USE PERMITS for the following: 1) reduce the separation between a proposed convenience store and a residential use; and 2) reduce the separation between a gasoline station and a residential use.

DESIGN REVIEWS for the following: 1) proposed shopping center with convenience store and gasoline station; 2) day care facility with outdoor play area; and 3) increased finished grade on 4.3 acres in a C-2 (General Commercial) Zone in the MUD-3 Overlay District.

Generally located on the north side of Maule Avenue and the east side of Fort Apache Road within Spring Valley. SB/dg/ml (For possible action)

RELATED INFORMATION:

APN:
176-05-201-037

USE PERMITS:
1. Reduce the separation from a convenience store to a residential use to 153 feet where 200 feet is the standard per Table 30.44-1 (a 24% reduction).
2. Reduce the separation from a gasoline station to a residential use to 144 feet where 200 feet is the standard per Table 30.44-1 (a 28% reduction).

DESIGN REVIEWS:
1. A proposed shopping center with convenience store and gasoline station.
2. A proposed day care facility with outdoor play area.
3. Increase the finished grade for a shopping center to 24 inches where 18 inches is the standard per Title 30.32.040 (a 33% increase).

LAND USE PLAN:
SPRING VALLEY – RESIDENTIAL SUBURBAN (UP TO 8 DU/AC) & COMMERCIAL GENERAL

BACKGROUND:
Project Description
General Summary
- Site Address: N/A
- Site Acreage: 4.3
• Project Type: Shopping center with convenience store, gasoline station, day care facility, and future restaurants
• Number of Stories: 1
• Building Height: 19 feet (convenience store)/18 feet (gasoline station canopy)/22 to 24 feet (in-line retail building)/17 to 19 feet (day care facility)
• Square Feet: 3,000 (convenience store)/12,000 (in-line retail building)/10,000 (day care facility with 5,000 sq. ft. play area)/4,320 (future restaurant)/3,000 (future restaurant)
• Parking Required/Provided: 130/194

Site Plans
The plans depict a proposed 4.3 acre shopping center consisting of the following: 1) a day care facility with outdoor play area on the northeast portion of the site; 2) future restaurant along the northern portion of the site; 3) a future restaurant centrally located on the site; 4) an in-line retail building along the southeast portion of the site; and 5) convenience store with gasoline station on the southwest corner of the site. Parking is equitably distributed throughout the site and designed as parking courts and complies with the current Title 30 provisions and the recently adopted ordinance that revised parking requirements for shopping centers below 50,000 square feet. The site proposes 2 access driveways along Fort Apache Road and 1 access driveway along Maule Avenue. The plans also depict a future cross access driveway with the undeveloped parcel to the north should the parcel develop with a commercial use.

The proposed convenience store will have a separation of 153 feet from the single family residential development on the south side of Maule Avenue while the proposed gasoline station will have a separation of 144 feet.

Landscaping
The plans depict an intense landscape buffer along the north and east property lines. There is a 20 foot wide landscape area with an existing attached sidewalk along Maule Avenue and a 20 foot wide landscape area with a detached sidewalk along Fort Apache Road. Parking lot landscaping is equitably distributed throughout the site.

Elevations
The elevations for the convenience store, in-line retail, and day care facility building include painted stucco, aluminum storefront, flat roof with parapet walls, decorative stacked stone, and decorative metal trellis. The gasoline station canopy has consistent design and materials.

Floor Plans
The 3,000 square foot convenience store consists of a cooler vault, merchandise, sales areas, restrooms, and office. The 12,000 square foot in-line retail building consists of multiple lease spaces. The day care facility plans depict a vestibule, reception area, kitchen, restrooms, ancillary offices, and classrooms.

Signage
Signage is not a part of this request.

Applicant’s Justification
The applicant indicates that the project is an appropriate development for the area and complies with all landscaping requirements imposed by the original zone boundary amendment to C-2
zoning by action of ZC-0017-01. The applicant provides for the justification in reduction of separation for the convenience store and gasoline station. The separation to the multiple family development to the east is less than the requested 153 feet but the applicant indicates that the in-line retail building is proposed to be situated between the 2 uses; therefore, the separation requirement does not apply since Title 30 allows for the exemption. Finally, the applicant indicates the increase in finished grade is requested to better drain the site to Fort Apache Road.

Prior Land Use Requests

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Request</th>
<th>Action</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>DR-1566-03</td>
<td>Tavern and convenience store in conjunction with an approved shopping center – expired</td>
<td>Approved by BCC</td>
<td>January 2004</td>
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<tr>
<td>UC-1275-01</td>
<td>Reduce separations from a convenience store and gasoline station to a residential use – expired</td>
<td>Approved by BCC</td>
<td>December 2001</td>
</tr>
<tr>
<td>ZC-0017-01 (WC-0364-01)</td>
<td>Waiver of conditions of a zone boundary amendment to not provide a 10 foot wide landscape buffer adjacent to a residential use outside of the boundary wall</td>
<td>Approved by BCC</td>
<td>December 2001</td>
</tr>
<tr>
<td>ZC-0017-01</td>
<td>Reclassified the site to C-2 zoning for a proposed shopping center</td>
<td>Approved by BCC</td>
<td>March 2001</td>
</tr>
</tbody>
</table>

Surrounding Land Use

<table>
<thead>
<tr>
<th>Planned Land Use Category</th>
<th>Zoning District</th>
<th>Existing Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>R-E</td>
<td>Undeveloped</td>
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<tr>
<td>Residential Suburban (up to 8 du/ac)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>East</td>
<td>R-3</td>
<td>Multiple family residential development</td>
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<tr>
<td>Residential High (8 to 18 du/ac)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>South</td>
<td>R-2 &amp; P-F</td>
<td>Single family residential development &amp; Faiss Middle School</td>
</tr>
<tr>
<td>Major Development Project</td>
<td></td>
<td></td>
</tr>
<tr>
<td>West</td>
<td>R-2</td>
<td>Single family residential development</td>
</tr>
<tr>
<td>Commercial Neighborhood</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The immediate area is within 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 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.

A gasoline station and convenience store are conditional uses in a C-2 zoning district, which require performance measures (conditions) to mitigate potential adverse impacts. Title 30
prescribes that a gasoline station and convenience store must be set back or separated 200 feet from a residential use on a separate property. The applicant is requesting to reduce these conditions through a special use permit. The reduction in setback is from the leading edge of the canopy or convenience store building to the residential use zone boundary line which is a point directly back of curb on the south side of Maule Avenue. The distance is greater if the street landscaping and residential setbacks are incorporated into the separation setback. With a condition requiring a design review for lighting and signage, staff can support the reductions since similar gasoline stations and convenience stores have been approved with similar reductions with no adverse impacts to the contiguous residential uses. The proposed gasoline station and convenience store are consistent and compatible with existing and proposed uses in this area and this request complies with Urban Specific Policy 7 of the Comprehensive Master Plan which encourages land uses that are complementary and of similar scale and intensity. A convenience store with gasoline station was previously approved for this site and in the same general location as proposed with this request. Finally, the proposed screening and buffering will further minimize any potential adverse impacts to the residential uses in the immediate area. Therefore, staff finds that the request complies with Urban Specific Policy 67 which states, in part, that appropriate buffers, setbacks, and adjoining land uses should be considered and integrated into commercial developments and through site planning and building design to ensure that commercial developments are compatible with abutting uses. Therefore, staff can support this request.

**Design Reviews #1 & #2**
Staff finds that the proposed project is compatible with the surrounding area. The plans depict uses, design, and location of the uses on the site that are compliant with Urban Specific Policy 10 of the Comprehensive Master Plan which encourage, in part, site designs that are compatible with adjacent land uses and off-site circulation patterns.

Staff finds that the plans for the day care facility depict building elevations with corresponding height and bulk, design characteristics, and other architectural and aesthetic features, such as materials and colors that are harmonious and compatible with development in the area. The building and overall project design is sensitive to the existing neighborhood character with regard to use of materials and architectural elements. Through the use of building placement, overall site design, and parking lot and street landscaping, the applicant has minimized the visual dominance of parking areas and the overall site area. The applicant has demonstrated compatibility with applicable community goals per Chapter 30.16.010, by ensuring adequate parking and complementing and enhancing the character of the neighborhood.

**Public Works – Development Review**

**Design Review #3**
This design review represents the maximum grade difference along 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 approvals.
Staff Recommendation
Approval.

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
• 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;
• Convenience store and 12,000 square foot in-line retail building to be constructed concurrently since the retail building is intended to buffer the convenience store from the residential use to the east;
• The proposed safety/view playground fence in conjunction with the day care to be 50% solid and decorative along the north and east elevations;
• Design review as a public hearing on signage and lighting;
• Design review as a public hearing for any significant changes to the plans;
• Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
• Applicant is advised that street landscaping along Maule Avenue and Fort Apache Road must comply with quantity and spatial distribution of trees and shrubs per Figure 30.64-17; 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 Title 30.32-040-9 are needed to mitigate drainage through the site;
• Traffic study and compliance;
• Full off-site improvements;
• If required by Regional Transportation Commission, dedicate and construct right-of-way for bus turnouts including passenger loading/shelter areas in accordance with Regional Transportation Commission standards.
• Applicant is advised that a waiver is needed for the reduced approach distance from the driveway along Maule Avenue to the intersection and for the reduced departure distance from the intersection to the driveway along Fort Apache Road; the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way; 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.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; and to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0432-2017 to obtain your POC exhibit.

TAB/CAC: Spring Valley – no recommendation.
APPROVALS:
PROTESTS:

APPLICANT: Osprey Real Estate Capital
CONTACT: Kaempfer Crowell, Tony Celeste, 1980 Festival Plaza Drive, Suite 650, Las Vegas, NV 89135