

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-26-0167-LOBEL TRUST & LOBEL STUART D & MARY TRS:

USE PERMIT for a gas station.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** modified residential adjacency standards; **2)** reduce throat depth; and **3)** allow modified street standards.

DESIGN REVIEW for a commercial development consisting of a gas station, retail, and restaurant on 1.79 acres in a CG (Commercial General) Zone.

Generally located north of Windmill Lane and west of Bermuda Road within Enterprise. MN/bb/kh (For possible action)

RELATED INFORMATION:

APN:

177-09-804-010; 177-09-804-011

WAIVERS OF DEVELOPMENT STANDARDS:

1. Allow a drive-thru lane 15 feet from a residential use where 200 feet is the minimum per Section 30.04.06 E (a 93% reduction).
2.
 - a. Reduce throat depth for a driveway along Windmill Lane to 10 feet where a minimum of 25 feet is required per Section 30.04.08 and Uniform Standard Drawing 222.1 (a 60% reduction).
 - b. Reduce throat depth for a driveway along Bermuda Road to 10 feet where a minimum of 25 feet is required per Section 30.04.08 and Uniform Standard Drawing 222.1 (a 60% reduction).
3. Reduce the departure distance from the intersection of Windmill Lane and Bermuda Road to 171 feet where a minimum of 190 feet is required per Uniform Standard Drawing 222.1 and Section 30.04.08 (a 10% reduction).

LAND USE PLAN:

ENTERPRISE - NEIGHBORHOOD COMMERCIAL

BACKGROUND:

Project Description

General Summary

- Site Address: 400 E. Windmill Lane
- Site Acreage: 1.79
- Project Type: Gas station, retail, and restaurant
- Number of Stories: 1
- Building Height (feet): 19 (gas station and retail)/25 (restaurant)
- Square Feet: 4,861 (gas canopy)/2,825 (retail)/1,990 (restaurant)

- Parking Required/Provided: 23/25
- Sustainability Required/Provided: 7/7

Site Plan

Access to the site is from Bermuda Road via a driveway on the northeast corner of the site, and Windmill Lane via a driveway on the southwest corner of the property. The gas canopy is in the southeast corner of the property, 62 feet from Windmill Lane and 54 feet from Bermuda Road. The retail building (convenience store) is located 68 feet north of the gas canopy and 64 feet from the north property line. The restaurant is located 16 feet east of the west property line. Trash enclosures are located at the northwest corner of the convenience store and north of the restaurant. Parking is provided on the east side of the restaurant and the south and east sides of the convenience store. A drive-thru is proposed on the north and west sides of the restaurant. Bicycle parking is provided on the north side of the restaurant.

Landscaping

Minimum 5 foot wide landscape strips are provided on both sides of detached sidewalks along Windmill Lane and Bermuda Road consisting of large trees and shrubs. A 15 foot wide buffer consisting of evergreen trees and an 8 foot high decorative wall is provided along the north property line. Additional trees are provided within the parking lot and along the west property line.

Elevations

The 19 foot high convenience store has brick veneer on 4 sides with the main entrance and aluminum storefront windows facing south. The roofline is flat with various off-set banding on all 4 sides of the building. A 3 foot wide shade structure covers the main entrance on the south side of the building and over the doors on the north side of the building. The gas canopy is 19 feet tall and its supports are surrounded by stone veneer with aluminum composite panels making up to the flat canopy. The 25 foot high restaurant has painted metal wall panels, stucco siding, a tiered flat roof, parapet walls, and decorative metal banding on the north and east sides. Pedestrian access is on the east and south sides of the restaurant, with a drive-thru window on the west façade. Three foot wide shade structures cover the west facing storefront windows and the drive-thru window.

Floor Plans

The floor plans show a 1,990 square foot restaurant consisting of a dining area, kitchen, walk in cooler, prep work space, restrooms, office, and service areas. The convenience store is a 2,825 square foot shell with the interior spaces to be determined by future tenants.

Applicant's Justification

The request is compatible with the surrounding area and compliant with multiple goals and policies of the Clark County Master Plan. The proposed drive-thru lane is buffered by an 8 foot high decorative wall and a 15 foot wide landscape area. The limitations related to the size of the property will not allow for the required departure distance from the Bermuda Road and Windmill Lane intersection. The waiver for throat depth will not create a vehicle stacking problem with this design. The scale and intensity of this development at this location is appropriate and compatible with the existing and planned land uses in the area.

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Ranch Estate Neighborhood (up to 2 du/ac)	RS20	Single-family residential
South	Public Use	RS20	Undeveloped
East	Neighborhood Commercial	RS20	Undeveloped
West	Neighborhood Commercial	CP	Office complex

Related Applications

Application Number	Request
ZC-26-0166	A zone change from RS20 to CG is a companion item on this agenda.
VS-26-0168	A vacation and abandonment of easements and portions of rights-of-way 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 Permit

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.

The gas station is 171 feet south of the area subject to residential adjacency. A convenience store is located between the residential properties to the north and the gas canopy. The proposed gas station is not compatible with the surrounding residential uses and staff is concerned that with the reduced separation, there may be potential negative impacts on the residential development due to pollution and noise that gas stations typically generate. Additionally, the request is not consistent with the Master Plan Policy EN-1.1, which supports preservation of the integrity of contiguous and uniform neighborhoods with transitions to higher intensity uses. Staff cannot support the use permit.

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.

Waiver of Development Standards #1

Drive-thru lanes can be detrimental to the surrounding residential properties due to idling vehicles, increased traffic, and features such as including talk boxes and vehicle stacking. These elements introduce noise, congestion, and operational intensity that can negatively affect the adjacent residential properties. High-intensity uses of areas adjacent to existing homes is not consistent with the Master Plan Policy EN-1.1, which encourages compatible development. In addition, the applicant has not provided additional mitigation to limit adverse impacts of the drive-thru. Based on these adverse impacts to nearby residential uses, staff cannot support the requested waiver.

Design Review

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 location and orientation of the talk boxes are detrimental to the nearby residential uses, and the talk boxes could be redesigned and oriented away from those residences to help mitigate impacts. Based on these concerns, and since staff does not support the use permit and waiver requests, staff cannot support the design review.

Public Works - Development Review

Waiver of Development Standards #2

Staff has no objection to the reduction in throat depth for the Windmill Lane and Bermuda Road commercial driveway, as there is no direct conflict due to the reduction. Although the throat depth does not comply with the minimum standard, staff find that the reduction will allow vehicles to safely exit the right-of-way to gain access to the site. However, since Planning is recommending denial of the design review, staff cannot support this waiver.

Waiver of Development Standards #3

Staff has no objection to the reduction in the departure distance for the Windmill Lane commercial driveway. The applicant placed the driveway as far west as the site will allow. However, since Planning is recommending denial of the design review, 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:

- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance.
- Applicant is advised within 2 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 and application for review; 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;
- Reconstruct any unused driveways with full off-site improvements;
- Right-of-way dedication to include a 54 foot property line radius on the southeast portion of the site at the Windmill Lane and Bermuda Road intersection;
- 30 days to coordinate with Public Works - Design Division and submit separate document if required, for dedication of any necessary right-of-way and easements for the Windmill Lane improvement project;
- Said dedication must occur prior to issuance of building permits, concurrent with the recording of a subdivision map, OR within 30 calendar days from a request for dedication by the County;
- 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

- No comment.

Southern Nevada Health District (SNHD) - Engineering

- Applicant is advised to contact the SNHD Environmental Health Division at septics@snhd.org or (702) 759-0660 to obtain written approval for a Tenant Improvement, so that SNHD may review the impact of the proposed use on the existing Individual Sewage Disposal (Septic) System.

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 #0484-2026 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - denial.

APPROVALS:

PROTESTS:

APPLICANT: LUIS FLORES PAZ

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