

CONVENIENCE STORE
(TITLE 30)

SAHARA AVE/SANDHILL RD

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-23-400119 (UC-20-0123)-MERSHO GRJT, LLC:

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

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce parking lot landscaping; **2)** reduce street landscaping along attached sidewalks; **3)** reduce building height setbacks; **4)** reduce approach distance; and **5)** alternative driveway geometrics.

DESIGN REVIEWS for the following: **1)** convenience store with gasoline station; and **2)** restaurant with drive-thru on 1.5 acres in a C-1 (Local Business) Zone.

Generally located on the north side of Sahara Avenue and the west side of Sandhill Road within Sunrise Manor. TS/mh/syp (For possible action)

RELATED INFORMATION:

APN:

161-06-401-008

USE PERMITS:

1. Convenience store.
2. Gasoline station.
3. Reduce the separation from a convenience store to a residential use to 10 feet where 200 feet is required per Table 30.44-1 (a 95% decrease).
4. Reduce the separation from a gasoline station to a residential use to 41 feet where 200 feet is required per Table 30.44-1 (a 79.5% decrease).

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce parking lot landscaping where landscaping per Figure 30.64-14 is required.
2. Allow a 10 foot wide landscape strip adjacent to an existing attached sidewalk along Sahara Avenue and Sandhill Road where 15 feet is required per Section 30.64.030.
3.
 - a. Reduce building height/setback for a restaurant to 22 feet 10 inches where 63 feet is required per Figure 30.56.10 (a 64.9% reduction).
 - b. Reduce building height/setback for a convenience store to 10 feet where 69 feet is required per Figure 30.56.10 (an 85.5% reduction).
 - c. Reduce building height/setback for a gasoline station to 41 feet where 48 feet is required per Figure 30.56.10 (a 14.6% reduction).
4. Reduce approach distance from a driveway on Sandhill Road to 73 feet 6 inches where 150 feet is required per Uniform Standard Drawing 222.1 (a 50.9% reduction).

5.
 - a. Reduce throat depth on Sahara Avenue to 6 feet where 25 feet is required per Uniform Standard Drawing 222.1 (a 76% reduction).
 - b. Reduce throat depth on Sandhill Road to 9 feet 5 inches where 25 feet is required per Uniform Standard Drawing 222.1 (a 62% reduction).
 - c. Reduce ingress driveway radius to 15 feet where 25 feet is required per Uniform Standard Drawing 222.1 (a 40% reduction).
 - d. Reduce the driveway width on Sandhill Road to 32 feet where 36 feet is required per Uniform Standard Drawing 222.1 (an 11.1% reduction).

DESIGN REVIEWS:

1. Convenience store with gasoline station.
2. Restaurant with drive-thru.

LAND USE PLAN:

SUNRISE MANOR - NEIGHBORHOOD COMMERCIAL

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 1.5
- Project Type: Convenience store with gasoline station & restaurant with drive-thru
- Number of Stories: 1
- Building Height (feet): 25 (convenience store)/18 (gas canopy)/23 (restaurant)
- Square Feet: 3,000 (convenience store)/3,093 (gas canopy)/3,250 (restaurant)
- Parking Required/Provided: 45/46

Site Plan

The approved site plan depicts a rectangular 1.5 acre parcel with a proposed convenience store with a gasoline station and a restaurant with a drive-thru. An existing 6 foot high block wall extends west along the northern property line and south along the western property line. The 3,000 square foot triangular shaped convenience store is shown located on the eastern side of the parcel, 10 feet from the north property line. A 5 foot wide walkway surrounds the convenience store. The proposed 3,093 square foot gas canopy is located approximately 52 feet to the southeast of the convenience store and 41 feet from a residential use to the north, with a 24 foot wide drive aisle in between the canopy and the parking directly in front of the convenience store. Additional parking spaces are located on the southeast side of the gas canopy and along the western side of the convenience store. The 3,250 square foot restaurant is shown located on the western side of the property with the drive-thru and queuing lanes starting on the north side of the building and extending down and around the western side of the building. The talk box is located on the north side of the restaurant. Parking for the restaurant is located on the eastern side of the building. A shared parking area is located in between the convenience store and the restaurant with 2 way drive aisles on each side. Two commercial driveways were approved: a 32 foot wide driveway from Sandhill Road and a 39 foot wide driveway from Sahara Avenue on the west side of the bus turnout lane.

Landscaping

The approved plans show a landscape buffer of 9 feet 11 inches wide on the north side, and 9 feet 8 inches on the west side per Figure 30.64-11. A 10 foot wide landscape strip extends along Sahara Avenue on the north side of the attached 5 foot wide sidewalk, until the commercial driveway/bus turnout where the strip narrows to 5 foot wide. At the corner of Sahara Avenue and Sandhill Road, the landscape area showed 33 feet 5 inches and then narrows to 10 feet north of the intersection along Sandhill Road. The interior landscaping on the site include 7 landscape islands where 10 were required ranging in width from 7 feet 4 inches to 12 feet 1 inch. A 4 foot 5 inch wide planting strip is located of the west side of the convenience store.

Elevations

The elevation plans that were approved depict a 25 foot 2 inch high convenience store building at the top of the parapet walls with stucco and tile exterior and an aluminum storefront system at the entrance. The roofline is broken up by 2 parapets on opposite sides of the structure. The approved restaurant is 22 feet 7 inches at the top of the parapets, with stucco exterior and tile accents at the front entrance and the southern corner. An aluminum store front system is shown at the entrance of the building. The proposed gas canopy was approved to be 17 feet 6 inches high with colors to match the convenience store.

Floor Plans

The approved floor plans show an open floor plan for the convenience store with 1 restroom and entrances in the front and the rear of the building. The restaurant was shown as an open floor plan with the main entrance on the east side of the building, and the drive-thru window on the west side of the building.

Previous Conditions of Approval

Listed below are the approved conditions for ET-22-400079 (UC-20-0123):

Current Planning

- Until June 16, 2024 to commence.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; 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-20-0123:

Current Planning

- Wrought iron fence not to exceed 9 feet;
- Site lighting to be shielded;

- Design review as a public hearing for any significant changes to the plans;
- 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.
- Applicant is advised off-site permits may be required.

Building Department – Fire Prevention

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.

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 #0090-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

Signage

Signage is not a part of this request.

Applicant’s Justification

The applicant indicates that uncertainty caused by homeless individuals occupying the site has delayed commencement of the project. The applicant has been coordinating with law enforcement to clear the site and make it safe for development and visitation by potential clients. The applicant is requesting an additional 2 year extension of time.

Prior Land Use Requests

Application Number	Request	Action	Date
ET-22-400079 (UC-20-0123)	First extension of time for convenience store, gasoline station, and restaurant with drive-thru	Approved by PC	September 2022
UC-20-0123	Convenience store, gasoline station, and restaurant with drive-thru	Approved by PC	June 2020
ZC-0612-95 (ET-0363-98)	First extension of time to reclassify from R-1a to C-1 zoning for a shopping center	Approved by BCC	November 1998
UC-1371-95	Off-premises sign	Approved by BCC	November 1995
ZC-0612-95	Reclassified from R-1a to C-1 zoning for a shopping center	Approved by BCC	June 1995

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-0521-94	Reclassified from R-1a to C-2 zoning for a convenience store, gasoline station, and restaurant with bar	Withdrawn	July 1994

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North & West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-T	Manufactured home park
South	Corridor Mixed-Use	C-2	Vehicle & watercraft storage facility
East	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	US-95/I-515

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.

The applicant justified the first extension of time (ET-22-400079) by explaining the delays caused by the COVID-19 pandemic. The applicant indicates that this second extension of time request is necessary due to ongoing delays to developing the site caused by homelessness individuals residing on the property and coordination with law enforcement. While staff recognizes these challenges, records show that no technical studies or permits have been submitted for review, so progress toward commencement has not been demonstrated. In addition, the County recently adopted a rewrite to Title 30 which does not support gas stations in close proximity to residential uses. The current expiration date for this application is June 16, 2024. Extending the expiration date will result in 5 years between the original approval of this application and the expiration date. Staff can support an additional 1 year from the time of the scheduled hearing for this extension of time, which will provide the applicant ample time to commence the project.

Public Works - Development Review

There have been no significant changes in this area. Staff has no objection to this extension of time.

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 October 3, 2025 to commence.
- Applicant is advised that 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.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Sunrise Manor - approval.

APPROVALS:

PROTEST:

APPLICANT: TONY MERSHO

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