



# Planning Commission Agenda Item

Date: December 09, 2020

Item No: 14.

**TO:** Planning Commission

**FROM:** Marc Jordan, Director Land Development & Community Services  
Prepared By: Sharianne Dotson

**SUBJECT: SUP-37-2020 CIRCLE K AT ANN & SIMMONS (Public Hearing).**  
Applicant: Circle K Stores, Inc. Request: A special use permit in a C-1 (Neighborhood Commercial District) to allow a convenience food store with gas pumps. Location: Southeast corner of Ann Road and Simmons Street. (APN 124-32-501-023). (For possible action)

## **RECOMMENDATION: APPROVAL WITH CONDITIONS**

### **PROJECT DESCRIPTION:**

The applicant is requesting approval of a special use permit to allow a convenience food store with gas pumps. The property is 4.21 acres in area and is located at the southeast corner of Ann Road and Simmons Street. The property is zoned C-1, Neighborhood Commercial District and the Comprehensive Plan Land Use designation for the subject site is Neighborhood Commercial.

### **BACKGROUND INFORMATION:**

| Previous Action   |
|---|
| City Council approved an amendment to the Comprehensive Master Plan (AMP-04-19) to Neighborhood Commercial on March 20, 2019.   |
| City Council approved ordinance No. 2952 to reclassify property (ZN-04-19) from R-E, Ranch Estates District to C-1, Neighborhood Commercial District on March 20, 2019. |
| Planning Commission approved Tentative Map (T-Map-07-2020) to allow a single-lot commercial subdivision on September 9, 2020.   |

**RELATED APPLICATIONS:**

| Application # | Application Request |
|---------------|---------------------|
| N/A           |                     |

**GENERAL INFORMATION:**

|                         | Land Use                 | Zoning                                 | Existing Use                       |
|-------------------------|--------------------------|--|------------------------------------|
| <b>Subject Property</b> | Neighborhood Commercial  | C-1, Neighborhood Commercial District  | Undeveloped                        |
| <b>North</b>            | Community Commercial     | C-1, Neighborhood Commercial District  | Commercial Center                  |
| <b>South</b>            | Multi-Family Residential | PUD, Planned Unit Development District | Undeveloped                        |
| <b>East</b>             | Single-Family Low        | R-1, Single-Family Low Density         | Existing Single-Family Residential |
| <b>West</b>             | Community Commercial     | C-1, Neighborhood Commercial District  | Commercial center                  |

**DEPARTMENT COMMENTS:**

| Department                          | Comments                |
|-------------------------------------|-------------------------|
| Public Works:                       | See Attached Memorandum |
| Police:                             | No Comment.             |
| Fire:                               | No Comment.             |
| Clark County School District        | No Comment.             |
| Clark County Department of Aviation | No Comment.             |

**ANALYSIS**

The applicant is requesting approval of a special use permit to allow a convenience food store with gas pumps. The property is on a 4.21 acre parcel and located at the southeast corner of Ann Road and Simmons Street. The Comprehensive Master Plan Land Use designation for the subject site is Neighborhood Commercial. The proposed convenience store is approximately 5,187 square feet in size and is located on the western portion of the site. The convenience food store is located behind the gas

canopy that is orientated to Simmons Street. The gas canopy contains seven (7) fueling stations with 14 fueling positions. The applicant's letter of intent states the proposed facility will operate 24 hours per day and 7 days a week.

Access to the proposed convenience store is from two proposed entrances: one on Ann Road and one on Simmons Street. The proposed convenience food store and gas canopy elevations are generally in compliance with the design standards for a commercial use. The elevations for the convenience food store indicate the applicant is proposing a building height of 21 feet to the top of the parapet and 23 feet to the top of the tower. The building will consist of concrete panels with split face block and stone veneer wainscoting as accents. Side entrance doors with aluminum awnings are shown on the north and east elevations. The color scheme for the principal building incorporates tans and browns with a red accent color as a band along the east elevation and on the side door awnings. The building elevations for the gas canopy indicate it will be 21 feet high with a standing seam metal roof. There is a stone veneer wainscoting accent on the columns that matches materials and color scheme of the convenience food store. The site plan submitted indicates a trash enclosure to the east of the proposed building. Elevations for the trash enclosure were not included. The trash enclosure is required to match the principal building design and contain a roof, which can be reviewed with the building permit.

A landscape plan was not submitted with the application. The site shows six (6) foot wide parking lot landscaping areas and a minimum of 15 feet of perimeter street frontages which is in compliance with the required landscaping. The applicant will need to provide six (6) feet of foundation landscaping at the entrance of the building and at least three (3) feet of foundation landscaping where parking spaces are located on the sides of the building. The perimeter landscaping required along Ann Road and Simmons Street is 15 feet wide including a five (5) foot wide sidewalk centered within the landscaping adjacent. Furthermore, the site plan does indicate there is a 20 foot landscape buffer between the proposed commercial use and the future residential property at the south property line. The site plan does not indicate any landscaping around the proposed trash enclosure. The landscaping around the trash enclosure is required to be six (6) feet and is a minor modification and can be addressed at building permit process.

Per the site plan there are 27 parking spaces designated for the convenience food store and a patio area. The convenience food store with gas pumps requires 24 parking spaces and the proposed outdoor patio area requires an additional 7 parking spaces for a total of 31 parking spaces. The 27 parking spaces provided do not meet the required parking spaces and is not in compliance. The site should be redesigned to accommodate the missing four (4) required parking spaces. In addition, the site plan does not indicate the required bicycle parking spaces. The additional parking spaces and bicycle parking is a minor modification that can be addressed at building permit process.

The area surrounding the proposed convenience food store with gas pumps consist of existing commercial uses. The proposed use will be located at the intersection of two (2) major arterial streets; Ann Road is 100 feet wide and Simmons Street is 100 feet wide. The existing land use is Neighborhood Commercial. All of the uses are permitted in the neighborhood commercial zoning designation. The proposed use is appropriate at this location and staff recommends approval with 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. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. The trash enclosure shall match the principal building design and shall utilize the same materials and colors and contain a roof.

**Public Works:**

3. 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.
4. Approval of a drainage study is required prior to submittal of the civil improvement plans. Conformance may require modifications to the site plan.
5. The size and number of access points and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.040. Conformance may require modifications to the site.
6. All driveway geometrics shall be in compliance with the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 222.1 and 225.
7. The property owner is required to grant a roadway easement for commercial driveways.
8. Dedication and construction of the following streets and/or half streets is required per the Master Plan of Streets and/or Highways and City of North Las Vegas Municipal Code section 16.24.100:
  - a. Ann Road (sidewalk)
  - b. Simmons Street (sidewalk)
9. All Nevada Energy easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground if impacted by the proposed development of the parcel or if the pole impedes upon the proper ADA clearances for sidewalk. Under no circumstances will new down guy wires be permitted.
10. 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.
11. The existing bus turn-out shall be modified to comply with *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.4 to provide an exclusive right turn lane into the development.
12. This project shall comply with the General Provisions and Conditions of the City of North Las Vegas Water Service Rules and Regulations and the Design and Construction Standards for Wastewater Collection Systems.

13. Submittal of a Hydraulic Analysis per the *Uniform Design and Construction Standards (UDACS) for Potable Water Systems* is required and will be subject to the review and approval of the Utilities Department.

**ATTACHMENTS:**

Public Works Memorandum  
Letter of Intent  
Site Plan  
Elevations  
Floor Plan  
Clark County Assessor's Map  
Location and Zoning Map