

09/20/23 BCC AGENDA SHEET

RETAIL BUILDING  
(TITLE 30)

BUFFALO DR/BADURA AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-23-0492-COUNTY OF CLARK (AVIATION):**

**USE PERMITS** for the following: **1)** High Impact Project; and **2)** tire sales and installation.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** light fixture height; and **2)** driveway throat depth.

**DESIGN REVIEWS** for the following: **1)** retail building with a gasoline station; **2)** signage; **3)** lighting; and **4)** finished grade on a 23.0 acre portion of 60.0 acres in a C-2 (General Commercial) (AE-60) Zone in the CMA Design Overlay District.

Generally located on the northeast corner of Buffalo Drive and Badura Avenue within Spring Valley. MN/jor/syp (For possible action)

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RELATED INFORMATION:

**APN:**

176-03-201-010 ptn; 176-03-301-004

**USE PERMITS:**

1. A High Impact Project (Costco).
2. Allow tire sales and installation per Table 30.44-1.

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Increase the exterior light fixture mounting height to 18 feet 6 inches where 14 feet is the maximum allowed per Section 30.48.670 (a 32% increase).
2. Reduce the driveway throat depth to 7 feet where 150 feet is the minimum required per Uniform Standard Drawing 222.1 (a 95% reduction).

**DESIGN REVIEWS:**

1. A High Impact Project for a retail building (Costco) with a gasoline station.
2. Signage.
3. Lighting.
4. Increase finished grade to 105 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 192% increase).

**LAND USE PLAN:**

SPRING VALLEY - BUSINESS EMPLOYMENT

## **BACKGROUND:**

### **Project Description**

#### **General Summary**

- Site Address: N/A
- Site Acreage: 60 (overall)/23 (Costco)
- Project Type: High Impact Project for Costco retail building with tire sales and installation and a gasoline station
- Number of Stories: 1
- Building Height (feet): 33
- Square Feet: 157,633 (retail building)/12,678 (gasoline station canopy)/186 (gasoline station fuel control enclosure)
- Parking Required/Provided: 634/897

#### Site Plans

The plans show 2 parcels. APN 176-03-201-010 is a 53 acre site south of the 215 Beltway and Roy Horn Way and on the east side of Buffalo Drive. Only the northwest portion (22 acre portion) of the entire 53 acre parcel will be developed for a retail establishment (Costco). APN 176-03-301-004 (approximately 1 acre) to the south will be developed as a part of the overall parking lot for the development. The site also features a gasoline station, and tire sales and installation.

The plan depicts a proposed retail building on the northeast corner of the 22 acre portion of the site. The building will be set back 131 feet from the north property line, 480 feet from the west property line (adjacent to Buffalo Drive), and approximately 300 feet north of Badura Avenue.

The proposed gasoline station will be constructed on the northwest corner of the parcel, and the gasoline canopy will be set back approximately 34 feet, 6 inches from Buffalo Drive to the west. There are 897 parking spaces provided west and south of the retail building, where 634 parking spaces are required per Title 30. Access to the project is provided via 1 main driveway along the west property line adjacent to Buffalo Drive, an additional driveway along the north property line, and a third driveway along the south property line (Badura Avenue).

The applicant is requesting use permits to allow a High Impact Project for Costco, and a second use permit to allow tire sales and installation on the southern end of the retail building. The applicant is requesting 2 waivers of development standards, with the first waiver related to the proposed exterior light fixture to be mounted 18 feet, 6 inches high on the exterior of the building where 14 feet is the maximum allowed with the CMA Design Overlay District. The second waiver request is to reduce the driveway throat depth to 7 feet where 150 feet is the minimum required per the Uniform Standard Drawing 222.1. The related design reviews are for the overall project, proposed signage, proposed lighting, and increase finished grade. The applicant is requesting to increase the finished grade to 105 inches underneath the eastern portion of the proposed retail building, where 36 inches is the maximum per Chapter 30.32.

### Landscaping

Parking lot landscaping is located throughout the site. There is an existing attached sidewalk on the northwest corner of the site, and a minimum of 15 feet of landscaping will be installed. South of the existing attached sidewalks, the applicant will construct detached sidewalks with landscaping. The plans show detached sidewalks with landscaping along Badura Avenue. Furthermore, the plans show that 24 inch box tree types such as Desert Museum Palo Verde, Italian Stone Pine, and Mexican Sycamore will be planted throughout the site. Over 4,400 shrubs will be planted on-site which include the following but are not limited to: Red Yucca, Dwarf Rosemary, Mexican Bird of Paradise, and Silver Senna.

### Elevations

Plans depict a 1 story retail building with an overall height of 33 feet to the top of the parapet roof. Exterior finishes for the building include vertical ribbed metal paneling in a metallic champagne color, there is also an accent channel with medium bronze color, there is a horizontal ribbed metal panel in a sandstone color, split-face CMU walls painted in a brown color, and an accent band near the top of the building to be painted red.

Lastly, the proposed gasoline canopy has an overall height of 17 feet, 6 inches. The coping and trim of the canopy color is medium bronze. The fascia panel of the canopy will have a metallic champagne color to match the retail building. The gasoline pump stations will include a split-face CMU exterior finish in the color medium brown.

### Floor Plan

The retail building has an overall area of 157,633 square feet. The plan depicts the retail areas, member service area, tire sales and installation, restrooms, mechanical/electrical rooms, offices, pharmacy area, optical sales area, cooler areas, fire department room, bakery area, and food service (snack bar) area with the kitchen and prep rooms. Lastly, the gasoline station canopy has an overall area of 12,678 square feet.

### Signage

Sign A is a wall sign for the tire center located on the southern portion of the retail building. This wall sign has an overall area of 31 square feet.

Sign B is a wall sign for the retail building which depicts the retail logo and is located above the main entrance of the building. The overall area for Sign B is 194 square feet.

Sign C is a third wall sign for the site which mimics Sign B. The plans show that there are 4 Sign C's, and will be installed on the north, south, east, and west building face. Each wall sign has an overall area of 280 square feet.

Lastly, the gasoline station canopy (total of 4 wall signs) will have an overall area of 21 square feet each.

### Lighting

Parking lot lighting via 25 foot high light poles are located throughout the site, primarily within the parking lot medians and around the perimeter of the project. The lighting plan also shows

that there are wall mounted lights to be added to the exterior of each building face. The wall mounted lights will be mounted at 18 feet, 6 inches high where a maximum height of 14 feet is allowed within the CMA Design Overlay District. The applicant is requesting a waiver to allow the 18 feet, 6 inch mounting height. Lastly, LED down lights will be attached to the gasoline canopy (18 feet high). These lights will be mounted underneath the canopy only.

#### Applicant's Justification

The Costco Wholesale is a members only facility. The retail building will have 1 customer entrance to the facility, located at the building's southwestern corner. The building will include retail sales, a pharmacy, an optical center with optical exams and retail optical sales, hearing aid testing exam and retail hearing aid fitting and sales center, food service preparation and sales, meat preparation and sales, tire sales and installation, along with the sales of over 4,000 products within the main floor sales area. The proposed colors for this location are warm, natural, earth tones consistent with the architectural detailing of the more recent buildings in the area. To provide security and emergency lighting, parking lot lighting will remain along the main driveways. Light fixtures will also be located on the building approximately every 40 feet around the exterior of the building to provide safety and security. According to the project Transportation Impact Study (TIS) (Kittelson February 2021), this project is a High Impact Project, as it generates in excess of 800 ADTs (11,222), thus requiring a use permit. Tire sales and installation also requires a second special use permit request.

The un-named street (in the northeast corner of the site, south of Roy Horn Way) is designated as a public street. Based upon the location of the cul-de sac on the un-named street, location of the Costco warehouse, site grade and elevation constraints, the throat depth cannot meet the minimum 150 foot length. The proposed throat length for this access drive is 7 feet. This driveway is a service drive and should have minimal traffic other than going to and from the Costco site. The applicant is requesting a waiver to allow exterior light fixtures to be mounted on the building to be higher than 14 feet. As depicted on the site plans, the mounted security lighting is proposed at a height of approximately 18 feet, 6 inches above the finished floor, approximately the height of the first level. The applicant requests the waiver in order to provide sufficient illumination around the exterior of the building that will not be lit by the 25 foot tall site light poles located 40 feet to 50 feet away from the Costco building. The nearest property line to the Costco building is 82 feet on the east side. The light level at the property lines adjacent to non-residential uses will not exceed 1 foot candles. Lastly, wall signs are provided for the exterior building as well as the gasoline canopy. All proposed signage meet Title 30 standards.

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

| <b>Application Number</b>  | <b>Request</b>   | <b>Action</b>   | <b>Date</b>   |
|----------------------------|--|-----------------|---------------|
| WS-0688-05<br>(ET-0156-09) | First extension of time to allow freestanding signs  | Approved by BCC | June 2009     |
| ZC-1150-07                 | Reclassified 3.5 acres from R-E to C-2 zoning for a future commercial development on the northeast corner of Buffalo Drive | Approved by BCC | November 2007 |

**Prior Land Use Requests**

| <b>Application Number</b> | <b>Request</b>   | <b>Action</b>   | <b>Date</b>    |
|---------------------------|--|-----------------|----------------|
| VS-1063-06                | Vacated portions of rights-of-way being Badura Avenue for detached sidewalks   | Approved by PC  | September 2006 |
| VS-0698-05                | Vacated easements and portions of right-of-way being Tioga Way, Maule Avenue, Monte Cristo Way, and Pama Lane - recorded   | Approved by PC  | June 2005      |
| WS-0688-05                | Allowed freestanding signs with a waiver to increase the height of 2 freestanding signs to 60 feet   | Approved by BCC | June 2005      |
| UC-0354-05                | Allowed 2 office buildings west of Tenaya Way, south of the 215 Beltway and waiver for landscape buffer with a detached sidewalk, increased building height to 56 feet - attached sidewalks along Tenaya Way | Approved by BCC | April 2005     |
| ZC-1852-04                | Reclassified 210 acres south of the 215 Beltway, between Buffalo Drive and Rainbow Boulevard from R-E to C-2 zoning  | Approved by BCC | November 2004  |
| UC-0399-02                | Off-premises signage on the southside of the 215 Beltway, 640 feet west of Tenaya Way  | Approved by BCC | June 2002      |
| ZC-0196-02                | Reclassified 2.4 acres south of the 215 Beltway and west of Tenaya Way from R-E to C-2 zoning for an office building   | Approved by BCC | March 2002     |
| ZC-0649-01                | Reclassified 14.5 acres south of the 215 Beltway, north of Maule Avenue, 1,320 feet east of Buffalo Drive from R-E to M-D zoning   | Approved by BCC | August 2001    |

\*Additional land use applications were approved on the subject parcels, but not related to this application.

**Surrounding Land Use**

|       | <b>Planned Land Use Category</b> | <b>Zoning District</b> | <b>Existing Land Use</b>                  |
|-------|----------------------------------|------------------------|---|
| North | Business Employment              | C-2 & R-E              | 215 Beltway & undeveloped                 |
| South | Business Employment              | M-D & C-2              | Undeveloped & office/warehouse complexes  |
| East  | Business Employment              | C-2                    | Undeveloped & office complexes            |
| West  | Business Employment              | C-2 & R-4              | Undeveloped & multiple family residential |

\*The site is located within the Public Facilities Needs Assessment (PFNA) area.

**Related Applications**

| <b>Application Number</b> | <b>Request</b>  |
|---------------------------|---|
| VS-23-0493                | A vacation and abandonment for 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**

#### **Comprehensive Planning**

##### 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 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.

##### Use Permit #1

One of the criteria that designates a project as a High Impact Project is if the project generates 8,000 or greater average daily trips (ADTs); as defined by the Institute of Transportation Engineers or its successor. Since the proposed includes more than 8,000 daily trips this project is considered a High Impact Project. As a result, the impact on utilities, infrastructure, and the surrounding area is reviewed with the Regional Infrastructure and Services Evaluation (RISE) Reports. The RISE reports are an integral part of the application process for High Impact Projects to identify additional necessary infrastructure and/or services. Based on the RISE Reports, staff has not received any indication from relevant agencies and departments to indicate that the project would not be appropriate at this location. Therefore, staff can support the use permit for a High Impact Project.

##### Use Permit #2

Staff finds that tire sales and installation is an appropriate use for the Costco retail building. The plans show that this use is located on the southern end of the building, which customers can easily access via a secondary driveway from Badura Avenue. The site plan shows that the location allows customers to utilize the parking lot on the southern end of the site. Lastly, the site plans depict a significant amount of parking for customers and employees to utilize. The proposed use should not cause any undue burdens to the site in its entirety. Staff recommends approval.

##### 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.

##### Waiver of Development Standards #1

The applicant is requesting to increase the exterior light fixture mounting height to 18 feet, 6 inches where 14 feet is the maximum allowed per Section 30.48.670(b)(3). Staff finds that mounting the wall lights on the retail building an additional 4.5 feet is a reasonable request. There are no residential uses to the north, east, or south. The nearest residential use is to the

west, and the proposed building will be set back almost 600 feet to the east, and the proposed building will be screened via landscaping along Buffalo Drive. Staff also recommends approval of this request.

#### Design Review #1

The submitted plans show a site design that complies with the CMA Design Overlay District standards in terms of site layout, setbacks, and landscaping. The plans also show that the proposed site design is compatible to typical commercial development to the west. Staff finds that the majority of the parcel is still undeveloped, but the proposed plans should not pose negative ramifications to future commercial developments throughout the remainder of the subject parcel and neighboring parcels. Therefore, staff supports this request.

#### Design Review #2

Proposed signage include wall signs only. Sign A is a wall sign for the tire center, Sign B is a wall sign for the retail building, Sign C is a third wall sign for the site which mimics Sign B. The gasoline station also includes wall signs at the face of the canopy. The submitted plans show that the plan wall signs meet current Code standards and are harmonious in design to the overall site; therefore, staff supports this request.

#### Design Review #3

The lighting plan shows parking lot and perimeter lighting throughout the site that does not promote an intense amount of light spillage outside of the project boundary. There are no residential uses within 50 feet of the proposed development; therefore, staff finds that the 25 foot high light poles are acceptable. The lighting plan shows that the proposed lighting is appropriate and adequate for the site. Since staff supports the waivers of development standards staff also supports this request.

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

#### Waiver of Development Standards #2

Staff has no objection to the reduction of throat depth for the driveway off the cul-de-sac of the unnamed street. The unnamed street ends in a cul-de-sac adjacent to the entrance to the site and should see a low volume of traffic, mitigating conflicts normally caused by reduced throat depth.

#### Design Review #4

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**

- Prior to the issuance of building and grading permits, or subdivision mapping, mitigate the impacts of the project including, but not limited to, issues identified by the technical reports and studies, and issues identified by the Board of County Commissioners or commit to mitigating the impacts of the project by entering into a Development Agreement with Clark County;
- 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; approval of this application does not constitute or imply approval of any other County issued permit, license or approval; the County has adopted a rewrite to Title 30 effective January 1, 2024, 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;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Maule Avenue/Badura Avenue and Beltway Frontage Road improvement projects;
- Right-of-way dedication to include 10 feet on Buffalo Drive as required by Public Works - Development Review.
- 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.

### **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

#0268-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Spring Valley - approval of the use permits, waiver of development standards #2, and design reviews; denial of waiver of development standards #1.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** TERRY ODLE

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