

CONVENIENCE STORE
(TITLE 30)

JONES BLVD/CACTUS AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-20-400142 (UC-0789-16)-MFE INC:

USE PERMITS SECOND EXTENSION OF TIME for the following: **1)** allow a proposed convenience store; **2)** allow a proposed gasoline service station; **3)** allow a proposed vehicle maintenance building (smog check); and **4)** allow a proposed vehicle wash.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce the separation for a proposed convenience store to a residential use; **2)** reduce the separation for a proposed gasoline service station to a residential use; **3)** reduce the separation for a proposed vehicle maintenance building (smog check) to a residential use; **4)** reduce the separation for a proposed vehicle wash to a residential use; and **5)** reduce the driveway separation.

DESIGN REVIEWS for the following: **1)** a proposed convenience store and retail building; **2)** proposed gasoline service station; **3)** proposed vehicle maintenance building (smog check); **4)** proposed vehicle wash; and **5)** proposed restaurant with drive-thru on a 1.5 acre portion of 3.8 acres in a C-1 (Local Business) Zone.

Generally located on the west side of Jones Boulevard and the south side of Cactus Avenue within Enterprise. JJ/nr/jd (For possible action)

RELATED INFORMATION:

APN:

176-35-501-007 ptn

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce the separation from a convenience store and gasoline station to a residential use to 30 feet where 200 feet is the standard (an 85% reduction).
2. Reduce the separation from a gasoline station to a residential use to 30 feet where 200 feet is the standard (an 85% reduction).
3. Reduce the separation from a vehicle maintenance building (smog check) to a residential use to 87 feet where 200 feet is the standard (a 56.5% reduction).
4. Reduce the separation from a vehicle wash to a residential use to 10 feet where 200 feet is the standard (a 95% reduction).
5.
 - a. Reduce the driveway approach distance to the intersection along Cactus Avenue to 100 feet where 150 feet is the standard per Uniform Standard Drawing 222.1 (a 33.3% reduction).
 - b. Reduce the driveway departure distance from the intersection along Jones Boulevard to 150 feet where 190 feet is the standard per Uniform Standard Drawing 222.1 (a 21.1% reduction).

LAND USE PLAN:
ENTERPRISE - COMMERCIAL NEIGHBORHOOD

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 1.5 (portion)/3.8 (site)
- Project Type: Convenience store, gasoline pumps, smog check, car wash, retail space, and a restaurant with drive-thru
- Number of Stories: 1
- Building Height (feet): Up to 21
- Square Feet: 3,400 convenience store/3,700 fuel canopy/100 smog check/2,100 retail lease space/1,900 vehicle wash/2,700 restaurant/13,900 total
- Parking Required/Provided: 53/60

History & Site Plans

The approved plans for a commercial center consisting of a convenience store with vehicle wash and gasoline pumps, a smog check station, a retail lease space, and a drive-thru restaurant on the northern 1.5 acres of the 3.8 acre site were approved by UC-0789-16. The southern portion of the site was not part of the original application. Since approval of the original application, modifications pursuant to an administrative design review (ADR-0540-17) were approved; however, ADR-0540-17 expired in May 2019.

Earlier this year, DR-20-0445 and WC-20-400116 (UC-0789-16), were approved to waive the original condition requiring a 14 foot wide intense landscape buffer on the west property line with Mondale Pines. The site plan from DR-20-0445 depicted the convenience store set back 33 feet where it was previously set back at 34 feet from the west property line. Furthermore, the site plan also depicts that the convenience store is a companion to the vehicle wash, and there is no longer a separate retail lease space located on the southern end of the building. Lastly, the new approved site plan with DR-20-0445 showed an undeveloped pad site on the eastern portion of the site, which was previously designed for a future restaurant with a drive-thru.

The site plan approved with DR-20-0445 showed the vehicle wash set back 10 feet from the west property line. The entrance to the vehicle wash is on the west side of the convenience store, adjacent to Cactus Avenue and is buffered by street landscaping per Figure 30.64-17. The fuel canopy is located on the eastern side of the convenience store in the center of the site. A smog check station is located on a landscape island southeast of the convenience store, and is set back 90 feet from the western property line. A trash enclosure is located on the southern portion of the site, 81 feet from the western property line. Parking is distributed throughout the site and there is 1 access driveway on Cactus Avenue and 1 access driveway on Jones Boulevard.

Landscaping

The approved plans depict a 15 foot wide landscape area with a detached sidewalk along Cactus Avenue and Jones Boulevard. The applicant is proposing a 10 foot wide intense landscape buffer with landscaping per Figure 30.64-12 along the west property line (per WC-20-400116

(UC-0789-16)). As previously stated, there was a condition of approval via UC-0789-16, which required a 14 foot wide intense landscape buffer on the west property line with Mondale Pines. Interior parking lot trees are distributed throughout the site. Landscape materials include trees, shrubs, and groundcover.

Elevations

The convenience store and vehicle wash are 21 feet high with a flat roof with parapet walls. The façade includes a stucco finish, cultured stone, accent paint wainscoting, and fabric and metal canopies. The smog check building is 10 feet high with a façade that matches the convenience store.

Floor Plans

The approved plans depict a commercial building with a 5,310 square foot convenience store and a 2,444 square foot vehicle wash. In addition, there is a 100 square foot smog check station that will include a window and door, and the fuel canopy has an overall area of 3,700 square feet.

Previous Conditions of Approval

Listed below are the approved conditions for ET-18-400235 (UC-0789-16):

Current Planning

- Until January 18, 2021 to commence.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that 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.

Public Works - Development Review

- Compliance with previous conditions.

Listed below are the approved conditions for UC-0789-16:

Current Planning

- Expunge UC-0525-14;
- Car wash hours limited to 7:00 a.m. to 7:00 p.m.;
- Car wash to be enclosed except for tunnel entrance and exit;
- Downward LED lighting only;
- 14 foot intense landscape buffer on west property line with Mondale Pines;
- Block wall on west property line to be stucco and painted;
- If developed with a similar use, cross access to property on the west to be provided;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that 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;
- Traffic study and compliance;
- Full off-site improvements.
- Applicant is advised 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.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that existing sewer is located within 400 feet of the parcel; and that at time of development CCWRD requires submittal of estimated wastewater flow rates to determine sewer point of connection.

Signage

Signage was not a part of the original use permit and is not a part of this request.

Applicant's Justification

The applicant indicates that the building permits have been applied for and that off-site improvement plans are awaiting approval. However, the project will not commence by the January 18, 2021 timeframe and the applicant is requesting an extension of time.

Prior Land Use Requests

Application Number	Request	Action	Date
DR-20-0445	Alternative parking lot landscaping and site design changes including relocating buildings	Approved by BCC	November 2020
WC-20-400116 (UC-0789-16)	Waived a condition of a use permit requiring a 14 foot wide intense landscape buffer on the west property line with Mondale Pines	Approved by BCC	November 2020
VS-19-0339	Vacated patent easements and a portion of right-of-way being Jones Boulevard	Approved by PC	June 2019
ET-18-400235 (UC-0789-16)	First extension of time for a convenience store with gasoline station and vehicle wash	Approved by BCC	December 2018
WS-18-0766	Reduced drive way approach distance	Approved by BCC	December 2018
TM-18-500145	Commercial subdivision	Approved by BCC	December 2018
ADR-0540-17	Proposed modifications to retail center - Expired	Approved by ZA	May 2017
UC-0789-16	Convenience store, gasoline station, vehicle wash, smog check, and reduce the separation to a residential use	Approved by BCC	January 2017

Prior Land Use Requests

Application Number	Request	Action	Date
UC-0525-14 (ET-0011-16)	First extension of time for a vehicle wash, gasoline station, and to reduce the separation from a gasoline station to a residential use with a waiver of development standards to reduce driveway separation and a design review for a shopping center - expunged	Approved by BCC	May 2016
TM-0212-14	Commercial subdivision	Approved by PC	January 2015
VS-0951-14	Vacated and abandoned easements of interest to Clark County and portions of right-of-way being Cactus Avenue, Jones Boulevard, and Conn Avenue	Approved by PC	January 2015
UC-0525-14	Vehicle wash, gasoline station, and reduce the separation from a gasoline station to a residential use with a waiver of development standards to reduce driveway separation and a design review for a shopping center - expunged	Approved by BCC	July 2014
DA-1266-08	Development agreement	Approved by BCC	October 2008
VS-0336-08	Vacated and abandoned easements and portions of public right-of-ways - expired	Approved by PC	June 2008
ZC-0726-07	Reclassified the subject property to C-1 zoning with a use permit, waiver of development standards, and design review for a shopping center and on-premises consumption of alcohol, convenience store, and reduced separation from a residential development	Approved by BCC	August 2007

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Public Facility	R-E	Undeveloped
South	Residential Suburban	R-2	Undeveloped portion of the subject parcel
East	Major Development Project (Southern Highlands) - Single Family Residential	R-2	Single family subdivision
West	Commercial Neighborhood	R-2	Undeveloped parcel

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

STANDARDS FOR APPROVAL:

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

Analysis

Current Planning

Title 30 standards of approval on an extension of time application state that such an application may be denied or have additional conditions imposed 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 or policies affecting the subject property. Using the criteria set forth in Title 30, no substantial changes have occurred at the subject site since the original approval. Currently, building permits and off-site improvement plans have been applied for and are awaiting approval from other entities. Staff can support an extension of time for 2 years since progress is being made and this is the second extension 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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

- Until January 18, 2023 to commence.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that 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.

Public Works - Development Review

- Compliance with previous conditions.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC:

APPROVALS:

PROTEST:

APPLICANT: MFE INC

CONTACT: JOHN VORNSAND, 62 SWAN CIRCLE, HENDERSON, NV 89074