

COMMERCIAL CENTER
(TITLE 30)

ARBY AVE/JONES BLVD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-22-0292-WARMSPRINGS DEV, LLC:

USE PERMIT to reduce the setback of a proposed gasoline station.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduced driveway throat depth; and **2)** reduced driveway departure distance.

DESIGN REVIEWS for the following: **1)** commercial center; **2)** alternative parking lot landscaping; and **3)** finished grade 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

USE PERMIT:

Reduce the setback of a proposed gasoline station from a residential use on a separate property to 139 feet where 200 feet is required per Table 30.44-1 (a 31% decrease).

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce the driveway throat depth adjacent to Arby Avenue to 5 feet where 25 feet is the minimum required per Uniform Standard Drawing 222.1 (an 80% decrease).
2. Reduce the driveway departure distance adjacent to Arby Avenue to 90 feet where 190 feet is the minimum required per Uniform Standard Drawing 222.1.

DESIGN REVIEWS:

1. A proposed commercial center.
2. Allow alternative parking lot landscaping per Figure 30.64-14.
3. Increase finished grade to 48 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 33% increase).

LAND USE PLAN:

ENTERPRISE - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 1.9
- Number of Stories: 1
- Building Height: 22 feet, 4 inches (Convenience store - Building A)/25 (Restaurant - Building B)/18 (Restaurant Building C - drive-thru only)
- Square Feet: 3,592 (Convenience store - Building A)/1,990 (Restaurant - Building B)/600 (Restaurant Building C - drive-thru only)
- 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. 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 applicant is requesting a use permit to reduce the setback of a proposed gasoline station on the northwest corner of the site from a residential use (R-2 zoned subdivision to the west) to 139 feet where 200 feet is required per Table 30.44-1. Furthermore, the applicant is requesting driveway related waivers of development standards for the driveway adjacent to Arby Avenue. The request includes reducing the driveway throat depth to 5 feet where 25 feet is required, and reducing the driveway departure distance to 90 feet where 190 feet is required.

The applicant is also requesting a design review for alternative parking lot landscaping since 1 landscape finger island is missing within the parking spaces west of the convenience store building. Code requires landscape finger island for every 6 parking spaces, and the site plan shows 8 parking spaces in a row with landscape finger islands on each end. The second design review is for the overall design and aesthetics of the proposed commercial center. The final design review is for increase finished grade to 48 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 33% increase). The increase finished grade is primarily located near the convenience store and the large restaurant building which are both centrally located on the subject parcel.

Lastly, the applicant is submitting 2 companion items with 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 waiver of conditions to eliminate the following conditions of approval from ZC-1252-99: “B-1 landscaping (tree/shrub combination) along street frontages” 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.”

The site plan 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 drive-thru will commence on the east side of the building and continue towards the northern portion of the restaurant towards the pick-up window. The site plan also shows a drive-thru only restaurant building along the south property line and the drive-thru lane is located north of the building. Parking is located along the east, west, and south property lines, and adjacent to the proposed structures. Site design includes pedestrian walk-ways throughout the site, loading zones, and trash enclosures along the east property line. The applicant is not proving cross access to the parcel to the south.

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 property 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 are also shown to include shrubs and groundcover.

Elevations

Building A

The proposed convenience store has an overall height of 22 feet 4 inches. The exterior materials include stucco walls, decorative metal panels, aluminum store front and window systems, and a parapet roof.

Building B

The proposed restaurant building has an overall height of 25 feet. The exterior materials include sand finished stucco exterior walls, aluminum storefront and window systems, corrugated metal paneling, and a neutral-colored paint color palette. The east facing elevation includes the menu and ordering board, and the north facing elevation includes the pick-up window.

Building C

The proposed restaurant building with drive-thru only has an overall height of 18 feet with exterior materials which include split face CMU block veneer, and sand finished stucco walls.

Floor Plans

Building A

The proposed convenience store has an overall area of 3,592 square feet. The main entrance is on the west side of the building facing Jones Boulevard. No vehicle wash is proposed with this establishment.

Building B

The proposed restaurant building has an overall area of 1,990 square feet and includes the entryway, a dining area, service areas, the kitchen, restrooms, an office, prep areas, a walk-in cooler, and other back of house areas.

Building C

The proposed restaurant building with drive-thru only functions as a kiosk building with an overall area of 600 square feet. No interior customer seating is available within the structure.

Signage

Signage is not a part of this request.

Applicant's Justification

Per the applicant's justification letter, the applicant is requesting a use permit to reduce the setback of the proposed gasoline station canopy to 139 feet from the nearest residential use (subdivided residential lot) across from Jones Boulevard to the west. The requested setback reduction is for a residential use that is on the west side of Jones Boulevard which is a heavily traveled arterial street. In addition to the arterial street, the site will have 20 feet of street landscaping and additional spatial distance that combined with Jones Boulevard will have no impact on the residential use.

The first waiver of development standards request is for alternative driveway geometrics for a reduced throat depth of 5 feet for the driveway along Arby Avenue. The proposed throat depth is consistent with other driveway geometrics in the immediate area with no known adverse impacts and exceeds the throat depths of the existing shopping center to the north. The proposed throat depth is no different from the existing driveway throat depths to the north, which includes a commercial center with restaurants and drive-thru, retail, and auto maintenance facility, and farther south for the convenience store and gasoline station at the northeast corner of Warm Springs Road and Jones Boulevard. Finally, the affected driveway is on Arby Avenue which is a local street with minimal traffic generation that terminates immediately to the east. The second waiver request is to reduce the driveway departure distance for the driveway along Arby Avenue. The required departure distance per Uniform Standard Drawing 222.1 is 190 feet and the site plan proposes 90 feet. As with the throat depth waiver request, the proposed departure and approach distances are no different from the existing driveway to the north and farther south with no known adverse impacts for the developments at the southwest corner and the northeast corner of Warm Springs Road and Jones Boulevard. The requested waivers are alternative standards which may provide for minimal site conflicts that will result in no stacking of vehicles within the right-of-way.

The first design review is for the overall design of the site. The submitted site plan depicts an effective layout of the buildings, parking areas, circulation, and sensitivity to the nearby residential uses to the west. The elevations for the proposed buildings consist of multiple surface plane variations to give both vertical and horizontal articulation along with various elements such as stucco siding, accent bands, reveal lines, and other unique and modern materials and features. The first design review request is for alternative parking lot landscaping for the row of parking spaces in front of the convenience store which has 8 parking spaces in a row without a

landscape island after the sixth parking space as required per Figure 30.64-14. The majority of the site fully complies with all provisions of Figure 30.64-14. Due to the asymmetry of the site, which is due in part to an existing cell tower directly to the northeast, there is 1 row of parking spaces with more than 6 parking spaces between landscape islands. The alternative that is provided is that the site is substantially enhanced with additional landscaping along Arby Avenue (15 feet minimum) and additional street landscaping along Jones Boulevard (20 foot minimum). Lastly, the third design review is for increased finished grade. The site is lower toward the center of the overall parcel which will require excess fill. Based on the site topography and to maintain proper drainage, we are requesting to increase the finished grade to 4 feet (48 inches) where a maximum of 3 feet (36 inches) is the standard per Section 30.32. Therefore, the increase will occur near the convenience store and the restaurant Building B.

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
WC-22-400072 (ZC-1252-99)	A waiver of conditions of a zone change for landscaping and cross access is a companion item on this agenda.
VS-22-0293	A vacation and abandonment for a right-of-way 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

Use Permit

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

Staff does not object to reducing the setback to 139 feet where 200 feet is required from a residential use. Similar commercial uses exist to the north and south of the subject property, which are east of the existing single family residential subdivisions. Furthermore, Jones Boulevard is a major thoroughfare and provides a physical and visual buffer from the proposed gasoline station to the residences immediately to the west.

Waivers of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

Design Review #1

The plans show that the overall site design and the aesthetics of the proposed buildings are harmonious to one another and provide a much needed streetscape addition to the surrounding area. Staff finds the use can be supported since the buildings are architecturally compatible and should not pose any negative ramifications.

Design Review #2

The applicant is requesting alternative parking lot landscaping due to 1 missing landscaping finger island west of the convenience store. The applicant has shown an adequate amount of landscaping along the perimeter of the entire subject property and throughout the site. Staff finds that the request has been mitigated since the applicant provided a significant amount of landscaping.

Public Works - Development Review

Waiver of Development Standards #1

Staff can support the reduced throat depth on Arby Avenue due to the minimal amount of traffic on Arby Avenue since Arby Avenue ends to the east of the property.

Waiver of Development Standards #2

Staff has no objection to the reduction of departure distance on Arby Avenue as the driveway is aligned with the driveway to the north on Arby Avenue.

Design Review #3

This design review represents the maximum grade difference within the boundary of this application. This information is based on preliminary data to set the worst case scenario. Staff will continue to evaluate the site through the technical studies required for this application. Approval of this application will not prevent staff from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approval.

Department of Aviation

The development will penetrate the 100:1 notification airspace surface for Harry Reid International Airport. Therefore, as required by 14 CFR Part 77, and Section 30.48.120 of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

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:

Current Planning

- 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: that the County is currently rewriting Title 30 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 this application must commence within 2 years of approval date or it 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.
- 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, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

Department of Aviation

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.48 Part B of the Clark County Unified Development Code;
- No building permits should be issued until applicant provides evidence that a "Determination of No Hazard to Air Navigation" has been issued by the FAA or a "Property Owner's Shielding Determination Statement" has been issued by the Department of Aviation.
- Applicant is advised that the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments; that the FAA's airspace determinations include expiration dates; and that separate airspace determinations will be needed for construction cranes or other temporary equipment.

Fire Prevention Bureau

- No comment.

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 #0197-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: WARMSPRINGS DEV, LLC

CONTACT: DIONICIO GORDILLO, 204 BELLE ISLE CT., HENDERSON, NV 89012