

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-23-0817-SOMPHONE & KHOURY, LLC:

USE PERMIT to reduce the separation from a residential use.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** allow attached sidewalks with alternative landscaping; **2)** reduce height setback ratio; and **3)** allow talk box to face residential development; and **4)** throat depth.

DESIGN REVIEWS for the following: **1)** commercial complex; and **2)** finished grade on 3.9 acres in a C-2 (Commercial General) Zone.

Generally located on the northeast corner of Rainbow Boulevard and Wigwam Avenue within Enterprise. JJ/sd/jd (For possible action)

RELATED INFORMATION:

APN:

176-14-201-010

USE PERMIT:

1. a. Reduce the separation from a vehicle wash to a residential use to 41 feet where 200 feet is required per Table 30.44-1 (a 78% reduction).
- b. Reduce the separation from a convenience store with gasoline station to a residential use to 61 feet where 200 feet is required per Table 30.44-1 (a 70% reduction).
- c. Reduce the separation from outdoor dining to a residential use to 74 feet where 200 feet is required per Table 30.44-1 (a 63% reduction).
- d. Reduce the separation from a gasoline station to a residential use to 176 feet where 200 feet is required per Table 30.44-1 (a 12% reduction).

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Eliminate street landscaping including the detached sidewalk along Castalia Street where landscaping and detached sidewalks are required per Figure 30.64-17.
- b. Reduce parking lot landscaping where Figure 30.64-14 is required.
2. a. Allow a reduction to the height/setback ratio to 41 feet where 52 feet is required adjacent to a single family residential use for a proposed vehicle wash building per Section 30.56.070 (a 67% reduction).
- b. Allow a reduction to the height/setback ratio to 51 feet where 92 feet is required adjacent to a single family residential use for a proposed retail building per Section 30.56.070 (a 33% reduction).
3. Allow drive-thru talk box to face residential development.
4. Reduce the throat depth along Wigwam Avenue to 35 feet where 75 feet is required per Uniform Standard drawings 222.1 (a 30% reduction).

DESIGN REVIEWS:

1. Commercial complex consisting of a vehicle wash, convenience store with gasoline stations, retail building, restaurant with drive-thru, and outdoor dining.
2. Increase finished grade to 42 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 17 % increase).

LAND USE PLAN:

ENTERPRISE - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 8452 Rainbow Boulevard
- Site Acreage: 3.9
- Project Type: Commercial complex
- Building Height: 17 feet 4 inches (vehicle wash)/30 feet 6 inches (retail)/21 (restaurant with drive-thru)/19 feet 4 inches (convenience store with drive-thru)
- Square Feet: 4,500 (vehicle wash)/5,420 (retail)/2,975 (Starbucks restaurant with drive-thru & outside dining)/4,550 (convenience store with drive-thru)
- Parking Required/Provided:103/103

Site Plans

The plans depict a proposed commercial complex with several pad sites for commercial businesses to include a convenience store with gasoline pump station with a drive-thru, restaurant (Starbucks) with drive-thru and outside dining, retail building, and vehicle wash. Access to the commercial complex will be from Rainbow Boulevard by 2 driveways. The vehicle wash is in the northern portion of the parcel with vacuum stations, a retail building, and a Starbucks restaurant with a drive-thru located in the center portion of the parcel and a proposed convenience store with a drive-thru and gasoline station in the southern portion of the parcel adjacent to Wigwam Avenue. Pedestrian circulation allows for public access to the site with painted walkways delineating the pedestrian path for access to all on-site businesses. Per the plans, a CMU block wall along with landscaping will buffer the residential subdivision to the east.

The application includes use permits for a reduction in residential separation for the vehicle wash, convenience store, and an outdoor dining area. Included are waivers of development standards to allow for an attached sidewalk where detached sidewalks are required along Wigwam Avenue, height setback ratio reduction, and reduction in the required throat depth. An increase in finished grade up to 42 inches of fill is proposed to allow for flood protection.

Landscaping

The plans submitted show landscaping along the perimeter of the parcel with a detached sidewalk and landscaping along Rainbow Boulevard and an attached sidewalk with 15 feet of landscaping. An intense landscape buffer is shown along the eastern parcel line to an existing residential development to the east with trees spaced at 20 feet on center. Interior landscaping is shown throughout the commercial complex showing both large and medium trees. Parking lot

landscaping adheres to Figure 30.64-14 with shrubs and groundcover. The plans also depict landscape screening measures for the vehicle wash tunnel facing out towards Rainbow Boulevard with trees planted within the landscape island in addition to street landscaping.

Elevations

The plans depict several commercial buildings of varying heights, yet similar architectural styles for each pad site. The vehicle wash building is 17 feet in height with the vehicle tunnel egress on the western exterior facing Rainbow Boulevard and will consist of stucco finish with various color scheme of white, beige, and blue. The retail building will be 30 feet, 6 inches in height to the top and includes a parapet wall, metal canopy, stucco finish with various color schemes of white, beige, and blue. The proposed restaurant with a drive-thru (Starbucks) will be 21 feet in height with metal canopy, stucco finish, with a brick veneer, and a color scheme of grey, white, and fiber board cedar finish and will have an outdoor dining area with a protective barrier. The proposed convenience store is 19 feet, 4 inches in height and includes a parapet wall with a stucco finish and a color scheme of white, blue, beige, and anodized metal paint. The gas pumps station canopy will be 20 feet in height with metal top and columns painted red and grey with signage.

Floor Plans

The plans depict individual floor plans for each pad site. The vehicle wash is self-automated with a waiting area and utility room. The retail building shows 5,420 square feet of floor area and will consists of 4 individual suites. The restaurant (Starbucks) is 2,975 square feet and includes a drive-thru and outdoor dining area with protective barrier and meets the minimum width for the sidewalk around the dining area. The convenience store is 4,550 square feet and includes a drive-thru lane.

Applicant’s Justification

The applicant is proposing a commercial complex with a self-service vehicle wash, Starbucks with drive-thru and outside dining, a retail building and convenience store with gasoline station. The application will include use permits to reduce the residential separation for both the vehicle wash and convenience store and waivers for throat depth and to allow for an attached sidewalk. The applicant states they are proposing landscaping around the perimeter of the site as well as the interior and parking lot. In addition, landscaping is proposed behind the retail building, Starbucks, and convenience store for increased buffering to the residential subdivision to the east. Detached sidewalks are being proposed along Rainbow Boulevard, yet the plans depict an attached sidewall along Wigwam Avenue and the applicant is requesting a waiver request. Likewise, a design review for increased grade of 42 inches is being proposed to mitigate flood hazards for the property.

Prior Land Use Requests

Application Number	Request	Action	Date
VS-0053-08	Vacated and abandoned a portion of right-of-way being Rainbow Boulevard	Approved by PC	March 2008

Prior Land Use Requests

Application Number	Request	Action	Date
ADR-0190-07	Administrative design review for 2 pad sites in conjunction with a previously approved commercial complex	Approved by ZA	March 2007
VS-1224-06	Vacated and abandoned easements located between Rainbow Boulevard and Redwood Street, and between Wigwam Avenue and Shelbourne Avenue	Approved by PC	October 2006
DR-0166-06	Shopping Center - expired	Approved by PC	March 2006
ZC-1488-01 (ET-0015-05)	First extension of time to reclassify 5 acres from R-E to C-2 zoning for a 32,600 square foot shopping center and future development pad sites	Approved by BCC	February 2005
ZC-1488-01	Reclassified 5 acres from R-E to C-2 zoning for a 32,600 square foot shopping center and future development pad sites	Approved by BCC	February 2005
MP-0642-99	Major project for a concept plan for a mixed-use comprehensive planned community and identification of related issues of concern to Clark County and the applicant on approximately 1,700 acres	Approved by BCC	August 1999

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North & West	Corridor Mixed-Use	C-2	Undeveloped/retail commercial complex
South	Corridor Mixed-Use	R-3	Single family residential
East	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single family residential

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

Related Applications

Application Number	Request
TM-23-500174	A tentative map for a commercial subdivision 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

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.

The vehicle wash, convenience store with gasoline station, retail uses, and a restaurant with outside dining and drive-thru are conditional under the C-2 zoning district which has measures to reduce or eliminate adverse impacts to adjacent residential uses. Staff finds the proposed plans submitted that depict reduction in residential separation is a self-imposed hardship. A redesign of the parcel where these uses could be positioned on the parcel can help alleviate or reduce those impacts associated with these uses, including noise, and environmental pollution. Staff cannot support the use permit as proposed due to potential impact to the adjacent residential subdivision to the east.

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 uses 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

Staff does not support the request to install attached sidewalks where detached sidewalks are required along arterial streets especially when considering the proximity to Rainbow Boulevard. A detached sidewalk will promote a consistent streetscape and pedestrian safety measures, especially along any arterial or collector street. County records note that the applicants have already dedicated the right-of-way and easements for a detached sidewalk. The other related waiver is for parking lot landscaping.

Review of the plans do show that the site has adequate room to provide for both the required landscaping widths and materials along Wigwam Avenue and redesign to include or mitigate the parking lot landscaping to meet Title 30 requirements under 30.64-14. Therefore, staff cannot support this request.

Waiver of Development Standards #2

Staff finds that the height setback ratio as set forth under Section 30.56.070 could impact the adjacent residential property to the east. The Code stipulates that the height setback ratio from the proposed retail building and convenience store with gasoline pumps would not be required if

an intense landscape buffer was provided. Staff believes the current request is a self-imposed hardship and cannot support this request.

Waiver of Development Standards #3

The proposed location of the order (talk) box that faces the residential subdivision will increase the potential noise nuisance to the residents and thereby reduce their quality of life. Staff feels a redesign can be done to place the order box to face away from residential uses or provide for greater setback to lessen the impact of noise pollution. Therefore, staff cannot support this request.

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 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.

Design Review #1

Staff finds the proposed commercial complex will be constructed with decorative materials and other architectural features, including varying heights, pop-outs, storefront windows, to break-up the horizontal roofline. Commercial complexes are an integral part of the community and provide local services to residents. However, due to the waivers requested by the applicant staff feels the proposed design can be reconfigured and redesign of the parcel where these uses could be positioned on the parcel can help alleviate or reduce those impacts associated with these uses, including noise, and environmental pollution. Therefore, staff cannot support the requested design review.

Public Works - Development Review

Waiver of Development Standards #4

Staff cannot support the reduction in the throat depth for the Wigwam Avenue commercial driveway. With the location of the drive-thru entrance and trash enclosure being so close to the driveway may not allow vehicles to exit the right-of-way without immediate conflicts causing potential safety hazards.

Design Review #2

This design review represents the maximum grade difference within the boundary of this application. This information is based on preliminary data to set the worst case scenario. Staff will continue to evaluate the site through the technical studies required for this application. Approval of this application will not prevent staff from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approval. However, since Planning cannot support the application in its entirety, staff cannot support this request.

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:

- 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 an application for a zoning inspection.
- Applicant is advised within 4 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; 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;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 5 feet for Wigwam Avenue;
- 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;
- Vacate any unnecessary easements.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

Fire Prevention Bureau

- Applicant is advised to submit plans for review and approval prior to installing any gates, speed humps (speed bumps not allowed), and any other Fire Apparatus Access Roadway obstructions.

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 #0102-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: GOLCHEC DEVELOPMENT AND INVESTMENTS

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