



Planning Commission Agenda Item

Date: September 14,
2022
Item No: 18.

TO: Planning Commission

FROM: Marc Jordan, Director Land Development & Community Services
Prepared By: Johanna Murphy

SUBJECT: SUP-36-2022 TERRIBLE HERBST @ ANN & VALLEY CONVENIENCE STORE (Public Hearing). Applicant: Doumani Holdings, LLC. Request: A special use permit in a C-1 (Neighborhood Commercial District) to allow a convenience food store with gas pumps and an "off-sale" beer-wine-spirit based products license. Location: Northwest corner of Ann Road and Valley Drive. Ward 3 (For Possible Action).

RECOMMENDATION: APPROVE WITH CONDITIONS

PROJECT DESCRIPTION: (APN 124-30-401-021)

The applicant is requesting a special use permit to allow a convenience food store with gas pumps and an "off-sale" beer-wine-spirit based products license within a C-1, Neighborhood Commercial District. The subject site is 3.88 acres in size. The proposed convenience food store with gas pumps will be located at northwest corner of Ann Road and Valley Drive. The subject site's Comprehensive Master Plan land use designation is Neighborhood Commercial.

BACKGROUND INFORMATION:

Previous Action
On June 19, 2019, City Council approved Ordinance No. 2972 (ZN-16-19) reclassifying the property from PUD, Planned Unit Development District to C-1, Neighborhood Commercial.
On June 19, 2019, City Council approved an amendment to the Comprehensive Master Plan Land Use Map, AMP-08-91 from Medium Density Residential to Neighborhood Commercial.
On May 8, 2019, Planning Commission approved a special use permit (UN-51-19) for a convenience food store with gas pumps at the northwest corner of Ann Road and Valley Drive.

RELATED APPLICATIONS:

Application #	Application Request
SUP-38-2022	A request for a special use permit to allow a vehicle washing establishment.

GENERAL INFORMATION:

	Land Use	Zoning	Existing Use
Subject Property	Neighborhood Commercial	C-1, Neighborhood Commercial District	Undeveloped
North	Single Family Medium Residential	PUD, Planned Unit Development District	Existing single family homes
South	Single Family Medium Residential	R-CL, Single Family Compact Lots District	Existing single family homes
East	Single Family Medium Residential	PUD, Planned Unit Development District	Existing single family homes
West	Neighborhood Commercial and Community Commercial	C-1, Neighborhood Commercial District and PUD, Planned Unit Development District	Undeveloped commercial and existing single family homes

DEPARTMENT COMMENTS:

Department	Comments
Public Works:	See attached memorandum.
Police:	No Comment.
Fire:	No Comment.
Clark County Department of Aviation:	No Comment.
Clark County School District:	No Comment.

ANALYSIS:

The applicant is requesting a special use permit to allow a convenience food store with gas pumps and an "off-sale" beer-wine-spirit based products license. The site is zoned C-1, Neighborhood Commercial District, and is located on the northwest corner of Ann Road and Valley Drive on approximately 3.88 acres. The proposed site plan also includes a vehicle washing establishment which will be reviewed under a different special use permit (SUP-38-2022) also on tonight's Planning Commission agenda for consideration.

According to the letter of intent, the proposed convenience food store is 4,500 square feet in area with 16 fueling stations. The gas canopy is located in front of the store near the corner of Ann Road and Valley Drive. The remainder of the subject site is for future development. Although the site plan provided encompasses the entire parcel, the applicant is only proposing the convenience food store with gas pumps and a car wash.

Access to the site is proposed from two (2) entrances: one (1) from Ann Road (100-foot right-of-way) and one (1) from Valley Drive (80-foot right-of-way). The perimeter landscape areas adjacent to any street should be at least 15 feet in width including sidewalks. Typically, sidewalks are not allowed to be adjacent to the street in commercial areas however, there are existing sidewalks adjacent to both Ann Road and Valley Drive. The perimeter landscape areas included on the site plan are adjacent to the existing sidewalks and range in width from ten (10) feet to twenty (20) feet. A landscape plan was not included with the application. The provided perimeter landscape areas comply with the required area standards for commercial development. The landscaping plan will be reviewed during the building permit process.

The proposed site plan also includes a 20-foot landscape buffer along the north property line adjacent to the residential development. This landscape buffer area is reduced near the existing entrance to the site from Valley Drive. The area that is less than twenty feet in width also has utilities and site lighting located within this area which furthers reduces the amount of landscaping to buffer the adjacent residential neighborhood. The proposed location for the utilities and site lighting should be relocated to an area that will not affect the applicant's ability to landscape the buffer along the northern property line. Typically, the buffer to the residential properties should not be reduced in width. However, the adjacent property to the north of the site is a common lot, therefore the neighboring homes are not located adjacent to the reduced buffer area. Additionally, to help mitigate the impact of the reduced buffer, two (2) offset rows of trees should be provided at 10 feet on center within the landscape buffer along the northern property line.

A landscape plan was not submitted with this application. Landscaped islands are shown at the end of the parking row fronting the building. There is another row of parking spaces adjacent to the perimeter landscape area along Valley Drive. At the northern end of this row of parking is the terminus for the sidewalk and utility equipment which will prevent the required six (6) feet of landscaping at the end of the parking row. There is enough space to shift the row of parking south six (6) feet to accommodate the required parking at the northern end. A three (3) foot wall or berm should also be provided in the perimeter landscaping along Valley Drive where the parking abuts the perimeter street. In addition, there is an island on the site plan separating the car wash from the drive aisle along the north and east elevations. This island should be landscaped.

In addition to the parking lot landscaping, the convenience food store is required to provide six (6) feet of foundation landscaping along the entrance of the building. This change to include all the required landscape areas is considered minor and may be addressed during the building permit process.

The proposed building elevations include a three (3) coat stucco exterior finish with stone veneer accents, and a smooth block base wainscoting on all four sides of the building. In addition, the front of the building also includes metal siding accents painted dark brown. There are also decorative light fixtures located on all sides of the building. The building height is approximately 32-feet to the top of the roof at the customer entrance, 24-feet in height to the top of the metal accents panels and 22-feet for the remainder of the building. Roof mounted HVAC equipment will need to be screened from view. The building design includes a combination of brown, taupe and grey shades of color. The proposed site plan and building elevations are generally in compliance with the design standards for a convenience food store.

The canopy for the fueling area has a metal roof with a painted metal fascia and stone veneer columns. The building elevations for the canopy did not specify colors or type of stone veneer. The canopy for the fueling area should match the colors and materials of the convenience food store. Elevations for trash enclosure, located on the west side of the building, were not submitted. The enclosure is required to use similar materials and color palette as the principal building, include a roof and landscape islands are required on both sides of the trash enclosure. The elevations for the gas canopy and the trash enclosure will be reviewed during the building permit process.

Convenience food stores with gas pumps are required to provide one (1) parking space for every 200 square feet of gross floor area. The site plan indicates 23 parking spaces are proposed for the convenience food store where 21 spaces are required. Overall parking is in compliance with Title 17 requirements.

The applicant is requesting to allow Beer-Wine-Spirit Based “Off-Sale” liquor license in conjunction with the convenience food store. This use is usually processed through a Conditional Use Permit, however to assist in saving the applicant and staff additional administrative processing time, this request will be considered with this special use permit application and subject to the special use permit conditions.

Staff has no objections to the proposed use for a convenience food store with gas pumps and the Beer-Wine-Spirit Based “Off-Sale” liquor license. The proposed use is consistent with the C-1, Neighborhood Commercial District designation and the Neighborhood land use designation. The proposed use is compatible with the surrounding neighborhood. Staff recommends approval subject to conditions.

Requirements for Approval of a Special Use Permit

In accordance with the Zoning Ordinance, the Planning Commission may, by motion, grant a special use permit if the Planning Commission finds, from the evidence presented, that all of the following facts exist:

1. The proposed use is consistent with the Comprehensive Master Plan and all applicable provisions of this Code and applicable State and Federal regulations;
2. The proposed use is consistent with the purpose and intent of the zoning district in which it is located and any applicable use-specific standards and criteria in Chapter 17.20 of this Code;
3. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (such as, but not limited to, hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);
4. Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practicable; and
5. Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development.

CONDITIONS:

Planning and Zoning:

1. That, unless expressly authorized through a variance, waiver or another

approved method, this development shall comply with all applicable codes and ordinances.

2. Two (2) offset rows of trees shall be provided at 10 feet on center within the landscaped buffer along the north property line.
3. The parking row fronting Valley Drive shall be shifted a minimum of six (6) feet to the south to provide a minimum of six feet of landscaping between the parking row and the entry drive.

Public Works:

4. All known geologic hazards shall be shown on any preliminary development plans and civil improvement plans submitted to the City. Subsequent identification of additional hazards may substantially alter development plans.
5. Approval of a drainage study is required prior to submittal of the civil improvement plans. Conformance may require modifications to the site plan.
6. Approval of a traffic study is required prior to submittal of the civil improvement plans. Please contact Traffic Engineering at 633-2676 to request a scope. A queuing analysis may be required.
7. The property owner is required to grant a roadway easement for commercial driveway(s).
8. The property owner is required to grant a public pedestrian access easement for sidewalk located within a common element when that sidewalk is providing public access adjacent to the right-of-way and a minimum width of five (5) feet shall be provided behind the required bus turn-out.
9. When submitting the civil improvement plans to the Department of Public Works for review, the developer must provide a copy of the Covenants, Conditions, Restrictions and Easements that will establish the provisions for cross access/reciprocal parking, surface and/or underground drainage facilities and utilities crossing property lines, development and maintenance of the property and improvements. The document must be recorded prior to approval of the civil improvement plans.

ATTACHMENTS:

Public Works Memorandum

Letter of Intent

Site Plan

Building Elevations

Distance Survey

Clark County Assessor's Map

Location and Zoning Map