

COMMERCIAL CENTER
(TITLE 30)

ARBY AVE/JONES BLVD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WC-22-400072 (ZC-1252-99)-WARMSPRINGS DEV, LLC:

WAIVERS OF CONDITIONS of a zone change for the following: **1)** B-1 landscaping (tree/shrub combination) along street frontages; and **2)** recording a reciprocal, perpetual cross access, ingress/egress, and parking agreements with adjacent properties if and when they develop as commercial or industrial to comply with Policy E8.5g of the Land Use Plan in conjunction with a proposed commercial center on 1.9 acres in a C-2 (General Commercial) Zone in the CMA Design Overlay District.

Generally located on the southeast corner of Jones Boulevard and Arby Avenue within Enterprise. MN/jor/syp (For possible action)

RELATED INFORMATION:

APN:

176-01-401-015

LAND USE PLAN:

ENTERPRISE - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: None
- Site Acreage: 1.9
- Number of Stories: 1
- Building Height: 22 feet, 4 inches (Convenience store - Building A)/25 (Restaurant - Building B)/18 (Restaurant drive-thru only - Building C)
- Square Feet: 3,592 (Convenience store - Building A)/1,990 (Restaurant - Building B)/600 (Restaurant drive-thru only - Building C)
- Parking Required/Provided: 41/52

History & Site Plan

ZC-1252-99 reclassified the subject parcel and the parcel to the south (APN 176-01-401-005) from R-E zoning to C-2 zoning for a 35,000 square foot shopping center consisting of 4 buildings, including a multiple tenant building on the east side of the lot, as well as pad sites similar to the layout of the proposed project. ADR-0015-03 approved the existing

communication tower on the northwest corner of the subject parcel and is not a part of this application. WC-18-400231 (ZC-1252-99) was approved for off-site improvements to be required with future development and WC-19-400042 (ZC-1252-99) was approved for drainage and traffic studies to be required with future development.

The new proposed site plan (UC-22-0292) depicts a proposed commercial center which features a convenience store (Building A) and a gasoline station, a proposed restaurant building (Building B), and restaurant building with drive-thru only (Building C). Access to the site is via 2 proposed driveways, 1 along the north property line adjacent to Arby Avenue, and the second being a driveway along the west property line adjacent to Jones Boulevard. The site plan shows that the gasoline pumps are located on the northwest corner of the subject parcel and the convenience store is immediately to the east of the gasoline pumps. A larger restaurant building with a drive-thru is centrally located on the parcel, just south of the convenience store. The site plan also shows a drive-thru only restaurant building along the south property line. Parking is located along the east, west, and south property lines, and adjacent to the proposed structures. Site design includes pedestrian walkways throughout the site, loading zones, and trash enclosures along the east property line.

The applicant is requesting waivers of conditions of a zone change to eliminate the following conditions of approval from ZC-1252-99: “B-1 landscaping (tree/shrub combination) along street frontages” (Title 29) and “recording a reciprocal, perpetual cross access, ingress/egress, and parking agreements with adjacent properties if and when they develop as commercial or industrial to comply with Policy E8.5g of the Land Use Plan.” Currently, the applicant is not proposing cross access to the development to the south.

Lastly, the applicant is submitting 2 companion items to this application. The applicant is including a vacation and abandonment application to vacate 5 feet of Jones Boulevard to construct detached sidewalks. The additional companion item is a use permit to reduce the proposed gasoline station setback from a residential use, waivers of development standards for the driveways adjacent to Arby Avenue, design reviews for the overall site, alternative parking lot landscaping, and increase finished grade.

Landscaping

The west property line will include a detached sidewalk with 5 feet of landscaping, a 5 foot wide sidewalk, and 10 feet of additional landscaping which will include large trees spaced every 20 feet with shrubs and groundcover throughout the landscape strips. The landscape plan also shows an attached sidewalk adjacent to a 10 foot wide landscape strip along the north property line. In addition, the plan shows a 10 foot to 35 foot wide landscape buffer along the east and south property lines. Landscape finger islands are properly spaced throughout the parking lot with the exception of the 8 parking spaces west of the convenience store. Landscaping adjacent to the 3 proposed buildings is also shown to include shrubs and groundcover.

Previous Conditions of Approval

Listed below are the approved conditions for WC-19-4000042 (ZC-1252-99):

Public Works - Development Review

- Drainage study shall be required with future development as determined by Public Works Development Review;
- Traffic study shall be required with future development as determined by Public Works - Development Review.

Listed below are the approved conditions for WC-18-400231 (ZC-1252-99):

Public Works - Development Review

- Off-site improvements shall be required with future development.

Listed below are the approved conditions for ZC-1252-99:

- Subject to no resolution of intent and staff preparing an ordinance to adopt the zoning;
- B-1 landscaping (tree/shrub combination) along street frontages;
- Provide landscaped islands within parking lot;
- Recording a reciprocal, perpetual cross access, ingress/egress, and parking agreements with adjacent properties if and when they develop as commercial or industrial to comply with policy E8.5g of the land use plan;
- Design review on pad sites;
- Right-of-way dedication to include 50 feet for Jones Boulevard and 30 feet for Arby Avenue;
- Full off-sites to include paved legal access;
- Drainage and traffic studies and compliance;
- Any vacations to be recordable prior to permits or mapping;
- Design review as public hearing on any substantial changes to the plan;
- All applicable standard conditions for this application type.

Applicant's Justification

Per the applicant's letter, the first condition of a zone change requested to be waived reads as follows: "B-1 landscaping (tree/shrub) combination along street frontages." The site plan depicts current street landscaping requirements that consists of a minimum of 15 feet of landscaping with enhanced combination of trees, shrubs, and groundcover. Using the old street landscaping requirements, all that was required was 10 feet (C-2 zoning district setback) of street landscaping with 3 large (24 inch box) trees and 20 shrubs with groundcover. The current street landscaping requirements along Jones Boulevard, requires a minimum of 15 feet of street landscaping with 6 large (24 inch box) trees with virtually 3 times the amount of shrubs. The site plan is providing for 20 feet of street landscaping along Jones Boulevard and also providing 15 feet of street landscaping along Arby Avenue which exceeds the minimums required by Title 30. Therefore, the current street landscaping requirement provides for a much more enhanced streetscape.

The second condition of a zone change requested to be waived reads as follows: “recording a reciprocal, perpetual cross access, ingress/egress, and parking agreements with adjacent properties if and when they develop as commercial or industrial to comply with Policy E8.5g of the Land Use Plan.” The site plan does not depict cross access with the property to the south. Since it is currently being entitled for an expansion to a vehicle/motorcycle sales and maintenance facility. The majority of the development plan depicts storage of inventory vehicles within an enclosed area. Additionally, the property owner of the parcel to the south does not wish to have/grant cross access since they believe the parking demands are not complementary between a vehicle/motorcycle sales and maintenance facility and the proposed convenience store with gasoline station and restaurants. This waiver of conditions is entirely appropriate for the following reasons: 1) cross access cannot be provided if the adjacent property owner does not grant the cross access; and 2) since the property to the south is an expansion to an existing development, there will be shared access and parking between those parcels and; therefore, there will not be an excess of driveway access points along Jones Boulevard. Therefore, through the above referenced factors, the condition will no longer fulfill its intended purpose.

Prior Land Use Requests

Application Number	Request	Action	Date
WC-19-400042 (ZC-1252-99)	Waived condition of a zone change requiring drainage studies	Approved by BCC	May 2019
WC-18-400231 (ZC-1252-99)	Waived condition of a zone change requiring full off-site improvements	Approved by BCC	December 2018
VS-18-0799	Vacated and abandoned easements - recorded	Approved by BCC	December 2018
ADR-0015-03	Communication tower	Approved by ZA	January 2003
ZC-1252-99	Reclassified the site and the parcel to the south to C-2 zoning for a shopping center - total of 5 acres	Approved by BCC	September 1999

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Business Employment	C-2	Commercial center
South	Business Employment	C-2	Undeveloped
East	Business Employment	M-D	Distribution center
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single family residential

*This parcel and the surrounding area are located in the PFNA area.

Related Applications

Application Number	Request
VS-22-0293	A vacation and abandonment for a right-of-way is a companion item on this agenda.

Related Applications

Application Number	Request
UC-22-0292	A use permit with waivers of development standards, and design reviews is a companion item on this agenda.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis**Current Planning**Waiver of Conditions #1

The landscape plan shows that the proposed landscaping for the commercial development is more abundant in trees, shrubs, and groundcover than what was previously conditioned via the zone change in 1999. Staff finds the proposed landscaping to be adequate for the site; therefore, staff supports this request.

Waiver of Conditions #2

Staff does not normally support requests to eliminate cross access points within commercial developments. However, based on the proposed expansion of the vehicle/motorcycle sales and maintenance facility with the southern parcel and the proposed uses with the applicant's property, staff can support the applicant's request. The customers utilizing the commercial center might generate more vehicle and pedestrian traffic than the vehicle/motorcycle sales and maintenance facility. For example, the applicant's site includes a restaurant with a drive-thru only along the south property line, and the vehicles would be exiting the drive-thru where a potential point of cross access would be located. Staff finds that if the commercial center customers only can utilize the applicant's parcel, this would help eliminate any potential points of conflict with vehicles in the drive-thru, and vehicles traveling south to the neighboring commercial parcels. Staff supports this request.

Staff Recommendation

Approval.

Approval of the waiver of conditions request constitutes a finding by the Commission/Board that the conditions will no longer fulfill its intended purpose.

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:**Public Works - Development Review**

- No comment.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC:

APPROVALS:

PROTEST:

APPLICANT: WARMSPRINGS DEV, LLC

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