

06/21/23 BCC AGENDA SHEET

COMMERCIAL DEVELOPMENT  
(TITLE 30)

MARYLAND PKWY/DESERT INN RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-23-0226-3450 S. MARYLAND PARKWAY, LLC:**

**WAIVER OF DEVELOPMENT STANDARDS** to allow modified driveway design standards. **DESIGN REVIEWS** for the following: **1)** alternative parking lot landscaping; **2)** public art; **3)** gasoline station; **4)** convenience store with vehicle (automobile) wash; **5)** retail buildings and restaurants with drive-thrus; **6)** signage; and **7)** finished grade on a 5.3 acre portion of a 17.4 acre site in a C-2 (General Commercial) (AE-60) Zone and a C-2 (General Commercial) Zone in the Midtown Maryland Parkway District.

Generally located on the east side of Maryland Parkway and the south side of Desert Inn Road within Paradise. TS/md/syp (For possible action)

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RELATED INFORMATION:

**APN:**

162-14-101-003 ptn

**WAIVER OF DEVELOPMENT STANDARDS:**

1. a. Reduce throat depth to 58 feet where a minimum of 150 feet is required per Uniform Standard Drawing 222.1 (61.3% reduction).
- b. Reduce throat depth to 100 feet where a minimum of 150 feet is required per Uniform Standard Drawing 222.1 (33.3% reduction).
- c. Reduce throat depth to 82 feet where a minimum of 150 feet is required per Uniform Standard Drawing 222.1 (45.3% reduction).

**DESIGN REVIEWS:**

1. Alternative parking lot landscaping.
2. Public art.
3. Gasoline station.
4. Convenience store with vehicle (automobile) wash.
5. Retail buildings and restaurants with drive-thrus.
6. Signage.
7. Increase finished grade to 60 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 66.7% increase).

**LAND USE PLAN:**

WINCHESTER/PARADISE - CORRIDOR MIXED-USE

## **BACKGROUND:**

### **Project Description**

#### **General Summary**

- Site Address: 3450 S. Maryland Parkway
- Site Acreage: 5.3 (project site)/17.4 (overall)
- Project Type: Commercial development
- Number of Stories: 1
- Building Height (feet): 26 (retail buildings with restaurants)/25 (convenience store)/19 (vehicle (automobile) wash)/18 (fuel canopy)
- Square Feet: 6,383 (retail buildings with restaurants/Pads 1 and 2)/3,908 (retail building with restaurant/Pad 3)/4,472 (convenience store)/613 (vehicle wash)
- Open Space Required/Provided (square feet): 11,814/29,676
- Parking Required/Provided: 896/906

#### History & Request

The Boulevard Mall was originally constructed in 1965 and features retail space consisting of in-line, pad, and out parcels with multiple tenants. The north portion of this site, being the subject parcel, was reclassified to C-2 zoning via ZC-1078-00 by the Board of County Commissioners in September 2000. The applicant is now proposing to redevelop a 5.3 acre portion of the 17.4 acre site with a gasoline station (fuel canopy), convenience store with vehicle (automobile) wash, and 3 retail buildings with restaurants that include drive-thru lanes. The project site is located within the Midtown Maryland Parkway District and complies with all district regulations and requirements. The required public art has also been submitted with this development proposal. The forthcoming sections within the staff report provide an overview of the site, landscape, open space, elevation, and floor plans.

#### Site Plan

The proposed development consists of a gasoline station (fuel canopy), convenience store with vehicle (automobile) wash, and 3 retail buildings with restaurants that include drive-thru lanes (Pads 1 through 3). The 5 commercial buildings are aligned in a north/south direction, located along the west side of the project site adjacent to Maryland Parkway. The gasoline station (fuel canopy) is located at the northwest corner of the site and the retail building with restaurant (Pad 1) is located at the southwest corner of the site. The retail and restaurant buildings (Pads 1 through 3) feature drive-thru lanes located behind the buildings, screened from Maryland Parkway. Five decorative metal trellis shade structures are located between the retail buildings and the convenience store. A detached vehicle (automobile) wash with a drive-thru lane are located along the east (rear) side of the convenience store and will be completely screened from Maryland Parkway. Below is a table reflecting the commercial building setbacks from the north, south, east, and west property lines of the site:

<b>Building Setback from Property Lines (in feet)</b>				
	<b>Property Line</b>			
<b>Building:</b>	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
Pad 1 (retail building with restaurant)	886.5	632	23.5	26
Pad 2 (retail building with restaurant)	634	553.5	275.5	25.5

<b>Building Setback from Property Lines (in feet)</b>				
	<b>Property Line</b>			
<b>Building:</b>	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
Pad 3 (retail building with restaurant)	490.5	584.5	473	25
Convenience store with vehicle (automobile) wash	323	524.5	658.5	33
Gasoline station (fuel canopy)	301	545.5	705.5	39

All buildings within the commercial development are connected through north/south and east/west cross access drive aisles. Access to the site is granted via 3 existing commercial driveways adjacent to Maryland Parkway. The existing driveways will be widened and a waiver of development standards is required to reduce the throat depth for the respective driveways. The commercial development, with the existing retail buildings, requires 896 parking spaces where 906 parking spaces are provided. The parking for the development is located behind the proposed buildings, screened from Maryland Parkway. An existing 5 foot wide attached sidewalk is located along Maryland Parkway with a pedestrian realm measuring 20 feet in width immediately adjacent to the sidewalk. Interior 5 foot wide pedestrian sidewalks and walkways connect to the pedestrian realm along Maryland Parkway. A design review is also requested to increase finished grade of the site. The increase in finished grade will predominantly occur within the parking lot with a maximum grade increase of 5 feet to convey stormwater to the street.

#### Landscaping & Open Space

The plans depict a proposed pedestrian realm measuring 20 feet in width located along Maryland Parkway, behind an existing 5 foot wide attached sidewalk. A 5 foot wide detached sidewalk is located within pedestrian realm, between a 5 foot and 10 foot wide landscape area consisting of planters with 36 inch box trees and enhanced paving (decorative pavers). Immediately to the east of the pedestrian realm are 5 decorative metal trellis shade structures located between the retail buildings and the convenience store. Twenty-four inch box trees are planted adjacent to the shade structures. Pedestrian scale amenities, such as seating benches, are located beneath the shade structures. A double row of 36 inch box trees are located immediately to the west of the convenience store, at the northwest portion of the site. Decorative brick pavers are utilized for pedestrian walkways around the perimeter of all the commercial buildings. The project site requires 11,814 square feet of open space where 29,676 square feet of open space is provided consisting of areas with enhanced paving and landscaping. In lieu, of providing the required amount of trees within the landscape finger islands within the interior of the parking lot, the required trees have been distributed throughout the interior of the site. The development requires 93 medium trees or 39 large trees where 106 large trees are distributed throughout the site.

#### Elevations

Below is a table reflecting the height and materials for each building:

<b>Building Information</b>		
<b>Building:</b>	<b>Height</b>	<b>Materials</b>
Pads 1 through 3 (retail buildings with restaurants)	26	Stucco, stone veneer, and an aluminum storefront window system

<b>Building Information</b>		
<b>Building:</b>	<b>Height</b>	<b>Materials</b>
Convenience store	25	Stucco, stone veneer, and an aluminum storefront window system
Vehicle (automobile) wash	19	Stucco and stone veneer

The gasoline station (fuel canopy) consists of a metal canopy with a flat roof measuring 18 feet in height. All buildings, including the fuel canopy, will be painted with neutral, earth tone colors. Furthermore, all buildings feature varying rooflines with parapet walls that will screen the rooftop mounted equipment from the right-of-way and public view. The metal trellis shade structures measure up to 12 feet in height with stucco painted supporting columns featuring a stone veneer base.

#### Floor Plans

The plans for each building consist of open shell space that will be reconfigured based on the future needs of the individual tenant. Below is a table reflecting the area of each building:

<b>Building Information</b>	
<b>Building:</b>	<b>(In square feet)</b>
Pad 1 (retail building with restaurant)	6,383
Pad 2 (retail building with restaurant)	6,383
Pad 3 (retail building with restaurant)	3,908
Convenience store	4,472
Vehicle (automobile) wash	613
<b>Total Building Area</b>	<b>21,759</b>

The area of the fuel canopy measures 4,233 square feet. The outside dining area will comply with the Code requirements for outside dining and drinking. The outside dining areas are set back 630 feet from the single family residential development to the east and is screened by an existing retail building being the Boulevard Mall.

#### Signage

A wayfinding sign, in compliance with the requirements of the Midtown Maryland Parkway District, is located at the northwest corner of the site adjacent to the existing sidewalk along Maryland Parkway. The sign measures approximately 12 feet in height with the pole of the sign set back 5 feet from the west property line.

#### Public Art

The applicant has submitted a Public Art plan in accordance with the requirements of the Development Code. The Clark County Public Arts Office and the Maryland Parkway Public Art Committee have reviewed and approved the proposed artwork. The artwork consists of various murals depicting sports and themes of regional significance painted on 4 benches by local artists.

#### Applicant's Justification

The applicant states a series of buildings are proposed adjacent to Maryland Parkway in order to revitalize the project site. A 20 foot wide pedestrian realm is being provided adjacent to the

street. Benches are being placed along the pedestrian realm and will be painted with scenes of the Las Vegas valley by a local artists group. A waiver of development standards is requested to reduce the throat depth for the commercial driveways. Because of the size of the property if they placed the throat depth the length required by Code, the driver would end up driving past the pad site and must circle back to the site. This can be confusing to the driver. The applicant met with Public Works to determine the best location for the turn into the pad sites. Even though there is a waiver on all of the new development areas, the convenience store is actually an improvement to the site. Currently, Applebee's has a turn into its parking lot that is approximately 25 feet from Maryland Parkway. This revises that driveway and moves it a farther, safer distance from the intersection of the driveway and Maryland Parkway. The parking lot is being repaved and brought up to current standards. The parking lot is of an older design and the drainage is onto the site instead of the street. The parking lot will have to be built-up and there will need to be a design review as a public hearing to allow 5 feet of fill to allow the site to drain to the street. This will allow the site to meet Regional Flood Control District standards and adequately protect the buildings from flooding. The applicant is also requesting a design review for alternative parking lot landscaping. Approximately 109 large trees will be provided throughout the project site where 93 medium or 39 large trees are required.

#### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ADR-21-900276	Mini-warehouse	Approved by ZA	June 2021
UC-20-0016	Major training facility (vocational)	Approved by BCC	March 2020
WS-19-0219	Waived standards for roof and illuminated signage	Approved by PC	May 2019
ADR-18-900481	Exterior building (façade) modified in conjunction with an existing mall	Approved by ZA	August 2018
ADR-0618-17	Addition located along the rear (east) side of the shopping center for the theater	Approved by ZA	June 2017
UC-0899-16	Recreational facility with waivers to allow roof signs, and a design review for a roof sign and façade modified for an existing building	Approved by BCC	February 2017
AR-0102-15	Application review for UC-0679-14 for a recreational facility	Approved by PC	December 2015
ADR-0373-15	Additional building entrance to existing mall building	Approved by ZA	May 2015
UC-0679-14	Recreational facility	Approved by PC	September 2014
ZC-1078-00	Clark County initiated zone boundary amendment from C-C to C-2 zoning	Approved by BCC	September 2000

#### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Corridor Mixed-Use	C-2 & H-1	Parking lot & undeveloped

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
South	Corridor Mixed-Use	C-2	Boulevard Mall
East	Neighborhood Commercial & Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	C-P & R-1	Single family residential & offices
West	Corridor Mixed-Use	C-2 & H-1	Commercial development

**Related Applications**

<b>Application Number</b>	<b>Request</b>
TM-23-500065	A tentative map for a 1 lot commercial subdivision 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****Comprehensive Planning**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 the proposed alternative parking lot landscaping, including the distribution of the trees within the interior of the site, complies with the Master Plan by encouraging screened parking areas with extensive landscaping. The development requires a total of 93 medium trees or 39 large trees where within the interior and along the perimeter of the site. A total of 103 large trees are provided for the development and will be equitably distributed throughout the interior of the site. The proposed landscaping will reduce the “heat island” effect and improve the aesthetics of the project site and the surrounding area. Staff finds that the request to permit alternative parking lot landscaping within the interior of the site is reasonable. The trees will provide additional shade and improve the overall aesthetics of the proposed development; therefore, staff recommends approval.

Design Review #2

Staff has no objection to the proposed public art as it reflects themes of regional significance and will be integrated into the overall design of the commercial development. The public art will be displayed in prominent locations, specifically on public benches. Therefore, staff recommends approval.

### Design Reviews #3 through #6

The intent of the Midtown Maryland Parkway District is to implement and encourage design standards and incentives for transit-oriented, walkable, and sustainable development and revitalization of properties within the District, generally located along Maryland Parkway between Sahara Avenue and Russell Road. The proposed commercial development fulfills the intent of the District by including the following elements: 1) incorporating a 20 foot wide pedestrian realm, including a 5 foot wide detached sidewalk, along Maryland Parkway; 2) providing public art; 3) providing ample open space with shade structures and pedestrian benches; and 4) orientating buildings closer to the street and locating the required parking spaces to the rear of the development. Furthermore, the proposed development complies with Policy 1.4.4 of the Master Plan by encouraging in-fill development and redevelopment in established neighborhoods through flexible standards and other regulatory incentives, while promoting compatibility with the scale and intensity of the surrounding area. Redevelopment of commercial areas, particularly in areas where high frequency transit exists, such as Maryland Parkway, is encouraged by the Master Plan. Therefore, staff recommends approval of these requests.

### **Public Works - Development Review**

#### Waiver of Development Standards

Staff can support the request to reduce the throat depth for the driveways on Maryland Parkway, as the applicant has reduced the potential conflicts by providing extra landscape planters on the drive aisles to provide drivers more distance before they encounter any conflicting parking spaces.

### Design Review #7

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

### **PRELIMINARY STAFF CONDITIONS:**

#### **Comprehensive Planning**

- 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 4 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;
- 30 days to coordinate with Regional Transportation Commission (RTC) of Southern Nevada and to dedicate any necessary right-of-way and easements for the Maryland Parkway Bus Rapid Transit (BRT) improvement project.
- 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.

**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](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0192-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** INTERCAPITAL ASSET MANAGEMENT

**CONTACT:** LUCY STEWART, LAS CONSULTING, 1930 VILLAGE CENTER CIRCLE, BLDG 3 SUITE 577, LAS VEGAS, NV 89134