

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-24-0274-GOLDEN BAR N LOUNGE, LLC:

USE PERMIT for a gas station.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** residential adjacency standards; **2)** detached sidewalks; **3)** buffer and screening; **4)** driveway geometrics; and **5)** back-of-curb radius.

DESIGN REVIEW for a retail (convenience store) with a gas station on 0.53 acres in a CG (Commercial General) Zone.

Generally located on the west side of Nellis Boulevard and the south side of Stanley Avenue within Sunrise Manor. TS/lm/syp (For possible action)

RELATED INFORMATION:

APN:

140-20-804-011; 140-20-804-012

WAIVERS OF DEVELOPMENT STANDARDS:

1.
 - a. Allow access to a local street where not permitted per Section 30.04.06.
 - b. Allow a trash enclosure 5 feet from a residential district where a minimum of 50 feet is required (a 90% reduction).
2.
 - a. Allow an attached sidewalk on Nellis Boulevard where a detached sidewalk is required per Section 30.04.08C.
 - b. Allow an attached sidewalk on Stanley Avenue where a detached sidewalk is required per Section 30.04.08C.
3.
 - a. Reduce landscape buffer to 5 feet where 15 feet is required per 30.04.02B (a 66.6% reduction).
 - b. Reduce landscape buffer to 10 feet where 15 feet is required along the south property line per Section 30.04.02B (a 33.3% reduction).
 - c. Allow a single row of evergreen trees where a double row of evergreen trees is required per Section 30.04.02B.
4.
 - a. Reduce driveway throat depth to 5 feet where 25 feet (Stanley Avenue) is required per Section 30.04.08C and Uniform Standard Drawing 222.1 (an 80 % reduction).
 - b. Reduce driveway approach distance to 17 feet 8 inches where 150 feet is required per Section 30.04.08C and Uniform Standard Drawing 222.1 (a 64% reduction).
5. Allow a 15 foot back of curb radius where a 25 foot radius is required per Section 30.04.08C and Uniform Standard Drawing 225 (a 40% reduction).

LAND USE PLAN:
SUNRISE MANOR - CORRIDOR MIXED-USE

BACKGROUND:
Project Description

General Summary

- Site Address: 1695 N. Nellis Boulevard
- Site Acreage: 0.53
- Project Type: Retail (convenience store) with gas station
- Number of Stories: 1
- Building Height (feet): 24 (convenience store)/19 (canopy)
- Square Feet: 3,128
- Parking Required/Provided: 9/12
- Sustainability Required/Provided: 7/5.5

Site Plans

The plans depict a proposed convenience store with an attached restaurant suite and a gasoline station. The convenience store building is located on the southwestern portion of the site, approximately 10 feet from the south property line and 10 feet from the west property line, and the gasoline service pumps and canopy are located on the northern portion of the site, approximately 26 feet from the north property line, 24 feet from the east property line, and 33 feet from the west property line. The fuel tanks are located within approximately 15 feet of the west property line adjacent to a residential development. 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 Nellis Boulevard and Stanley Avenue. There are 12 parking spaces located on the east side of the convenience store and adjacent to Nellis Boulevard. The trash enclosure is located 5 feet from the west property line on the north side of the convenience store building. There is a bike rack with electrical charging station proposed on the north side of the building along with an EV capable space located on the north end of the parking area adjacent to Nellis Boulevard.

Landscaping

A proposed 10 foot wide landscape area with attached sidewalk is located along the north property line adjacent to the Stanley Avenue right-of-way and a 10 foot wide landscape area with an attached sidewalk is located along the east property line adjacent to Nellis Boulevard. There is an existing overhead power line along Nellis Boulevard and medium evergreen trees are provided within the easement. The landscape areas adjacent to the south and east property lines adjacent to existing residential uses are a minimum of 5 feet wide with a single row of large evergreen trees planted 10 feet apart. Landscaping is provided adjacent to parking lot areas. The landscape materials include trees, shrubs, and groundcover. Existing streetlight poles along Nellis Boulevard are to be relocated outside of the proposed sight visibility zone at the driveway entrance. The existing block walls along the west property line are to remain and be increased to an overall height of 8 feet. There is an existing 8 foot high decorative block wall along the south property line.

Elevations

The proposed convenience store building has a flat roof with parapet walls and a varied roofline ranging in height from 21 feet to 24 feet on the north, east, and south elevations. The west elevation has an overall height of 21 feet with a single elevation over the 86 foot length of the building. The building has a typical modern architectural façade that includes stucco siding with architectural features and enhancements such as architectural insets, reveals, stone veneer, and fenestration. The proposed gasoline canopy has an overall height of 19 feet and includes painted columns and stone veneer to match the retail convenience store building. Exterior colors include varying shades of grey and white to complement the color schemes of the adjacent residential properties. The west elevation of the building includes a decorative paint scheme. The roof plan indicates that the materials include cool-type roof coating with a 102 SRI rating and roof mounted solar panels over a minimum of 70% of the roof.

Floor Plans

The plans depict a 3,128 square foot convenience store with 4 pumps covered by a gasoline service canopy.

Applicant's Justification

The applicant indicates the convenience store is a compatible use allowed within the zoning district and will provide a needed service to the surrounding area. The site currently contains an existing tavern on the northern parcel which will be demolished, and the proposed development includes the removal of one of the existing driveways on Nellis Boulevard. The applicant also indicates that the existing sidewalk along Nellis Boulevard was constructed by the County due to flooding issues, and therefore, would like the sidewalk to remain. The applicant would like the proposed building facades as designed since the western elevation is not visible to the public nor the adjacent properties due to the existing wall which will be increased to 8 feet and the proposed landscaping. 7 points for sustainability are provided for landscaping materials and building materials or features. Alternative compliance for electric vehicles is requested to provide an EV charger and an EV charge for electric bicycles. The proposed charger will add to the communities goal to reduce climate changing emissions and accommodate a changing vehicle market.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-0064-96	Reclassified the properties to C-2 zoning for an existing restaurant and tavern	Approved by BCC	February 1996
VC-103-72	Variance to construct and maintain a 320 square foot fascia above the existing roofline of an existing non-conforming structure (restaurant and bar)	Approved by BCC	November 1972

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Corridor Mixed-use & Compact Neighborhood (up to 18 du/ac)	CG	Retail center
South & West	Corridor Mixed-use	RS3.3	Single-family residential
East	Compact Neighborhood (up to 18 du/ac)	RS3.3	Undeveloped
West	Corridor Mixed-use	RS3.3	Single-family residential

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 Permits

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.

A special use permit is required to locate a gas station closer than 200 feet from an area subject to residential adjacency. Staff finds that the fuel island located approximately 33 feet to the existing residential developments to the west is excessive, and approximately 140 feet to the south would still result in reduced air quality on the surrounding residences. The intent of the 200 feet of separation distance from a 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 gas station 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 potential health impacts due to a reduction in air quality.

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.

Waivers of Development Standards #1 & #3

The purpose of the residential adjacency standards is to promote compatible transitions between land use area and reduce potential negative impacts that may occur when higher-intensity development is located near residential zoning districts. The intent of the required 50 feet of separation distance for trash containers/enclosures to a residential district is to ensure an appropriate buffer is established between the proposed uses to reduce any negative impacts on the existing residential uses, in this case the properties west. The location of the trash enclosure and reduction in landscaping buffer, and location of the proposed building all contribute to the potential for the proposed development to have negative impacts on the existing residential properties. Additionally, staff does not typically support access to residential local streets. Staff finds that the potential impact for the requested modifications to the residential adjacency and development standards are excessive and have the potential to have a negative impact on the existing residences and surrounding community. Therefore, staff cannot support the requests.

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.

Staff finds that the redevelopment of the site has an opportunity to provide a high quality development and provide a needed service for the community. The proposed location of the buildings will create an undue hardship on the residences to the south and west. The applicant indicates that 5.5 sustainability points have been achieved through the site design, where a minimum of 7 points are required. The design features of the proposed building and fuel canopy provides some of the required design standards for the elevations that face the streets; however, as designed, the building being located within 10 feet of the west and south property lines does not provide 4 sided architecture as required by Code. In addition to the reasons stated, staff does not support the use permits and waivers of development standards requests for this project, and therefore, staff cannot support this request.

Public Works - Development Review

Waiver of Development Standards #2

Staff cannot support the waiver to not install detached sidewalks. Detached sidewalks along streets provide a safer pathway for pedestrians by increasing the distance from traffic. The redevelopment of the site, staff finds that there is no justification to not provide detached sidewalks.

Waiver of Development Standards #4

Staff has no objection to the reduction of throat depth and approach distance for the commercial driveway on Stanley Avenue. The applicant placed the driveway as far west as the site will allow and vehicles will already be slowing down as they approach the stop sign at the intersection of

Stanley Avenue and Nellis Boulevard. However, since staff cannot support the application in its entirety, staff cannot support this request.

Waiver of Development Standards #5

Staff has no objection to the reduction of the back-of-curb radius for the ingress side of the commercial driveway on Stanley Avenue, as vehicles will already be slowing down as they approach the stop sign at the intersection of Stanley Avenue and Nellis Boulevard. Staff finds that the reduction will not cause any additional hazards to vehicles trying to access the site. However, since staff cannot support the application in its entirety, 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:

- 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.
- Applicant is advised 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 #0277-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: GOLDEN BAR N LOUNGE LLC

CONTACT: LORA DREJA, BROWN, BROWN, AND PREMSRIRUT, 520 SOUTH 4TH STREET, LAS VEGAS, NV 89101