07/03/24 BCC AGENDA SHEET

UPDATE

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
UC-24-0121-LV BLUE DIAMOND ROAD ONE, LLC:

HOLDOVER USE PERMITS for the following: **1)** vehicle wash; and **2)** gas station.
WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce landscaping and buffering; **2)** parking; **3)** residential adjacency standards; and **4)** driveway geometrics.
DESIGN REVIEWS for the following: **1)** vehicle wash; **2)** gas station; and **3)** commercial center on 5.5 acres in CG (Commercial General) Zone.

Generally located on the east side of Hualapai Way and the south side of Blue Diamond Road within Enterprise. JJ/lm/ng (For possible action)

RELATED INFORMATION:

APN:
176-19-101-011 through 176-19-101-013

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Reduce the number of required parking lot landscape finger islands required per Section 30.04.01D.
   b. Reduce the height of a buffer wall to 6 feet where 8 feet is required per Section 30.04.02C (a 25% reduction).
   c. Reduce the landscape buffer width to 9 feet 5 inches where 15 feet is required per Section 30.04.02C (a 38% reduction).
2. Allow a 32% increase (141 spaces) in maximum provided parking spaces where a maximum increase of 15% (123 spaces) is allowed per Section 30.04.04D.
3. a. Reduce distance from drive-thru lane to residential property to 75 feet where 200 feet is required per Section 30.04.06E (a 62% reduction).
   b. Allow higher activity areas of development (parking) adjacent to areas subject to Residential Adjacency, per Section 30.04.06G.
   c. Allow the tallest and largest structures (convenience store and restaurant/tavern) of multiple building developments not within the core of the site, per Section 30.04.06G.
   d. Allow the building to encroach into the height step back, per Section 30.04.06H.
   e. Reduce trash enclosure separation to residential properties to 10 feet where 50 feet is required per Section 30.04.06K (an 80% decrease).
   f. Allow roll-up overhead doors to face a residential district where not permitted per Section 30.04.06N.
4. Reduce throat depth to 22 feet 9 inches on Hualapai Way where a minimum of 75 feet is required per Uniform Standard Drawing 222.1 (a 70% reduction).

LAND USE PLAN:
ENTERPRISE - NEIGHBORHOOD COMMERCIAL

BACKGROUND:
Project Description
General Summary

- Site Acreage: 5.5
- Project Type: retail center with convenience store, gas station, vehicle wash, restaurants (quick serve and tavern)
- Number of Stories: 1
- Building Height (feet): 43 feet 6 inches (convenience store)/27 feet 9 inches (quick serve restaurants 1, 2 & 3)/27 feet 1 inch (Restaurant/Tavern)/19 feet 6 inches (fuel canopy)
- Square Feet: 3,800 (convenience store with vehicle wash)/ 3,000 (quick serve restauants 1 & 2)/2,000 (quick serve restaurant 3)/5,411 (Restaurant/Tavern)/3,240 (fuel canopy)
- Parking Required/Provided: 107/174
- Sustainability Required/Provided: 7/4.5

Site Plans
The plans depict a retail center consisting of a convenience store with an attached vehicle wash and a gasoline station. The site includes 3 quick serve restaurants and a freestanding restaurant/tavern pad. A single-family development is adjacent to the site to the south. The vehicle wash, gas station canopy and fuel pumps, and quick serve restaurants with drive-thru lanes are less than 200 feet from an area subject to residential adjacency and thus require use permits. From the south property line, the vehicle wash entrance tunnel with overhead roll-up door is set back 79 feet, the quick service restaurant drive-thru lanes and speakers are set back a minimum of 52 feet, the restaurant pad is set back 9 feet 5 inches, and the trash enclosure is set back a minimum of 10 feet. The vehicle wash entry and exit face the residential properties to the south and Blue Diamond Road. The gas station canopy is located on the north side of the convenience store building in the west portion of the site and set back approximately 40 feet from Hualapai Way and 81 feet from Blue Diamond Road. The restaurant/tavern pad site is located on the east side of the site, and the 3 quick serve restaurants are between it and the convenience store. The site has access to Hualapai Way and Blue Diamond Road with 1 driveway located on each street. Parking is provided adjacent to the building entrances as well as along the north, west and south property lines. There are a total of 6 installed EV charging stations, 2 along Blue Diamond Road in front of the quick serve restaurant 3 Building, and 4 located to the south of the quick serve restaurant 1 Building. There are 3 sets of 6 EV capable charging stations along Blue Diamond Road in front of the convenience store, quick serve restaurants 1 and 3. Along Blue Diamond Road there are 2 off-site pedestrian connections and 1 from Hualapai Way.

Landscaping
Parking lot landscape finger island spacing has been decreased in some areas of the site to 1 per every 7 parking spaces along the south property line on the east side of the site adjacent to the freestanding restaurant (tavern) and on the west side of buildings quick serve restaurants 1 and 2 where 1 per every 6 parking spaces is required. On the north side of the convenience store the

parking lot finger islands have been decreased to 1 per every 9 parking spaces. Medium sized trees (European Fruitless Olive) have been provided within the parking lot areas.

Along Blue Diamond Road and Hualapai Way, landscaping between the back of curb and sidewalk has been provided with medium evergreen trees (African Sumac), spaced 20 feet apart. Small evergreen trees (Texas Mountain Laurel) are located on opposite side of the detached sidewalks spaced 30 feet apart and the required shrubbery. The street landscaping width along Blue Diamond Road is 29 feet wide and along Hualapai Way it is 28 feet 10 inches wide.

Large trees (Shoestring Acacia) have been provided along the south property line, adjacent to the existing residential properties in 2 rows within a 9.5 foot to 10 foot wide landscape buffer with additional buffer widths provided along the east and west sides of the southerly property line.

Elevations

The plan depicts 5 proposed single story buildings. The exterior materials include painted stucco, wood panels, ceramic tile, decorative storefront doors, and windows over all sides of all buildings, and screened roof mounted mechanical equipment. The convenience store includes an attached vehicle wash with roll-up doors over the wash tunnel entry and exit. The majority of the building is 27 feet 9 inches in height with an entry feature that has an overall height of 43 feet 6 inches, which is the subject of the waiver request to reduce the height step back. The quick serve restaurants 1, 2, and 3 have an overall height of 27 feet 9 inches. The restaurant (tavern) pad building has an overall height of 27 feet 1 inch. Canopies are provided above all building entrances. The fuel pump canopy has an overall height of 19 feet 6 inches and the proposed materials and color scheme is designed to match the convenience store building.

Floor Plans

The plans depict a 3,800 square foot convenience store with attached vehicle wash along with two, 3,000 square foot quick serve restaurants, a 2,000 square foot quick serve restaurant, and a 5,411 square foot restaurant/tavern. The fuel pump includes 8 fuel pump islands.

Applicant's Justification

The applicant indicates that the proposed uses are compatible with the adjacent residential properties to the south with the buffer between uses, which includes landscaping, a row of parking, and drive aisle. The proposed design includes 5 retail and restaurant buildings with a mix of uses. The convenience store with vehicle wash tunnel is located north of the open space provided for the residential development to the south. The applicant also indicates that the driveway on Hualapai Way was designed with no parking on the north side of the driveway to allow for better visibility for vehicles entering and exiting the site. The applicant believes that significant screening and buffering has been provided between the drive-thru lanes and the residential homes to the south. Additionally, the speaker boxes for the drive-thru restaurants automatically reduce the sound output during various times of the day, including late at night and early mornings.

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Mid-intensity Suburban Neighborhood (up to 8 du/ac) & Open Lands	RS3.3 & H-2	Undeveloped & single-family residential
South	Public Use & Mid-intensity Suburban Neighborhood (up to 8 du/ac)	RS3.3	Single-family residential
East	Mid-intensity Suburban Neighborhood (up to 8 du/ac)	H-2	Undeveloped
West	Outlying Neighborhood (up to 0.5 du/ac)	H-2	Undeveloped

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

Related Applications

Application Number	Request
ZC-24-0199	A zone change to reclassify the site to CG zoning is a companion item on this agenda.
VS-24-0120	A request to vacate and abandon easements is a companion item on this agenda.
TM-24-500031	A tentative map for 1 lot 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 Permits
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 staff typically supports commercial uses, the proposed requests are self-imposed due to the design of the site, since the vehicle wash and gas station would be permitted if located more than 200 feet from residential districts. Staff finds that the site could be redesigned to move the proposed buildings closer to Blue Diamond Road. The revised design would allow for the buildings and uses to meet separation requirements to the existing single family residential properties to the south. Staff recommends denial.

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 #1 & #2

Staff finds that the proposed waivers are self-imposed as the site has been over-parked for the proposed uses. If the provided parking was reduced the site could be designed to provide the required landscaping finger islands. Additionally, the landscape buffer adjacent to the residential development to the south could be widened. With the reduced landscape buffer and decreased separation between the drive-thru lane and vehicle wash, staff is unable to support the request for the 6 foot wall height, as the additional height would buffer some the potential impacts of the proposed uses.

Staff is unable to support the reduced number of parking lot finger islands and the redistribution of trees to other areas of the site, where relief along the street frontage and within the eastern portion of the site is readily available on the site. The decreased number of parking lot island trees is located on the west sides of the quick serve restaurants where the trees are most needed to provide shade relief in the parking areas. The purpose of parking lot landscaping is to help reduce the heat vulnerability measure of large, paved areas.

Staff finds that the southerly landscape buffer does not provide an adequate buffer to the proposed uses, especially when the site is over parked. The required 15 feet of landscaping is also the minimum recommended space for the tree roots to have adequate area to grow for 2 rows of trees adjacent to paved areas.

Waiver of Development Standards #3

The intent of the required 200 feet of separation distance for residential adjacency standards is to ensure an appropriate buffer is established between the proposed uses to reduce any negative impacts on the residential use. The reduced separation between the drive-thru lane, vehicle wash, and residential use is a result of self-imposed hardship. Air quality impacts and the sound associated with these uses and the proximity of trash enclosures is not appropriate so close to residential uses. The site has an overage of parking, which indicates that the site has adequate space to relocate the trash enclosures to the north property line and reduce the impact on the single family residences to the south. With these 6 waivers to residential adjacency standards, staff finds that the design of the site to not be appropriate and; therefore, recommends denial.

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 location of the buildings will create an undue hardship on the residences to the south. The intent of the required 200 feet of separation distance for residential adjacency standards is to ensure an appropriate buffer is established between the proposed uses to reduce any negative impacts on the residential use. Staff finds the vehicle wash doors are not screened by landscaping facing Blue Diamond Road as the driveway entrance is located in line of way bay. Buildings could be reoriented to provide the vehicle wash on the north side of the convenience store building, providing a buffer to the existing adjacent residential properties to the south. Relocating the entrances for the quick serve restaurants to the north sides of the buildings would allow for talk boxes to face west instead of south towards the residential properties to the south, and drive-thru's could be moved farther north.

Per the recently adopted Development Code, the loading space should be located adjacent to, or as close as possible, the main structure. In the presented design, the one loading space for the site is located adjacent to Hualapai Way street landscaping with no on-site pedestrian connectivity for safe delivery of goods to any of the proposed buildings. There are no designated on-site pedestrian connections between the parking lots to each on-site building entrance and between all buildings for parking lot connections. Staff finds that providing designated space for pedestrian access between uses on the site may reduce the need for short hops between uses on the site as well as traversing large drive aisles with separated parking from building entrances for visitors and employees. The site is designed with parking spaces along the south property line adjacent to the single-family residences and along the north property line adjacent to Blue Diamond Road. These separated parking areas result in hazards with pedestrian access to the building entrances.

The applicant indicates that 4.5 sustainability points have been achieved through the site design, where a minimum of 7 points are required. Staff finds that additional sustainability measures may be able to be provided to increase the sustainability points for the proposed development to support implementation of the Clark County Sustainability and Climate Action Plan to adapt to future climate challenges.

While the proposed exterior design and materials of the structures are common for the current architectural trends in the area, staff is unable to support the requested site design.

Public Works - Development Review
Waiver of Development Standards #4
Staff has no objection to the reduced throat depth for the commercial driveway on Hualapai Way as the 2 driveways should see equal use mitigating potential impacts from the reduced throat depth. However, since Planning is recommending denial of the application, 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:

- Approval of this application does not constitute or imply approval of a liquor or gaming license, or any other County issued permit, license or approval;
- 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;
- Right-of-way dedication to include 35 feet to the back of curb to Hualapai Way, and associated spandrel;
- 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;
- All other right-of-way and easement dedications to record with the subdivision map;
- Off-site improvements along Blue Diamond Road to be coordinated with Nevada Department of Transportation (NDOT), and applicant to provide an approved NDOT encroachment permit to Public Works Development Review Division.
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

Fire Prevention Bureau

- Applicant is advised that permits may be required for this facility and to contact Fire Prevention for further information at (702) 455-7316.

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 #0242-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - denial.
APPROVALS: 2 cards
PROTESTS: 3 cards

COUNTY COMMISSION ACTION: May 22, 2024 – HELD – To 06/05/24 – per the applicant.

COUNTY COMMISSION ACTION: June 5, 2024 – HELD – To 07/03/24 – per the applicant.

APPLICANT: BOAM BFR, LLC
CONTACT: ELISABETH OLSON, KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DRIVE, SUITE 650, LAS VEGAS, NV 89135