

CONVENIENCE STORE/
GASOLINE STATION
(TITLE 30)

UPDATE
FORT APACHE RD/BLUE DIAMOND RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-23-0323-VACCARO, LOUIS & LINDA REV TR & VACCARO, LOUIS C. & LINDA L. TRS:

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

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** alternative landscaping; **2)** alternative driveway geometrics; and **3)** reduce driveway approach distance from the intersection.

DESIGN REVIEWS for the following: **1)** retail center; and **2)** finished grade on 2.4 acres in a C-1 (Local Business) Zone.

Generally located on the east side of Fort Apache Road and the south side of Blue Diamond Road within Enterprise. JJ/lm/syp (For possible action)

RELATED INFORMATION:

APN:

176-20-201-008

USE PERMITS:

1. Convenience store.
2. Gasoline station.
3. Reduce separation from a convenience store to a residential use to 72 feet where 200 feet is required per Table 30.44-1 (a 64% reduction).
4. Reduce separation from a gasoline station to a residential use to 100 feet where 200 feet where Table 30.44-1 is required (a 50% reduction).

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Allow attached sidewalk and alternative landscaping along an arterial street (Fort Apache Road) where detached sidewalk and landscaping per Figure 30.64-17 is required.
b. Allow alternative landscaping along an arterial street (Blue Diamond Road) where landscaping per Figure 30.64-18 is required.
2. Reduce driveway throat depth to 10 feet where 25 feet is required per Uniform Standard Drawing 222.1 (a 60% reduction).

3. Reduce driveway approach distance to 53 feet where 150 feet is required per Uniform Standard Drawing 222.1 (a 64% reduction).

DESIGN REVIEWS:

1. Retail center with convenience store, gasoline station, and restaurant.
2. Increase finished grade to 6 feet where a maximum of 3 feet is allowed per Section 30.32.040 (a 100% increase).

LAND USE PLAN:

ENTERPRISE - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 2.4
- Project Type: Retail center consisting of a convenience store, gasoline station, and restaurant
- Number of Stories: 1
- Building Height (feet): Up to 29
- Square Feet: 3,735 (convenience store)/1,222 (restaurant)
- Parking Required/Provided: 28/35

History & Request

The site was previously approved for a retail center with convenience store and gasoline station with several conditions of approval. The proposed project is a redesign of the site.

Site Plans

The plans depict a retail center consisting of a convenience store with an attached restaurant suite and a gasoline station. The restaurant suite with convenience store building is located on the southern portion of the site, approximately 88.4 feet from the south property line and 72 feet from the east property line, and the gasoline service pumps and canopy are located on the northern portion of the site, approximately 207 feet from the south property line and 100 feet from the east property line. The restaurant portion of the building is located on the west side of the convenience store, 87 feet from the south property line. The building and canopy structure are located at least 52 feet from the public streets to the north and 73 feet to the west. The site has access to Fort Apache Road and Blue Diamond Road.

Landscaping & Site Lighting

An 11 foot wide landscape area with a detached sidewalk is located along the north property line adjacent to the Blue Diamond Road right-of-way and a 28 foot wide landscape area with an attached sidewalk is located along the west property line adjacent to Fort Apache Road. The landscape areas adjacent to the south and east property lines adjacent to existing residential uses are a minimum of 15 feet with intense landscaping, per Figure 30.64-12. Interior parking lot trees are located adjacent to the convenience store and retail buildings. The landscape materials

include trees, shrubs, and groundcover. Due to the future dedication of Fort Apache Road, the street landscape design includes trees set back behind the future right-of-way line so that if Blue Diamond Road is constructed at full width, a turning lane would be constructed on Fort Apache Road and mature trees would not be destroyed or relocated. Shielded light poles are located around the boundary of the site, with an overall height of 20 feet.

Elevations

The buildings have flat roofs with parapet walls and a varied roofline ranging in height from 20 feet to 29 feet. The building has a typical modern architectural façade that includes stucco siding with architectural features and enhancements such as architectural insets, reveals, stone and brick veneer, fenestration, pop-outs, and awnings. The proposed gasoline canopy has an overall height of 19 feet and includes painted columns and stone veneer to match the retail convenience store and restaurant building. Exterior colors include varying shades of grey and desert brown to complement the color schemes of the adjacent residential properties.

Floor Plans

The plans depict a 3,735 square foot convenience store with a gasoline service canopy and an attached 1,222 square foot restaurant.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant indicates the convenience store use is a compatible use allowed within the zoning district and will provide a needed service to the surrounding area. The previously requested use permits to reduce the separation from the existing residential uses are appropriate because of constraints caused by the adjacent public streets which are major arterial streets, and negative impacts will be mitigated by the extra landscaping provided along the south and east property lines.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-18-0621	Reclassified 2.4 acres to C-1 zoning with convenience store and gasoline station in a retail center	Approved by BCC	December 2018

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Corridor Mixed-Use	H-2	Undeveloped
South & East	Mid-intensity Suburban Neighborhood (up to 8 du/ac)	RUD	Single family residential
West	Corridor Mixed-Use	C-2	Undeveloped

This site is located within a Public Facilities Needs Assessment (PFNA) area.

Related Applications

Application Number	Request
WC-23-400092 (ZC-18-0621)	A waiver of conditions to relocate the convenience store so it is a minimum of 100 feet from the existing residential development is a companion item on this agenda.
VS-23-0324	A request to vacate patent easements is a companion item on this agenda.

STANDARDS FOR APPROVAL:

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

Analysis

Comprehensive 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.

The applicant has redesigned the site when compared to the prior land use approval. The location of the buildings and uses has decreased, and there is no longer a restaurant component to the request. Although the applicant has improved the design by consolidating 2 buildings into 1 retail building located on the southern portion of the site between the gasoline service island and the residential development to the south while retaining the intense landscaping along the south and east property lines, staff still finds that a 50% to 60% reduction in separation between the requested convenience store and gasoline service island and the existing residential development to the south and east is still excessive. The intent of the required 200 feet of separation distance from a convenience store and gasoline station to a residential use is to ensure an appropriate buffer is established between the uses to reduce any negative impacts on the residential use. The reduced separation between the convenience store, tavern, and residential use is a result of the site being over built.

Goal 3.1 of the Master Plan states the following: “Maintain air quality at a level that protects public health and improves visual clarity.” Staff is concerned that reducing the distance between the gasoline station and the existing residential development may have the following impacts: 1) a reduction in air quality through the release of vapors during vehicle fueling; and 2) noise during the evening hours. Additionally, more could be done to increase the separation from the residential uses, such as reorienting the convenience store building and redesigning the parking lots, so the convenience store and gasoline fuel island are farther away from the residential development or reducing the number of pumps. Therefore, staff 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.

Waiver of Development Standards #1

While the plans provide for materials to be placed east of the location where future off-site construction could occur along Fort Apache Road, staff finds that the sidewalk location along Fort Apache Road could be constructed at the final intended location at this time with the required landscaping widths. Additionally, the site has adequate room to provide the required landscaping widths and materials along Blue Diamond Road. Therefore, staff cannot support this request.

Design Review #1

The design of the proposed retail and convenience store building feature variations in building height contributing to breaking-up the mass of commercial buildings. While height, color, and material variations have been incorporated into the design of the building, staff finds the requested uses are not compatible with the residential uses adjacent to the site. Therefore, since staff does not support the use permits and waivers of development standards requests for this project, staff cannot support this request.

Public Works - Development Review

Waiver of Development Standards #2

Staff has no objection to the reduction of the future throat depth for the Fort Apache Road commercial driveway. The applicant has provided distance between the driveway and parking spaces to reduce conflicts. However, since Planning is recommending denial of the application, staff cannot support this waiver.

Waiver of Development Standards #3

Staff has no objection to the reduction in the approach distance for the Fort Apache Road commercial driveway. The constriction of a median in Fort Apache Road will help mitigate the conflicts normally caused by the reduction in approach distance. However, since Planning is recommending denial of the application, staff cannot support this waiver.

Design Review #2

This design review represents the maximum grade difference within the boundary of this application. This information is based on preliminary data to set the worst case scenario. Staff will continue to evaluate the site through the technical studies required for this application. Approval of this application will not prevent staff from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approval. However, since Planning is recommending denial of the application, staff cannot support this 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:

- 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;
- 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 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; 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;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 50 feet for Fort Apache Road and associated spandrel, together with a right turn lane per the Uniform Standard Drawings;
- Construction of the dedicated right turn lane to be coordinated with Public Works;
- Coordinate with Public Works - Development Review for a median in Fort Apache Road.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals; 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 completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0216-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - denial.

APPROVALS:

PROTESTS: 4 cards, 7 letters

COUNTY COMMISSION ACTION: August 2, 2023 – HELD – To 08/16/23 – per the Board of County Commissioners.

COUNTY COMMISSION ACTION: August 16, 2023 – HELD – To 09/20/23 – per the applicant.

APPLICANT: SPEEDEE MART

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