



# Planning Commission Agenda Item

Date: March 13, 2024

Item No: 11

**TO:** Planning Commission

**FROM:** Alfredo Melesio, Jr., AICP, EDFP, Director of Land Development & Community Services  
Prepared By: Sharianne Dotson, Planner

**SUBJECT:** **SUP-74-2021 TERRIBLE HERBST (Public Hearing).** Applicant: Herbst Development. Request: An Extension of Time for a Special Use Permit in a C-2 (General Commercial District) to allow a Convenience Food Store with Gas Pumps. Location: Northeast Corner of North Las Vegas Boulevard and Carey Avenue. (APN 139-14-801-005) Ward 1. (For Possible Action)

## **RECOMMENDATION: APPROVE WITH CONDITIONS**

### **PROJECT DESCRIPTION:**

The applicant is requesting an extension of time for an existing special use permit to allow a convenience food store with gas pumps located at the northeast corner of North Las Vegas Boulevard and Carey Avenue. The subject site is on a 2.22 acre parcel and is zoned C-2, General Commercial District. The Comprehensive Master Plan Land Use designation is Downtown Business District.

### **BACKGROUND INFORMATION:**

Previous Action
On January 12, 2022, Planning Commission approved a special use permit (SUP-74-2021) to allow a convenience food store with gas pumps.
On January 12, 2022, Planning Commission approved a special use permit (SUP-75-2021) to allow a vehicle washing establishment.

### **RELATED APPLICATIONS:**

Application #	Application Request
SUP-75-2021	An extension of time for a special use permit to allow a vehicle washing facility.

**GENERAL INFORMATION:**

	Land Use	Zoning	Existing Use
<b>Subject Property</b>	Downtown Business District	C-2, General Commercial District	Partially developed
<b>North</b>	Downtown Business District	C-2, General Commercial District	Existing Commercial
<b>South</b>	Downtown Business District	R-A/PSP, Redevelopment Area / Public / Semi-Public Subdistrict	City of North Las Vegas Justice Facility; Nevada Power Station and existing residential
<b>East</b>	Downtown Business District	R-3, Multi-Family Residential District	Boys and Girls Club
<b>West</b>	Downtown Business District	C-2, General Commercial District	Existing Commercial

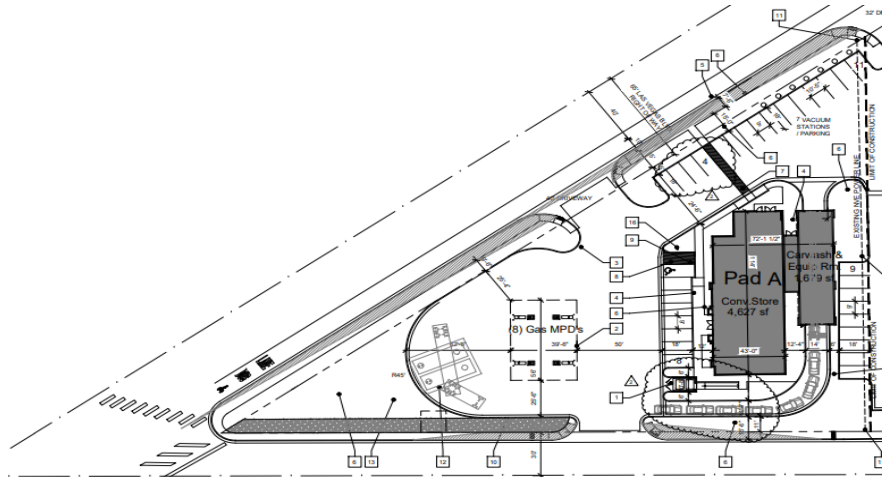
**DEPARTMENT COMMENTS:**

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.
Economic Development:	See attached memorandum.

**ANALYSIS:**

The applicant is requesting approval of an extension of time for an existing special use permit to allow a convenience food store with gas pumps. The property is on a 2.22 acre parcel located at 2440 North Las Vegas Boulevard, more specifically, at the northeast corner of North Las Vegas Boulevard and Carey Avenue. The proposed convenience food store is approximately 4,627 square feet and is located behind the gas canopy that is orientated to the front of the property at the northeast corner of Las Vegas Boulevard and Carey Avenue. The proposed gas canopy contains four (4) fueling stations with eight (8) fueling positions. In addition, the proposed site plan indicates a 1,679 square foot vehicle washing establishment (*attached to the convenience food store SUP-75-2021*). The following building permits have been submitted; a demolition permit for the existing structures (BUILD 001038-2024); Convenience Food Store (BUILD 002226-2023) and

Fuel Station (BUILD 000086-2024). The letter of intent states the applicant has been working with Public Works to obtain civil permits, however, this process took longer than anticipated causing a need for the extension of time for the special use permit. The Comprehensive Master Plan Land Use designation for the subject site is Downtown Business District under the 2006 Comprehensive Plan. The site is part of the North Redevelopment Area and once developed with a new building and fresh landscaping will be an enhancement to this area.



Access to the proposed convenience food store is from three (3) proposed entrances: two (2) proposed entrances on Las Vegas Boulevard and one (1) proposed entrance on Carey Avenue. The Downtown Master Plan and Investment strategy recommends that new development buildings be oriented toward the street frontage. Due to the irregular shape of the lot it would be difficult to design the buildings toward the street frontage, and the requested site plan is acceptable.

The proposed convenience food store building elevation are very similar to what originally was approved. The proposed elevation shows a 22-foot high stucco building with a 2-foot parapet and an 8-foot tower element at the entrance. The building is painted a neutral beige with stone veneer, wainscoting and sconce exterior lighting on all elevations. The architectural accents consist of a metal faux wood paneling on the west elevation at the entrance painted light walnut. There is a metal roof painted bronze color and a black accent trim color on all elevations. The elevations for the gas canopy indicate it will be 21.7 feet in height with stone veneer to the top of the columns and wainscoting on the bottom portion of the columns. In addition, the canopy will be 5.5 feet and metal material. The gas canopy is an accessory structure to the convenience food store and should match the materials, accents and color scheme. The elevations for the gas canopy appear to comply with code and match the principal structure. The architecture design and colors appear to be in compliance with the commercial design standards however, any changes required can be addressed during the building permit approval process.

The proposed site plan indicates the required trash enclosure provided. The elevations for the trash enclosure 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. This is minor and can be addressed during the building permit process.

Normally, the required perimeter landscaping is fifteen (15) feet including a five (5) foot detached sidewalk. The existing sidewalk is approximately seven (7) feet to eight (8) feet at back of curb adjacent to Las Vegas Boulevard and an existing five (5) foot sidewalk at the back of curb adjacent to Carey Avenue. The existing sidewalk should remain and the applicant should provide an additional 15 feet of landscaping adjacent to Las Vegas Boulevard and a minimum of ten (10) feet Carey Avenue. This was approved with the September 30, 2021 landscape plan at the Planning Commission meeting on January 12, 2022. All landscaped areas should provide 50% ground coverage within two years of planting to comply with the municipal code. In addition, the site plan contains a decorative paving area at the corner of Las Vegas Boulevard and Carey Avenue. This area should use decorative pavers or stamped and decorative concrete and landscaping instead of plain concrete. This will help contribute to the existing landscaping theme at the corner of Las Vegas Boulevard and Carey Avenue. Started with the *"Farmer Boys"* establishment.

The proposed convenience food store building is required six (6) feet of foundation landscaping at the entrance to the building and all parking lot landscaping and landscape islands according to the approved landscape plan dated September 30, 2021 landscape plan that was approved at the Planning Commission meeting on January 12, 2022. This can be reviewed during building permit process.

The proposed site plan indicates there are 32 parking spaces designated for the convenience food store and the vehicle washing establishment. The convenience food store with gas pumps requires 24 parking spaces and the vehicle washing establishment requires three (3) parking spaces. There are seven (7) parking spaces dedicated for vacuum stations. The site is in compliance for parking spaces required. The required vehicle stacking for a gas pump island is a minimum of two (2) vehicles. The site plan appears to meet the required stacking space requirements. The proposed site plan does not contain the required bicycle parking spaces. The site requires two (2) bicycle parking spaces and the bicycle parking can be addressed during the building permit process.

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 since it was approved with the original special use permit. This request will be considered as part of this application and subject to the special use permit conditions.

Staff has no objections to the proposed extension of time for an existing 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-2, General Commercial District designation, the North Redevelopment Area, and the Downtown Business District land use designation. The proposed use is compatible with the existing uses and 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. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. The applicant can process a Beer-Wine-Spirit Based “Off-Sale” liquor license in conjunction with the convenience food store and must comply with all applicable requirements outlined within both Title 5 and Title 17 of the Municipal Code for the City of North Las Vegas.
3. The gas canopy shall match the materials, accents and color scheme of the convenience food store.

4. All landscaping shall comply with the submitted landscape plan dated September 30, 2021. The required landscape shall provide a 50% ground coverage within two (2) years of planting.
5. Applicant shall provide the (2) bicycle parking stalls.
6. The decorative paving area at the corner of Las Vegas Boulevard and Carey Avenue shall be hardscaped with decorative pavers or stamped and decorative concrete, include landscaping and tree wells.

***Public Works:***

7. 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.
8. Approval of a drainage study is required prior to submittal of the civil improvement plans. Conformance may require modifications to the site plan.
9. 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. NDOT concurrence is required.
10. 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.
11. All driveway geometrics shall be in compliance with the applicable *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Numbers.
12. The public streets geometrics and thickness of the pavement sections will be determined by the Department of Public Works.
13. The property owner is required to grant a public pedestrian access easement for sidewalk located within a common element, or on private property, when that sidewalk is providing public access adjacent to the right-of-way.
14. A revocable encroachment permit for landscaping within the public right of way is required.
15. The property owner is required to grant a roadway easement for commercial driveways.

16. The location of the access points on Carey Ave. must meet the requirements of *North Las Vegas Municipal Code* section 17.24.040 and *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 222.1.

**ATTACHMENTS:**

Public Works Memorandum

Economic Development Memorandum

Letter of Intent

Site Plan

Building Elevation

Notice of Final Action Planning Commission January 12, 2022

Landscape Plan Dated September 30, 2021

Distance Separation

Clark County Assessor's Map

Location and Zoning Map