

CONVENIENCE STORE  
(TITLE 30)

**UPDATE**  
BLUE DIAMOND RD/GRAND CANYON DR

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-21-0567-DIAMANTE CANYON, LLC:**

**HOLDOVER USE PERMITS** for the following: **1)** convenience store; **2)** gasoline station; **3)** vehicle wash; and **4)** restaurant.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** setbacks; **2)** alternative parking lot landscaping; **3)** reduce width of landscape finger islands; **4)** height setback ratio; **5)** talk box location; **6)** throat depth; **7)** approach distance; and **8)** departure distance.

**DESIGN REVIEWS** for the following: **1)** convenience store; **2)** restaurant; **3)** vehicle wash; and **4)** gasoline station on 2.6 acres in an H-2 (General Highway) Zone.

Generally located on the southwest corner of Blue Diamond Road and Grand Canyon Drive within Enterprise. JJ/sd/jo (For possible action)

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RELATED INFORMATION:

**APN:**

176-19-201-008; 176-19-201-025

**WAIVERS OF DEVELOPMENT STANDARDS:**

1.
  - a. Reduce the separation from a convenience store to a residential use to the west to 165 feet where 200 feet is the standard per Table 30.44-1 (an 18% reduction).
  - b. Reduce the separation from a convenience store to a residential use to the south to 119 feet where 200 feet is the standard per Table 30.44-1 (a 41% reduction).
  - c. Reduce the separation from a convenience store to a residential use to the east to 129 feet where 200 feet is the standard per Table 30.44-1 (a 36% reduction).
  - d. Reduce the separation from a vehicle wash to a residential use to the west to 165 feet where 200 feet is the standard per Table 30.44-1 (an 18% reduction).
  - e. Reduce the separation from a vehicle wash to a residential use to the south to 119 feet where 200 feet is the standard per Table 30.44-1 (a 41% reduction).
2. Reduce the minimum width of landscape island fingers to 4 feet where 6 feet is the standard per Figure 30.64-14 (a 33% reduction).
3. Allow for landscaping fingers every 10 parking spaces where a maximum of 6 spaces is required per Figure 30.64-14.
4. Reduce the height setback ratio to 25 feet where 63 feet is required per Section 30.56-10 (a 60% reduction).
5. Allow for a talk box in conjunction with a proposed restaurant with drive-thru to face residential uses where not allowed per Table 30.56-2.

6. Reduce the throat depth distance to 19 feet where 75 feet is required per Uniform Standard Drawing 222.1 (a 75% reduction).
7. Reduce the approach distance along South Grand Canyon Drive to 79 feet where 150 feet is the standard per Uniform Standard Drawing 222.1 (a 47% reduction).
8. Reduce the departure distance along South Grand Canyon Drive to 103 feet where 190 feet is the standard per Uniform Standard Drawing 222.1 (a 46% reduction).

## **LAND USE PLAN:**

### **ENTERPRISE - COMMERCIAL NEIGHBORHOOD**

## **BACKGROUND:**

### **Project Description**

#### General Summary

- Site Address: N/A
- Site Acreage: 2.6
- Project Type: Convenience store/restaurant/vehicle wash/gasoline station
- Building Height (feet): 25 (convenience store)/21 (gas canopies)/up to 27 (Restaurant)
- Square Feet: 4,200 (convenience store)/801 (vehicle wash)/5,000 (restaurant)/4,600 (gas canopies)
- Parking Required/Provided: 67/85

#### Site Plans

The plans depict a proposed development consisting of convenience store, vehicle wash, gas station, and restaurant with drive-thru lane. The convenience store and vehicle wash are in the southeast portion of the lot, with the queuing for the vehicle wash along the south side of the convenience store, approximately 30 feet from Oleta Avenue. The gasoline canopies are located in the north central portion of the parcel with the proposed restaurant located along the west portion of the parcel adjacent to the western property lines. The drive-thru stacking is on the west side of the restaurant, adjacent to the 7 foot landscape strip. To the west, east, and south are residential uses. A total of 85 parking spaces are distributed throughout the site. Access to the proposed development is from Grand Canyon Drive and Blue Diamond Road. This request involves several waivers for approach and departure distances, alternative parking lot landscaping, residential separation, and setbacks. A height/ratio setback applies to the proposed restaurant with a drive-thru and is required to be set back at least 63 feet, where 25 feet is proposed. The proposed restaurant will incorporate an order talk box and vehicle queuing line for the drive-thru and is adjacent to the western block wall and property lines.

#### Landscaping

The plans depict landscape areas from up to 7 feet in width along the western property line, and 5 feet in width on both sides of a detached sidewalk along both Grand Canyon Drive and Blue Diamond Road. Landscaping along Blue Diamond Road will be planted behind an existing drainage area. Along Oleta Avenue, landscaping is provided behind an attached sidewalk. Parking lot landscaping is shown with trees and shrubs distributed throughout the site. Landscape islands are shown at intervals that exceed the maximum of 6 spaces and is the subject of a waiver request. Landscape islands are shown at 4 feet width dispersed throughout the parking lot.

### Elevations

The plans depict a proposed convenience store with a vehicle wash area shown at 25 feet in height with parapet walls, stone veneer, stucco finish, storefront windows with wall mounted lighting, and metal awning. The gas station canopies are 21 feet in height with a flat roofline and stone veneer columns with bollards. The proposed restaurant with a drive-thru is approximately 27 feet in height to the parapet wall, with a stucco finish and stone veneer. Storefront glazed windows are shown with metal awnings.

### Floor Plans

The convenience store has an area of 4,200 square feet consisting of customer service areas, a sales floor, storage areas, restrooms, and an office. The vehicle wash has an area of 801 square feet consisting of the automated wash bay and equipment areas. The tunnel faces in an east/west direction and is screened from the residential properties to the west by a proposed restaurant building, landscaping, and a block wall. The plans depict a proposed 5,000 square foot Quick Serve Restaurant with a drive-thru lane located along the western property line.

### Signage

Signage is not a part of this request.

### Applicant's Justification

The applicant states that the Quick Serve Restaurant, convenience store/carwash, and gas station will attract new businesses to the area, which in return will create employment opportunities for the community. The applicant indicates that the general design and layout will have little impacts to the surrounding residential neighborhoods and will provide additional landscaping to off-set any potential impacts. The design intent, color scheme, and finishes are to harmoniously blend with the existing developments in the surrounding area.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-0957-06	Power transmission lines	Approved by PC	August 2006
NZC-1555-04	Reclassified from H-2 to C-2 zoning - expired	Approved by BCC	

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North, South, East & West	Residential Suburban (up to 8 du/ac)	R-2	Single family residential

The site and the surrounding area are located in the Public Facilities Needs Assessment (PFNA) area.

### **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 Comprehensive 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 proposed development for a convenience store, vehicle wash, and restaurant are consistent with neighborhood commercial uses that often serve nearby communities. Staff finds that the proposed convenience store, vehicle wash, gasoline station, and restaurant in part comply with Growth Management Policy 1, which states development of vacant parcels within service areas should be encouraged and in part with Urban Specific Policy 2 that encourages, where infrastructure is available and transit is accessible, maximize the use of in-fill and redevelopment in existing urban/suburban areas. However, since staff does not support the waivers of development standards or the design reviews, 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 this request requires several waivers as outlined earlier in the staff report, the project has always been contemplated as a site for local commercial activities that serve the surrounding residential areas. The proposed development, along with the applicant's mitigation efforts, comply in part with Urban Specific Policy 62, which states intense buffering and design features on the perimeter of parcels adjacent to existing or proposed single family uses to reduce or mitigate nuisances caused by noise and light. Factors that mitigate the impact include streets are separated from the residential development on the south and east sides of the development, and the convenience store is buffered by the restaurant, which may justify an alternative. However, staff does not support the remaining waivers of development standards or the design reviews, and cannot support this request.

#### Waiver of Development Standards #2

The request to reduce the width of landscape islands to 4 feet where 6 feet is required cannot be supported by staff. While the applicant is mitigating this reduction by planting additional shade trees than the minimum required by Code, 6 foot islands cannot accommodate large trees; therefore, staff does not support this request.

### Waiver of Development Standards #3

The request to reduce or allow for landscape islands for every 10 spaces can be supported by staff. The applicant is mitigating these reductions by planting 5 more additional shade trees than the minimum required by Code. Staff is generally supportive of waiver requests that actively provide mitigation off-set, which in this case is increasing the number of shade trees and landscaping above the minimum required by Code. Typically, staff can support this request, however, staff does not support other portions of the application.

### Waiver of Development Standards #4

Staff finds that the setback and height setback will have a potential negative impact to the adjacent residential property to the west. While the building is only 27 feet in height, Code requires a minimum height/ratio setback of 63 feet where the applicant is proposing a reduced setback of 25 feet. The applicant states that additional shrubs will be planted in between proposed trees set at 20 feet on-center. However, staff feels this reduction in height/ratio setback is a self-imposed hardship that can be remedied with placement of the restaurant building in a different location on the lot that would eliminate or reduce the overall encroachment towards the residential uses. Staff cannot support this request.

### Waiver of Development Standards #5

The applicant is requesting to install an order talk-box that will face the residential uses. As part of the applicant's mitigation measures, a volume control feature will be used to mitigate noise. Staff feels this is not a significant mitigation measure to reduce the impact of a talk box facing residential uses, where noise nuisances will have an impact on those residential uses that currently abut the western block wall adjacent to the proposed drive-thru. Staff cannot support this request.

### Design Reviews

The proposed buildings are constructed with decorative materials and have parapet walls at varying heights to break-up the horizontal roofline. The buildings will have architectural enhancements such as cornice moldings, pop-outs, aluminum storefront systems, and stone veneer to enhance the visual appearance of the buildings. While the proposed design of the buildings complies with Urban Land Use Policy 78 of the Comprehensive Master Plan, which encourages architectural enhancements that eliminate blank elevations, staff feels this proposed design review does not incorporate mitigation measures that will ensure little to no impacts to those residential areas to the west from the proposed restaurant building. Overall, this design review as proposed does not comply with Urban Specific Policy 10, which encourages site designs to be compatible with adjacent land uses, especially when the adjacent land use is a lower density or intensity use, and with Urban Specific Policy 21, which encourages drive-thru facilities and stacking lanes, when contiguous to any residential use to be obscured from view by an intense landscape buffer to the residential to the west; therefore, staff cannot support the design review as proposed.

### **Public Works - Development Review**

#### Waiver of Development Standards #6

The design of the driveway on Grand Canyon Drive creates a number of conflicts that will lead to vehicles stacking into the right-of-way, causing potential collisions. Vehicles entering the site

will be head-on with vehicles in the drive aisle north of the C-store. In addition to that dangerous conflict, drivers exiting the car wash that desire to use the driveway on Grand Canyon Drive will attempt to make a U-turn, which will block all traffic, again causing vehicles to wait in the right-of-way. Therefore, staff cannot support this request.

#### Waivers of Development Standards #7 & #8

With a proposed driveway on Grand Canyon Drive, there is no possible way to meet the minimum approach and departure standards due to the proximity of both Blue Diamond Road and Oleta Avenue and due to the limited frontage along Grand Canyon Drive. Staff prefers the location shown on the plans as it provides a balance between the 2 required dimensions. However, since Planning does not support this 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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

#### **PRELIMINARY STAFF CONDITIONS:**

##### **Current 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 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;
- Full off-site improvements;
- Off-site improvements along Blue Diamond Road to be coordinated with Nevada Department of Transportation (NDOT), and applicant to provide an approved NDOT encroachment permit to Public Works Development Review Division;

- Right-of-way dedication to include 35 feet to back of curb for Grand Canyon Drive, 30 feet for Oleta Avenue, and associated spandrels;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for any collector street or larger;
- 90 days to record required right-of-way dedications and any corresponding easements for any collector street or larger.
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

**Building Department - Fire Prevention**

- 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 #0373-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC: Enterprise - approval.**

**APPROVALS:**

**PROTESTS: 1 card**

**PLANNING COMMISSION ACTION:** November 16, 2021 – HELD – To 12/07/21 – per the applicant.

**PLANNING COMMISSION ACTION:** December 7, 2021 – HELD – To 12/21/21 – per the applicant.

**PLANNING COMMISSION ACTION:** December 21, 2021 – HELD – To 01/18/22 – per the applicant.

**APPLICANT:** SCOTT SCHROEDER

**CONTACT:** SHELDON COLEN, SCA DESIGN, 2525 W. HORIZON RIDGE PARKWAY, SUITE 230, HENDERSON, NV 89052