

**AGENDA MEMO - PLANNING**

**CITY COUNCIL MEETING DATE: NOVEMBER 16, 2022**  
**DEPARTMENT: COMMUNITY DEVELOPMENT**  
**ITEM DESCRIPTION: APPLICANT/OWNER: ECW 1, LLC**

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**\*\* STAFF RECOMMENDATION(S) \*\***

<b>CASE NUMBER</b>	<b>RECOMMENDATION</b>	<b>REQUIRED FOR APPROVAL</b>
<b>22-0386-SUP1</b>	Staff recommends DENIAL, if approved subject to conditions:	
<b>22-0386-SDR1</b>	Staff recommends DENIAL, if approved subject to conditions:	22-0386-SUP1

**\*\* NOTIFICATION \*\***

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 5

**NOTICES MAILED** 226 (by City Clerk)

**PROTESTS** 3

**APPROVALS** 0

**\*\* CONDITIONS \*\***

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**22-0386-SUP1 CONDITIONS**

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**Planning**

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Car Wash, Full Service or Auto Detailing use.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**22-0386-SDR1 CONDITIONS**

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**Planning**

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (22-0386-SUP1) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.

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3. All development shall be in conformance with the site plan date stamped 09/22/22; landscape plan date stamped 09/22/22 and building elevations date stamped 07/20/22, except as amended by conditions herein.
4. A Waiver of LVMC Title 19.08 is hereby approved, to allow an 11-foot wide landscape buffer adjacent to Sahara Avenue where 15 feet is required.
5. A Waiver of LVMC Title 19.08 is hereby approved, to allow a 12-foot wide landscape buffer adjacent to Red Rock Street where 15 feet is required.
6. An Exception of LVMC 19.08 is hereby approved, to allow three trees in the southern landscape buffer where 12 trees are required.
7. An Exception of LVMC 19.08 is hereby approved, to allow ten trees in the eastern landscape buffer where 12 trees with 48 shrubs are required.
9. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
10. Prior to the issuance of building permits for the future building pad site indicated on the Site Plan date stamped 09/22/22, future pad site development is subject to an additional Site Development Plan Review.
11. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
12. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, which shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device. The technical landscape plan shall include the following changes from the conceptual landscape plan:
  - The landscape buffer screening the car wash drive through lane shall be planted with one, 24-inch box shade tree for every 20 linear feet with four, five-gallon shrubs for every required tree.

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- No trees are to be planted within the NV Energy Easement adjacent to the southern property line.
  - Shrubbery shall be planted within the NV Energy Easement at a ratio of four (4) for every tree that would have been required. The shrubbery shall be 5-gallon in size and not exceed three (3) feet in height at maximum maturity.
13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

15. Remove all unused driveways and replace curb gutter and sidewalk meeting current City Standards. The sidewalk adjacent to this site shall meet Public Right-of-Way Accessibility Guidelines (PROWAG) in accordance with code requirements of Title 13.56.040 to the satisfaction of the City Engineer concurrent with development of this site. Grant any Pedestrian Access Easement needed to complete this requirement.
16. Provide a Public Sewer Easement along the southern boundary of this parcel at a width acceptable to the Sanitary Sewer Section of the Department of Public Works for the existing 12" Public Sewer Main adjacent to the Sahara Avenue public right-of-way.
17. Coordinate with the Environmental Compliance & Enforcement staff of the Department of Public Works to locate any required grease interceptor and sand/oil interceptors in acceptable locations prior to submittal of sewer-related plans. Comply with the recommendations and requirements of the Environmental Compliance & Enforcement staff prior to issuance of permits. The team may be contacted at 702-229-2338 or emailed at [ece@lasvegasnevada.gov](mailto:ece@lasvegasnevada.gov).
18. No walls, signs, lights, parking area, buildings or other structures, or permanent landscaping having a mature height of greater than 3-feet shall be placed anywhere in any public sewer easement or in the vehicle ingress or egress pathways to such easements.

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19. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. The Traffic Impact Analysis shall also include a pedestrian circulation/access plan to identify nearby pedestrian attractors and recommend measures to accommodate pedestrians, such as but not limited to pedestrian access, crosswalk, pedestrian activated flashers and temporary sidewalks. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
20. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The applicant is proposing to re-develop 1.73 acres at the northwest corner of Sahara Avenue and Red Rock Street. With a 4,638 square-foot Car Wash, Full Service use and a future building pad site.

**ISSUES**

- A Car Wash, Full Service or Auto Detailing use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit. Staff recommends denial of the request.
- A Site Development Plan Review is required for a proposed 4,638 square-foot Car Wash, Full Service use and future building pad site, pursuant to the Title 19.16.100. Staff recommends denial of the request.
- A Waiver of LVMC Title 19.08 is requested, to allow an 11-foot wide landscape buffer adjacent to Sahara Avenue where 15 feet is required. Staff recommends denial of this request.
- A Waiver of LVMC Title 19.08 is requested, to allow a 12-foot wide landscape buffer adjacent to Red Rock Street where 15 feet is required. Staff recommends denial of this request
- An existing utility easement along the southern property line prevents the installation of no walls, signs, lights, parking area, buildings or other structures, or permanent landscaping having a mature height of greater than three feet.
- An Exception of LVMC 19.08 is requested to allow three trees in the southern landscape buffer where 12 trees are required. Staff understands the utility easement but shrubbery could be planted and recommends denial of this request.
- An Exception of LVMC 19.08 is requested to allow 10 trees in the eastern landscape buffer where 12 trees are required. Staff recommends denial of the request.
- A Site Development Plan Review will be required for future development on the undeveloped pad site prior to the issuance of permits for development of pad site.

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## **ANALYSIS**

This project is located on the northwest corner of Sahara Avenue and Red Rock Street in the Master Plan 2050 Area Charleston Area with a General Plan Designation of TOC-2 (Transit Oriented Corridor - Low). The subject site is 1.73 acres with a zoning designation of C-1 (Limited Commercial), and is subject to Title 19.08 Development Standards. The applicant is proposing to redevelop the subject site with a 4,638 square-foot Car Wash, Full Service use. Pursuant to Title 19.12, approval of a Special Use Permit is required to allow a Car Wash, Full Service Use in the C-1 (Limited Commercial) zone. The applicant has also proposed a future building pad site located east of where the Car Wash, Full Service development would be located. The proposed car wash structure is proposed to be located on the southwest portion of the subject site. The car wash structure will have a single stacking drive-through lane that would accommodate up to 10 vehicles and a Condition of Approval has been added by staff to ensure the drive through screening complies with Title 19.

Pursuant to Title 19.08, perimeter landscape buffers adjacent to public right-of-way are required to be 15 feet in width. The applicant has requested a Waiver of this standard and is proposing an 11-foot wide landscape buffer adjacent to Sahara Avenue and a 12-foot landscape buffer adjacent to Red Rock Street. Staff finds these Waiver requests to be self-imposed hardships, as the subject site is not an irregular shape, nor does it have topography issues. These Waivers are the result of the applicant attempting to overdevelop the subject site. Therefore, staff is recommending denial of the requested Waivers.

The applicant is also requesting an Exception for planting materials to allow a reduction of the required number of trees within the required landscape buffers to providing a much needed buffer to the neighboring residential homes, a goal outlined in the 2050 City of Las Vegas Master Plan is to prioritize the increase in tree canopy across all areas of the City for multiple public health and environmental benefits. This goal includes the planting of “60,000 ‘Bulletproof’ native and adaptive trees on public and private property that are heat, cold, and wind tolerant; water efficient; low maintenance; noninvasive, and pest and disease resistant.”

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The planting of trees improves air quality and reduces the urban heat island impacts felt across the City due to the lack of trees. Approving the requested Exception will increase the City's deficiency in trees and support the growing heat island effect the City continues to endure year after year. Planting trees does not negatively impact the existing water issues the entire southwest is enduring right now. As a matter of fact, the planting of heat tolerant, desert species use less water and reduces the heat island effect that ultimately requires the consumption of more water and energy. Staff supports the City's 2050 Master Plan and is recommending denial of the Exception request to plant an insufficient number of shade trees as it is preferential in nature and a self-imposed hardship that only benefits the applicant.

While staff understands there is a utility easement encumbering the southern landscape buffer, the applicant is still able to plant shrubbery that does not exceed three feet in height.

The subject site is located within the Charleston area of the Las Vegas 2050 Master Plan. The Charleston area has specific goals that include land use and development implementation strategies. These land use and development goals include transit oriented development among corridors, an increase of civic and green spaces, diverse housing options, mixed-use, place making through arts and culture, and adaptive reuse.

With a Land Use Designation of TOC-2 (Transit Oriented Corridor - Low), lower intensity uses, linear corridor mixed use, and uses that are suitable for future bus rapid transit corridors are preferred. This Corridor encourages a walkable green streetscape with multi-modal emphasis, storefronts having direct sidewalk access and facing the street, surface parking substantially reduced and to the rear of a site with some drive through and auto-oriented uses acceptable.



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Staff is not able to support the proposed development as there are reduced landscape buffer widths and significant reduction of the required planting materials such as trees do not meet the minimum development standards of Title 19, nor does the proposed development support the goals of the Transit Oriented Corridor. Therefore, staff is recommending denial of the requested Special Use Permit and Site Development Plan Review.

**FINDINGS (22-0386-SUP1)**

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

- 1. The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

The proposed Car Wash, Full service or Auto Detailing cannot be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan as it does not provide the minimum required planting requirements to satisfy the goals of the Transit Oriented Corridor or the minimum development standards required by Title 19.

- 2. The subject site is physically suitable for the type and intensity of land use proposed.**

The subject site is physically suitable for the proposed development as it is square in shape with no topography issues. The applicant is requesting Waivers and Exceptions that are self-imposed and create a development that is not suitable for the area.

- 3. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

Access to the property is proposed from Sahara Avenue, a 150-foot Primary Arterial and Red Rock Street, a 60-foot Local Street. These roadways are adequate in size to meet the requirements of the proposed Car Wash Full Service or Auto Detailing use.

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- 4. Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

The Car Wash, Full Service use is subject to license review and regular inspection for compliance with municipal codes to ensure public health, safety and welfare are not compromised.

- 5. The use meets all of the applicable conditions per Title 19.12.**

The proposed use conforms to all Special Use Permit Requirements applicable to a Car Wash, Full Service or Auto Detailing use.

**FINDINGS (22-0386-SDR1)**

In order to approve a Site Development Plan Review application, per Title 19.16.100(E) the Planning Commission and/or City Council must affirm the following:

- 1. The proposed development is compatible with adjacent development and development in the area;**

The proposed development is not compatible with adjacent development and development in the area as there are insufficient planting materials to help buffer the noise produced by car wash facilities.

- 2. The proposed development is consistent with the General Plan, this Title, and other duly-adopted city plans, policies and standards;**

The proposed development is not consistent with the goals of the General Plan, nor does the proposed development meet the minimum development standards set forth by Title 19.

- 3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;

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**4. Building and landscape materials are appropriate for the area and for the City;**

The proposed building and landscape materials are appropriate for the area and the City. However, the applicant is requesting waivers and exceptions from Title 19 Landscape Standards.

**5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The proposed building elevations, design characteristics and other architectural features are not unsightly or obnoxious in appearance, but the lack of planting materials do not create an aesthetically pleasing environment and is not harmonious nor compatible with development in the area.

**6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

The proposed development is subject to building permit review and regular inspections during construction to ensure the public health, safety and general welfare are secure if approved.

## BACKGROUND INFORMATION

<b><i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i></b>	
12/15/81	The Clark County Planning Commission approved a Plot Plan and Building Elevation Review (ZC-201-81) to reclassify from R-E (Rural Estates Residential) Zone to C-1 (Local Business) Zone to construct and maintain a 15,600 square foot office building.
08/05/86	The Planning Commission approved a request for a Petition to Annex (A-0012-86) property located north of Sahara Avenue, between Mohawk Street and Torrey Pines Drive containing approximately 54 acres. The Planning Commission and staff recommended approval.
10/11/22	<p>The Planning Commission voted (7-0) to accept the applicant's request to <b><i>WITHDRAW WITHOUT PREJUDICE</i></b> the following Land Use Entitlement project request on 1.73 acres at the northwest corner of Sahara Avenue and Red Rock Street (APN 163-01-401-008), C-1 (Limited Commercial) Zone, Ward 1 (Knudsen).</p> <p><b>22-0386-VAR1 - VARIANCE - TO ALLOW A FOUR-FOOT SIDE YARD SETBACK WHERE 10 FEET IS REQUIRED</b></p>

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<b><i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i></b>	
10/11/22	<p>The Planning Commission voted (7-0) to recommend APPROVAL of the following Land Use Entitlement project requests on 1.73 acres at the northwest corner of Sahara Avenue and Red Rock Street (APN 163-01-401-008), C-1 (Limited Commercial) Zone, Ward 1 (Knudsen).</p> <p><b>22-0386-SUP1</b> - SPECIAL USE PERMIT - FOR A PROPOSED CAR WASH, FULL SERVICE OR AUTO DETAILING USE</p> <p><b>22-0386-SDR1</b> - SITE DEVELOPMENT PLAN REVIEW - FOR A PROPOSED 4,638 SQUARE-FOOT CAR WASH DEVELOPMENT AND A FUTURE BUILDING PAD SITE WITH WAIVERS OF THE PERIMETER LANDSCAPE BUFFER REQUIREMENTS</p>

<b><i>Most Recent Change of Ownership</i></b>	
07/19/22	A deed was recorded for a change in ownership.

<b><i>Related Building Permits/Business Licenses</i></b>	
06/12/87	A business license (B03-00046) was issued for a bank at 5950 West Sahara Avenue. The license is active as of 08/31/22.

<b><i>Pre-Application Meeting</i></b>	
07/11/22	A pre-application meeting was held with the applicant to discuss submittal requirements for a Site Development Plan Review application with accompanying Variance, and Special Use Permit submittals.

<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting was not required, nor was one held.	

<b><i>Field Check</i></b>	
08/10/22	Staff performed a routine field check and observed one building on the subject site that was vacant and a canopy area north of the building. Staff did not note anything of concern.

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<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	1.73

<b>Surrounding Property</b>	<b>Existing Land Use Per Title 19.12</b>	<b>Planned or Special Land Use Designation</b>	<b>Existing Zoning District</b>
Subject Property	Financial Institution, General	TOC-2 (Transit Oriented Corridor - Low)	C-1 (Limited Commercial)
North	Office, Other than Listed	TOC-2 (Transit Oriented Corridor - Low)	C-1 (Limited Commercial)
South	General Personal Service	C-M (Corridor Mixed-Use) - Clark County	C-2 (General Commercial) - Clark County
	General Retail Store, Other Than Listed		
East	Motor Vehicle Sales (New)	TOC-2 (Transit Oriented Corridor - Low)	C-2 (General Commercial)
West	Pawn Shop	TOC-2 (Transit Oriented Corridor - Low)	C-1 (Limited Commercial)
	Restaurant		
	General Retail Store, Other Than Listed		
	Hospice		
	General Personal Service		

<b>Master and Neighborhood Plan Areas</b>	<b>Compliance</b>
Master Plan 2050 Area: Charleston	Y
<b>Special Area and Overlay Districts</b>	<b>Compliance</b>
No Applicable Special Area or Overlay Districts	N/A
<b>Other Plans or Special Requirements</b>	<b>Compliance</b>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

**DEVELOPMENT STANDARDS**

*Pursuant to 19.08, the following standards apply:*

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Lot Width	100 Feet	280 Feet	Y
Min. Setbacks			
• Front	10 Feet	49 Feet	Y
• Side	10 Feet	14 Feet	Y
• Corner	10 Feet	247 Feet	Y
• Rear	20 Feet	73 Feet	Y
Max. Lot Coverage	50%	7%	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/ a Roof or Trellis	Y
Mech. Equipment	Screened	Screened	Y

*Pursuant to 19.08, the following standards apply:*

<b>Landscaping and Open Space Standards</b>				
<b>Standards</b>	<b>Required</b>		<b>Provided</b>	<b>Compliance</b>
	<b>Ratio</b>	<b>Trees</b>		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	14 Trees	14 Trees	Y
• South	1 Tree / 20 Linear Feet	12 Trees	3 Tree	N*
• East	1 Tree / 20 Linear Feet	12 Trees	10 Trees	N
• West	1 Tree / 20 Linear Feet	13 Trees	13 Trees	Y
<b>TOTAL PERIMETER TREES</b>		<b>51 Trees</b>	<b>40 Trees</b>	<b>N</b>
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	0 trees due to parking being covered	7 trees	Y
<b>LANDSCAPE BUFFER WIDTHS</b>				
Min. Zone Width				
• North	8 Feet		8 Feet	Y
• South	15 Feet		11 Feet	N
• East	15 Feet		13 Feet	N
• West	8 Feet		14 Feet	Y

*\*An existing utility easement along the southern property line prevents the installation of No walls, signs, lights, parking area, buildings or other structures, or permanent landscaping having a mature height of greater than three feet.*

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<b>Street Name</b>	<b>Functional Classification of Street(s)</b>	<b>Governing Document</b>	<b>Actual Street Width (Feet)</b>	<b>Compliance with Street Section</b>
Sahara Avenue	Primary Arterial	Master Plan of Streets and Highways Map	150	Y
Red Rock Street	Local Street	Title 13	60	Y

**Pursuant to Title 19.08 and 19.12, the following parking standards apply:**

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	ADA	Regular	ADA	
Car Wash, Full Service or Auto Detailing	940 SF	1 space/ 150 SF of GFA independent of vehicle stacking space	6				
TOTAL SPACES REQUIRED			6		25		Y
Regular and Handicap Spaces Required			5	1	23	2	Y

- An Exception of LVMC 19.08 is requested Staff understands the utility easement but shrubbery could be planted and recommends denial of this request.
- An Exception of LVMC 19.08 is requested Staff recommends denial of the request.
- An Exception of LVMC 19.08 is requested Staff recommends denial of the request.

<b>Waivers</b>		
<b>Requirement</b>	<b>Request</b>	<b>Staff Recommendation</b>
15-foot wide landscape buffer adjacent to right-of-way of Sahara Avenue.	11-foot wide landscape buffers adjacent to Sahara Avenue.	Denial
15-foot wide landscape buffer adjacent to right-of-way of Sahara Avenue.	12-foot wide landscape buffers adjacent to Red Rock Street.	Denial

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<b><i>Exceptions</i></b>		
<b><i>Requirement</i></b>	<b><i>Request</i></b>	<b><i>Staff Recommendation</i></b>
One, 24-inch box shade tree every 20 linear feet on center within required landscape buffers. For every required tree, four, five-gallon shrubs are also required.	To allow three trees in the southern landscape buffer where 12 trees are required.	Denial
One, 24-inch box shade tree every 20 linear feet on center within required landscape buffers. For every required tree, four, five-gallon shrubs are also required.	To allow ten trees and in the eastern landscape buffer where 12 trees are required.	Denial