

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-25-0152-SCHWARTZ, MERTON L. & JACQUELINE REVOCABLE TR ETAL & SCHWARTZ, MERTON L. TRS:**

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** allow an attached sidewalk; and **2)** reduce driveway departure distance.

**DESIGN REVIEWS** for the following: **1)** retail building; **2)** gas station; **3)** daycare facility; and **4)** alternative landscape plan on a portion of 3.88 acres in a CG (Commercial General) Zone.

Generally located on the southwest corner of Mountains Edge Parkway and Rainbow Boulevard within Enterprise. JJ/rg/kh (For possible action)

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RELATED INFORMATION:

**APN:**

176-27-701-007

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Allow an attached sidewalk where a detached sidewalk is required along Mountains Edge Parkway per Section 30.04.08C.
2. Reduce the driveway departure distance to 166 feet from the intersection of Mountains Edge Parkway and Rainbow Boulevard where a minimum of 190 feet is required per Section 30.04.08 and Uniform Standard Drawing 222.1 (a 13% reduction).

**LAND USE PLAN:**

ENTERPRISE - NEIGHBORHOOD COMMERCIAL

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 3.88
- Project Type: Retail building (convenience store), gas station, & daycare facility
- Number of Stories: 1
- Building Height (feet): 28 (convenience store)/20 (gas station/fueling canopy)/22 (daycare facility)
- Square Feet: 4,500 (convenience store)/3,013(gas station/fueling canopy)/12,000 (daycare facility)
- Parking Required/Provided: 43/43
- Sustainability Required/Provided: 7/7

### Site Plan

The plan depicts a 3.88 acre parcel located on the southwest corner of Mountains Edge Parkway and Rainbow Boulevard. The site is accessed via a single driveway along Mountains Edge Parkway and 2 driveways along Rainbow Boulevard. The site is being developed with 2 buildings and 1 structure, along the north and south sides of the site with the center of the site remaining undeveloped. The plan depicts a gas station with a retail building (convenience store) located on the north portion of the site and a daycare facility located on the south portion of the site. The setback of the convenience store is 29 feet from the north property line and 73 feet from the west property line. The gas fueling canopy is setback at 34 feet from the east property line, 60 feet from the north property line, and 200 feet from the west property line adjacent to the existing single-family residential development. The daycare facility is setback at 20 feet from the west property line and 57 feet from the south property line. A playground area measuring 7,500 square feet is located immediately south of the daycare facility. The trash enclosures are proposed at 2 different locations. One enclosure is adjacent to the convenience store and is located 66 feet from the west property line. The other trash enclosure serving the daycare facility is located on the east side of the property adjacent to the Rainbow Boulevard. The proposed development requires 43 parking spaces where 43 parking spaces are provided. The central portion of the project site will remain undeveloped at this time. The applicant is requesting to allow an attached sidewalk along Mountains Edge Parkway where a detached sidewalk is required. Furthermore, the applicant is proposing to reduce the departure distance from the intersection of Mountain's Edge Parkway and Rainbow Boulevard.

### Landscaping

A 10 foot wide landscape area is located behind the proposed 5 foot wide attached sidewalk along Mountains Edge Parkway. A 10 foot wide landscape area is located behind a 5 foot wide attached sidewalk at the northeast corner of the site adjacent to the proposed bus turnout along Rainbow Boulevard. The remaining portion of the street landscape area along Rainbow Boulevard consists of two, 5 foot wide landscape areas on both sides of a 5 foot wide detached sidewalk. Medium trees are planted 20 feet on center along the streets, necessitating an alternative landscape plan. A 15 foot wide landscape buffer with a double row of large, 24 inch box evergreen trees is proposed along the west and south property line, adjacent to the existing residential developments.

### Elevations

The convenience store, fueling canopy, and daycare facility measure 28 feet, 20 feet, and 22 feet in height, respectively. The buildings features a modern style architecture with flat roof and variations in roof height of 2 feet as part of the parapet. The proposed materials are mostly stucco and include canopy shades above the windows and doors and aluminum store front windows.

### Floor Plans

The plans depict a convenience store, gas fueling canopy and daycare facility. The convenience store measures 4,500 square feet and the fueling canopy measures 3,014 square feet with 12 pumps. The daycare facility measures 12,000 square feet.

### Applicant's Justification

The applicant requests to allow for an attached sidewalk along the south side of Mountains Edge Parkway due to the northerly driveway is being incorporated into the existing bus turnout on Rainbow Boulevard. The portion of the east side of the property does not have attached sidewalk nor does the property to the north. Per Uniform Standard Drawing 234.4 (Bus Stop Placement Within Exclusive Right Turn Lane for Commercial Properties), the driveway return begins at the end the right turn lane prior to the taper back to existing pavement width. In this case, the right turn lane is about 75 feet; therefore, the driveway return begins there thus, reducing the distance from the intersection. The reduction in departure distance is requested for the driveway can be incorporated into the existing bus turnout. The waiver request will not deviate from the uniformity of the area.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-0541-09	Reclassified 3.8 acres from R-E to C-1 zoning for a future commercial development	Approved by BCC	October 2009

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Neighborhood Commercial	CG	Undeveloped
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS2	Single-family residential
East	Business Employment	IP	Convenience store with gas station & tavern
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS3.3	Single-family residential

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

### **Related Applications**

<b>Application Number</b>	<b>Request</b>
TM-25-500036	A tentative map for a 1 lot commercial subdivision is a companion item on this agenda.
VS-25-0151	A vacation and abandonment for patent easements and a portion of right-of-way being Rainbow Boulevard 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**

#### 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 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.

The proposed convenience store with gas fueling canopy and daycare facility is compatible with the development in the surrounding area. The proposed development on the site is located on the southwest corner of Mountains Edge Parkway and Rainbow Boulevard which are both high traveled roadways. Currently, a similar development is located across the street on the southeast corner of Mountains Edge Parkway and Rainbow Boulevard. Site access and circulation should not negatively impact adjacent roadways or neighborhood traffic. Staff does not have an objection to the alternative landscape plan which proposed medium trees 20 feet on center along Mountains Edge Parkway and Rainbow Boulevard. Approval of the design reviews are contingent upon the approval of the waiver of development standards and since staff is not supporting the attached sidewalk waiver request, staff cannot support the design reviews.

### **Public Works - Development Review**

#### Waiver of Development Standards #1

Staff cannot support the request to install an attached sidewalk in place of detached sidewalk along Mountains Edge Parkway. Detached sidewalks provide a safer pathway for pedestrians by increasing the distance from traffic. The site has no sidewalks along Mountains Edge Parkway; therefore, there is no reason detached sidewalks cannot be installed.

#### Waiver of Development Standards #2

Staff has no objection to the reduction in the departure distance for the Rainbow Boulevard commercial driveway. Although the departure distance does not comply with minimum standards, staff finds the location allows vehicles to safely access the site.

### **Staff Recommendation**

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

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 4 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;
- 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**

- 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 #0072-2025 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

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

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** SCHWARTZ, MERTON L. & JACQUELINE REVOCABLE TR ETAL &  
SCHWARTZ, MERTON L. TRS

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