WAIVER OF CONDITIONS for a zone change to provide an on-site pedestrian realm per 30.48 Part J, along Las Vegas Boulevard South with review and approval per staff in conjunction with a previously requested shopping center on 6.5 acres in a C-2 (General Commercial) Zone in the MUD-1 Overlay District.

Generally located on the northeast corner of Las Vegas Boulevard South and Cactus Avenue within Enterprise. MN/pb/ja (For possible action)

RELATED INFORMATION:

APN:
177-28-410-005; 177-28-410-006

LAND USE PLAN:
ENTERPRISE - COMMERCIAL TOURIST

BACKGROUND:
Project Description
General Summary
- Site Address: 10428 Las Vegas Boulevard South
- Site Acreage: 6.5
- Project Type: Shopping center
- Number of Stories: 1
- Building Height (feet): 36
- Square Feet: 57,500
- Parking Required/Provided: 230/231

Site Plans & History
The original plans depict a proposed shopping center consisting of 6 buildings, which include a major anchor tenant, in-line retail shops, 2 pad buildings, a convenience store with a gasoline station, and a vehicle wash facility (car wash). Access is provided by 2 driveways from Las Vegas Boulevard South, 2 driveways from Giles Street, and 1 driveway from Cactus Avenue. The pad buildings are located on the northwest and southeast corners of the site. The anchor tenant building and in-line retail shops are located on the eastern portion of the site and the car wash, convenience store/gasoline station are located on the southwest corner of the site. The fuel pump islands and a shade canopy for the gasoline station are located between the convenience...
store and Las Vegas Boulevard South. Drive-thru services are being provided with the pad building on the northwest corner of the site and for the convenience store. All buildings and structures will be set back a minimum of 50 feet from Cactus Avenue, 30 feet from Las Vegas Boulevard South, and 14 feet from Giles Street. Future cross access is depicted for the adjacent parcel to the north. The waiver of development standards for the commercial driveway geometrics for driveways from Giles Street and Cactus Avenue are located on the southeastern portion of the site.

**Landscaping**
A minimum 10 foot wide landscape area consisting of trees, shrubs, and groundcover with an attached sidewalk is located along Giles Street. A minimum 20 foot wide landscape area consisting of trees, shrubs, and groundcover with a detached sidewalk is located along Cactus Avenue. A 15 foot wide attached sidewalk is depicted along Las Vegas Boulevard South and the plans indicate there is an existing 15 foot wide utility easement between the proposed sidewalk and the western property line of the site. The plans depict a minimum 15 foot wide landscape area consisting of trees, shrubs, and groundcover located on the site along Las Vegas Boulevard South.

**Previous Conditions of Approval**
Listed below are the approved conditions for ZC-0238-17:

**Current Planning**
- No resolution of intent and staff to prepare an ordinance to adopt the zoning;
- 2 years to complete the waivers of development standards and design review;
- Approval is for the convenience store with fuel pumps and car wash only, any additional development must be approved through a design review;
- Provide an on-site pedestrian realm per 30.48 Part J, along Las Vegas Boulevard South with review and approval per staff;
- Provide enhancements within the utility easement along Las Vegas Boulevard South such as xeriscapes or rockscape;
- Design review as a public hearing for significant changes to the plans;
- Design review as a public hearing for lighting and signage;
- 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; 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**
- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- Location of off-site improvements on Las Vegas Boulevard South to be coordinated with Public Works;
• If required by Regional Transportation Commission, dedicate and construct right-of-way for bus turnouts including passenger loading/shelter areas in accordance with Regional Transportation Commission standards.
• 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.

Applicant’s Justification
The applicant indicates the property to the south of this site is not providing an on-site pedestrian realm and the proposed design will match the existing landscaping along this portion of Las Vegas Boulevard South.

Prior Land Use Requests

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Request</th>
<th>Action</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ZC-0238-17</td>
<td>Reclassified the site from H-1 to C-2 zoning for a shopping center</td>
<td>Approved by BCC</td>
<td>June 2017</td>
</tr>
<tr>
<td>TM-0117-16</td>
<td>Commercial subdivision</td>
<td>Approved by PC</td>
<td>November 2016</td>
</tr>
<tr>
<td>RS-0118-16</td>
<td>Record of Survey</td>
<td>Reviewed by staff</td>
<td>July 2016</td>
</tr>
<tr>
<td>RS-0038-11</td>
<td>Record of Survey</td>
<td>Reviewed by staff</td>
<td>May 2011</td>
</tr>
<tr>
<td>VS-0197-11</td>
<td>Vacated and abandoned patent easements</td>
<td>Approved by PC</td>
<td>July 2011</td>
</tr>
<tr>
<td>ZC-1241-04</td>
<td>First extension of time for a mixed use development – expired</td>
<td>Approved by BCC</td>
<td>September 2007</td>
</tr>
<tr>
<td>(ET-0252-07)</td>
<td></td>
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<tr>
<td>UC-0680-06</td>
<td>Resort condominiums and residential condominium units in an high rise tower with kitchens located on the southern portion of the subject site – expired</td>
<td>Approved by PC</td>
<td>June 2006</td>
</tr>
<tr>
<td>ZC-1241-04</td>
<td>Mixed use development located on the northern portion of the subject site – expired</td>
<td>Approved by BCC</td>
<td>August 2004</td>
</tr>
</tbody>
</table>

Surrounding Land Use

<table>
<thead>
<tr>
<th>Planned Land Use Category</th>
<th>Zoning District</th>
<th>Existing Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Commercial Tourist</td>
<td>H-1</td>
</tr>
<tr>
<td>South</td>
<td>Commercial Tourist &amp; Commercial General</td>
<td>C-2</td>
</tr>
<tr>
<td>East</td>
<td>Commercial Tourist</td>
<td>H-1 &amp; R-4</td>
</tr>
<tr>
<td>West</td>
<td>Commercial Tourist</td>
<td>H-1</td>
</tr>
</tbody>
</table>
Related Applications

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>DR-19-0290</td>
<td>A design review for a convenience store, gasoline service station, vehicle wash, and smog check facility on the southwestern portion of this site is a companion item on this agenda.</td>
</tr>
</tbody>
</table>

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

Analysis

Current Planning
Staff finds there have been no changes in the surrounding area and the condition is still valid; however, the companion item on this agenda is a design review for a convenience store, gasoline service station, and vehicle wash, and smog check facility on the southwestern portion of this site in conjunction with a previously approved shopping center. The plans submitted with that application show 2 points of pedestrian access to Las Vegas Boulevard South crossing the 15 foot wide landscape area where the applicant could provide amenities such as benches or decorative features that would meet the intent of this condition and enhance the overall design of the project. Staff can support this request with a condition requiring pedestrian amenities in the landscape area adjacent to all pedestrian access points to Las Vegas Boulevard South.

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

PRELIMINARY STAFF CONDITIONS:

Current Planning
• Provide pedestrian amenities in the landscape area adjacent to the 2 pedestrian access points to Las Vegas Boulevard South.

Public Works - Development Review
• No comment.

Clark County Water Reclamation District (CCWRD)
• No comment.
TAB/CAC:
APPROVALS:
PROTEST:

APPLICANT:  CACTUS VILLAGE, LLC
CONTACT:    ANN PIERCE, KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DRIVE, SUITE 650, LAS VEGAS, NV  89135