

CONVENIENCE STORE/GASOLINE STATION  
(TITLE 30)

WINDMILL LN/BUFFALO DR

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ET-23-400134 (UC-18-0874)-CLAYTON PLAZA, LLC:**

**USE PERMITS SECOND EXTENSION OF TIME** for the following: **1)** convenience store; **2)** gasoline station; **3)** reduce the separation from a proposed convenience store to a residential use; and **4)** reduce the separation from a proposed gasoline station to a residential use.

**DESIGN REVIEW** for a convenience store and gasoline station on a portion of 3.9 acres in a C-1 (Local Business) Zone.

Generally located on the south side of Windmill Lane and the west side of Buffalo Drive within Enterprise. JJ/tpd/syp (For possible action)

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RELATED INFORMATION:

**APN:**

176-16-501-010 ptn

**USE PERMITS:**

1. Allow a convenience store.
2. Allow a gasoline station.
3. Reduce the separation from a proposed convenience store to a residential use to 38 feet where 200 feet is required per Table 30.44-1 (an 81% reduction).
4. Reduce the separation from a gasoline station to a residential use to 175 feet where 200 feet is required per Table 30.44-1 (a 13% reduction).

**LAND USE PLAN:**

ENTERPRISE - NEIGHBORHOOD COMMERCIAL

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 1.3 (project site)/3.9 (overall site)
- Project Type: Convenience store and gasoline station
- Number of Stories: 1
- Building Height (feet): 22 (convenience store)/19.5 (fuel canopy)
- Square Feet: 3,225 (convenience store)
- Parking Required/Provided: 13/15

### Request

This is the second extension of time request to keep the previously approved use permits active for the site. While the original site design was approved by UC-18-0874, a new site design was approved per WS-20-0485. The plan descriptions in this report have been updated to match the latest approved plans in WS-20-0485 with the design conditions of UC-18-0874 having been addressed on the plans.

### Site Plans

The approved plans depict a 3,225 square foot proposed convenience store, located on the northern portion of the site, consisting of 1.3 acres. The convenience store is set back 23 feet 2 inches from the east property line. A gasoline station, consisting of a fuel canopy with an area measuring 3,154 square feet, is located immediately to the north of the convenience store and set back 143 feet from the west property line. The gasoline station is set back 75 feet from the north property line and 53 feet 8 inches from the east property line. The required trash enclosure is located to the south of the convenience store. The required bicycle spaces are located adjacent to the north side (front) of the convenience store. Five foot wide internal pedestrian walkways connect the proposed convenience store to the detached sidewalks along the public streets. Six fueling pumps are located underneath the fuel canopy. Parking spaces are provided for the proposed development along Windmill Lane and adjacent to the convenience store. Access to the site is granted via proposed commercial driveways along Windmill Lane and Buffalo Drive.

### Landscaping

The approved plans depict a 15 foot wide landscape area that includes 5 foot wide detached sidewalks adjacent to portions of Windmill Lane and Buffalo Drive. Along Buffalo Drive, south of the commercial driveway, there is a proposed 5 foot wide landscape area located on a portion of Buffalo Drive with a 5 foot wide sidewalk behind the property line with an additional 10 feet of landscaping. Groundcover will be provided behind the sidewalk at the corner of Windmill Lane and Buffalo Drive, with a minimum of 15 feet of landscaping located behind the property line. As previously required, an intense landscape buffer, measuring 25 feet in width with large Evergreen trees planted 20 feet on center, is located along the northwestern property line adjacent to the existing single family residential development. Interior parking lot landscaping is equitably distributed throughout the site.

### Elevations

The approved plans depict a proposed convenience store with a height ranging from 20 feet to 22 feet to the top of the parapet wall. An aluminum storefront window system with decorative stone veneer is featured on the north elevation of the building. The north, south, east, and west elevations of the convenience store feature varying rooflines and a stucco exterior. The convenience store features a baked clay and sandstone color scheme.

The approved plans depict a fuel canopy that has been reduced in size from what was previously approved (UC-18-0874) and measures 19.5 feet in height and 83 feet in length with 6 fuel pumps. A 4 foot high stone veneer base is featured on each steel supporting column of the fuel canopy. Decorative stone veneer and a stucco coating is featured along the roofline of the canopy. The supporting columns of the fuel canopy will be stucco coated.

### Floor Plans

The approved plans depict a proposed convenience store with an open floor plan measuring 3,225 square feet.

### Previous Conditions of Approval

Listed below are the approved conditions for ET-21-400028 (UC-18-0874):

#### Current Planning

- Until February 20, 2023 to commence.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; 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

- Compliance with previous conditions.

Listed below are the approved conditions for UC-18-0874:

#### Current Planning

- Per revised plans submitted on February 20, 2019;
- On western edge of the proposed development, mature landscaping to be installed in a 25 foot dense landscape buffer with 24 inch box evergreen trees (Mondell Pines), 12 feet high, planted 20 feet on center with shrubs;
- Landscape buffer of at least 15 feet to be maintained on the remainder of boundary between parcel and residential homes on the western border of the parcel;
- No car wash permitted;
- Any changes to the proposed development must be brought to the Enterprise Town Board and the Board of County Commissioners;
- All mechanical equipment on roofs to be screened;
- Color scheme of building elevations to match color schemes of residential homes west of the proposed development;
- Parking lot lighting to face downward;
- Signage shall be monument size;
- No music or sales announcements to be played outside of the buildings;
- The Air/Water Fill unit is to be located closest to Buffalo Drive or at least 185 feet away from the residential wall;
- No more than 6 fuel pumps to be installed;
- Outside sales (other than gas) such as fireworks sales, food trucks/carts, and similar are prohibited;
- Design review as a public hearing for significant changes to plans;
- Design review as a public hearing on final plans for the remaining portion of the project site;

- 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; 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; and that this application must commence within 2 years of approval date or it will expire.

#### Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- Applicant shall install a median island on Buffalo Drive as approved by Public Works - Development Review;
- Right-of-way dedication to include up to 15 feet for Windmill Lane together with any additional right-of-way necessary for the spandrel with the correct back of curb radius and property line radius at the intersection of Windmill Lane and Buffalo Drive;
- If required by the Regional Transportation Commission (RTC), dedicate and construct right-of-way for a bus turnout including passenger loading/shelter areas in accordance with RTC standards.
- Applicant is advised that plans must be in compliance with the Uniform Standard Drawings; and that the installation of detached sidewalks will require the dedication of right-of-way to back of curb, or vacation of right-of-way as necessary, and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

#### 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 #0633-2018 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

#### Applicant's Justification

The applicant states they had a change of representative as the previous representatives were not fulfilling their duties. In the process of starting over and vetting new architects for the project, the applicant lost track of the expiration date; therefore, they are requesting this extension of time to start the construction within the next 6 to 10 months.

#### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ET-21-400028 (UC-18-0874)	First extension of time for a convenience store with gasoline station	Approved by BCC	April 2021
WS-20-0485	Allowed alternative street landscaping and non-standard street improvements for a convenience store with gasoline station	Approved by BCC	December 2020

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
WC-20-400127 (UC-18-0874)	Waived a condition on a use permit requiring development per revised plans	Approved by BCC	December 2020
TM-20-500167	1 lot commercial subdivision	Approved by BCC	December 2020
UC-18-0874	Convenience store with gasoline station	Approved by BCC	February 2019
VS-0085-12	Vacated and abandoned right-of-way (Mistral Avenue) and patent easements - recorded	Approved by PC	April 2012
ZC-0964-08	Reclassified the project site from R-E to C-1 zoning for a future shopping center	Approved by BCC	February 2009

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Public Use	R-2	Single family residential
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single family residential
East	Compact Neighborhood (up to 18 du/ac)	R-3	Single family residential
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RUD	Single family residential

The subject site is 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****Comprehensive Planning**

Title 30 standards of approval on an extension of time application state that such an application may be denied or have additional conditions imposed if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws or policies affecting the subject property. Using the criteria set forth in Title 30, no substantial changes have occurred at the subject site since the original approval.

Staff understands the complexities the developer faced and can support this extension of time request as the applicant indicates it will take no more than a year to commence the construction. However, staff may not be able to support future extension of time requests if steps are not taken towards commencement of the project.

**Staff Recommendation**

Approval.

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**

- Until February 20, 2025 to commence;
- 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.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; 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**

- Compliance with previous conditions.

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

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTEST:**

**APPLICANT:** TONY MERSHO

**CONTACT:** TONY MERSHO, 5752 COUNTRY CLUB PARKWAY, SAN JOSE, CA 95138