Road creating an immediate conflict with vehicles entering the site, as well as vehicles trying to access the vehicle wash and those trying to exit the site creating the potential for collisions.

## **Staff Recommendation**

Denial.

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 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.

## **Fire Prevention Bureau**

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features;
- Applicant to show fire hydrant locations on-site and within 750 feet.

- Applicant is advised that fire/emergency access must comply with the Fire Code as amended.

**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](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0038-2025 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Spring Valley - denial.

**APPROVALS:** 3 cards

**PROTESTS:**

**COUNTY COMMISSION ACTION:** March 19, 2025 – HELD – To 04/16/25 – per the applicant.

**COUNTY COMMISSION ACTION:** April 16, 2025 – HELD – To 05/07/25 – per the applicant.

**APPLICANT:** TOMPKINS PLAZA, LLC

**CONTACT:** STORM DEVELOPMENT SERVICES, 9811 W. CHARLESTON BOULEVARD, SUITE 2, LAS VEGAS, NV 89117