

# STAFF REPORT

## UW-12-07

1. **SUBJECT:** A Special Use Permit application submitted by Rubicon Design Group, LLC to allow for the construction and operation of a 2,500 ± square foot restaurant with drive-through (Taco Bell).
2. **LOCATION:** 3475 Construction Way, Winnemucca, NV. Assessor's Parcel #15-331-1615.
3. **BACKGROUND INFORMATION:**

**Parcel Size:** .810 acres

**Previous Applications:**

<b>Parcel Action History</b>		<b>PL0100D</b>
<b>Seq</b>	<b>Case#</b>	<b>App Date Last Action Date</b>
01	SP 00 03	5/05/2000 RPC TESORO-WALMART/SITE PLAN FOR GAS STATION
02	PW 01 04	1/11/2001 SIGNED 6/22/2001 WALMART/CEI - 3 LOTS
03	UW 12 07	4/16/2012 RPC SUP-TACO BELL DRIVE THROUGH RESTAURANT
04	PW 95 34	4/20/1995 FILED SHEPPARD/ 4 LOTS - FILE #1997-4373 & 4403
05	RW 96 50	10/30/1996 WTHDRN 11/25/1996 SHEPPARD M-1 > LM **WITHDRAWN**
06	SP 96 06	12/23/1996 WCC A 1/14/1997 WALMART/SITE PLAN-RETAIL STORE
07	VW 97 01	1/14/1997 WCC A 2/04/1997 WALMART/CEI - 196 SQ FT - 60 FT HIGH PYLON SIGN

**Zoning:** M-1 (Industrial)

**Master Plan:** IND (Industrial)

**Response from Referrals:**

**Sherrie Chaplin, City Building Official** "Must comply w/all building & ICC ANSI codes, including parking."

No other comments have been received from referrals as of May 2, 2012.

**Access:** The property is on the corner of Construction Way and Jacks Road. The site plan indicates access will be off of Jacks Road into the Walmart parking lot onto the site of the restaurant.

**Applicable Regulations:** The M-1 (Industrial) zoning district allows restaurants, including fast food, with the issuance of a Special Use Permit.

Development of the property requires the following setbacks: Front yards – 20 feet minimum; side yards – 10 feet minimum; and rear yards – 0 feet minimum. For this project the rear yard is to be along Construction Way; the side yards will be along the adjacent property to the north and Jacks road. The front yard will be adjacent to the existing Walmart parking lot.

The parking requirements for this type of use are projected to be 17 – calculated on gross floor area, 2,500 ± square feet with 1,750 ± of useable area. Formula being: 1 parking space per 150 sq. ft. of usable area plus 1 per 2 employees. The applicant has indicated there will be 10+ employees at peak shift. The site plan indicates 35 parking stalls on site, 2 of which are handicapped spaces. The proposed parking spaces exceed what is required for the proposed operation. There is a requirement of 140 linear feet of off-street stacking area for the drive-through window. The site plan reflects stacking for 9 vehicles and meets the 140 feet of stacking distance required by code.

The City of Winnemucca's Commercial and Industrial Development Standards (Chapter 17.22) require curb, gutter, sidewalk, and street improvements for projects of this nature. This may also include the installation of additional fire hydrants and streetlights in proximity of the site.

#### 4. **ANALYSIS & FINDINGS:**

- A. The property is zoned M-1. The proposed activity, is allowed within the M-1 zoning district with the issuance of a special use permit.
- B. The neighboring properties are zoned M-1 and L-M. Uses currently existing in this area include Dotty's, Walmart, DMV/Highway Patrol, Auto Dealership and various retail and industrial activities. Commercial and industrial uses coexist and have for quite some time. Therefore, this use is compatible with adjacent land uses.
- C. The applicant is complying with the requirements of the M-1 zoning district by filing the required special use permit application. The site, as shown, will be required to have adequate ingress and egress to Jacks Road and Construction Way. Applicant has indicated that proper access between Walmart and the adjoining streets is provided. Circulation between Walmart and Taco Bell will function well and cross-access easements will be put in place. Applicant does not indicate landscaping on the site plan but does indicate that landscaping will be installed and the grounds will be maintained in the

application. Landscaping will be provided along Construction Way and Jack's Road.

Applicant shows existing curbs, gutters and sidewalks on the site plan along Construction Way and Jacks Road. Applicant will be required to develop property as per City of Winnemucca Development Standards.

Parking has been provided on the site plan – 35 spaces. The parking requirements for this type of use are projected to be 12 – calculated on useable floor area of 1,750± square feet. Formula being: 1 parking space per 150 sq. ft. of useable area plus 1 for every 2 employees. The applicant indicates there will be 10 employees at peak shift. The site plan indicates 35 parking stalls on site, 2 of which are handicapped spaces. The proposed parking spaces exceed what is required for the proposed operation.

A new masonry trash enclosure will be installed within the parking area.

Proposed parking area paving is shown on the site plan.

The applicant will be required to comply with the City of Winnemucca's Commercial and Industrial development standards (17.22).

- D. The physical design of the facility is appropriate for the proposed business Applicant is proposing to construct a 2,500± square foot building to operate a fast food restaurant with a drive-through window.
- E. The facility makes adequate provisions for public services.
- F. The site for the proposed use is adequate in size and shape to accommodate the proposed use. Subject property is .810 acres in size. The proposed building will have to comply with Building and Fire Code standards for building placement. This property is served by the City of Winnemucca water and sewer system.
- G. Applicant will be required to meet setback the following setback requirements: front yard – 20 feet minimum; side yards – 20 feet minimum and rear yard minimum – 20 feet.
- H. The adjacent road is adequate to accommodate the proposed use. The use will generate traffic.
- I. The proposed use will have no adverse effect on abutting property or permitted uses thereon if all state, county and federal regulations are complied with in the set up and operation of the facility. Surrounding property is zoned M-1 (Industrial).
- J. Applicant has indicated that there is an existing pylon sign on the property which they will be utilizing. The sign is located at the southwest corner of the property. The City of Winnemucca sign ordinance (17.27.030) allows a freestanding sign with the maximum area of 160 square feet and 36 feet in height with one allowed every 100' of street frontage; a building sign with a maximum area of 10% of the

wall area. The M-1 zoning allows internal or external illuminated signs, window signs or directional signs.

- K. The applicant will be required to contact the City of Winnemucca Building Department and any other state and/or local agencies to obtain permits/licenses required for this type of business.

5. **STAFF RECOMMENDATION:** After careful consideration and based on the above stated analysis and findings, Staff recommends **APPROVAL** of this Special Use Permit application, subject to the following conditions:

1. The applicant shall obtain all necessary permits from the City of Winnemucca and any other state and/or local agencies.
2. This special use permit approval is based upon the facts as found on the application. If any changes occur, such as property ownership or a deviation of said use, other than limited uses associated with this application, the Planning Department shall be notified.
3. The applicant shall develop the project in accordance with the plans as approved for the 2,500 ± square foot restaurant with drive-through (Taco Bell).
4. The 35 parking spaces shall be developed and marked as specified in Section 17.25 of the Winnemucca City Code.
5. A copy of the final plans for the project shall be provided to the Planning Department to insure compliance with all adopted conditions.
6. The applicant shall comply with Section 17.22, City of Winnemucca Development Standards. The City Engineer shall review and approve all final plans prior to the issuance of any permits for construction.
7. Developers shall contact the City of Winnemucca Fire Chief as to fire hydrant placement, and shall abide by said Fire Chief's placement designations and number of hydrants required for this development. A letter from the Fire Chief stating his requirements shall be submitted to the Planning Department prior to signing of any permits for construction.
8. The site plan approval shall become invalid if a building permit has not been obtained within 24 month of the date of final approval.
9. The activity for which this Special Use Permit is issued, a 2,500 ± square foot restaurant with drive-through (Taco Bell), shall commence any stage or phase of the operation within twelve (12) months of the date of final approval or become

null and void, unless an extension request has been approved by the Regional Planning Commission.

10. The application shall be subject to annual review.
11. This Special Use Permit shall become effective 5 business days from the date of the conditional approval by the Regional Planning Commission. Applicant shall not commence approved special use, a 2,500 ± square foot restaurant with drive-through (Taco Bell), until the applicant has returned the signed and notarized acceptance form to the Humboldt County Regional Planning Department.
12. There shall be no interference with the peace, contentment or general welfare of the area.
13. Applicant is required to submit to the Planning Department a copy of the agreement which allows for the common access with Walmart. This document must be submitted prior to the signing of any building permits by the Planning Department.

6. **SUPPORT DOCUMENTS:**

- A. Application(s)
- B. Site Plan/Location Map
- C. Assessor's Map

Betty Lawrence/*BL*  
Senior Planning Technician

CONDITIONAL USE/SPECIAL USE PERMIT  
APPLICATION FORM

City of Winnemucca

Humboldt County

Applicant/Agent: Rubicon Design Group, LLC

Name of Business: Taco Bell

Street Address of Business/Location: 3475 Construction Way

Mailing Address: 3983 S. McCarran Blvd., Suite 445 Reno, NV 89502

Assessor's Parcel # 15-331-16 Property is zoned: M-1

Legal Owner of Property: (a signed, notarized Affidavit of Ownership is required)

Name of Owner: Wal-Mart Real Estate Bus. Trust

Mailing Address: P.O. Box 8050 Bentonville, AR 72712

Phone: care of Pat Morrissey - (775) 322-4401

I, the above signed property owner or lessee of the property described, hereby request a Conditional Use/Special Use Permit for the following:

A Special Use Permit is being requested to allow for a 2,500± square foot restaurant with drive-through (Taco Bell) within the M-1 zoning district.

FOR DEPARTMENT USE

Received By BETH Date Received 4/16/12  
Application No. WW-12-07 Name Rubicon Design Group

1. Please explain in sufficient detail the nature of your project and how it will operate: Taco Bell will include a drive-through and approximately 1,750± of dining area. It is proposed that the restaurant have the ability to operate 24-hours per day, consistent with other fast food uses in the area. Final hours of operation will be determined based on actual demand once the restaurant is open. Please refer to attached supplemental report for additional details.

Indicate proposed hours of operation: 24-hour use is proposed.

Number of customers expected: 30-50 per hour during peak hours

Where will customers park?: 35 new parking spaces are included

Number of parking and loading spaces proposed: 35

Describe any landscaping proposed: New landscaping will be installed around the perimeter of the Taco Bell site.

2. Describe any additional structures proposed as part of this use (walls, fences):

A new masonry trash enclosure will be installed within the parking area, as depicted on the attached site plan.

3. Describe the size and shape of the site for the proposed use. Describe how the proposed use is adequate in size and shape to accommodate the proposed use:

The Taco Bell building essentially parallels Construction Way. This allows for increased stacking area for the drive-through and better overall site circulation. Parking is provided in front of the building which allows for safe and efficient pedestrian access.

4. Describe the width and pavement type (asphalt, gravel) of the adjacent streets. Are they adequate to carry the quantity and kind of traffic generated by the proposed use? The site will be accessed from existing City streets which are built to the appropriate standards. This includes Construction Way and Jack's Road.

5. What are the uses on adjacent properties: The site is surrounded by commercial and industrial uses, including the Wal-Mart Super Center.

6. Will the use affect abutting properties or the uses permitted thereon? Describe: The site plan is designed such that proper access between Wal-Mart and adjoining streets is provided. Additionally, circulation between Wal-Mart and Taco Bell will functional well and cross-access easements will be put in place.

7. Will any materials or goods be stored as part of this use  Yes  No  
If yes, what kind(s) of materials or goods? \_\_\_\_\_

How much materials or goods? N/A

How will it be delivered? N/A

How often? N/A

Where will it be stored? N/A

8. Will equipment (hand tools or large equipment) be used in the operation of this use?  Yes  No

What kind(s) of tools or equipment? N/A

How much equipment? N/A

Where will it be stored? N/A

9. How many employees will the use generate, if any? 10± (peak shift)

10. Will you be disposing of used or waste materials as a result of this use?  Yes  No

If yes, what materials will be disposed of and how? N/A

11. Will you have a sign on your property advertising the use?  Yes  No

If yes, what is the size and height of the sign(s)? Building signage will meet code standards and is depicted in the attached supplemental report. Pylon signage will be included on the existing Wal-Mart pylon sign at the southwest corner of the property.

12. Will you be required to obtain any city, county, state and/or federal permits and/or licenses?  Yes  No

If yes, indicate agency and type: Applicable health permits for food handling will be obtained.





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The Taco Bell is proposed for a pad site in front of the existing Wal-Mart Super Center. As depicted in Figure 2, the project site was previously developed as the Mira-Star gas station. The gas station has since been abandoned and the Humboldt County Assessor lists the site as vacant.

### **Project Summary**

The proposed Taco Bell restaurant consists of 2,500± square feet and will include a drive-through window along the west side of the building. Generally speaking, the building will be located parallel to Construction Way with the entrance facing Wal-Mart. Signage will be located on the existing Wal-Mart pylon sign which exists at the southern portion of the property.

The drive-through includes stacking for nine vehicles and meets the 140 feet of stacking distance as required by Code. Landscaping will be provided along Construction Way and Jack's Road which will buffer vehicles in the drive-through lane and add aesthetic appeal to the site.

Twenty-four hour operation is proposed for the Taco Bell. This is consistent with other adjacent and nearby uses. Given the location of the site within a predominantly commercial and industrial area, no negative impacts are anticipated with the extended hours of operation.

Parking for the Taco Bell has been located to maximize convenience and efficiency. A total of 35 spaces are provided onsite. Additionally, cross access and parking agreements are in place with Wal-Mart which allows for overflow parking should the need ever occur. However, considering that the "useable" area of Taco Bell is approximately 1,750± square feet, more than ample parking is provided onsite. A trash enclosure is located within the parking area and can be accessed directly via an east/west drive aisle. This ensures efficient and safe access to the dumpster by trash trucks without disrupting the overall circulation of the site.

Figure 3 (following page) depicts the preliminary site plan developed for Taco Bell.

Building elevations are modern and stylish and reflect Taco Bell's latest corporate appearance. Detailed elevation sheets are included as an attachment to this report. Figure 3 (page 5) depicts other Taco Bell locations which are modeled under the same prototype as that proposed for Winnemucca.



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### Special Use Permit Findings

Winnemucca Municipal Code Section 17.124.040 includes specific findings that must be made in order to approve a Special Use Permit. These findings are provided below in **bold**, with responses.

The planning commission before granting a special use permit shall find as follows:

**A. The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls, fences, parking, loading, landscaping and other features required by this title to adjust the use with the land and uses in the neighborhood;**

The chosen site is of sufficient size to accommodate the proposed use while meeting the specific building and site design standards of the Winnemucca Municipal Code. The site includes the required setbacks, parking, landscaping, lighting, and drive-through standards described in the Code.

**B. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;**

The site is located adjacent to Construction Way, a major thoroughfare, and is within an existing shopping center. The site is therefore well served by the existing transportation network. A substantial portion of customers to the proposed Taco Bell are likely to come from shoppers visiting the nearby Wal-Mart or from people working in the surrounding commercial sites. These customers are therefore not additional vehicle trips to the area but people that are already using the nearby roads.

**C. The proposed use will have no adverse effect on abutting property or the permitted use thereof;**

Surrounding properties are already developed with commercial uses. The proposed restaurant is therefore a beneficial addition to the area as it provides needed services and an additional customer draw.

**D. The conditions stated in the resolution are deemed necessary to protect the public health, safety and general welfare. Such conditions may include:**

In general, the site is designed to modern standards that have proven successful and safe at numerous other locations. The project also incorporates standards described in the Winnemucca Municipal Code. Specifics include:

**1. Special yards, spaces and buffers, fences and walls**

The site meets yard and setback standards and is designed to promote safe vehicle and pedestrian movement.



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**2. Surfacing of parking areas subject to specifications**

Parking areas are designed to local engineering standards, both in terms of layout and surface treatment.

**3. Requiring street dedications and improvements including service roads, and alleys, where practical,**

Not applicable. No new street or service roads are required with this project.

**4. Regulations of points of vehicular egress and ingress,**

Vehicle egress and ingress is designed to local standards. Directional signs are included where necessary to facilitate safe movement. This includes ingress, egress, and the drive-through lane.

**5. Regulations of signs,**

Signs conform to the Winnemucca Municipal Code Chapter 17.27 Sign Standards.

**6. Requiring landscaping and maintenance of grounds,**

New landscaping will be installed and the grounds will be maintained by the property owner and the site operator.

**7. Regulations of noise, vibration, odors, etc.,**

The proposed use will not produce odors, vibration, or undue noise.

**8. Regulations for time of certain activities,**

The site is sufficiently distant from residential uses that it will not cause any impacts regardless of the hours of operation. The restaurant will, of course, comply with any required conditions regarding hours of operation, drive-through speaker volume controls, etc.

**9. Time period within which the proposed use shall be developed,**

The project will adhere to the time line contained within the Special Use Permit approval.

**10. A bond for removal of such use within a specified period of time,**

Not applicable.

**11. A request for a site plan for purposes of review, said site plan to be submitted by the applicant,**

A detailed site plan is provided with this application.

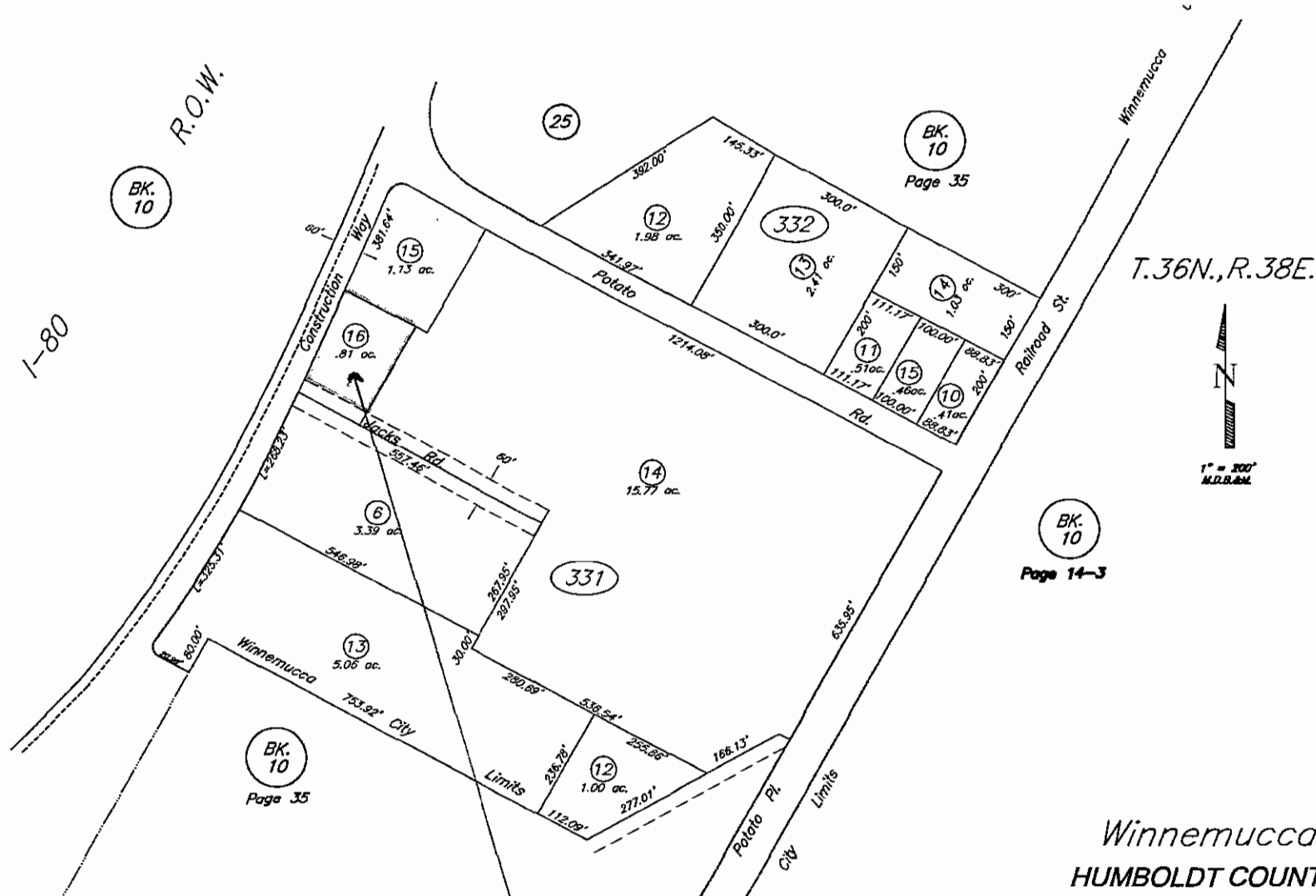


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**12. Such other conditions as will make possible the development of the city in an orderly and efficient manner in conformity with the intent and purposes set forth in the zoning ordinance.**

The application review process has ensured this project meets the intent and purpose of the zoning ordinance.

Portion Of Section 31



T.36N., R.38E.



Winnemucca  
HUMBOLDT COUNTY

NOTE: This plot is for informational purposes only and does not represent a survey of the lands on this plot.

HUMBOLDT COUNTY ASSESSOR'S OFFICE  
WINNEMUCCA, NEVADA 89445

(File No. 178837 / Aug. 15, 1977 / R.L.S. R.N.C.)  
 (File No. 257748 / April 26, 1986 / R.L.S. R.N.C. / ANNEX)  
 (File No. 350010 / July 1, 1994 / Annex J.H.M. III)  
 (File No. 1997-4373 / April 16, 1997 / R.O.S. J.H.M. III)  
 (File No. 1997-4403 / April 17, 1977 / P.M. J.H.M. III)

VW-12-07  
**RUBICON DESIGN GROUP, LLC**  
 3475 CONSTRUCTION WAY  
 AP#015-331-16

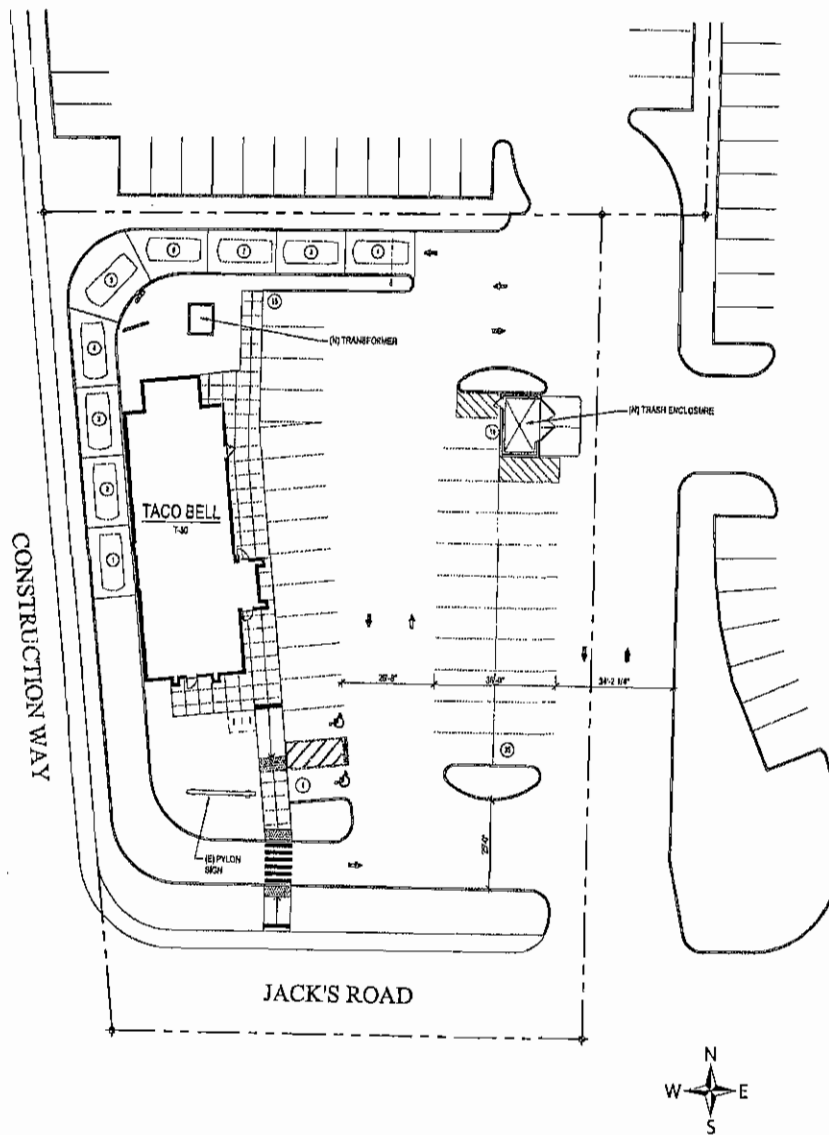
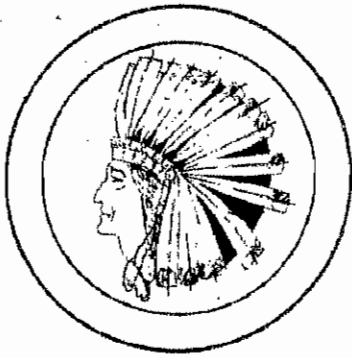


Figure 3 – Site Plan



# REGIONAL PLANNING DEPARTMENT

HUMBOLDT COUNTY COURTHOUSE WINNEMUCCA, NV 89445  
OFFICE (775) 623-6392 FAX (775) 623-6395

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT ON **THURSDAY, MAY 10, 2012** at 5:30 P.M. the **Humboldt County Regional Planning Commission** will hold a public hearing in the Meeting Room, Humboldt County Courthouse, Second Floor, Winnemucca, Nevada to consider the following:

**UW-12-07** A special use permit application submitted by Rubicon Design Group, LLC, to request approval to allow for a 2,500+/- square foot restaurant with drive-through (Taco Bell). The subject property is zoned M-1 (Industrial District) district and is located at 3475 Construction Way; assessor's parcel #015-331-16.

**"SUBJECT TO CHANGE"**

**NOTE:** If you plan to attend this meeting, please contact the Planning Department office before the meeting to verify this agenda item has not been withdrawn or rescheduled.

**NOTICE TO PERSONS WITH DISABILITIES:** Members of the public who are disabled and require special assistance or accommodations at the meeting are requested to notify the **COUNTY ADMINISTRATOR** in writing at the Humboldt County Courthouse, Room 205, Winnemucca, Nevada 89445, or by calling (775) 623-6300 at least one (1) day in advance of the meeting.