

GASOLINE STATION
(TITLE 30)

UPDATE
FLAMINGO RD/PARADISE RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-22-0405-REBEL LAND & DEVELOPMENT, LLC:

AMENDED HOLDOVER USE PERMITS for the following: **1)** gasoline station; **2)** convenience store; **3)** alcohol sales, beer and wine packaged; **4)** restaurant; and **5)** office uses.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce throat depth; **2)** reduce departure and approach distances (previously not notified); **3)** reduce landscaping; **4)** reduce parking; **5)** eliminate cross access; and **6)** eliminate loading zones.

DESIGN REVIEWS for the following: **1)** alternative parking lot landscaping; **2)** gasoline station (fuel canopy); **3)** commercial building (restaurant with drive-thru; convenience store; office); and **4)** lighting on 1.1 acres in an H-1 (Limited Resort and Apartment) (AE-60) Zone.

Generally located on the south side of Flamingo Road and the west side of Paradise Road within Paradise. JG/bb/jo (For possible action)

RELATED INFORMATION:

APN:

162-22-103-001

USE PERMITS:

1. Gasoline station (fuel canopy).
2. Commercial building including convenience store.
3. Alcohol sales, beer and wine packaged.
4. Restaurant (drive-thru).
5. Office uses.

WAIVERS OF DEVELOPMENT STANDARDS:

1.
 - a. Reduce throat depth on Flamingo Road to 3 feet where 25 feet is required per Uniform Standard Drawing 222.1 (an 88% decrease).
 - b. Reduce throat depth on Paradise Road to 10 feet where 25 feet is required per Uniform Standard Drawing 222.1 (a 60% reduction).
2.
 - a. Reduce driveway departure distance from the Paradise Road intersection to 88 feet where 190 feet is required per Uniform Standard Drawing 222.1 (a 54% decrease).
 - b. Reduce driveway approach distance to the Paradise Road intersection to 146 feet where 150 feet is required per Uniform Standard Drawing 222.1 (a 3% decrease) (previously not notified).

3. a. Allow landscape finger island width of 3 feet where 6 feet is required per Figure 30.64-14 (a 50% reduction).
- b. Reduce landscaping adjacent to Flamingo Road to 8 feet where 15 feet is required per Section 30.64.030 (a 47% decrease).
- c. Reduce landscaping adjacent to Paradise Road to 5 feet where 15 feet is required per Section 30.64.030 (a 66% decrease).
4. Reduce the required parking to 38 spaces where 41 spaces are required per Table 30.60-1 (a 5% reduction).
5. Eliminate cross access where required per Table 30.56-2 (a 100% reduction).
6. Eliminate loading zones where 1 loading zone is required per Section 30.60.070 (a 100% reduction).

DESIGN REVIEWS:

1. Permit alternative parking lot landscaping (number of islands) where landscaping per Figure 30.64-14 is required.
2. Gasoline station (fuel canopy).
3. Commercial building including convenience store, restaurant with drive-thru, and office.
4. Lighting.

LAND USE PLAN:

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 4111 Paradise Road
- Site Acreage: 1.1
- Project Type: Gasoline station/convenience store/restaurant/office
- Number of Stories: 3
- Building Height (feet): 34 (building)/**21 (canopy)**
- Square Feet: 5,304 (building)/**2,280 (canopy)**
- Parking Required/Provided: **41/38**

Site Plan

This property has been used for retail (gasoline station) since before 1993. The existing building will be removed and replaced with a new gasoline station and will **remove** any nonconforming use status. The site plan depicts a 5,304 square foot retail building to be used as a gasoline station, convenience store, restaurant, and office (meeting space) as primary use on 1.1 acres at the southwest corner of Flamingo Road and Paradise Road. The parking is shown on the north side of the building and west side of the lot with parallel parking along the northeast portion of the site, behind the street landscaping. Access is proposed from an existing driveway on Paradise Road at the southeast corner of the lot. The other 3 existing driveways will be closed in exchange for a new driveway at the northwest corner of the property to access Flamingo Road. **A 2,280 square foot canopy** will be located on the north side of the proposed building and will meet setback requirements. Twenty foot tall shielded down light poles are shown on the plan to

illuminate **parking lot and pedestrian areas and will meet Code requirements.** Wall mounted lighting will be provided along the perimeter of the building to illuminate walkways around the building.

Landscaping

There are existing sidewalks along Flamingo Road and Paradise Road, requiring 15 feet of landscaping behind both sidewalks. The applicant is proposing 8 feet to 9 feet of landscaping along Flamingo Road and 5 feet to 6 feet of landscaping along Paradise Road, which require landscaping waivers. **Adequate** parking lot landscaping is not provided along the west property line or on the north side of the retail building, **resulting in the additional design review**; however, the required number of trees are provided on site. **Title 30, Figure 30.64-14 requires landscape islands every 6 spaces or 12 spaces when adjacent to a planting strip with trees.**

Elevations

The plans depict a **34 foot high building** with a modern façade, angled roof, ground to roof windows, storefront windows, **aluminum door entrance**, and decorative vertical metal fascia. A drive-thru pick-up window is located on the **southeast** side elevation, **facing south**. The gas canopy is 21 feet high, oriented from east to west with **5** pump islands depicted on the site plan and landscape plan.

Floor Plans

The plans depict a first story footprint of 5,304 square feet, including a 4,082 square foot convenience store, 844 square foot restaurant, 378 square foot lobby entrance to the second story office, meeting room, and third story roof deck. The remaining areas include refrigeration space, beverage area, and a small seating area for the restaurant that has 12 seats. The second floor office space is located on the east side of the building with 1,790 square feet. A 1,108 square foot roof top deck space is located on the third level at the east end of the building, above the office space. The total interior floor area is 8,202 square feet. The drive-thru window is located on the southeast side of the building at the end of the drive-thru aisle.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant is proposing to demolish an existing building and replace it with a Rebel convenience store and gas station that will create employment opportunities in this area of the County. Existing driveways closest to the corner of Flamingo Road and Paradise Road will be removed to enhance safe ingress and egress on this site. Lighting will include 20 foot tall shielded down light poles and wall lighting to meet Code requirements.

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Entertainment Mixed-Use	H-1	Restaurant
South	Entertainment Mixed-Use	H-1	Retail commercial
East	Entertainment Mixed-Use	H-1	Hotel casino
West	Entertainment Mixed-Use	H-1	Undeveloped

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis

Current Planning

Use Permits

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

This site cannot accommodate the proposed size of the building in combination with the gas canopy and required parking associated with all the proposed uses. The combination of the gasoline canopy, restaurant, and proposed size of the building, make the project too intense for the subject site; and therefore, non-compliant with Code requirements. Staff believes a combination restaurant and convenience store without gasoline sales and a canopy could potentially fit on this site and meet most requirements. A gasoline station with canopy and convenience store, but not a restaurant, could also potentially fit on this site and meet most Code requirements. The combination of a gasoline station, 5 pump canopy, and drive-thru restaurant are not compatible with similar size properties in the area and may create problems at the Flamingo Road entrance with too many vehicles trying to access Flamingo Road directly. **Public Works has identified the west most fuel pump as conflicting with traffic movements being so close to the Flamingo driveway.** Master Plan Policy 4.2.5 encourages increased traffic safety and enhanced livability of the community. **The proposed uses may result in a substantial and undue adverse effect on traffic conditions, parking, and access to or from adjacent rights-of-way.** A lack of parking in relationship to the increased number of proposed uses, **and location of gas pumps**, may create vehicular conflicts at the entrances and exits on this property in addition to on-site movements. The combination of all 5 proposed uses, **and a lack of Public Works support**, leads staff to recommend denial and cannot support these requests.

Waivers of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

Waivers of Development Standards #3 through #6

The requested waivers are required due to the size of the proposed building in combination with the number of uses. This is a self-imposed hardship by the applicant and creates the need for waivers from the development Code. The waivers are not in harmony with the safe and efficient use of the property. Staff cannot support the proposed waivers and recommends denial.

Design Reviews

The previous convenience store and gas station building was 3,350 square feet. The proposed 5,304 square foot building footprint is a 58% increase over the previous building. This increase, combined with the gas canopy and proposed drive-thru restaurant, are what lead to this site not being able to accommodate the proposed uses under the current Codes. The proposed development does not have cross access, and the location of the **gas canopy and western bank of pumps** may negatively impact the site access and circulation which may negatively impact adjacent roadways and on-site movement of vehicles. Staff cannot support these requests.

Public Works - Development Review

Waivers of Development Standards #1a and #2b

Drivers using the driveway on Flamingo Road will face immediate conflicts with parking spaces on the west side of the site and the fuel pumps southeast of the driveway. **The reduced throat depth, combined with the reduced distance from the driveway to Paradise Road, creates safety issues. Additionally, staff recommended that the property owner work with the owner to the west to create a shared driveway on Flamingo Road to reduce the number of driveways since more driveways create more chances for collisions.** Due to the high volume of traffic on Flamingo Road, staff finds that it is imperative that the minimum standards be met or exceed for this project. Therefore, staff cannot support **these** requests.

Waiver of Development Standards #1b

Although drivers using the driveway on Paradise Road will not encounter immediate on-site conflicts, once farther into the site they will have to negotiate parallel parking spaces on the east side of the site, fuel pumps, and a drive-thru exit slightly northwest of the driveway. Due to the high volume of traffic on Paradise Road, staff finds that it is imperative that the minimum standards be met or exceed for this project. Therefore, staff cannot support this request.

Waiver of Development Standards #2a

Staff has no objection to the reduction in the departure distance for the Paradise Road commercial driveway. Although the departure distance do not comply with the minimum standards, the applicant placed the driveway as far south as the site will allow. However, since staff is not supporting the rest of the application, staff cannot support this request.

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:

Current Planning

If approved:

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.

- Applicant is advised that the installation and use of cooling systems that consumptively use water are 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; 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;
- Right-of-way dedication to include an additional 4 feet on Paradise Road and associated spandrel;
- Grant necessary easements including, but not limited to, temporary construction easements, permanent easements, and utility easements;
- 30 days to coordinate with Public Works - Kaizad Yazdani to dedicate the above-mentioned right-of-way and easement and any other necessary right-of-way and easements for the Paradise Road improvement project;
- Reconstruct any unused driveways with full off-site improvements.
- Applicant is advised that off-site improvement permits may be required; and that right-of-way widths shown on the plans are incorrect.

Fire Prevention Bureau

- No comment.

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 #0273-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Paradise - approval of use permits, waivers of development standards #1a, #1b, #3b, #3c, #4, and the design reviews; denial of waivers of development standards #3a, #5, and #6.

APPROVALS:

PROTESTS: 1 card

PLANNING COMMISSION ACTION: September 6, 2022 – HELD – To 10/04/22 – per the applicant.

PLANNING COMMISSION ACTION: October 4, 2022 – HELD – To 10/18/22 – per the applicant.

PLANNING COMMISSION ACTION: October 18, 2022 – HELD – No Date – per the applicant.

APPLICANT: ANABI OIL

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