



Planning Commission Agenda Item

Date: May 8, 2024

Item No: 6

TO: Planning Commission

FROM: Alfredo Melesio, Jr., AICP, EDFP, Director of Land Development & Community Services
Prepared By: Duane McNelly, Principal Planner

SUBJECT: SUP-26-2024 TERRIBLES (Public Hearing). Applicant: Kingsbarn Realty Capital. Request: A Special Use Permit in a C-1 (Neighborhood Commercial District) to allow an Accessory Beer-Wine "Off-Sale" Liquor License in Conjunction with a Convenience Food Store with Gas Pumps, without the 400-Foot Separation from a Church or School. Location: Northwest Corner of Craig Road and Valley Drive. (APN 139-06-201-003). Ward 3. (For Possible Action)

RECOMMENDATION: APPROVE WITH CONDITIONS

PROJECT DESCRIPTION:

The applicant is requesting Planning Commission approval of a special use permit to allow an accessory "Off-Sale" (Beer, Wine, Spirit-Based Products) license without complying with the 400 foot separation from a religious institution (155 feet) and a school (169 feet). The subject site is within a 5.49 acre commercial parcel and has a zoning designation of C-1, Neighborhood Commercial District. The Comprehensive Master Plan Land Use designation is Community Commercial.

BACKGROUND INFORMATION:

Previous Action
On January 10, 2024 the Planning Commission approved SUP-69-2023, a Special Use Permit in a C-1 (Neighborhood Commercial District) to Allow a Convenience Food Store with Gas Pumps.
On January 10, 2024 the Planning Commission approved T-MAP-26-2023, allowing a One-Lot Commercial Subdivision on 5.49 Acres.
A Task Force meeting was held on October 24, 2023 (TF-28-2023) to develop a commercial center on 5.49 acres currently zoned C-1, Neighborhood Commercial District.
At the City Council Meeting on November 21, 2006, the amendment to the Comprehensive Master Plan (AMP-40-2006) to change the land use designation from Mixed-Use Commercial to Community Commercial was approved.

At the City Council Meeting on July 19, 2000, for an extension for the property reclassification Ordinance #1418 (ZN-22-1997) from R-E, Ranch Estates District to a C-1, Neighborhood Commercial District was approved.

At the City Council Meeting on May 7, 1997, the property reclassification Ordinance #1418 (ZN-22-1997) from R-E, Ranch Estates District to a C-1, Neighborhood Commercial District was approved.

RELATED APPLICATIONS: N/A

GENERAL INFORMATION:

	Land Use	Zoning	Existing Use
Subject Property	Community Commercial	C-1, Neighborhood Commercial District	Undeveloped Land
North	Ranch Estates	R-E, Ranch Estates District	Single-Family Residential
South	Community Commercial and Single-Family Low	C-1, Neighborhood Commercial District and R-1, Single-Family Low Density District	Commercial Uses, Restaurant and Auto Service
East	Community Commercial	PUD, Planned Unit Development District	Commercial and Office Uses
West	Community Commercial	C-2, General Commercial District	Storage Facility and Commercial Uses

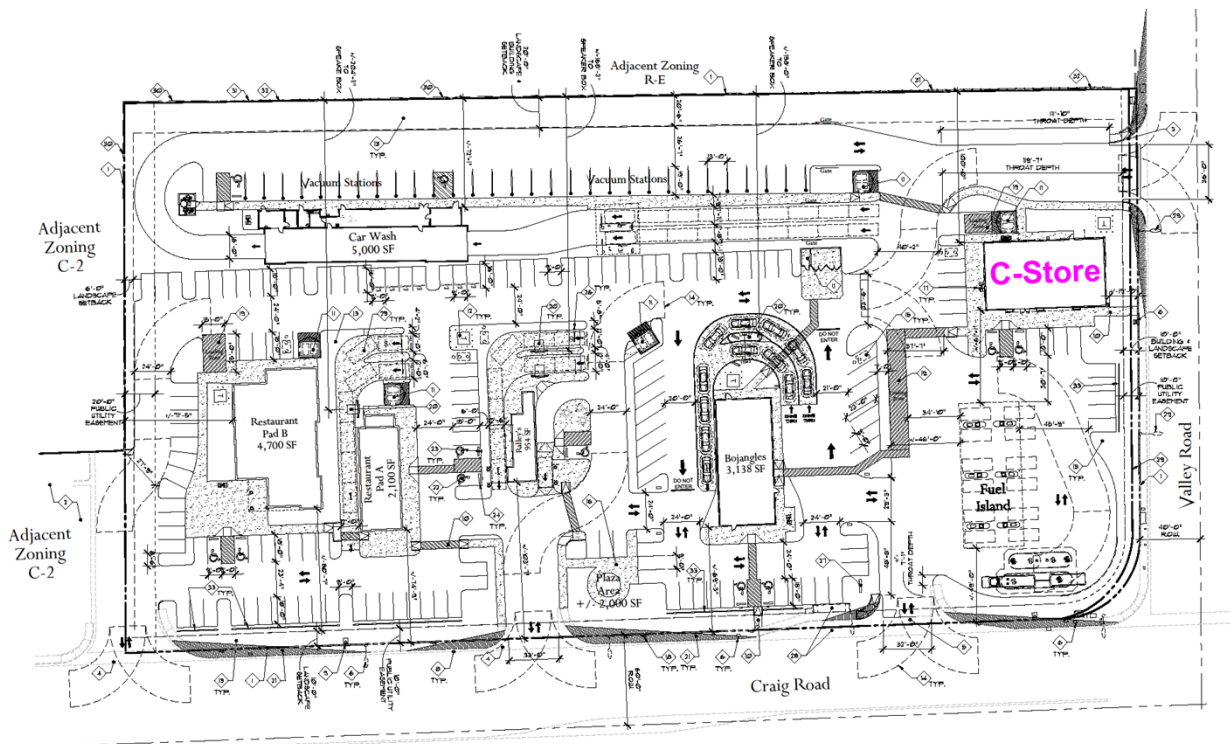
DEPARTMENT COMMENTS:

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 Planning Commission approval of a special use permit to allow an accessory "Off-Sale" (Beer, Wine, and Spirit-Based Products) liquor license without complying with the 400 foot separation from a religious institution (155 feet) and a school (169 feet). The subject site is within a 5.49 acre commercial development.

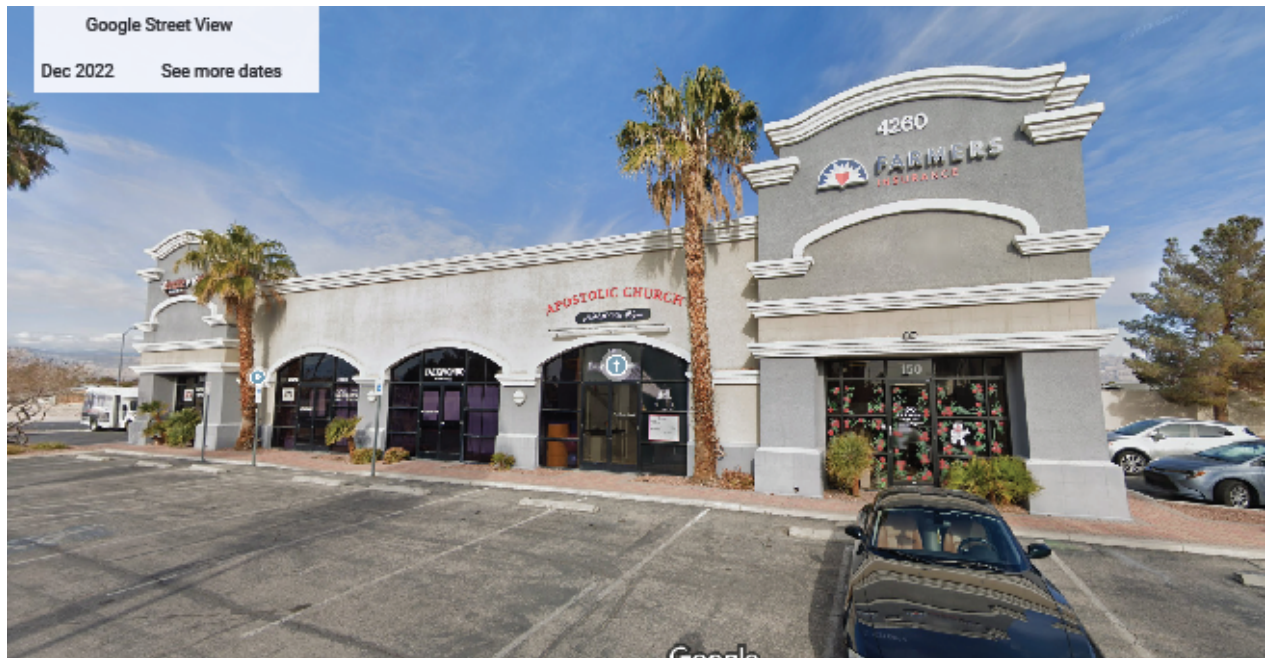
The planned access to the proposed site is from four (4) entrances: one (1) entrance from Valley Drive and three (3) entrances from Craig Road. The far entrance to the west on Craig Road appears to be a shared access and would require a cross access agreement. According to the site plan there are five (5) additional uses proposed on the site: a 4,700 square foot restaurant; a 5,000 square foot vehicle washing establishment (SUP-71-2023) located at the rear of the property; and three (3) three fast food restaurants with drive-through lanes totaling 19,392 square feet of commercial development. These uses are not a part of this request and will not be reviewed at this time. This application is specifically pertaining to the 3,500 square foot convenience store (C-Store) approved by the Planning Commission on January 10, 2024 (SUP-69-2023).



Typically, the beer, wine, spirit based license is allowed as a conditional use permit and would be accessory to the convenience store. However, if a request for a conditional use cannot or will not meet the required conditions, the applicant may request a special use permit for the beer, wine, spirit based license without meeting the 400-foot separation from a church and/or school. The requirement was established to protect the church and school from uses that may not be compatible with their character and purpose.

According to the applicant's survey, the primary public entrance of the proposed establishment (C-Store) is approximately 155 feet across Valley Drive (an 80' public street) to the property line of the church and 169 feet, also across Valley Drive, to the property line of the parcel containing the Nevada State High School. The church is one suite within a commercial/retail building located on the east side of Valley Drive within the "Craig Valley Plaza" commercial subdivision. Similarly, the school appears to be located

within three suites of a commercial/retail building fronting Craig Road, also on the east side of Valley Drive, within the same “Craig Valley Plaza” commercial subdivision.



The applicant has indicated they comply with the remaining separation requirements from any daycare centers or parks. A survey demonstrating compliance has been submitted to verify compliance with these standards.

The existing church and non-traditional charter high school are located within a 6.4 acre commercial subdivision across Valley Drive. Staff is supporting this request because the protected uses knowingly located within a commercial retail center. We do not anticipate a negative impact on the church or the school from the proposed use and we have no objection to the requested reduction in distance separation to allow a beer-wine, spirit based liquor license in conjunction with a convenience food store with gas pumps.

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.

CONDITION:

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.

ATTACHMENTS:

Letter of Intent

Site Plan

Distance Separation Exhibit Stamped by PLS

Floor Plan

Elevations

Clark County Assessor's Map

Location and Zoning Map