

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-24-400147 (UC-23-0138)-KINGSBARN LMG PETROL INVESTMENTS, LLC:

USE PERMITS FIRST EXTENSION OF TIME to review the following: **1)** convenience store; **2)** reduced separation from a convenience store to a residential use; **3)** gasoline station; and **4)** reduced separation from a gasoline station to a residential use.

DESIGN REVIEWS for the following: **1)** convenience store with gasoline sales; and **2)** restaurant with drive-thru on 2.0 acres in a CG (Commercial General) Zone.

Generally located on the north side of Lake Mead Boulevard and the west side of Gateway Road within Sunrise Manor. WM/nai/kh (For possible action)

RELATED INFORMATION:

APN:

140-19-610-011

USE PERMITS:

1. Allow a convenience store in a C-1 zone per Table 30.44-1.
2.
 - a. Reduce the separation from a convenience store to a residential use to the east to 186 feet where 200 feet is required per Table 30.44-1 (a 1% reduction).
 - b. Reduce the separation from a convenience store to a residential use to the north to 76 feet where 200 feet is required per Table 30.44-1 (a 62% reduction).
3. Allow a gasoline station in a C-1 zone per Table 30.44-1.
4.
 - a. Reduce the separation from a gasoline station to a residential use to the east to 161 feet where 200 feet is required per Table 30.44-1 (a 20% reduction).
 - b. Reduce the separation from a gasoline station to a residential use to the north to 179 feet where 200 feet is required per Table 30.44-1 (a 1% reduction).
 - c. Reduce the separation from a gasoline station to a residential use to the south to 169 feet where 200 feet is required per Table 30.44-1 (a 2% reduction).

LAND USE PLAN:

SUNRISE MANOR - NEIGHBORHOOD COMMERCIAL

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 2
- Project Type: Convenience store with gasoline sales and restaurant
- Number of Stories: 1
- Building Height (feet): Up to 28

- Square Feet: 3,000 (C-store)/1,500 (restaurant w/drive-thru)
- Parking Required/Provided: 27/69

Site Plan

The approved plans depict a proposed development consisting of a convenience store with an attached restaurant and gas station. The convenience store and restaurant face south toward Lake Mead Boulevard with the gasoline canopy/pumps located in front of the building near the central portion of the property. The attached quick serve restaurant tenant space is located on the west side of the convenience store, with a drive-thru which wraps around the north and west sides of the building. To the north the property is a developed single-family lot. Also, across the street from Lake Mead Boulevard is a manufactured mobile park zoned R-2 and to the east across Gateway Boulevard is a single-family residence zoned R-2. The convenience store building is set back 76 feet from the north property line and 78 feet from the west commercial property line. A total of 69 parking spaces are distributed throughout the site. The approved plans show that access to the proposed development will be along the south property line from Lake Mead Boulevard. Waivers for access to a local street, modified driveway design and approach distance were withdrawn by the applicant.

Landscaping

The approved plans depict that the street landscaping consists of an approximate 14 foot wide landscape area with a detached sidewalk along Gateway Road and an approximate 22 foot wide landscape area with an existing attached sidewalk along Lake Mead Boulevard. The approved plans also show that the trees planted along Gateway Road are off-set by 20 feet. A 10 foot wide landscape area is shown along the north and west property lines. Interior to the site, landscaping is distributed throughout the parking lot and around portions of the building footprint.

Elevations

The approved plan depicts the building is 1 story, up to 28 feet high, consisting of painted stucco walls with decorative reveal lines, painted steel canopy, standing seam metal roof entry element, and glass storefront windows. The height of the building varies slightly from 20 feet to 28 feet and has been designed to break-up the roofline and enhance the overall look of the building. The gasoline canopy is 20 feet high and will also utilize the same colors and textures to unify the design of the site.

Floor Plans

The approved plans depict the convenience store has an area of 3,000 square feet consisting of cashier area, sales floor, gaming area, storage/freezer areas, restrooms, and an office. The restaurant consists of an order area, dining area, kitchen, restrooms, and storage area. The pick-up window is on the west side of the building.

Signage

Signage was not a part of the original request.

Previous Conditions of Approval

Listed below are the approved conditions for UC-23-0138:

Comprehensive Planning

- 18 months to review;
- Per revised plans;
- Height of light poles along north, east, and west property lines shall be less than 16 feet;
- Callbox volume to be reduced at 9:00 p.m. daily;
- Coordinate with the Las Vegas Metropolitan Police Department for the installation of security cameras and surveillance operations;
- 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 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 application for review; 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 that Nevada Department of Transportation (NDOT) permits may be required; that off-site improvement permits may be required; and that the installation of detached sidewalks will require the vacation of excess right-of-way 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 #0125-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

Applicant's Justification

The applicant states that the property owner has been diligently pursuing construction of the project without realizing the approval required an 18 month review. The applicant is requesting an extension of time to finalize the project since it is near completion.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-23-0138	Use permit, design review, and waiver of development standards for a convenience store, gasoline station, and drive-thru restaurant	Approved by BCC	May 2023
VS-23-0139	Vacated a right-of-way to accommodate a detached sidewalk	Approved by BCC	May 2023
ZC-0351-17	Reclassified 2 acres from R-2 to C-1 zoning for an in-line retail building	Approved by BCC	July 2017
ZC-1395-94	Reclassified 2 acres from R-2 to C-1 zoning for a shopping center - expired	Approved by BCC	November 1994

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Ranch Estate Neighborhood (up to 2 du/ac)	RS20	Single-family residential
South	Compact Neighborhood (up to 18 du/ac)	RS3.3	Mobile home park
East	Corridor Mixed-Use	CG, RS3.3, & RS20	Undeveloped & single-family residential
West	Neighborhood Commercial	CG	Retail building

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

Title 30 standards of approval for an extension of time state an application may be denied 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, regulations, or policies affecting the subject property. Additionally, the applicant must demonstrate the project is progressing through the applicable development permit or licensing process.

The application was approved for an 18 month review, intending to review the sound from the drive-thru. Since the business has not commenced this application is to extend the time for the business to begin operation.

Staff finds that there are multiple approved building permits for this project, including BD23-24718 which was to construct a convenience store that has been issued. Also, BD24-19329 has been issued for the fuel canopy. The applicant also has active and approved permits with Public Works. PW23-10981, PW23-14661, and PW23-13814 are issued permits by Public Works for drainage study, off-sites, and traffic study, respectively. Staff finds that the applicant has made

progress towards completion of the project and a review of the project impacts on the neighboring residents cannot be completed until the project is operational. Therefore, staff can support the request to extend the review.

Public Works - Development Review

The applicant has complied with all of Public Works conditions. Therefore, 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 November 17, 2025 to review, or the application will expire unless extended with approval of an extension of time.
- Applicant is advised a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; 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; 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; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- No comment.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Sunrise Manor - approval.

APPROVALS:

PROTEST:

APPLICANT: ALAN PERLMUTTER

CONTACT: NANCY AMUNDSEN, BROWN, BROWN, & PREMSRIRUT, 520 S. 4TH STREET, LAS VEGAS, NV 89101