

CONVENIENCE STORE/  
GASOLINE STATION  
(TITLE 30)

DECATUR BLVD/SILVERADO RANCH BLVD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**NZC-21-0352-A & A, LLC & A & A III, LLC:**

**ZONE CHANGE** to reclassify 1.7 acres from an R-E (Rural Estates Residential) Zone and an R-E (Rural Estates Residential) (AE-60) Zone to a C-2 (General Commercial) Zone and a C-2 (General Commercial) (AE-60) Zone.

**USE PERMITS** for the following: **1)** reduce separation for a convenience store to a residential use; and **2)** reduce separation for a gasoline station (canopy) to a residential use.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** alternative driveway geometrics; and **2)** alternative bus stop placement.

**DESIGN REVIEW** for a convenience store with gasoline station.

Generally located on the northwest corner of Decatur Boulevard and Silverado Ranch Boulevard within Enterprise (description on file). JJ/jt/jo (For possible action)

---

RELATED INFORMATION:

**APN:**

176-24-801-019

**USE PERMITS:**

1. Reduce the separation for a convenience store to a residential use to 64 feet where 200 feet is the minimum per Table 30.44-1 (a 68% reduction).
2. Reduce the separation for a gasoline station (canopy) to a residential use to 63 feet where 200 feet is the minimum per Table 30.44-1 (a 69% reduction).

**WAIVERS OF DEVELOPMENT STANDARDS:**

1.
  - a. Reduce throat depth for the driveway on Decatur Boulevard to 3 feet where 25 feet is the minimum per Uniform Standard Drawing 222.1 (an 88% reduction).
  - b. Reduce throat depth for the driveway on Silverado Ranch Boulevard to 3 feet where 25 feet is the minimum per Uniform Standard Drawing 222.1 (an 88% reduction).
  - c. Reduce the departure distance on Silverado Ranch Boulevard to 169 feet where 190 feet is the minimum per Uniform Standard Drawing 222.1 (an 11% reduction).
2. Reduce the distance from the street corner to the start of a shared right turn lane/bus turnout to zero feet where 30 feet is required per Uniform Standard Drawing 234.4 (a 100% reduction).

**LAND USE PLAN:**

ENTERPRISE - RESIDENTIAL HIGH (FROM 8 DU/AC TO 18 DU/AC)

**BACKGROUND:****Project Description****General Summary**

- Site Address: N/A
- Site Acreage: 1.7
- Project Type: Convenience store/gasoline station
- Number of Stories: 1
- Building Height (feet): 23
- Square Feet: 5,200
- Parking Required/Provided: 21/28

**Neighborhood Meeting Summary**

The applicant mailed out the required notices to surrounding property owners within a 1,500 foot radius notifying the property owners of a virtual meeting on December 15, 2020. Four neighbors attended the meeting, and topics discussed included whether an additional convenience store and gasoline station was needed in the area, traffic, pedestrian safety, road improvements, and the construction timeline.

**Site Plan**

The site plan depicts a convenience store with a fuel canopy located near the center of the site. Setbacks for the convenience store include 64 feet to the north property line, 79 feet to the west property line, and 96 feet to the south property line along Silverado Ranch Boulevard. The fuel canopy is located 64 feet to the east of the convenience store, and setbacks for the fuel canopy include 63 feet to the north property line, 55 feet to the east property line along Decatur Boulevard, and 48 feet to the south property line along Silverado Ranch Boulevard. Use permits are necessary to reduce the separation for the convenience store and fuel canopy to the planned residential uses to the north and west of the site.

Access to the site is provided by a driveway from Decatur Boulevard and a driveway from Silverado Ranch Boulevard. Waivers of development standards are necessary for alternative driveway geometrics and alternative bus stop placement. Parking spaces are located on the north, east, and south sides of the convenience store, and loading spaces and trash enclosures are located on the west side of the convenience store. The trash enclosure is set back 52 feet from the west property line and 57 feet to the north property line. Tables and chairs are provided on the south side of the convenience store for guests; however, this is not considered outside dining and is not subject to the outside dining design standards and separation requirements.

**Landscaping**

Landscaping along the north property line includes a landscape strip that ranges in width from 10 feet to 25 feet with a 5 foot wide pedestrian walkway connecting Decatur Boulevard to the front of the convenience store. The portion of the landscaping next to the sidewalk must be at least 5 feet 6 inches wide to comply with Title 30 standards for landscaping adjacent to a less intense use. Along the west property line, the landscape strip ranges in width from 10 feet to 15 feet.

Although it is not shown on the plans, trees along both the north and west property lines must be spaced 20 feet on center to comply with Title 30 requirements. Along the east property line, adjacent to Decatur Boulevard, landscaping is 15 feet wide with a 5 foot wide detached sidewalk. Along the south property line, adjacent to Silverado Ranch Boulevard, landscaping ranges in width from 5 feet to 20 feet behind an attached sidewalk, which is adjacent to a bus turnout. Since the shared right turn lane and bus turnout extends along most of the southern property line, the sidewalk is not required to be detached. A pedestrian connection is also provided from Silverado Ranch Boulevard, near the future bus shelter, to the front of the convenience store. Internal to the site, landscaping is provided in parking lot landscape fingers.

#### Elevations

The 23 foot tall convenience store includes parapet walls at various heights along the roofline, and the sides of the building include offset surface planes to break-up the visual mass. Exterior materials include stone veneer base and accents, cement walls painted earth tone colors, metal awnings, and a storefront window system.

The fuel canopy is 21 feet tall, and the columns include a split-face CMU block veneer base and cement wall panel system around a steel column support structure.

#### Floor Plans

The 5,200 square foot convenience store includes a sales floor area, back of house, cashier area, and restrooms.

#### Signage

Signage is not a part of this request.

#### Applicant's Justification

According to the applicant, the reduced separations for the convenience store and gasoline station to the north and west will not create any negative impacts since the adjacent properties are undeveloped. Both the convenience store and fueling canopy are placed on the parcel in a configuration that provides the maximum separation from the adjacent residential planned land uses while still providing safe circulation for vehicular traffic. Regarding the alternative driveway geometrics, the applicant indicates that the design provides ample circulation for vehicles entering the site. The reduced departure distance and the alternative bus stop placement along Silverado Ranch Boulevard are necessary since the street frontage is approximately 230 feet long, and the driveway is placed as far west as possible leaving only 160 feet for the right turn lane.

Overall, the applicant indicates that the convenience store and gasoline station will provide enhanced consumer products and services to the area, and the development is not detrimental to the public health, safety, or welfare.

### Prior Land Use Requests

Application Number	Request	Action	Date
LUP-20-700061	Land use plan amendment to redesignate the existing land use category from RH (Residential High) to CG (Commercial General) - process cancelled due to pandemic	N/A	N/A

### Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Residential High (8 to 18 du/ac)	R-E	Undeveloped
South	Commercial General	R-E	Undeveloped
East	Commercial General	C-2	Convenience store, gasoline station, & tavern
West	Residential High (8 to 18 du/ac)	R-E	Undeveloped

The subject site and surrounding parcels 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

#### Zone Change

The applicant shall provide Compelling Justification that approval of the nonconforming zoning boundary amendment is appropriate. A Compelling Justification means the satisfaction of the following criteria as listed below:

- 1. A change in law, policies, trends, or facts after the adoption, readoption or amendment of the land use plan that have substantially changed the character or condition of the area, or the circumstances surrounding the property, which makes the proposed nonconforming zone boundary amendment appropriate.*

Rapid residential development has occurred in the Enterprise Township since the most recent update of the Land Use Plan. As a result, C-2 zoned parcels are necessary for commercial development to provide goods and services to the residents in the area. Reclassifying the subject site to C-2 will provide an opportunity for commercial development.

- 2. The density and intensity of the uses allowed by the nonconforming zoning is compatible with the existing and planned land uses in the surrounding area.*

The northeast corner of Silverado Ranch Boulevard and Decatur Boulevard is zoned C-2 and developed with a convenience store, gasoline station, and tavern. Also, both the southeast and southwest corners of the Silverado Ranch Boulevard and Decatur Boulevard intersection is

undeveloped and planned for Commercial General uses. As a result, the proposed C-2 zoning would be compatible with both the existing and planned uses on each corner of the intersection.

Adjacent to the subject site, the parcel to the north and the parcel to the west are undeveloped and planned for Residential High uses. The proposed C-2 zoning could act as a buffer from the traffic at the intersection of Silverado Ranch Boulevard and Decatur Boulevard to the future Residential High uses on the adjacent parcels. Therefore, the C-2 zoning will be compatible with the adjacent residential planned land uses as well.

3. *There will not be a substantial adverse effect on public facilities and services, such as roads, access, schools, parks, fire and police facilities, and stormwater and drainage facilities, as a result of the uses allowed by the nonconforming zoning.*

There has been no indication from utility purveyors that the proposed C-2 zoning would negatively impact any public facilities and services.

4. *The proposed nonconforming zoning conforms to other applicable adopted plans, goals, and policies.*

Land Use Goal 9 in the Comprehensive Master Plan encourages commercial development in appropriate locations throughout the community. This site is located at the corner of 2 arterial streets, and commercial development is typically located adjacent to large thoroughfares. As a result, the proposed nonconforming zone boundary amendment conforms to the applicable adopted plans and goals for Clark County.

## **Summary**

### Zone Change

Increased residential growth in Enterprise has increased the demand for supporting commercial development, and the location of the proposed C-2 zoning is compatible with surrounding existing and planned land uses. Furthermore, the zoning will not negatively impact public facilities and services, and the proposed zoning conforms to applicable goals in the Comprehensive Land Use Plan; therefore, staff can support the request.

### 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 convenience store and gasoline station are centrally located and on the eastern side of the site, which is away from the adjacent residential planned land uses. This will allow for safe on-site circulation while maintaining a landscape buffer between the convenience store and gasoline station from the future residential uses. Lastly, the adjacent parcels are undeveloped, and future uses will take into consideration the development of the convenience store and gasoline station. As a result, staff does not anticipate any negative impacts from the reduced separation.

### 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.

### Design Review

Urban Specific Land Use Policy 66 encourages commercial development to provide access points on arterial and collector streets. Here, the convenience store and gasoline station will have access points on 2 arterial streets, Silverado Ranch Boulevard and Decatur Boulevard. Furthermore, Policy 67 encourages appropriate buffers, building height, and materials. The proposed landscaping, building height, and building materials comply with Title 30 standards, are appropriate for the area, and are aesthetically pleasing. As a result, staff can support the design review.

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

#### Waiver of Development Standards #1a

Staff has no objection to the reduction in the throat depth for the Decatur Boulevard commercial driveway. The applicant provided ample room on the ingress side of the driveway, allowing vehicles to safely exit the right-of-way.

#### Waiver of Development Standards #1b

Staff has no objection to the reduction in the throat depth for the Silverado Ranch Boulevard commercial driveway. Per a request from the Regional Transportation Commission, a combination right turn lane/bus turnout will be provided at this driveway, which creates extra room for vehicles to be out of the travel lanes when accessing the site.

#### Waiver of Development Standards #1c

Staff has no objection to the reduction in the departure distance for the Silverado Ranch Boulevard commercial driveway. The applicant placed the driveway as far west as the site will allow.

#### Waiver of Development Standards #2

Staff has no objection to the reduced length of the transition from the intersection to the bus storage lane for the bus stop on Silverado Ranch Boulevard since there is not enough room on site to meet the minimum requirement.

### **Staff Recommendation**

Approval. This item will be forwarded to the Board of County Commissioners' meeting for final action on October 6, 2021 at 9:00 a.m., unless otherwise announced.

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**

- Resolution of Intent to complete in 3 years;
- 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 new application for a nonconforming zone boundary amendment may be required in the event the building program and/or conditions of the subject application are proposed to be modified in the future; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that 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.

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

- Drainage study and compliance;
- Traffic study and compliance;
- Coordinate with Public Works - Design Division for the Silverado Ranch Boulevard improvement project;
- Coordinate with Public Works - Design Division for the Decatur Boulevard improvement project;
- Dedicate any right-of-way and easements necessary for the Silverado Ranch Boulevard and/or Decatur Boulevard improvement projects within 30 days by submitting a Separate Document to the Map Team;
- 90 days to record the above-mentioned 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 right turn lane/bus turnout including passenger loading/shelter areas in accordance with RTC standards.

### **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. Email [sewerlocation@cleanwaterteam.com](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0073-2020 to obtain your POC exhibit. Flow contributions exceeding District estimates may require another POC analysis.

**TAB/CAC:** Enterprise - no recommendation.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** LAND DEVELOPMENT CONSULTANTS, LLC

**CONTACT:** LAND DEVELOPMENT CONSULTANTS, LLC, 11811 N. TATUM BLVD,  
SUITE 1051, PHOENIX, AZ 85028