

07/17/24 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-24-0253-KEATTE KENNETH J FAMILY TRUST & KEATE CRAIG & ROBERT TRS:**

**WAIVER OF DEVELOPMENT STANDARDS** to reduce buffering and screening.

**DESIGN REVIEW** for a proposed convenience store with gas station on a portion of 3.43 acres in a CG (Commercial General) Zone.

Generally located on the southwest corner of Moapa Valley Boulevard and Jones Street within Moapa Valley. MK/sd/ng (For possible action)

---

RELATED INFORMATION:

**APN:**

070-13-601-011 ptn

**WAIVER OF DEVELOPMENT STANDARDS:**

Allow a single row of evergreen trees where a double row of evergreen trees with each row planted offset from one another is required per Section 30.04.02C.

**LAND USE PLAN:**

NORTHEAST COUNTY (MOAPA VALLEY) - CORRIDOR MIXED-USE

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 3.43 (portion)
- Project Type: Convenience store with gasoline station
- Number of Stories: 1
- Building Height (feet): 29 (convenience store)/16 (gas canopy)
- Square Feet: 4,425
- Parking Required/Provided: 18/31
- Sustainability Required/Provided: 7/8

Site Plans

The plans depict a new gas station with a convenience store along Moapa Valley Boulevard. The project will include a 4,425 square foot convenience store and a gas station with 5 gasoline pump islands, an air station, underground fuel tanks, and an RV dump station. Access is from both Moapa Valley Boulevard and Jones Street. The convenience store is located within the center portion of the parcel with the 5 gas station pumps with fuel canopy located north of the store. Along Moapa Valley Boulevard is an existing 90 foot wide drainage easement. The southern

portion of the site is shown as a future development area. On-site parking is located along the front or north exterior of the convenience store with additional parking located on the south exterior of the building. Pedestrian access is shown from Jones Street and from the gas pumps to the store. An RV dump station is located adjacent to the drainage easement near the northeast corner of the site. The site is aligned so that the front façade of the convenience store faces northeast, parallel to Moapa Valley Boulevard. The trash enclosure is shown on the south side of the convenience store with access for garbage trucks from Jones Street.

### Landscaping

The plans depict landscaping along Moapa Valley Boulevard where there is an existing 90 foot wide drainage easement where mostly shrubs and a few trees will be planted. Landscaping along Jones Street includes a landscape area with a minimum width of 15 feet to 20 feet plus a detached sidewalk. Trees planted along Jones Street will be 20 feet to 30 feet on center. Along Bonelli Avenue, the plans depict a 25 foot wide landscape area with a detached sidewalk and trees spaced 30 feet on center.

Along the western property line, an intense landscaping buffer is shown to be mostly in compliance with Section 30.04.02. North of the proposed convenience store a portion of the landscape area is reduced in width to accommodate a portion of the convenience store and the underground fuel tanks. The portion of the landscape area adjacent to the underground tanks will be 10 feet in width with a single row of trees where a minimum width of 15 feet and a double row of trees is required. North of the fuel tank the landscape width expands to 15 feet with a double row of Evergreen trees, except that area where the drainage easement is located. Parking lot landscaping islands are provided.

### Elevations

The plans depict a new convenience store building that is 29 feet in height to the pitched roof pinnacle and 20 feet to the top of the parapet wall. Horizontal articulation is shown on all 4 sides of the building. Building materials include stone veneer, fiber cement board with batten siding, aluminum storefront with dark bronze colors and glazed windows and a steel awning for the front (north) exterior. Along the north and east exteriors of the building there will be vehicle bollards installed for pedestrian safety.

The fuel dispensing canopy will be 16 feet in height with an aluminum composite metal awning roof painted red with white trim and will include signage, dispensing stations, and several 4 inch diameter bollards.

### Floor Plans

The plans depict a convenience store with beverage cooler, beer cooler, kitchen, retail, restrooms, vendor receiving and prep, and deli area. The total square footage is 4,425 square feet.

### Applicant's Justification

The applicant states the project is proposed to be constructed as 1 phase and does not propose development on the southern quarter of the parcel. The undeveloped area will remain under Maverik ownership for future amenity considerations and will not be a separate lot. There will be 2 ingress/egress driveways; 1 on Moapa Valley Boulevard and the other on Jones Street.

The project proposes a waiver of development standards to allow a single row of evergreen trees where a double row planted off-set from one another is required. The waiver would apply to a stretch of landscaping directly west of the underground fuel tanks that spans approximately 90 feet. Due to the narrow nature of the site, it is not possible to provide a wide enough landscaping area to accommodate a double row of off-set trees in the area where the underground fuel tanks and fuel island canopy area is present.

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Public Use	PF	Community center & County offices
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS5.2	Single-family residential
East	Corridor Mixed-Use	RM32 & CG	Retail & multi-family residential
West	Compact Neighborhood (up to 18 du/ac), Public Use, & Corridor Mixed-Use	RM32, RS5.2, & CG	Undeveloped & multi-family residential

**Related Applications**

<b>Application Number</b>	<b>Request</b>
ZC-24-0252	Zone change for a portion of 3.43 acres from RS5.2 to CG zoning is a companion item on this agenda.
VS-24-0254	A request to vacate and abandon a right-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**

Waiver 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.

Staff cannot support the waiver request to reduce a portion of an intense landscape buffer reduced to a single row of Evergreen trees where a double row is required. Aligning all the required trees together in a single row would reduce the viability of the trees. Additionally, the Code stipulates an intense landscape buffer with a double row of trees to lessen the impacts to

established less intense uses. The project as proposed will place the underground fuel tanks approximately 10 feet from the multi-family development to the west. Staff is concerned of the potential health impact associated with the underground fuel tank, including the idling of trucks when filling the underground tank. Staff cannot support this request as it represents a self-imposed hardship.

#### 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 overall design of the building meets Code requirements with horizontal articulation on all 4 sides and is placed within the center portion of the parcel. The proposed dispensing fuel station canopy is a common design found in similar gas stations. Landscaping is provided above the required minimum per the plans and pedestrian walkways and detached sidewalks will be provided. Overall, this use will provide services to the local population and improve the immediate area and utilize an existing vacant property. However, since staff is not supporting the requested waiver of development standards staff cannot support the design review.

#### **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; 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;
- Applicant is advised that 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; and that Nevada Department of Transportation (NDOT) permits may be required.

**Fire Prevention Bureau**

- No comment.

**Clark County Water Reclamation District (CCWRD)**

- Applicant is advised that a Point of Connection (POC) request has been initiated for this project; to email [sewerlocation@cleanwaterteam.com](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0251-2024 to obtain your POC exhibit; and that wastewater flow rates that exceed CCWRD estimates may require another POC analysis.

**TAB/CAC:** Moapa Valley - approval.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** MAVERICK, INC.

**CONTACT:** WESTWOOD PROFESSIONAL SERVICES, 5725 W. BADURA AVE., SUITE 100, LAS VEGAS, NV 89118