

RETAIL COMPLEX/CONVENIENCE STORE/
GASOLINE STATION/DRIVE-THRU RESTAURANT
(TITLE 30)

CACTUS AVE/AMIGO ST

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ZC-21-0186-REGIONAL CACTUS, LLC:

ZONE CHANGE to reclassify 1.7 acres from an R-E (Rural Estates Residential) Zone to a C-1 (Local Business) Zone.

USE PERMITS for the following: **1)** convenience store; **2)** gasoline station; and **3)** reduce the setback for a proposed convenience store to a section line street.

WAIVER OF DEVELOPMENT STANDARDS to allow alternative driveway geometrics.

DESIGN REVIEWS for the following: **1)** convenience store with gasoline station within a proposed retail complex; and **2)** finished grade.

Generally located on the south side of Cactus Avenue and the east side of Amigo Street within Enterprise (description on file). MN/lm/jd (For possible action)

RELATED INFORMATION:

APN:

177-34-101-002

USE PERMITS:

1. Convenience store.
2. Gasoline station.
3. Reduce the setback from a convenience store to a section line street (Cactus Avenue) to 22 feet 2 inches where 30 feet is required per Table 30.44-1 (a 26% decrease).

WAIVER OF DEVELOPMENT STANDARDS:

Reduce the driveway departure distance from Amigo Street to 166 feet along Cactus Avenue where 190 feet is required by Uniform Standard Drawing 222.1 (a 12.6% reduction).

DESIGN REVIEWS:

1. Convenience store with gasoline station and proposed retail complex.
2. Increase finished grade to 19 inches where a maximum of 18 inches is the standard per Section 30.32.040 (a 5.5% increase).

LAND USE PLAN:

ENTERPRISE - COMMERCIAL NEIGHBORHOOD

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 1.7
- Project Type: Convenience store with gasoline station within a proposed retail complex
- Number of Stories: 1
- Building Height (feet): 30 (north)/30 (south)/17 feet, 7 inches (fuel)
- Square Feet: 6,001 (northern building with convenience store and restaurant)/6,000 (southern building with restaurant and retail)/2,090 (4 pump fuel island)
- Parking Required/Provided: 84/84

Site Plans

The plans depict a proposed retail center with access to Cactus Avenue and Amigo Street. The site consists of a convenience store with attached drive-thru restaurant located at the northwest corner of the site. The drive-thru lane runs along the north and west sides of the convenience store and restaurant building with the convenience store located in the northerly portion of the building. A fuel canopy is located in the north central portion of the site, and a restaurant with retail building is located near the south property line. The convenience store is set back 22 feet 2 inches from the radius of Cactus Avenue, 31 feet 4 inches from the back of curb along Cactus Avenue, and 30 feet from the back of curb along Amigo Street. The gasoline station (fuel canopy) is set back over 40 feet from Cactus Avenue. The restaurant and retail building is set back 12 feet front the south property line and 90 feet from the west property line. Bicycle racks are located on the east side of the drive-thru restaurant and to the northwest of the restaurant and retail building. The project site provides 84 parking spaces located throughout the site. A cross access point is located along the east property line to provide future access to the undeveloped property to the east. There are 2 loading spaces centrally located on the site, with 2 trash enclosures provided along the east and north property lines and set back over 100 feet from the residential properties to the south.

Landscaping

The plan depicts a 15 foot wide detached sidewalk landscaping area along Cactus Avenue and Amigo Street consisting of large and medium Evergreen trees (such as Aleppo Pine, and Desert Museum Palo Verde and accent Phoenix Palms) and shrubbery, with a 10 foot wide intense landscape buffer per Figure 30.64-12 consisting of large Evergreen trees along the south property line, and a 10 foot wide landscape buffer along the east property line. Parking lot landscaping includes a mix of trees and shrubbery utilizing similar materials described above.

Elevations

The plans depict both proposed buildings (northerly convenience store and retail building, and southerly restaurant and retail building) ranging in height from 21 feet 8 inches to 30 feet to the top of the roof detail. A traditional storefront door and window system, along with painted stucco finish, tile accents, and decorative stone veneer is featured on all sides of both buildings.

Floor Plans

The plans depict 2 proposed buildings. The northerly building consists of 6,001 square feet with a 3,001 square foot convenience store (located in the north part of the building) and a 3,000 square foot restaurant with drive-thru. The front entrance of the building faces east with service access on the north and south. The southerly building consists of 6,000 square feet with a 3,000 square foot restaurant in the westerly portion of the building and a 3,000 square foot retail space. The front entrance of the building is located on the north side of the building with service access on the east and west faces.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant indicates that the request conforms to the planned land use and conforms to the planning goals of the area, such as providing for a mix of uses within the retail complex. The proposed design will allow for an integrated retail complex that is harmonious and accessible to the nearby residences. Additionally, providing the required driveway departure distance is not possible, due to the available street frontage along Cactus Avenue, and would reduce the available area to provide adequate parking for the site along the east property line.

Prior Land Use Requests

Application Number	Request	Action	Date
VS-1852-98 (ET-0409-00)	First extension of time for a vacation and abandonment of easements and rights-of-way	Approved by BCC	December 2000
VS-1852-98 (WC-0410-00)	Waive the conditions of right-of-way dedication and obtaining Master Streets and Highway Plan update for a vacation and abandonment of easements and rights-of-way	Approved by BCC	December 2000
VS-1852-98 (WC-0183-00)	Waive the condition for a traffic study to be brought back to the Board for final approval for a vacation and abandonment of easements and rights-of-way	Approved by BCC	June 2000
VS-1852-98	Vacated and abandoned easements and rights-of-way	Approved by BCC	January 1999

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North & South	Residential Suburban (up to 8 du/ac)	R-2	Single family residential
East & West	Commercial Neighborhood	C-1	Undeveloped

Related Applications

Application Number	Request
VS-21-0187	A vacation of easements and 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

Zone Change

The requested C-1 zoning conforms to the Enterprise Land Use Plan which designates this site as Commercial Neighborhood. Staff finds that the proposed zoning is compatible with the existing and approved land uses in the area. The adjacent property to the east is zoned C-1, and while the latest development on that site is expired, it was previously planned for a retail development with cross access to the proposed site. This site has provided future cross access to encourage compatible development with the property to the east. Additionally, the site is also located on an arterial street (Cactus Avenue) and a collector street (Amigo Street) which is conducive to commercial zoning. Therefore, staff can support the zone change request.

Use Permits

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 Comprehensive 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.

The proposed convenience store and gasoline station comply with several goals and policies of the Comprehensive Master Plan including Urban Specific Policy 10 which encourages site designs to be compatible with adjacent land uses, especially when the adjacent land use is a lower density or intensity. The proposed convenience store consists of varying rooflines with building height ranging from 21 feet 8 inches to a maximum height up to 30 feet. Additionally, the location of the convenience store, to the location of the radius of the intersection of Cactus Avenue and Amigo Street is less than 30 feet, while the physical location of the right-of-way is over 30 feet. Separating the building from the right-of-way is the drive-thru aisle and the public entrance of the building faces east into the retail complex. The convenience store is also buffered from the southerly residential properties by the attached restaurant suite to the south within the same building. With the varying rooflines and building height, in addition to the building orientation, the reduced separation should not have an adverse impact on the residential development to the south; therefore, staff can support the requests.

Waiver 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

Staff finds that the request complies with Commercial Policy 78 of the Comprehensive Master Plan which encourages several design variations to a building's mass including varying rooflines and building height. An intense landscape buffer per Figure 30.64-12 is proposed along the south property line to screen and buffer the site from the residential to the south. Architectural elements are also provided along all sides of the buildings; therefore, the request complies with Urban Specific Policy 78 which encourages architectural treatments on all building sides to eliminate blank building elevations along public rights-of-way and areas visible to the general public to improve visual quality.

Public Works - Development Review

Waiver of Development Standards

Staff has no objection to the reduction in the departure distance for the Cactus Avenue commercial driveway. The applicant placed the driveway as far east as the frontage will allow.

Design Review #2

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.

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

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised 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 the use permits, waiver 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;
- Applicant must provide reimbursement payment for the vacated right-of-way.
- 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; and 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.

Building Department - Fire Prevention

- Applicant is advised that operational permits may be required for this facility and to contact Fire Prevention for further information at (702) 455-7316.

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 #0385-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require a new POC analysis.

TAB/CAC: Enterprise - approval (add design review for lighting and signs; and sign changes).

APPROVALS:

PROTESTS:

APPLICANT: MING SZE

CONTACT: BRUCE YU, 4358 MELROSE ABBEY PLACE, LAS VEGAS, NV 89141