

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-26-0164-LAS VEGAS COMMERCIAL INVESTMENTS, LLC:

USE PERMIT for a vehicle wash.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce buffering and screening; **2)** modify residential adjacency standards; and **3)** allow modified driveway geometrics.

DESIGN REVIEW for a shopping center on 4.92 acres in a CG (Commercial General) Zone.

Generally located south of Pebble Road and east of Rainbow Boulevard within Enterprise.
JJ/rr/kh (For possible action)

RELATED INFORMATION:

APN:

176-23-101-038

WAIVERS OF DEVELOPMENT STANDARDS:

1. Allow an existing wall to remain where an 8 foot tall decorative screen wall is required along the east property line per Section 30.04.02C.
2. Allow drive-thru lanes 60 feet from the residential properties to the east where 200 feet is required per Section 30.04.06E (a 70% reduction).
3.
 - a. Reduce throat depth along Pebble Road to 17 feet where 25 feet is required per Uniform Standard Drawing 222.1 and Section 30.04.08 (a 32% reduction).
 - b. Reduce the departure distance from an intersection to a driveway along Pebble Road to 159 feet where 190 feet is the minimum required per Uniform Standard Drawing 222.1 (a 16.3% reduction).
 - c. Reduce the approach distance from a driveway to an intersection along Rainbow Boulevard to 128 feet where 150 feet is the standard per Uniform Standard Drawing 222.1 (a 14.7% reduction).

LAND USE PLAN:

ENTERPRISE - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 4.92
- Project Type: Shopping center
- Number of Stories: 1
- Building Height (feet): 29 (Retail A)/26 (Retail B)

- Square Feet: 11,400 (Retail A & B)/21,500 (future retail and restaurant buildings on Pads B, C and D)/7,890 (future vehicle wash on Pad A)/40,790 (total)
- Parking Required/Provided: 117/128
- Sustainability Required/Provided: 7/6.5

Site Plan

The plan depicts a 4.92 acre site located on the southeast corner of Rainbow Boulevard and Pebble Road. The shopping center consists of 5 pads. The first pad consists of two buildings, Retail A and Retail B, shown along the east property line within the southern portion of the site. Retail A is located 161 feet from the front (west) property line along Rainbow Boulevard, 36 feet from the rear (east) property line, and 139 feet from side (south) property line. Retail B is located 10 feet north of Retail A and is 158 feet from the front property line and 31 feet from the rear property line. The next pad, Pad A, is located south of Retail A, and is identified for a future vehicle wash. Pad A is located 41 feet from the south property line and 51 feet from the east property line. On the northern portion of the site, 3 pads with drive-thrus (Pads B, C, and D) for future commercial uses are shown. They are each proposed to have a 10 foot wide drive-thru lane. The drive-thru lanes for Pads B and C are located 79 feet from the east property line, while Pad D has a drive-thru lane 60 feet from the east property line.

The site is proposed to be accessed from a 40 foot wide commercial driveway along Rainbow Boulevard and a 35 foot wide commercial driveway along Pebble Road. A third driveway with an emergency access gate is provided along Rainbow Boulevard near the vehicle wash pad. One hundred twenty-eight parking spaces are distributed throughout the site. Two accessible parking spaces are provided for Retail A and B including 1 EV-installed space. Additional accessible parking is provided adjacent to Pads B and C. EV-capable and EV-installed parking is provided east of Pad C. Bicycle parking is provided on the north side of Retail B, including an electric bicycle charging area, as well as adjacent to Pads B and C. Pedestrian circulation is provided throughout the site extending from the public sidewalks to the interior walkways around the buildings and pads and includes the use of pedestrian crosswalks with pavers. Four trash and recycling enclosures with CMU walls and standing seam metal roofs are provided to the east of Pads B and C and south of Pad D. All trash enclosures and loading areas are more than 50 feet from the residential area to the east.

Landscaping

Street landscaping is proposed along Rainbow Boulevard and Pebble Road consisting of two, 5 foot wide landscape strips on each side of a 5 foot wide detached sidewalk. Small trees spaced 10 feet apart on center are proposed within the landscape strip located behind the detached sidewalk along both streets. Shrubs are provided within both landscape strips along the streets.

Landscaping for the parking areas includes landscape islands with 1 large or medium tree for every 6 spaces. Along the east property line, a minimum 15 foot wide landscape buffer is provided and includes 2 staggered rows of evergreen trees planted 20 feet on center in each row. An existing wall ranging from 8.7 to 9.2 feet in height is located along the property line of the adjacent residential area. The applicant has requested to waive the required 8 foot high decorative screen wall to leave the existing wall in place. Additional landscaping is provided along the south property line.

Elevations

The plans indicate the maximum height of Retail A is 29 feet, while the maximum height of Retail B is 26 feet. The building materials are varied and consist of painted stucco finishes with accent materials such as metal cladding, metal panels, granite tile, and 3 different colors. Each building has a variable roofline with storefront windows and double doors with low-e glass and cool roofs. Elevations were not provided for the future buildings.

Floor Plans

The plans indicate that both buildings A and B are intended for retail use. Retail A is 8,400 square feet, while Retail B is 3,000 square feet. Retail A has 6 suites with 6 building entrances and exits, while Retail B has 2 suites with 2 building entrances and exits. Each suite is indicated to be a shell with no floor plan details. Floor plans were not provided for the future buildings.

Applicant's Justification

A throat depth reduction is requested. A 3-way stop will be provided for the on-site drives to all cars entering the site from Rainbow Boulevard to allow cars to flow into the site and prevent backing onto Rainbow. The applicant states that the driveway on Pebble Road has been moved as far east as possible. The reduced distance to the drive-thru lanes is mitigated by an existing wall along the east side, which is a maximum of 9.2 feet high, a double row of trees, parking spaces, and a 24 foot wide drive aisle. The car wash location has been pushed as far back as possible from the adjacent residential area to still allow for building setbacks and the fire truck radius.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-0433-16	Zone change from R-E to C-2 (now CG), waivers of development standards, and a design review for a shopping center (waivers & design review expired)	Approved by BCC	August 2016
WS-0159-16	Waiver of development standards for full off-site improvements and a drainage study	Approved by BCC	April 2016
NZC-0590-13	Non-conforming zone change to reclassify 51.9 acres, including the subject site, from R-E and H-2 to R-2 for a single-family residential subdivision	Withdrawn	November 2013

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Neighborhood Commercial	CG	Retail, gas station & mini-warehouse
South	Corridor Mixed-Use	CG	Retail
East	Corridor Mixed-Use	RS3.3	Single-family residential

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac) & Corridor Mixed-Use	RS3.3 & CG	Single-family residential & undeveloped

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

Related Applications

Application Number	Request
VS-26-0163	A vacation and abandonment of easements and right-of-way 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.

Title 30 requires a vehicle wash to be 200 feet from any residential zoning district, otherwise a use permit is required. Pad A, which is designated for a future vehicle wash, is located 51 feet from a single-family residential development to the east at its closest point. The applicant is providing an intense landscape buffer with large evergreen trees. The required 8 foot tall decorative wall is not provided; however, there is an existing screen and retaining wall on the adjacent residential property ranging from 8.7 feet to 9.2 feet in height. Staff is concerned about the proximity of the vehicle wash to the residential uses due to potential noise, fumes and pollution, as well as consistent vehicular traffic associated with this use. Based on the pad configuration, it is likely that the vehicle exit location will be the closest point to the residential zone, which will increase the intensity of the use. However, plans have not been provided to show the design, location, and details of the tunnel and the vacuum stations. Those factors may contribute to negative impacts on the neighboring residential properties. 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.

Waiver of Development Standards #1

An existing retaining and screen wall is located along the shared property line on the east side of the property. The wall ranges in height from 8.7 feet to 9.2 feet. The applicant is requesting to not provide the required 8 foot decorative screen wall along the shared property line due to the presence of the existing wall. Staff finds that the existing wall will act as a sufficient buffering and screening measure. However, because the other waivers and design review are not supported, staff recommends denial.

Waiver of Development Standards #2

The 3 proposed drive-thrus for future development on Pads B, C, and D are all located less than the required 200 feet from the adjacent residential properties to the east. Staff finds that the proposed drive-thrus are too intense for this site due to their number and location. Potential engine noise and fumes from idling vehicles and noise from talk boxes may be detrimental to the single-family residential areas to the east. At this time there is no detailed plan indicating where the talk boxes will be located or their orientation, which adds to the concerns. Therefore, staff recommends denial.

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 overall design of the Retail A and B buildings incorporates the required 4-sided architectural standards. Building materials include the use of painted stucco finishes with accent materials such as metal cladding, metal panels, granite tile, and 3 different colors. All customer entrances face the street and pedestrian connectivity is provided between the public sidewalk along all streets to the building entrances with enhanced crosswalks with paving units. Four trash and recycling enclosures are provided with split-face CMU walls and a metal seam roof behind the buildings and pad locations. The building and architectural features are not unsightly or undesirable. However, the proposed future uses, including the vehicle wash and the drive-thrus may impact the neighboring residential areas to the east. Pad A is intended for a vehicle wash, however, there is no building design at this point. While specific uses have not been determined for Pads B, C, and D, the proposed drive-thrus will likely have significant traffic, impacting the overall site. Noise from the talk boxes and idling vehicles could impact the residential areas to the east. 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 potential impacts on the residential areas to the east still need to be ascertained and the waivers are not being supported. For these reasons, staff cannot support this request.

Public Works - Development Review

Waiver of Development Standards #3a

Staff has no objection to the reduced throat depth for the Pebble Road commercial driveway. The applicant worked with staff to ensure that vehicular access to the site was redesigned to be safer by removing the loading dock near the driveway. However, since Planning is recommending denial of the design review, staff cannot support this waiver.

Waiver of Development Standards #3b

Staff has no objection to the reduction in the departure distance for the Pebble Road commercial driveway. The applicant placed the driveway as far east as the site will allow. However, since Planning is recommending denial of the design review, staff cannot support this waiver.

Waiver of Development Standards #3c

Staff has no objection to the reduction in the approach distance for the Rainbow Boulevard commercial driveway. Although the approach distance does not comply with the minimum standard, the applicant placed the driveway so that it allows separation for not only the intersection, but the proposed driveway to the south. However, since Planning is recommending denial of the design review, staff cannot support this waiver.

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 a Certificate of Compliance.
- Applicant is advised that future land use applications may be required for buildings on Pads A, B, C and D; 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;
- 30 days to coordinate with Public Works - Design Division and submit separate document if required, for dedication of any necessary right-of-way and easements for the Rainbow Boulevard improvement project;
- Said dedication must occur prior to issuance of building permits, concurrent with the recording of a subdivision map, OR within 30 calendar days from a request for dedication by the County;
- The installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control devices.

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 #0482-2026 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - approval of waivers of development standards #1 and #3; denial of the use permit, waiver of development standards #2, and the design review (3 additional architectural features on the eastern elevation facing the residential; design review for future pad building to changes to plan).

APPROVALS:

PROTESTS:

APPLICANT: PEYMAN MASACHI

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