

CONVENIENCE STORE/GAS STATION/
VEHICLE WASH
(TITLE 30)

WINDMILL LN/DECATUR BLVD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-21-0188-UTE INDIAN TRIBE:

USE PERMITS for the following: **1)** convenience store; **2)** gasoline station; **3)** vehicle wash; **4)** reduce the separation from a proposed convenience store to a residential use; **5)** reduce the separation from a proposed gasoline station to a residential use; **6)** reduce the setback from a convenience store to a section line road; and **7)** reduce the setback from a gasoline station to a section line road.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** alternative driveway geometrics; **2)** reduce driveway approach distances; **3)** reduce driveway departure distances; **4)** reduce vehicle wash separation from residential; **5)** reduce pedestrian walkway width; **6)** reduce height to setback ratio; **7)** reduce trash enclosure setback from residential use; **8)** alternative drive-thru talk box location; **9)** reduce number of loading zones; and **10)** modify area of landscape island fingers.

DESIGN REVIEWS for the following: **1)** convenience store; **2)** gasoline station (fuel canopy); **3)** vehicle wash; **4)** restaurant and drive-thru; **5)** retail buildings; **6)** finished grade; and **7)** alternative parking lot landscaping on 2.5 acres in a C-1 (Local Business) Zone.

Generally located on the southwest corner of Decatur Boulevard and Windmill Lane within Enterprise. JJ/bb/jd (For possible action)

RELATED INFORMATION:

APN:

176-13-501-008

USE PERMITS:

1. Allow a convenience store.
2. Allow a gasoline station.
3. Allow a vehicle wash.
4. Reduce the separation from a proposed convenience store to a residential use to 135 feet where 200 feet is required per Table 30.44-1 (a 33% reduction).
5. Reduce the separation for a proposed gasoline station to a residential use to 130 feet where 200 feet is required per Table 30.44-1 (a 35% reduction).
6. Reduce the setback for a convenience store to a section line road to 15 feet 3 inches where 30 feet is required per Table 30.44-1 (a 49% reduction).
7. Reduce the setback for a gasoline station to a section line road to 15 feet 3 inches where 30 feet is required per Table 30.44-1 (a 49% reduction).

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Reduce the throat depth for a driveway at Windmill Lane to 8 feet where a minimum of 25 feet is required per Uniform Standard Drawing 222.1 (a 68% reduction).
1. b. Reduce the throat depth for a driveway at Decatur Boulevard to 4 feet where a minimum of 25 feet is required per Uniform Standard Drawing 222.1 (an 84% reduction).
2. Reduce the approach distance to the intersection of Decatur Boulevard and Windmill Lane to 111 feet where a minimum distance of 150 feet is required per Uniform Standard Drawing 222.1 (a 26% reduction).
3. a. Reduce the departure distance from the intersection of Windmill Lane and Ribbon Falls Street to 56 feet where a minimum distance of 190 feet is required per Uniform Standard Drawing 222.1 (a 71% reduction).
3. b. Reduce the departure distance from the intersection of Windmill Lane and Decatur Boulevard to 154 feet where a minimum distance of 190 feet is required per Uniform Standard Drawing 222.1 (a 19% reduction).
4. Reduce the separation for a vehicle wash to a residential use to 150 feet where 200 feet is required per Table 30.44-1 (a 25% reduction).
5. Reduce an on-site pedestrian walkway around retail building to 4 feet in width where 5 feet is required per Section 30.60.050 (a 20% reduction).
6. a. Reduce the 3:1 height/setback ratio to a residential use (west) to 19 feet where 65 feet 3 inches is required per Figure 30.56-10 (a reduction of 68%).
6. b. Reduce the 3:1 height/setback ratio to a residential use (south) to 21 feet where 65 feet 3 inches is required per Figure 30.56-10 (a reduction of 68%).
7. Reduce trash enclosure setback (west) from a residential development to 36 feet where a minimum of 50 feet is required per 30.56.120 (a 48% reduction).
8. Allow talk boxes adjacent to and facing a residential development where required to be buffered per Table 30.56-2.
9. Reduce the number of loading zones to 1 where 2 loading zones are required per Section 30.60.070 (a reduction of 50%).
10. Allow the width of a landscape finger island to 5 foot 9 inches where 6 feet is the standard per Figure 30.64-14.

DESIGN REVIEWS:

1. Convenience store.
2. Gasoline station (fuel canopy).
3. Vehicle wash.
4. Restaurant with drive-thru.
5. Retail buildings.
6. Increase the finished grade to 30 inches where a maximum of 18 inches is the standard per Section 30.32.040 (a 67% increase).
7. Allow 1 landscape island finger per 18 parking spaces where 1 landscape finger island per 6 parking spaces is the standard per Figure 30.64-14.

LAND USE PLAN:
ENTERPRISE - COMMERCIAL NEIGHBORHOOD

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 2.5
- Project Type: Gas station/vehicle wash
- Number of Stories: 1
- Building Height: 27 feet, 9 inches
- Square Feet: 11,000 (retail)/4,000 (convenience store)
- Parking Required/Provided: 60/60

Site Plan

The C-1 zoned property is bordered by developed residential on the west and east and undeveloped planned and zoned residential on the south. The proposed uses will have a total of 60 parking spaces where 60 parking spaces are required. The property will be accessed from Windmill Lane on the north and Decatur Boulevard from the east. A bus lane is being developed as part of the right turn lane along Decatur Boulevard, south of Windmill Lane and adjacent to the east property line. The proposed retail building is oriented from north to south near the western property line. The convenience store and associated gas station with canopy are located on the east side of the retail building. The vehicle wash is located on the north side of the convenience store, adjacent to Windmill Lane. Vehicle wash access proceeds from east to west on the north side of the convenience store. The vehicle wash service bay doors face east and west, with landscaping between openings and the property lines.

The setbacks for the convenience store, fuel canopy, and vehicle wash are as follows:

- The convenience store is set back 135 feet from the western property line (residential development) and 15 feet 3 inches from the northern property line (section line).
- The fuel canopy is located approximately 59 feet south of the convenience store and covers 6 fuel islands. The fuel canopy is 130 feet 11 inches from the west property line (residential), 37 feet 8 inches from the east property line (residential development is across the street), and 85 feet 9 inches to the south property line (residential).
- The vehicle wash is set back 150 feet from the west property line (residential development).

The retail building will include up to 9 possible lease spaces and will include a drive-thru entering from the northwest portion of the building turning south and exiting at the southeast. The talk box is located on the southwest side of the retail building, adjacent to the residential development to the west. A trash enclosure and loading zone are located on the north edge of the retail building, with another trash enclosure located on the southeast corner of the convenience store. The trash enclosure adjacent to the retail building is located 36 feet 7 inches from the west property line and residential uses. The required pedestrian walkway around the retail building is only 4 feet 6 inches wide along the west, north, and south sides of the building. The pedestrian

walkway adjacent to the east wall of the convenience store is only 4 feet 1 inch where 5 feet is required. The applicant will provide lighting that meets Title 30 requirements, with 20 foot high down shielded lighting poles and wall lights. Bike racks are provided for both buildings and pedestrian pathways are provided in parking areas.

Landscaping

The landscape plan depicts a 5 foot 6 inch landscape strip meeting Figure 30.64-11 with trees every 20 feet on center along the west and south property lines. Those areas of the landscaping that require detached sidewalks adjacent to Windmill Lane and Decatur Boulevard are landscaped in accordance with Figure 30.64-17, including associated trees and shrubs. The plans depict 1 landscape finger island per 18 parking spaces rather than the 1 island per 6 parking spaces as required per Figure 30.64-14. The applicant is providing 5 medium trees in excess of the minimum number required. However, the width of the island is 5 foot 9 inches where 6 feet is required.

Elevations

The elevations depict an in-line retail building with 2 parapet elevations ranging between 23 feet and 28 feet. The building is constructed of stucco exteriors and includes 11 fabric canopy covers over the pedestrian walkways and above dark bronze glazed aluminum storefront systems. The parapet walls shield the mechanical equipment from view by the public and adjacent residential. The convenience store elevations depict the same type of construction, with a total of 5 fabric canopy covers over similar aluminum storefront windows and entrance. The convenience store height is 27 feet 9 inches at the highest point on the south side of the building. The vehicle wash is 23 feet 8 inches in height at the north side of the building. The portion of building surrounding the vehicle wash is single color stucco siding with no wall enhancements or architectural treatments. The north side elevation (vehicle wash) is single color stucco with no wall enhancements, material upgrades, or architectural features.

Floor Plans

The plans depict a 2.5 acre property with an 11,000 square retail building, 4,000 square foot convenience store with attached vehicle wash, and 3,096 square foot fuel canopy, and drive-thru restaurant. A restroom will be included with the convenience store as required in Title 30 and Title 6.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant is proposing to construct a neighborhood commercial development with convenience store, vehicle wash, retail building, and gasoline station. The required 60 parking spaces are provided along with 39 foot driveway entrances at Windmill Lane and Decatur Boulevard. Bike racks are provided within 100 feet of the building entrances. Lighting will meet design standards and be down shielded as required in the parking areas and along the walls of the buildings. All planting materials will be low water and low maintenance species, and native to the southwest. Plants will comply with the Southern Nevada Regional Planning Coalition plant list as outlined in the landscape plan. The convenience store with gas station,

vehicle wash, and retail building will attract new business to the area, add employment opportunities and be convenient for neighborhood use.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-0135-07	Reclassified from R-E to C-1 zoning	Approved by BCC	March 2007

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Commercial General	C-2	Place of worship
South	Residential Low (up to 2 du/ac)	R-E	Undeveloped
East	Residential High (8 to 18 du/ac)	R-2	Single family residential
West	Residential Suburban (up to 8 du/ac)	R-2	Single family residential

This 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.

Urban Specific Policy 61 of the Comprehensive Master Plan discourages nuisances caused by incompatible uses, noise, lighting, and signs that detract from and are not consistent with the existing residential development. Urban Specific Policy 62 encourages intense buffering and design features on the perimeter of parcels adjacent to existing or proposed single family uses. Appropriate buffers, such as setbacks, drought-tolerant landscaping, building height and materials should be considered and integrated into commercial developments. If the retail building had appropriate 4 sided architecture and roof improvements, it could be compatible with the adjacent residential uses. The proximity of commercial structures to residential uses is not off-set by enhanced architectural, material, or roof treatments. The trees located along the west property line are the minimum needed to screen the existing homes from the buildings, which conflicts with the policy to provide intense buffers. The design of the vehicle wash and convenience store facing Windmill Lane does not provide adequate enhancements for consideration. The proposed uses are reasonable if developed to be compatible with the surrounding area; however, since staff does not support many of the related characteristics of this proposal, staff does not support the use permits.

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.

Waivers of Development Standards #4, #7, & #10

The vehicle wash is oriented adjacent to and parallel with Windmill Lane. The noise generated by the vehicle wash will be negated by distance to the nearest houses, and the existing and future road noise generated by Windmill Lane. The location of the trash enclosure on the north side of the retail building will not be detrimental to the surrounding area or character of the neighborhood when considering the nearest home to the west is screened from view by intense landscaping on both sides of the wall, and 80 additional feet from the property line/wall to the home. The reduced dimensions of the parking lot landscape fingers are minimal and will not limit the planting of trees or shrubs. However, since staff does not support the other waivers of development standards and design reviews, staff does not support this portion of the request.

Waivers of Development Standards #5, #6a, #6b, #8, & #9

The pedestrian walkway access around the retail building and convenience store needs to be the full 5 foot width to accommodate ingress and egress of emergency personnel and those with mobility and access requirements. The lack of architectural, material, and roof enhancements on the west side of the retail building, makes the reduction of the 3:1 height setback ratio incompatible with the adjacent residential uses and character of the neighborhood. The proposed talk box faces west and will negatively impact the character of the residential area when considering noise during business hours. The talk box will disrupt the harmony of the residential neighborhood during business hours, which can occur at night. The removal of 1 of the required loading zones will negatively impact the circulation of traffic within the proposed development and specifically will not serve the convenience store with the proposed location of the 1 proposed loading zone on the north end of the retail building. The proposed loading zone will require access across the main entry driveway to connect with the convenience store. In addition, there is no pedestrian pathway access shown on the site plan from the north end of the retail building to the convenience store. Staff recommends denial of waivers #5, #6a, #6b, #8, and #9.

Design Reviews #1 through #5, & #7

The applicant is providing 5 additional trees than required; therefore, staff can support the alternative parking lot landscaping. However, staff cannot support the proposed design of the buildings without significant improvements to the building materials, architecture, and roof to match the residential character of the neighborhood. Urban Specific Policy 78 encourages compatible building material treatments on all building sides to eliminate blank building elevations along public rights-of-way and areas visible to the general public to improve visual quality. This also includes design variations to a building's mass, including different roof forms. The stark elevation treatment along the north side of the convenience store and vehicle wash is the face of the building to the public on Windmill Lane. The west side of the retail

building is limited to painted stucco and no enhancements. This property should be greatly enhanced with 4 sided architecture and design that includes stone or brick accents and improved rooflines, with matching materials to the surrounding residential uses. Staff does not support these requests.

Public Works - Development Review

Waiver of Development Standards #1a

Staff has no objection to the reduction in the throat depth for the Windmill Lane commercial driveway. The applicant provided landscape buffers adjacent to the driveway and oriented the car wash exit to prevent vehicles from stacking in the drive aisle avoiding immediate conflicts with vehicles exiting the right-of-way. However, since Planning is recommending denial of the application, staff cannot support this waiver.

Waiver of Development Standards #1b

The applicant is providing a right turn lane adjacent to the Decatur Boulevard commercial driveway for a safe transition into the site from the right-of-way. Additional landscaping on both sides further mitigates potential impacts from the reduction in the throat depth. Therefore, staff does not object to this request. However, since Planning is recommending denial of the application, staff cannot support this waiver.

Waivers of Development Standards #2 & #3a

Staff has no objection to the reduction in the approach or departure distance for the Windmill Lane commercial driveway. Ribbon Falls Street serves an 80 lot subdivision and should see minimal usage and the applicant placed the driveway closer to the private street to minimized the potential safety hazards. Although the departure and approach distances do not comply with the minimum standards, staff finds the location allows vehicles to safely access the site. However, since Planning is recommending denial of the application, staff cannot support this waiver.

Waiver of Development Standards #3b

Staff has no objection to the reduction in the departure distance for the Decatur Boulevard commercial driveway. The applicant placed the driveway as far south as the site will allow. However, since Planning is recommending denial of the application, staff cannot support this waiver.

Design Review #6

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.

Department of Aviation

The development will penetrate the 100:1 notification airspace surface for McCarran International Airport. Therefore, as required by 14 CFR Part 77, and Section 30.48.120 of the

Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

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;
- 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 to the back of curb for Windmill Lane, 60 feet for Decatur Boulevard, and a 54 foot property line radius spandrel at the northeast corner of the site;
- 90 days to record required right-of-way dedications and any corresponding easements;
- If required by the Regional Transportation Commission (RTC), dedicate and construct right-of-way for a combination bus turnout/right turn lane, including passenger loading/shelter areas in accordance with RTC standards;
- Coordinate with Public Works - Design Division for the Decatur Boulevard improvement project;
- Dedicate any right-of-way and easements necessary for the Decatur Boulevard improvement project.

- 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; and that 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.

Department of Aviation

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.48 Part B of the Clark County Unified Development Code;
- No building permits should be issued until applicant provides evidence that a "Determination of No Hazard to Air Navigation" has been issued by the FAA or a "Property Owner's Shielding Determination Statement" has been issued by the Department of Aviation.
- Applicant is advised that the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments; that the FAA's airspace determinations include expiration dates; and that separate airspace determinations will be needed for construction cranes or other temporary equipment.

Building Department - Fire Prevention

- Applicant is advised that 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 #0049-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require a new POC analysis.

TAB/CAC: Enterprise - denial.

APPROVALS:

PROTESTS:

APPLICANT: REMINGTON NEVADA

CONTACT: SHELDON COLEN, SCA DESIGN, 2580 ST. ROSE PARKWAY, SUITE 305, HENDERSON, NV 89074