

**PLANNING COMMISSION
STAFF REPORT**

Date: December 7, 2023

To: Reno City Planning Commission

Subject: **Staff Report (For Possible Action) Case No. LDC24-00017 (US-395 Exit 76 Gas Station and Warehouse Amendment):** A request has been made for an amendment to conditional use permit LDC22-00059 to allow for: 1) operation between the hours of 11:00 p.m. and 6:00 a.m., and 2) modifications to the approved site design including moving the location of the drive-through food service facility. The ±4.81 acre site is located on the southwest corner of the intersection of US Highway 395 Exit/Entrance 76 and Stead Boulevard. The site is within the Mixed-Use Suburban (MS) zoning district and has a Master Plan land use designation of Suburban Mixed-Use (SMU).

From: Leah Piccotti, Associate Planner

Ward #: 4

Case No.: LDC24-00017 (US-395 Exit 76 Gas Station and Warehouse Amendment)

Applicant: Kimley-Horn and Associates

APN: 082-082-13

Request: **Amendment to conditional use permit LDC22-00059** to allow for:
1) operation between the hours of 11:00 p.m. and 6:00 a.m., and
2) modifications to the approved site design including moving the location of the drive-through food service facility.

Location: See Case Maps (**Exhibit A**)

Proposed Motion: Based upon compliance with the applicable findings, I move to approve the conditional use permit amendment, subject to the conditions listed in the staff report.

Summary: The applicant has requested an amendment to a previously approved conditional use permit for a gas station and convenience store. Approval of this request will allow 24-hour site operations, a revised site design, and the relocation of the drive-through food service facility. Key issues related to this request include: 1) overall site design; 2) compatibility with surrounding development; and 3) traffic, access, and circulation. With the recommended conditions of

approval, the proposed modifications appear to meet code standards and address the applicable findings. Staff recommends approval, subject to the conditions listed in this staff report.

Background: In May of 2022, a conditional use permit was approved to establish a gas station and convenience store with a drive-through food service facility (**Exhibit B**). This request also included the crossing of a major drainageway, fills greater than 10 feet, a warehouse on the western portion of the parcel, and a restaurant with a drive-through on the southern portion of the parcel. The original ± 10.2 acre parcel has been split into three parcels with each proposed use on a separate parcel. This amendment is a request to move the location of the restaurant with the drive-through, which would now be on a separate parcel, to the parcel with the previously approved gas station and convenience store. All the previously approved conditions of approval have been carried forward to this request (**Conditions No. 1 – 14**).

Analysis:

Overall Site Design: The project proposes 24-hour operations for a 5,200 square foot convenience store with a seven-pump gas station, four high-speed diesel fueling pumps, and a 1,093 square foot restaurant with a drive-through (**Exhibit C**). Access to the drive-through facility will be from a private drive approximately 370 feet from its intersection with Stead Boulevard. The project has been designed with a single-lane drive-through. The drive-through lane will provide approximately 110 feet/five cars of stacking space behind the kiosk where the orders are taken and 30 feet/one car between the kiosk and the pickup/pay window. The drive-through lane will provide a total of 140 feet/six cars behind the window where the payment is made, as required by code. Vehicles will exit the drive-through lane into the gas station parking and fueling area, south of the convenience store, and exit the site to the south through the private access drive onto Stead Boulevard. As required by Reno Municipal Code (RMC), the drive-through lane must be screened from view of the street by vegetation, a landscape berm, or other approved methods. With the required screening no visual or headlight glare impacts will occur from the proposed drive-through. Verification that the drive through lane is screened in accordance with RMC will occur at the time of building permit review.

For sites greater than two acres, new buildings in the MS zone are required to be oriented toward the primary street frontage unless direct pedestrian access is provided from the street and enhanced landscaping is provided along the street frontage, per RMC 18.04.1003(a)(7). Enhanced landscaping is required along the street frontage because the fuel island is considered an accessory structure and is located between the primary building and street frontage. Additional landscaping is shown in **Exhibit D** and requires that a final landscape plan be provided demonstrating that

enhanced landscaping is accomplished while also allowing administrative flexibility on exactly how it will be provided prior to issuance of a building permit (**Condition No. 7**).

Convenience stores require one parking space per 200 square feet. The 5,200 square foot convenience store will require 24 parking spaces. Restaurants require one parking space per 200 square feet. The 1,093 square foot restaurant will require 6 parking spaces. The site plan demonstrates 30 vehicular parking spaces, two recreational vehicle parking spaces, and four truck parking spaces. Commercial vehicle parking is allowed for customers of the convenience store, for up to one hour, and signage reflecting this restriction is required (**Condition No. 5**).

Compatibility with Surrounding Uses and Development: The site is bordered by US Highway 395 to the north, Stead Boulevard to the east, North Virginia Street to the south, and the Stead Spur railway line to the west. The northern boundary of the site borders the freeway offramp. To the east, across Stead Boulevard, is a mix of MS and Industrial (I) zoning containing a non-conforming single-family residence and warehouse facilities. To the south across North Virginia Street, is the Copart automobile facility and warehousing located in the Industrial Commercial (IC) zoning district. To the west, across the Stead Spur railway line, is a storage facility located in the General Commercial (GC) zoning district. Warehousing uses located in the I or IC districts are allowed to include 24-hour operations. As proposed, the 24-hour operation is consistent with surrounding uses, and it does not appear that it will negatively impact nearby developments or uses.

General Code Compliance: City staff will verify that all other RMC requirements are met at the time of building permit review. Screening of service and loading areas, off-street vehicle and bicycle parking, parking lot design, building design standards, signs, and lighting will be evaluated for compliance with code at the time of building permit review.

Traffic, Access, and Circulation: Internal circulation will be accomplished with passenger vehicle routes for the convenience store and fueling station access, as well as recreational vehicle (RV) and truck traffic designated circulation routes for the RV dump station and the truck high speed diesel fueling station. General striping and signage will encourage a counterclockwise flow. Curb, gutter, and sidewalk will be constructed along the project's frontage with Stead Boulevard, with a sidewalk connection from the roadway to the project building. Bicycle racks will also be installed onsite.

The site is surrounded by railroad tracks to the west and the Nevada Department of Transportation (NDOT) facilities to the north (US-395); east (Stead Boulevard); and south (North Virginia Street).

One access point with Stead Boulevard (NV State Route 673, a State of Nevada owned and maintained highway) is proposed which will require a NDOT encroachment permit (**Condition No. 14**). The proposed traffic control is a side street stop control at this intersection. Northbound and southbound left turn lanes will be required to meet NDOT access management standards.

A preliminary traffic impact study was prepared for the project. This project is projected to generate 102 AM peak hour trips (PHT), 111 PM PHT and 4,562 daily trips. After an initial review of the traffic study by the City and NDOT, an updated traffic impact study was requested that will revise the trip generation data based on a “Convenience Store/Gas Station” land use (not a “Gasoline/Service Station” land use), analyze the MUTCD traffic signal warrants at the study intersections, and provide updated mitigation recommendations based on the results of the revised study. The applicant shall update the project’s traffic impact study per City of Reno and NDOT comments, implement any roadway mitigation improvements recommended, and provide documentation of the NDOT’s approval to the City (**Condition No. 15**).

Utilities: Sanitary sewer will connect to the public sewer system with treatment at the Reno-Stead Water Reclamation Facility (RSWRF). Electric and gas utilities will be provided by NV Energy and the water utility by Truckee Meadows Water Authority (TMWA).

Flood Hazard/Stormwater Drainage: The project is located in FEMA flood zone X (area of minimal flood hazard). A Drainage Report was prepared for the project to address on-site and off-site stormwater flows, detention, and facility capacities for the pre-development and post-development site conditions in compliance with the Public Works Design Manual.

Public Services: No noted concerns were received from either the Reno Fire Department or Reno Police Department regarding this request. The closest fire stations are Truckee Meadows Fire Station 44 located at 10575 Silver Lake Boulevard and Reno Fire Station 9 located at 14005 Mount Vida Street. The current response time from Station 44 is three minutes and the response time from Station 9 is seven minutes.

Master Plan Conformance: The site has a Master Plan land use designation of Suburban Mixed-Use (SMU) and is located in a Mixed-Use Area per the Structure Plan Framework of the Reno Master Plan. As proposed and with the recommended conditions, the project is in conformance with the Master Plan land use designation and supportive of the following applicable Master Plan principles, goals and policies:

- Policy 2.1G: Federal and State Roadways

- Policy 2.5B: Transit-Oriented/Transit-Supportive Development
- Policy 5.1E: Public Transportation
- Policy 5.2F: Coordinated Improvements

Public and Stakeholder Engagement: The project was reviewed by various City divisions and partner agencies. Courtesy notices and hearing notices were sent out to surrounding property owners and no comments have been received. The request was presented at the November Ward 4 Neighborhood Advisory Board and no comments were provided. Any future comments will be forwarded to the Planning Commission.

Recommended Conditions of Approval: All conditions shall be met to the satisfaction of Development Services Department staff, unless otherwise noted.

1. The project shall comply with all applicable City codes, plans, reports, materials, etc., as submitted. In the event of a conflict between said plans, reports, materials and City codes, City codes in effect at the time the application is submitted, shall prevail.
2. The applicant shall apply for all building permits for the project within 36 months from the date of final approval, and continuously maintain the validity of those permits, or this approval shall be null and void.
3. Prior to the issuance of any building permit or business license associated with the request, the applicant shall attach a copy of the final approval letter. The approval letter shall accompany a narrative provided by the applicant that describes how the requested permit addresses each of the approved conditions of approval.
4. The applicant, developer, builder, property owner, or business proprietor, as applicable, shall continuously maintain a copy of this approval letter on the project site during the construction and operation of the project/business. The project approval letter shall be posted or made readily available upon demand by City staff.
5. Parking of customer vehicles for the convenience store and fast food restaurant shall be permitted for up to one hour. No temporary, daily, or overnight parking (excluding for the loading and unloading of cargo) of commercial motor vehicles shall be allowed. Prior to the issuance of a building permit for site improvements, the applicant shall have plans approved demonstrating that signs identifying when and where commercial vehicle parking is permitted will be installed near the entrance to the development, and at appropriate locations within the site, as determined by the Administrator.

6. The convenience store/gas station shall not include support facilities for truck drivers as set forth in RMC Section 18.03.304(h)(6).
7. Prior to the approval of a building permit for site improvements, the applicant shall provide final landscape plans demonstrating that enhanced landscaping is provided along the Stead Boulevard frontage to the satisfaction of the Administrator and in accordance with RMC section 18.04.1003(a)(7). At minimum, the number of street trees required by code shall be exceeded. Additional trees and other landscaping shall be installed with the goal of screening vehicle traffic in the drive through lane from pedestrian and vehicle traffic on Stead Boulevard to the maximum extent feasible.
8. The primary entrance off Stead Blvd shall be designed to meet Regional Transportation Commission's Moderate Access Control criteria and Nevada Department of Transportation (NDOT) access management standards.
9. Prior to issuance of any building permits, the applicant shall consult with NDOT, and satisfy all requirements for intersection improvements at the US-395 southbound ramps and Stead Boulevard intersection.
10. Prior to issuance of a building permit for site improvements, the applicant shall coordinate with the Regional Transportation Commission (RTC) regarding future bus stop plans adjacent to the site. The applicant shall construct a bus stop shelter and/or dedicate right-of-way for a future bus stop if required by RTC.
11. Prior to issuance of any building permits, a formal drainage and hydrology report shall be prepared subject to approval by the Utility Services Department.
12. Prior to issuance of any building permits, a drainage easement shall be dedicated with no permanent structures or facilities located above the drainage easement.
13. Prior to issuance of any building permits, documentation shall be provided to the Department of Development Services that the proposed underground storage tanks are approved by the Nevada Division of Environmental Protection and Northern Nevada Public Health to be in compliance with the Underground Storage Program, particularly the minimum horizontal separation from the major drainageway.
14. Prior to issuance of any building permits for site improvements, the applicant shall provide documentation that they have coordinated with the Public Works and Utility Services Departments regarding connection of on-site sewer laterals/mains with the public sewer extension project on Stead Boulevard (recently completed).
15. Prior to the issuance of any building permits for site improvements, the applicant shall update the project's traffic impact study per City of Reno and NDOT comments, implement any required roadway mitigation improvements, and provide documentation of NDOT's approval to the City.

Findings:

General Approval Criteria: The decision -making body shall review all development applications for compliance with the applicable general review criteria stated below.

- 1) Consistency with the Reno Master Plan: The proposed development shall be consistent with the Reno Master Plan. The decision-making authority:
 - a. Shall weigh competing plan goals, policies, and strategies; and
 - b. May approve an application that provides a public benefit even if the development is contrary to some of the goals, policies, or strategies in the Reno Master Plan.
- 2) Compliance with Title 18: The proposed development shall comply with all applicable standards in this Title, unless the standard is lawfully modified or varied. Compliance with these standards is applied at the level of detail required for the subject submittal.
- 3) Mitigates Traffic Impacts: The project mitigates traffic impacts based on applicable standards of the City of Reno and the Regional Transportation Commission.
- 4) Provides Safe Environment: The project provides a safe environment for pedestrians and people on bicycles.
- 5) Rational Phasing Plan. If the application involves phases, each phase of the proposed development contains all of the required streets, utilities, landscaping, open space, and other improvements that are required to serve or otherwise accompany the completed phases of the project, and shall not depend on subsequent phases for those improvements.

Conditional Use Permit: In addition to meeting the criteria in Section 18.08.304(e), *Approval Criteria Applicable to all Applications*, the following findings shall be made prior to granting a conditional use permit:

- (1) The proposed location of the use is in accordance with the objectives of this Title and the purpose of the zoning district in which the site is located;
- (2) The proposed land use and project design is compatible with surrounding development;
- (3) The proposed land use and project design is consistent with applicable development standards;
- (4) Public services and facilities are available to serve the project, or will be provided with development;
- (5) The characteristics of the use as proposed and as may be conditioned are reasonably compatible with the types of use permitted in the surrounding area; and

- (6) The granting of the conditional use permit will not be materially detrimental to the public health, safety, or welfare. The factors to be considered in evaluating this application shall include:
- a. Property damage or nuisance resulting from noise, smoke, odor, dust, vibration, or illumination; and
 - b. Any hazard to persons and property.

Attachments:

Exhibit A – Case Maps

Exhibit B – LDC22-00059 Decision Letter

Exhibit C – Site Plan

Exhibit D – Landscaping Plan