

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-26-400001 (ZC-23-0745)-LV ERIE, LLC:

USE PERMITS FIRST EXTENSION OF TIME for the following: **1)** mini-warehouse; **2)** convenience store; **3)** gasoline station; and **4)** vehicle wash.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** building height; **2)** off-site improvements; **3)** non-standard improvements in the right-of-way; **4)** eliminate sidewalk and alternative landscaping; **5)** allow modified driveway design standards; and **6)** allow modified street standards.

DESIGN REVIEWS for the following: **1)** mini-warehouse; **2)** convenience store; **3)** gasoline station; **4)** vehicle wash; and **5)** finished grade on 3.53 acres in a CG (Commercial General) Zone.

Generally located east of Las Vegas Boulevard South and south of Erie Avenue within Enterprise. MN/rr/kh (For possible action)

RELATED INFORMATION:

APN:

177-33-301-021

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase building height to 38 feet where 35 feet is the maximum allowed per Table 30.40-4 (an 8.6% increase).
2. Waive off-site improvements except full paving (curb, gutter, sidewalk, streetlights and partial paving) along Giles Street where required per Chapter 30.52.
3. Allow non-standard improvements (landscaping) within the right-of-way of Las Vegas Boulevard South.
4.
 - a. Eliminate sidewalk and allow 10 feet of landscaping along Giles Street where landscaping and a detached sidewalk is required per Figure 30.64-17.
 - b. Eliminate detached sidewalk and landscaping along Las Vegas Boulevard South where landscaping and a detached sidewalk is required per Figure 30.64-17.
5.
 - a. Reduce throat depth to 14 feet for a driveway along Erie Avenue where a minimum of 25 feet is required per Uniform Standard Drawing 222.1 (a 44% reduction).
 - b. Reduce throat depth to 14 feet 7 inches for a driveway along Las Vegas Boulevard South where a minimum of 25 feet is required per Uniform Standard Drawing 222.1 (a 41.7% reduction).
6. Reduce departure distance from the intersection of Las Vegas Boulevard South and Erie Avenue to 183 feet 9 inches where a minimum of 190 feet is required per Uniform Standard Drawing 222.1 (a 3.3% reduction).

DESIGN REVIEWS:

1. Mini-warehouse.
2. Convenience store.
3. Gasoline station.
4. Vehicle wash.
5. Increase finished grade to 43 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 19.4% increase).

LAND USE PLAN:

ENTERPRISE - ENTERTAINMENT MIXED-USE
ENTERPRISE - NEIGHBORHOOD COMMERCIAL

BACKGROUND:**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 3.53
- Project Type: Mini-warehouse, convenience store, gasoline station, and vehicle wash
- Number of Stories: 3 (mini-warehouse)/1 (convenience store and vehicle wash)
- Building Height (feet): 38 (mini-warehouse)/26 (convenience store and vehicle wash)/21 (gasoline station canopy)
- Square Feet: 106,200 (mini-warehouse)/4,900 (convenience store)/2,254 (vehicle wash)/4,270 (gasoline station canopy)
- Parking Required/Provided: 20/22

Site Plan

The approved plans depict a 4,270 square foot gasoline station canopy that is set back 35 feet from the west (front) property line along Las Vegas Boulevard South and 73 feet 2 inches from the north (side street) property line along Erie Avenue. Under the canopy there will be 6 fuel islands with 2 gas pumps per island. East of the canopy is a 4,900 square foot convenience store with a 2,254 square foot vehicle wash building attached to the east side of the store. The building is set back 76 feet 6 inches from the north property line. The vehicle wash will have a 2 lane drive-thru with a single bay entrance from the south. Vehicles will exit the vehicle wash on the north side of the building. The approved plan further depicts a 3 story mini-warehouse building located to the east of the vehicle wash. The building is set back 50 feet from the north property line and 41 feet from the east (rear) property line along Giles Street. The building has a 30 foot wide drive aisle around the south, east, and north sides with 4 loading areas depicted. Access will be controlled by gates with a key pad at the entrance to the drive-thru and another set of existing gates at the northeast corner of the building. Parking is depicted along the north side of the property, in front of the convenience store and on the west side of the proposed mini-warehouse. Access to the site is proposed from 1 driveway on Erie Avenue and 1 driveway on Las Vegas Boulevard South.

Landscaping

The approved plans depict a detached sidewalk with street landscaping along Erie Avenue. A detached sidewalk and landscaping are depicted within the right-of-way of Las Vegas Boulevard South. This was the subject of waivers to allow non-standard (landscaping) improvements within the right-of-way and to eliminate the on-site street landscaping. Along Giles Street, 10 feet of street landscaping with no sidewalk was shown where a detached sidewalk with 5 foot wide landscape strips are normally required on each side. This was also a subject of a waiver. Landscaping is also depicted along the south property boundary and throughout the parking areas.

Elevations

The approved plans indicate that the convenience store and vehicle wash buildings will have flat roofs with parapet walls and a varied rooflines ranging in height from 12 feet to 26 feet. The 3 story mini-warehouse has a flat roof with a surrounding parapet wall and is 35 feet to 38 feet in height. Each building has a typical modern façade that includes a stucco finish and panel systems for the mini-warehouse, convenience store and car wash buildings, and gas station canopy. Color schemes for the stucco will be carried throughout the development with 4 different colors. Both the convenience store and mini-warehouse will feature storefront glass, including at the building entrances. The vehicle wash appears to be open at each end with no service bay doors. The mini-warehouse has an architectural design feature including canopies, varying parapet height, to help to break-up the building mass. This includes a 3 foot increase in a parapet height above the maximum height allowance of 35 feet at the southwest corner of the building where the office is located which was the subject of a waiver.

Floor Plans

The approved plans depict the building shells of the convenience store, vehicle wash, and adjoining utility building. The convenience store features 3 entrances with the main entrance on the west side of the building. The mini-warehouse has 2 entrances and features 3 stories. The first story includes an office with restrooms. Each floor will have storage units ranging in size from 5 feet by 5 feet to 10 feet by 20 feet. Each floor is proposed to be accessible by 2 interior stairwells and 2 elevators.

Signage

Signage was not a part of the original request.

Previous Conditions of Approval

Listed below are the approved conditions for ZC-23-0745:

Comprehensive Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- If any landscaping in the Las Vegas Boulevard South right-of-way is removed in the future because of road construction or other reasons, it shall be replanted or replaced on-site;
- 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;

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; 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 the use permits, waivers of development standards, and design reviews must commence within 2 years of approval date or they will expire.

Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 30 feet for Giles Street and associated spandrel;
- Execute a Restrictive Covenant Agreement (deed restrictions);
- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way.
- Applicant is advised 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; and that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0405-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

Applicant’s Justification

The applicant is seeking an extension of time for the use permits, waivers of development standards, and design reviews. The applicant states that civil plans and building permits have been submitted to the County and are close to being issued; however, they were not issued before the expiration date of the application, thus an extension of time was requested.

Prior Land Use Requests

Application Number	Request	Action	Date
TM-23-500168	Tentative map for a 1 lot commercial subdivision	Approved by BCC	January 2024
VS-23-0746	Vacation and abandonment for patent easements and a portion of right-of-way	Approved by BCC	December 2023

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-23-0745	Reclassified the site from H-2 to C-1, use permits, waivers of development standards, and design reviews for a mini-warehouse, vehicle wash, convenience store, and gas station	Approved by BCC	December 2023

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Entertainment Mixed-Use & Neighborhood Commercial	CG	Undeveloped
South	Entertainment Mixed-Use & Neighborhood Commercial	H-2	Undeveloped
East	Ranch Estate Neighborhood (up to 2 du/ac)	RS20 (NPO-RNP)	Undeveloped
West	Entertainment Mixed-Use	CR & CG	Undeveloped

The subject site is within the Public Facilities Needs Assessment (PFNA) area.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request is consistent with the Master Plan and is in compliance with Title 30.

Analysis

Comprehensive Planning

Title 30 standards of approval for an extension of time state an application may be denied if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws, regulations, or policies affecting the subject property. Additionally, the applicant must demonstrate the project is progressing through the applicable development permit or licensing process.

Staff finds that the applicant has shown progress towards obtaining the necessary grading and building permits which are currently under review with the Building Department. Since this is the first extension of time, staff can support this request.

Public Works - Development Review

There have been no significant changes in this area. Staff has no objection to this extension of time.

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 Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Comprehensive Planning

- Until December 20, 2027 to commence or the application will expire unless extended with approval of an extension of time.
- Applicant is advised 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; the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- Compliance with previous conditions.

Fire Prevention Bureau

- No objection.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Enterprise - approval.

APPROVALS:

PROTEST:

APPLICANT: LV ERIE, LLC

CONTACT: LUCY STEWART, LAS CONSULTING, 1930 VILLAGE CENTER CIRCLE, BUILDING 3, SUITE 577, LAS VEGAS, NV 89134