PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
NZC-0552-17 – SUPER DUPER, LLC:

ZONE CHANGE to reclassify 3.6 acres from C-1 (Local Business) Zone to C-2 (General Commercial) Zone.

USE PERMITS for the following: 1) reduce the separation from a proposed on-premises consumption of alcohol establishment (tavern) to a residential use; 2) reduce the separation for a proposed convenience store to a residential use; 3) reduce the separation for a proposed gasoline service station to a residential use; 4) reduce the separation for a proposed vehicle wash to a residential use; and 5) allow service bay door to face a street.

DESIGN REVIEW for the following: 1) a proposed retail center; and 2) increased finished grade.

Generally located on the east side of Hualapai Way and the north side of Sunset Road within Spring Valley (description on file). SB/pb/ml (For possible action)

RELATED INFORMATION:

APN:
163-31-401-005

USE PERMITS:
1. a. Reduce the separation from a tavern to a residential use to the north to 83 feet where 200 feet is the standard per Table 30.44-1 (a 58.5% reduction).
b. Reduce the separation from a tavern to a residential use to the east to 110 feet where 200 feet is the standard per Table 30.44-1 (a 45% reduction).
2. Reduce the separation from a convenience store to a residential use to 64 feet where 200 feet is the standard per Table 30.44-1 (a 68% reduction).
3. Reduce the separation from a gasoline station to a residential use to 64 feet where 200 feet is the standard per Table 30.44-1 (a 68% reduction).
4. Reduce the separation from a vehicle wash to a residential use to 10 feet where 200 feet is the standard per Table 30.44-1 (a 95% reduction).
5. Allow service bay door to face a street without being screened with landscaping or a building as required per Table 30.44-1.

DESIGN REVIEWS:
1. A retail center.
2. Increase the finished grade for a retail center to 48 inches where 18 inches is the standard per Section 30.32.030 (a 167% increase).
LAND USE PLAN:
SPRING VALLEY - COMMERCIAL NEIGHBORHOOD

BACKGROUND:
Project Description
General Summary
- Site Address: N/A
- Site Acreage: 3.6
- Project Type: Retail center (tavern, convenience store, gasoline service station, vehicle wash, and restaurant with drive-thru service)
- Number of Stories: 1
- Building Height: Up to 28 feet
- Square Feet: 13,702
- Parking Required/Provided: 89/89

Neighborhood Meeting Summary
This request is for a nonconforming zone change to reclassify approximately 3.6 acres from a C-1 zone to a C-2 zone to allow a retail center. The applicant conducted a neighborhood meeting at the Desert Breeze Community Center on June 12, 2017, as required by the nonconforming zone boundary amendment process. The required meeting notices were mailed to the neighboring property owners within 1,500 feet of the project site. Four neighbors were present at the meeting.

Site Plan
The plans depict a 13,702 square foot retail center consisting of a tavern, convenience store, gasoline service station, vehicle wash, and restaurant with drive-thru service. The tavern is located on the northwestern portion of the site set back 15 feet from the west (front) property line adjacent to Hualapai Way, 83 feet from the north property line adjacent to an undeveloped residential use, and 110 feet from the east property line adjacent to a 90 foot wide drainage easement and 200 feet from an existing single family residential development.

The restaurant with drive-thru service is located on the western portion of the site, south of the tavern. The drive-thru aisle is located on the north and west sides of the building which is set back 28 feet from the west property line. The convenience store is located on the southwestern portion of the site and is set back 30 feet from the west property line, 30 feet from the south property line adjacent to Sunset Road, and 64 feet from the east property line adjacent to a 90 foot wide drainage easement and 154 feet from an existing single family residential development. The gasoline service pumps are located north of the convenience store building 41 feet from the west property line and 110 feet from the east property line. The vehicle wash is located on the eastern portion of the site north of the convenience store and set back 10 feet from the east property line and 100 feet from the existing single family residential development. The vehicle wash is oriented in a north south direction with the service bay doors on the north and south sides of the building. The service bay door on the south side faces Sunset Road and faces the driveway so is not buffered by a building or landscaping. Parking spaces, loading spaces, and trash enclosures are distributed throughout the site. There is 1 access driveway on to Sunset Road and 2 driveway access points on Hualapai Way.
Landscaping
The plans depict 15 foot wide landscape areas with detached sidewalks located along Hualapai Way and Sunset Road. A 10 foot wide landscape area with a 6 foot high wall is located adjacent to the north and east property lines. Interior parking lot trees are distributed throughout the site. Additional landscaping is located next to the buildings. The landscape materials include trees, shrubs, and groundcover.

Elevations
All the buildings are architecturally compatible with façades consisting of cement plaster, stone veneer, cornice treatments, awnings, storefront door and window frames. The tavern has a flat roof with parapet walls and a varied roof line with a maximum height of 28 feet. The drive-thru restaurant has a flat roof with parapet walls and a varied roof line with a maximum height of 20 feet 4 inches. A window for the drive-thru is located on the west side of the building. The convenience store has a varied roof line including a pitched standing seam metal roof and a flat roof with parapet walls. The maximum height is 25 feet 10 inches. The gasoline pumps are covered by a 23 foot 6 inch high metal canopy painted to match the colors of the other buildings on the site. The vehicle wash has a flat roof with parapet walls and a varied roof line with a maximum height of 19 feet.

Floor Plans
The tavern is 5,200 square feet with a bar area, booths, office, cooler, cooking area, and restrooms. The drive-thru restaurant is 2,100 square feet with a cooking area and dining area. The convenience store is 3,868 square feet and the vehicle wash is 2,534 square feet.

Signage
Signage is not a part of this request.

Applicant’s Justification
The applicant indicates that the project will provide commercial amenities to the local residents of the surrounding neighborhoods that will not be provided because the northwest corner of Sunset Road and Grand Canyon Drive has been developed for single family residential uses instead of commercial general uses as designated in the Spring Valley Land Use Plan. The applicant also indicates the uses requested in this project are similar to uses allowed in the existing C-1 zoning so the project is compatible with the surrounding area, will have the same impact on public facilities and services, and will comply with applicable codes, policies, and goals of the County.

Prior Land Use Requests

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Request</th>
<th>Action</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ZC-1443-07</td>
<td>Reclassified the site from R-E to C-1 zone for future commercial development</td>
<td>Approved by BCC</td>
<td>January 2008</td>
</tr>
<tr>
<td>NZC-1361-04</td>
<td>Request to reclassify the site from C-1 to C-2 zone with a use permit for on-premise consumption of alcohol – withdrawn without prejudice</td>
<td>No Action</td>
<td>April 2005</td>
</tr>
<tr>
<td>ZC-1850-02</td>
<td>Requested to reclassify the site from R-E to C-2 zone but was approved subject to a reduction to C-1 - expired</td>
<td>Approved by BCC</td>
<td>March 2003</td>
</tr>
</tbody>
</table>
### Surrounding Land Use

<table>
<thead>
<tr>
<th>Planned Land Use Category</th>
<th>Zoning District</th>
<th>Existing Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Residential Suburban (up to 8 du/ac)</td>
<td>R-2</td>
<td>Drainage easement &amp; undeveloped</td>
</tr>
<tr>
<td>South Residential Suburban (up to 8 du/ac)</td>
<td>R-2</td>
<td>Single family residential</td>
</tr>
<tr>
<td>East Residential Suburban (up to 8 du/ac)</td>
<td>R-2</td>
<td>Single family residential &amp; drainage easement</td>
</tr>
<tr>
<td>West Summerlin South Single Family</td>
<td>R-2</td>
<td>Single family residential</td>
</tr>
</tbody>
</table>

The subject site and the surrounding area are located within the Public Facilities Needs Assessment (PFNA) area.

### STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

#### Analysis

**Current Planning**

**Zone Change**

The nonconforming zone change amendment ordinance requires that the applicant provide compelling justification that approval of the nonconforming zoning is appropriate. A Compelling Justification means the satisfaction of the following criteria as listed below for proposed nonconforming zone boundary amendments:

1. A change in law, policies, trends, or facts after the adoption of the land use plan that have substantially changed the character or condition of the area, or the circumstances surrounding the property, which makes the proposed nonconforming zone boundary amendment appropriate.

The applicant indicates that there is a lack of commercial property in the area and the northwest corner of Sunset Road and Grand Canyon Drive has been developed for single family residential uses instead of commercial general uses as designated on the Spring Valley Land Use Plan.

Amendments to the Spring Valley Land Use Plan were adopted in October 2014. There have been no changes in law, policies, trends, facts, or the character/condition of the project site. However, a nonconforming zone change to allow R-2 zoning in an area designated for Commercial General in the Spring Valley Land Use Plan was approved for a site located on the northwest corner of Sunset Road and Grand Canyon Drive approximately 0.3 miles east of the subject site. Therefore, staff finds that there has been a change in law, policies, trends, or facts that have substantially changed the character or condition of the area.

2. The density and intensity of the uses allowed by the nonconforming zoning is compatible with the existing and planned land uses in the surrounding area.

The applicant indicates that the uses requested in this project are similar to uses allowed in the existing C-1 zoning so the project is compatible with the surrounding area.
C-1 zoning allows similar uses to those allowed in a C-2 zone. The C-2 zoning district is established to accommodate a full range of commercial uses, or mixed commercial and residential uses, in a manner that can be located to serve the needs of the entire community, yet be buffered from having adverse impacts on any adjacent residential neighborhoods. The subject site is located at the intersection of 2 arterial streets (Hualapai Way and Sunset Road). There is a 90 foot wide drainage easement separating the retail center from the adjacent residential development to the east. Therefore, staff finds the proposed zoning and intensity of this project is compatible with the existing and proposed land use in the area.

3. There will not be a substantial adverse effect on public facilities and services, such as roads, access, schools, parks, fire and police facilities, and stormwater and drainage facilities, as a result of the uses allowed by the nonconforming zoning.

The applicant indicates that the proposed development will have the same impact on public facilities and services.

There has been no indication from the public service providers that the proposed development will have an adverse effect on public facilities and services.

4. The proposed nonconforming zoning conforms to other applicable adopted plans, goals, and policies.

The applicant indicates that the proposed development will comply with applicable codes, policies, and goals of the County.

A 10 foot wide landscape area with a 6 foot high wall is located adjacent to the north and east property lines adjacent to a 90 foot wide drainage easement which acts as a buffer between the proposed retail center and the adjacent residential development. Therefore, staff finds the request conforms to Urban Specific Policy 61 of the Clark County Comprehensive Master Plan which states that when commercial development is proposed adjacent to single family residential areas, nuisances caused by incompatible uses, noise, lighting, and signs that detract from, and are not consistent with, the existing residential development should be prevented. The subject site has access to 2 arterial streets (Hualapai Way and Sunset Road) and conforms to Urban Specific Policy 66 that states commercial development should provide access points on arterial and collectors and not on local neighborhood streets.

Summary
Zone Change
Based on the analysis above, staff finds that the applicant has demonstrated a change in law, policies, trends, or facts to justify reclassifying this site to a C-2 zoning district. The intensity of the project is compatible with the development in the area and complies with other applicable plans, goals, and policies. Therefore, staff finds that the applicant has provided a compelling justification to warrant reclassification of the site to a C-2 zone.

Use Permits
A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Comprehensive Master Plan. One of several criteria the
applicant must establish is that the use is appropriate at the proposed location and demonstrate that the use shall not result in a substantial or undue adverse effect on adjacent properties.

A tavern, convenience store with gasoline service, and a vehicle wash are permitted in the C-2 zone subject to complying with conditions. The proposed uses are separated from the existing residential uses by a 90 foot wide drainage channel and a 10 foot wide landscape area with a 6 foot high wall along the north and east property lines which provide an additional buffer between the retail center and the residential uses. Therefore, staff finds that the request conforms to Urban Specific Policy 67 which states in part that appropriate buffers, setbacks, adjoining land uses, and densities should be considered and integrated into commercial developments and through site planning and building design, ensure that commercial developments are compatible with abutting uses. Therefore, staff can support the requests.

Design Review #1
The design of the buildings with the varying heights and pop-outs complies with Commercial Policy 78 of the Comprehensive Master Plan which encourages commercial developments to use enhanced architecture. Staff finds that the request conforms to Urban Specific Policy 10 which encourages site designs to be compatible with adjacent land uses and off-site circulation patterns, especially when the adjacent land use is a lower density or intensity. Therefore can support the design of the proposed retail center at this location.

Public Works – Development Review
Design Review #2
This design review represents the maximum grade difference along 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 approvals.

Staff Recommendation
Approval. This item has been forwarded to the Board of County Commissioners.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

TAB/CAC: Spring Valley – denial.
APPROVALS: 2 cards
PROTESTS: 10 cards, 4 letters

PLANNING COMMISSION ACTION: August 15, 2017 – APPROVED – Vote: Unanimous
Absent: Kirk

Current Planning
• A resolution of intent to complete in 3 years;
• Building heights not to exceed C-1 zoning standards (35 feet);
• No signage on the east building elevations;
• Sound from car wash limited to 72 decibels;
• Provide a 10 foot wide intense landscape buffer per Figure 30.64-12 along the north and east property lines;
• Provide additional enhancements matching the front elevations of all buildings on all sides of the buildings;
• Design review as a public hearing on any significant changes to plans;
• 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 final zoning inspection.
• Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that 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.

Public Works – Development Review
• Drainage study and compliance;
• Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Title 30.32-040-9 are needed to mitigate drainage through the site;
• Traffic study and compliance;
• Full off-site improvements;
• Right-of-way dedication to include 55 feet to back of curb for Sunset Road, 45 feet to back of curb for Hualapai Way and associated spandrel;
• If required by Regional Transportation Commission, dedicate and construct right-of-way for bus turnouts including passenger loading/shelter areas in accordance with Regional Transportation Commission Standards.
• Applicant is advised that a waiver is needed for the reduced approach distance from the driveway along Sunset Road to the intersection with Hualapai Way, and that the installation of detached sidewalk will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights and traffic control, and 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.

Clark County Water Reclamation District (CCWRD)
• Applicant is advised that a Point of Connection (POC) request has been completed for this project; and to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0286-2017.

APPLICANT: Super Duper, LLC
CONTACT: Shurley Design Studios, LLC, John Carroll, 9270 Onesto Avenue, Las Vegas, NV 89148