

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-24-0463-BLUE DIAMOND RETAIL PARTNERS, LLC:

HOLDOVER AMENDED USE PERMIT for a vehicle wash.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** modify residential adjacency standards; and **2)** reduce street landscaping (no longer needed).

DESIGN REVIEW for a commercial center consisting of a vehicle wash and a restaurant with drive-thru on 1.9 acres in a CG (Commercial General) Zone.

Generally located on the southeast corner of Durango Drive and Blue Diamond Road within Enterprise. JJ/sd/kh (For possible action)

RELATED INFORMATION:

APN:

176-21-201-012

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Allow a drive-thru lane 130 feet from a residential zoning district where 200 feet is required per Section 30.04.06E (a 35% reduction).
- b. Allow roll-up doors to face a residential zoning district where not permitted per Section 30.04.06N.
2. Reduce street landscaping along Durango Drive where 1 large tree every 30 feet is required per Section 30.04.01D (no longer needed).

LAND USE PLAN:

ENTERPRISE - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 8575 Blue Diamond Road
- Site Acreage: 1.9
- Project Type: Commercial center consisting of a vehicle wash and a restaurant with drive-thru
- Number of Stories: 1
- Building Height (feet): 31 (vehicle wash)/20 (restaurant with drive-thru)
- Square Feet: 4,814 (vehicle wash)/690 (restaurant with drive-thru)
- Parking Required/Provided: 10/11
- Sustainability Required/Provided: 7/8.5

Site Plan & History

The site was approved for a vehicle wash, retail building, restaurant with a drive-thru, and water vending structure by the Board of County Commissioners in October of 2018. That application was extended in March of 2021, followed by a second extension of time approved in December of 2022. These applications have since expired, and the proposed project differs from what was previously approved.

The plans depict a new commercial center with a proposed vehicle wash and restaurant with drive-thru services. The parcel is currently undeveloped and located at the southeast corner of Blue Diamond Road and Durango Drive. Access to the site is from Durango Drive, and also from Blue Diamond Road through a cross access to the existing commercial property to the east. There is a 20 foot wide utility easement located along the eastern portion of the parcel, as well as a 15 foot wide utility easement along the southern portion. A vehicle wash is proposed in the western portion of the parcel with a restaurant and drive-thru lane in the northeast portion of the parcel. The vehicle wash building and associated amenities is divided into 3 sections: an ingress lane where customers pay for vehicle wash services, a lane dedicated to self-service vacuum stations centrally located within the site, and a vehicle wash tunnel within a building located adjacent to Durango Drive that shields the facility from view from the street. The vehicle wash tunnel, ingress/egress lane, and vacuum station lane run in a north to south direction with the tunnel exit with roll-up doors facing south towards the residential development, from which it is set back 86 feet.

The restaurant drive-thru establishment is 690 square feet, located to the east of the vehicle wash and vacuum area, with the drive-thru lane set back 130 feet from the residential properties to the south. The queuing starts at the northeast corner of the site and continues to the west and south of the restaurant. The speaker box and menu board are oriented towards the west, facing the vehicle wash facility, and set back 205 feet from the residential properties to the south.

The plans depict a pedestrian pathway from Durango Drive which crosses the vacuum station and leads to the drive-thru restaurant. The vehicle wash facility will provide 24 covered vacuum spaces, while the overall site will provide 11 total parking spaces on the eastern half portion of the site.

Landscaping

The plans depict landscaping within the parking lot and along the perimeter of the parcel. A single row of large trees, along with a variety of shrubs, are depicted along Durango Drive to the west and Blue Diamond Road to the north. A combination of large trees, medium trees, and shrubs are shown throughout the parking lot areas. Along the south property line is an intense landscape buffer adjacent to the residential uses to the south with 2 rows of large evergreen trees spaced 20 feet on center. Detached sidewalk with 5 feet of landscaping on each side is shown for Durango Drive. Along Blue Diamond Road is a landscape area approximately 30 feet in width that screens the vehicle wash drive lane from the right-of-way. The landscaping plan shows the trees along Durango Drive are all proposed on 1 side of the sidewalk, when Code requires them to be on both sides of the sidewalk.

Elevations

The plans depict a commercial development consisting of a vehicle wash facility and a drive-thru restaurant. The vehicle wash building will have a maximum height of 31 feet and will be comprised of painted concrete, brick accents, and large decorative windows. The vehicle wash will have the southern exterior roll-up doors facing south. The proposed drive-thru restaurant and drive-thru is 20 feet in height with a flat roofline with metal and cement paneling over wood framing, stucco finish, fabric awning, and glazed storefront windows.

Floor Plans

The plans depict a vehicle wash with an equipment room, break room, vending area, restroom, customer service area, utility rooms, and wash tunnel that is oriented north to south. The plan for the restaurant with a drive-thru depicts a kitchen for food preparation and cooking, along with a separate restroom. There are no indoor or outdoor dining areas for customers as the restaurant will only offer drive-thru window pickup.

Applicant's Justification

The applicant states the proposed project has been designed to minimize impacts on the adjacent residential properties to the south. The vehicle wash and vacuum area has been located close to the west property line along Durango Drive to place it further away from the residential properties to the south. Due to the sizing and location of the parcel, the most practical design places the roll-up overhead doors facing Blue Diamond Road and the residential development to the south. Buffering and screening have been provided to minimize the impact of the roll-up doors. The applicant adds that the proposed vehicle wash is an appropriate commercial use for the site, and was previously approved with a reduction in separation between the use and the adjacent residential zoning district. The drive-thru design ensures that queuing occurs on the northern portion of the property, with an intense landscape buffer to the south to minimize the impact of the drive-thru restaurant.

Prior Land Use Requests

Application Number	Request	Action	Date
ET-22-400120 (UC-18-0617)	Second extension of time for a retail building, restaurant with drive-thru, vehicle wash, and water vending structure - expired	Approved by BCC	December 2022
VS-21-0030	Vacated and abandoned pedestrian access easements and utility, streetlight, and traffic control easements along Durango Drive	Approved by PC	March 2021
ET-21-400002 (UC-18-0617)	First extension of time for a retail building, restaurant with drive-thru, vehicle wash, and water vending structure - expired	Approved by BCC	March 2021
UC-18-0617	Reduce setback of vehicle wash from residential use, design review for retail building, restaurant with drive-thru, vehicle wash, water vending structure - expired	Approved by BCC	October 2018

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-1364-06 (ET-400075-12)	First extension of time to waive the condition of a zone change requiring full off-sites	Approved by BCC	December 2012
UC-0384-08 (ET-400068-12)	Second extension of time for residential separation reductions and a design review for a shopping center with a convenience store, gasoline sales, and vehicle maintenance facility	Approved by BCC	December 2012
DR-0038-12	Site and building lighting in conjunction with an approved grocery store	Approved by BCC	March 2012
DR-0466-10	Grocery store - expired	Approved by BCC	December 2010
UC-0384-08 (ET-0088-10)	First extension of time for residential separation reductions and a design review for a shopping center with a convenience store, gasoline sales, and vehicle maintenance facility	Approved by BCC	July 2010
ZC-1364-06 (WC-0089-10)	Waived the condition of a zone change requiring full off-sites	Approved by BCC	July 2010
UC-0384-08	Reduced residential separation to a convenience store and vehicle facility with a design review for a shopping center with a convenience store, gasoline sales, and vehicle maintenance facility	Approved by BCC	July 2008
DR-1185-07	Commercial center - expired	Approved by PC	November 2007
ZC-1364-06	Reclassified the site from H-2 to C-2 zoning for a shopping center including a convenience store with gasoline sales	Approved by BCC	November 2006
VS-1348-06	Vacated and abandoned a 33 foot government patent easement along the southern property line	Approved by PC	November 2006
MP-1336-04	Mountain's Edge Master Plan for the area south of Blue Diamond Road	Approved by BCC	October 2004
VS-0571-96	Vacated and abandoned a 33 foot government patent easement along the east property line	Approved by BCC	May 1996
UC-1910-95	90 foot communication tower with 336 square foot support building and associated equipment	Approved by PC	December 1995

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North & East	Corridor Mixed-Use	CG	Shopping center

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
South	Mid-Intensity Suburban Neighborhood (up to 18 du/ac)	RM18 (PCO)	Condominiums
West	Corridor Mixed-Use	CG	Undeveloped

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

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.

While the proposed vehicle wash will be buffered and separated from the residential use to the south by both an intense landscape buffer and an 8 foot high block CMU wall, staff finds that the proximity of the use to the residential development makes it too intense for this location. The visual and audible impacts of the vehicle wash may have significant impacts on the adjacent condominium development, particularly because the vehicle wash design can accommodate up to 24 vehicles in the queuing area at a time. The potential for constant vehicular traffic through the vehicle wash area intensifies the use and its impacts. Therefore, 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.

Waivers of Development Standards #1a & #1b

The drive-thru queuing will mostly be screened by the restaurant building, with the vehicles exiting the drive-thru area and continuing through the parking lot, consistent with typical vehicular flow through the overall site. The roll-up door faces the residential development to the south, and vehicles will make a slight turn upon exiting the wash area and continue into the parking lot. The applicant is proposing 2 rows of large evergreen trees with an 8 foot CMU wall along the south property line, which will screen the drive-thru and roll-up vehicle wash door

from the adjacent residential development to the south and help mitigate the impact. However, since staff cannot support the proposed uses and overall site design, staff is unable to support these requests.

Waiver of Development Standards #2

No longer needed.

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 street landscaping along Durango Drive consists of 1 row of shrubs, only west of the sidewalk and all the trees have been provided east of the sidewalk, while Code requires trees to be planted on both sides of the sidewalk. This request is being reviewed as part of the design review. Staff understands that due to the extent of the sight visibility zones along Durango Drive, there is a limited space to add a tree to the west of the sidewalk. Also, keeping all the trees in 1 side of the sidewalk in this case maintains landscape consistency.

While the applicant has proposed mitigation measures which are required by Code to lessen the impacts to the surrounding area, staff finds that the proposed use and site design will likely have negative impacts on the residential development to the south. The vehicle wash and drive-thru are closer to the adjacent residential properties than Title 30 allows, and the visual and audible effects of these particular uses are difficult to alleviate. The roll-up door exit on the vehicle wash is oriented toward the south, facing the residential properties, which accentuates the visibility of the vehicle wash. Staff finds that this site is better suited for alternative commercial uses that will have less of an impact on the residential development to the south. For these reasons, staff cannot support these requests.

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 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.
- Applicant is advised that Nevada Department of Transportation (NDOT) permits may be required.

Fire Prevention Bureau

- 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 initiated for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0390-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require a new POC analysis.

TAB/CAC: Enterprise - approval (hours of operation 7:00 a.m. to 9:00 p.m.; mature trees south of vehicle wash bay).

APPROVALS: 7 cards

PROTESTS: 8 cards

PLANNING COMMISSION ACTION: October 15, 2024 – HELD – To 11/19/24 – per the applicant.

APPLICANT: S. T. ENTERPRISES

CONTACT: LINDSAY KAEMPFER, KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DRIVE, SUITE 650, LAS VEGAS, NV 89135