

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-25-0471-NEW CHAPTER ENTERPRISES, LLC:

USE PERMIT for a proposed gas station.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce driveway departure distance; **2)** reduce driveway approach distance; and **3)** reduce driveway throat depth.

DESIGN REVIEW for a proposed commercial center consisting of a gas station, vehicle wash, convenience store, and a smog check station on 3.60 acres in a CG (Commercial General) Zone.

Generally located south of Blue Diamond Road and west of Fort Apache Road within Enterprise.
JJ/rg/cv (For possible action)

RELATED INFORMATION:

APN:

176-19-601-031; 176-19-601-032

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Reduce the departure distance for a driveway along Fort Apache Road to 133 feet where 190 feet is required per Uniform Standard Drawing 222.1 (a 30% reduction).
- b. Reduce the departure distance for a driveway along Serene Avenue to 81 feet where 190 feet is required per Uniform Standard Drawing 222.1 (a 57% reduction).
2. Reduce the approach distance for a driveway along Fort Apache Road to 42 feet where 150 feet is required per Uniform Standard Drawing 222.1 (a 72% reduction).
3. a. Reduce the throat depth for a driveway along Fort Apache Road to 17 feet, 6 inches where 25 feet is required per Uniform Standard Drawing 222.1 (a 32% reduction).
- b. Reduce the throat depth for a driveway along Serene Avenue to 16 feet where 25 feet is required per Uniform Standard Drawing 222.1 (a 36% reduction).

LAND USE PLAN:

ENTERPRISE - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 3.60
- Project Type: Proposed commercial center consisting of a smog check station, vehicle wash, convenience store, and gas station

- Number of Stories: 1 (maximum)
- Building Height (feet): 22 (proposed convenience store)/29 (proposed vehicle wash)/17 (proposed gasoline canopy)/13 (proposed smog kiosk)
- Square Feet: 5,225 (proposed convenience store)/3,600 (proposed vehicle wash)/6,380 (proposed gasoline canopy)/70 (proposed smog kiosk)
- Parking Required/Provided: 35/36
- Sustainability Required/Provided: 7/7.5

Site Plan

The plan depicts a 3.60 total acre site within the subject parcels located on the southwest corner of Blue Diamond Road and Fort Apache Road. Access to the site is from Blue Diamond Road, Fort Apache Road, and Serene Avenue. The plan depicts 4 proposed buildings and structures located on the east half of the development: a retail building (convenience store), vehicle wash building, gasoline canopy, and a smog check station. A pad site for a future restaurant building is situated at the west end of the development on APN 176-19-601-031 and is not a part of this request. The site plan depicts the following:

Southeast portion of the site:

- The convenience store is located on the southwest corner of the southernmost portion of the site and is set back 17 feet from the west property (adjacent to an existing residential use) and 46 feet from the south property line (adjacent to Serene Avenue).
- East of the proposed convenience store, the plans depict a proposed gasoline canopy with 8 fuel pumps. The proposed gasoline canopy is 69 feet from the east property line (adjacent to Fort Apache Road), 71 feet from the south property line (adjacent to Serene Avenue), and approximately 120 feet to the west property line.
- The fuel canopy is located 144 feet from the nearest residential parcel to the south of the site, thus requiring a use permit.
- The proposed smog check station is located east of the proposed gasoline canopy and is set back 22 feet from the east property line.

Northeast portion of the site:

- The proposed vehicle wash building including the proposed vacuum stalls are located on the northeast corner of the overall site. The proposed vacuum stalls will be located south of the vehicle wash building.
- The vehicle wash building is set back 96 feet from the west property line, 39 feet from the north property line, 60 feet from the east property line, and over 200 feet from the south property line.

Parking spaces for the convenience store are located north and east of the building. The remaining parking spaces are located along the south property line adjacent to Serene Avenue, and east of the future pad site (for the future restaurant) on APN 176-19-601-032. The trash enclosure is located along the north side of the subject site and west of the vehicle wash building.

Landscaping

The plan depicts a 10 foot wide landscaping strip along the existing channel parallel with Blue Diamond Road. An attached sidewalk on Blue Diamond Road is provided. A detached sidewalk

with 5 foot wide landscape strips on each side of the detached sidewalk is shown along Fort Apache Road and Serene Avenue. Large trees are provided along the streets and are spaced 30 feet apart. A minimum of 4 foot wide landscape buffer with single rows of shrubs runs along the south side of APN 176-19-601-032 and the west side of APN 176-19-601-031.

Elevations

The elevations depict the proposed buildings consisting of a single-story convenience store with an overall height of 22 feet, a 17 foot high gasoline canopy, a 29 foot high vehicle wash building, and lastly, a 13 foot high smog check station.

The buildings feature a modern style of architecture with a flat roof and variations in roof height of 2 feet as part of the parapet return for the convenience store. The vehicle wash building depicts modern architecture, featuring flat roofs on the north and south elevations and varying roof heights on the west and east elevations. The materials are mostly stucco, metal panels, and concrete masonry units. The gasoline canopy features a flat roof, and the proposed materials are mostly metal accent strips and a combination of plaster finish and stone veneer as the supporting posts. Lastly, the smog check station features a modern style of architecture with a flat roof with plaster material, trim, and stone veneer.

Floor Plans

The plans depict the convenience store, with an overall area of 5,225 square feet. The plan includes a gasoline canopy with an overall area of 6,380 square feet. The plans also include a vehicle wash that has overall area of 3,600 square feet and a smog check station has an overall area of 70 square feet.

Applicant’s Justification

Due to a lack of accessible refueling options in the vicinity of the subject site, establishing a gas station at this location will benefit nearby residents and commuters. The applicant seeks a use permit to enable the placement of a canopy and gas pumps near the residential zoning district. Waivers of development standards requests a reduction in throat depth and departure distance along Fort Apache Road and Serene Avenue. A waiver reduction of the approach distance on Fort Apache Road. The applicant did not specify the justification of the requested waivers.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-0226-14	Reclassified the site from H-2 to C-2 zoning and a design review for mini-storage, recreational vehicle storage, and truck rental facility - design review portion - expired	Approved by BCC	June 2014

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Corridor Mixed-Use	H-2	Undeveloped

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
South	Corridor Mixed-Use	H-2 & RS2	Single-family residential detached development & single-family residential attached development
East	Corridor Mixed-Use	CG	Undeveloped
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac) & Corridor Mixed-Use	RS3.3 & H-2	Single-family residential detached development

The subject site is within the Public Facilities Needs and Assessment (PFNA) area.

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

Use Permit

A special use permit is considered on a case by case basis in consideration of the standards for approval. Additionally, the use shall not result in a substantial or undue adverse effect on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare; and will be adequately served by public improvements, facilities, and services, and will not impose an undue burden.

Title 30 states that in the Urban Area, canopies and fuel pumps shall not be within 200 feet of any area subject to Residential Adjacency. This is to ensure that factors such as health impacts resulting from the air quality around a gasoline station is minimized when adjacent or abutting to a residential use. Given the proposal of the gasoline station at this location without any proposed mitigation, staff finds this to be a self-imposed hardship. Additionally, although the residences to the west of the project site are developed on land zoned H-2 (General Highway Frontage) and therefore not protected under the Residential Adjacency provisions in Code, these residents could also be impacted from the gasoline station located approximately 120 feet to the east. Therefore, staff cannot support this request.

Waivers 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.

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.

Generally, a development poses the opportunity to provide visually appealing architecture and needed services for surrounding communities. Staff finds that the design of the convenience store, vehicle wash, gasoline canopy, and smog check station provide multiple architectural features meeting the intent of Title 30. For landscaping, the project proposes shrubs to be planted in a 4 foot wide landscape strip along the property lines where adjacent to the residences to the west. Although the residential uses to the west are developed on land zoned H-2 (General Highway Frontage) and therefore not protected under the Residential Adjacency provisions in Code, these residents could benefit from a landscape buffer with a double row of trees to aide in the screening of the project from those residences. The landscape materials provided in the landscape buffers are very sparse. Furthermore, since staff does not support the use permit and waivers of development standards requests for this project, staff cannot support this request.

Public Works - Development Review

Waiver of Development Standards #1

Staff cannot support the reduction of the departure distances along Fort Apache Road and Serene Avenue. Staff has concerns with the traffic coming off of Blue Diamond Road as well as the residential traffic to the east, west and south being in conflict with movements from both of the commercial driveways on Fort Apache Road and Serene Avenue.

Waiver of Development Standards #2

Staff has concerns with the traffic coming off of Blue Diamond Road as well as the residential traffic to the east, west and south being in conflict with movements from the commercial driveway on Fort Apache Road. Therefore, staff cannot support the request to reduce approach distance.

Waiver of Development Standards #3

Staff finds that the reduced throat depth for the driveway on Fort Apache Road and Serene Avenue will also result in on street stacking of vehicles. Since Fort Apache Road is an arterial street and Serene Avenue is a collector street, it is important that traffic can flow without the impediment of vehicles attempting to access the parking lot. Therefore, 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:

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 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;
- Right-of-way dedication to include 45 feet from the back of curb for Fort Apache Road, 35 feet from the back of curb for Serene Avenue and 35 feet from the back of curb and a portion of a hammerhead for Chieftan Street and associated spandrels.
- Applicant is advised that Nevada Department of Transportation (NDOT) permits may be required.

Fire Prevention Bureau

- Applicant is advised that permits and operational permits may be required for this facility and to contact Fire Prevention for further information at (702) 455-7316.

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 #0485-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - denial.

APPROVALS:

PROTESTS:

APPLICANT: HAMID PANAHI

CONTACT: HAMID PANAHI, HP ATELIER, 9520 LOST GROVE ROAD, RIVERSIDE, CA 92508