

RETAIL COMPLEX
(TITLE 30)

DECATUR BLVD/POST RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-23-0520-DECATUR POST, LLC:

AMENDED WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** alternative street landscaping (no longer needed); **2)** reduce drive-thru landscaping; **3)** access from a local street; **4)** overhead doors; **5)** architectural compatibility; **6)** allow non-subdued exterior building tones; **7)** site orientation; and **8)** driveway geometrics.

DESIGN REVIEWS for the following: **1)** alternative parking lot landscaping; and **2)** a proposed retail complex with restaurants, retail, vehicle maintenance, convenience store, and gasoline station uses on 2.9 acres in a C-2 (General Commercial) (AE-65) Zone in the CMA Design Overlay District.

Generally located on the east side of Decatur Boulevard and the south side of Post Road within Spring Valley. MN/hw/syp (For possible action)

RELATED INFORMATION:

APN:

163-36-801-008; 163-36-801-014

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce the number of street landscaping trees along Post Road to 8 medium sized trees where 9 medium sized trees are required per Figure 30.64-17 (an 11% reduction) (no longer needed).
2. Reduce landscape buffering adjacent to drive-thru lanes visible from a public right-of-way to include shrubs only where an intense landscape buffer per Figure 30.64-12 is required per Section 30.48.660.
3. Allow the site to access a local street (Post Road) where not permitted per Table 30.56-2.
4. Allow reduced screening of overhead doors visible from a public right-of-way where overhead doors must be completely and visually obscured from view per Section 30.48.660.
5. Allow a pad site building and accessory structure (gasoline canopy) to not be architecturally compatible with the overall retail complex where required per Section 30.48.650.
6. Allow a non-subdued red color as an exterior building tone where the colors of buildings and façade surfaces shall consist of predominately subdued intensity of tones of the surrounding landscape per Section 30.48.650.

7. Reduce the percentage of total primary street frontage occupied by buildings at the building setback line to 4 percent where a minimum of 10 percent is required per Section 30.48.640 (a 60% reduction).
8.
 - a. Reduce the approach distance for the Post Road driveway to the Decatur Boulevard and Post Road intersection to 145 feet where 150 feet is the standard per Uniform Standard Drawing 222.1 (a 3% reduction).
 - b. Reduce the departure distance for the Decatur Boulevard driveway to the Decatur Boulevard and Post Road intersection to 150 feet where 190 feet is the standard per Uniform Standard Drawing 222.1 (a 21% reduction).

DESIGN REVIEWS:

1. Allow alternative parking lot landscaping where parking lot landscaping per Figure 30.64-14 is required per Table 30.64-2.
2. Retail complex with restaurants, retail, vehicle maintenance, convenience store, and gasoline station uses.

LAND USE PLAN:

SPRING VALLEY - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 2.9
- Project Type: Retail complex
- Number of Stories: 1
- Building Height (feet): 23
- Square Feet: 10,130
- Parking Required/Provided: 58/60

Site Plan

The plan depicts a proposed retail complex located at the southwest corner of Decatur Boulevard and Post Road. The plans show 3 proposed retail and service buildings and an area for future development. A combined 3,000 square foot convenience store and 1,200 square foot fast food service restaurant is proposed in the northwest portion of the site with a proposed gasoline station canopy located 50 feet to the east of the convenience store building. The convenience store building is set back 44.5 feet from the western property line, 76.5 feet from the northern property line, and 143.5 feet from Decatur Boulevard. This building contains a 1 lane drive-thru that winds along the back and sides of the building with the ability to stack 10 cars. The gasoline canopy is shown to be set back an additional 50 feet from Decatur Boulevard. To the southeast of the convenience store building and in the east-central portion of the site is a 1,130 square foot restaurant building with an accompanying 800 square foot outside dining area and 2 lane drive-thrus. This restaurant building is set back 39 feet from Decatur Boulevard and the drive-thru lanes can stack 12 cars combined and will be accessed through the central portion of the site. The outside dining area is located to the south of the restaurant building with a protective barrier

located along the perimeter of the dining area. In the southwestern portion of the site is a 5 bay, 4,800 square foot vehicle maintenance facility. The vehicle maintenance bays face Decatur Boulevard and is set back 6.5 feet from the western property line. A future retail pad area is shown in the southern portion of the site. Parking is provided interspersed amongst the 3 buildings in separated lots with a total of 60 parking spaces provided where 58 parking spaces are required. Access is provided by 2 commercial driveways. One driveway will access Post Road, a local street, in the northwest corner of the site and another driveway will access Decatur Boulevard in the east-central portion of the site.

Landscaping

The plans show that a variety of landscaping is provided along the street, the perimeter, and within the parking lot. Along Decatur Boulevard, 21 Desert Museum Palo Verde (*Parkinsonia x Desert Museum*) trees have been provided in 2 rows, where possible, in 5 foot and 10 foot landscaping strips with 1 row on each side of a 5 foot detached sidewalk. In some places, particularly in the southern portion of the landscape strip, trees have been spaced every 10 feet to screen the vehicle maintenance bays and drive-thru lanes, otherwise, trees are spaced every 20 feet on center. Adjacent to both drive-thru lanes, a 2.5 foot to 3 foot landscaping planter is provided with various 5 gallon shrub species with no trees provided. Along Post Road, 9 Desert Museum Palo Verde trees are provided where 9 medium trees are required. The trees are mostly provided in a single row 20 feet on center in the 5 foot landscaping strip on the south side of a 5 foot detached sidewalk, due to sight visibility zones. One tree is placed on the northern side of the 5 foot detached sidewalk within a 5 foot landscaping strip. Within the parking lot, 18 Willow Acacia (*Acacia Salicina*) trees are provided within the terminal landscape islands or landscaping strips and an additional 6 Willow Acacia trees are provided in various landscape strips throughout the parking lot. A total of 21 trees are required with a total of 24 parking lot trees provided, meaning a design review for alternative parking lot landscaping is required. Along the western property various shrubs are provided along with sporadic Willow Acacia trees in a 6 foot landscaping strip.

Elevations

The plans depict the convenience store and restaurant building to be 27 feet tall to parapet wall, the gasoline canopy is shown to be 19.5 feet tall, the restaurant building is 17 feet tall, and the vehicle repair facility is shown to be 29 feet tall. The exterior materials of the convenience store, gasoline canopy, and vehicle maintenance vehicle are all similar in nature with painted stucco throughout. The vehicle maintenance facility is shown to have 101 foot long façade by a roof pop-out and is provided on the northern portion of the building. The pop-out portion of the vehicle maintenance facility is shown to be primarily brown stucco, with a window door system on the east and north elevations. On the east elevation, 5 brown painted roll-up doors are shown with the area around the doors shown to be sand colored stucco. The convenience store building is shown to be mainly beige with grey and sand colored accents. Two commercial window door systems are provided on the northern and southern portions of the east façade and with additional windows provided on the eastern portion of the northern and south facades. Roof articulation and pop-outs are provided surrounding the access points to the building. The gasoline canopy has a metal awning and supports with grey painted stucco bases. The steel columns are painted sand and the metal awning is beige. The pad restaurant building is shown to have a stainless steel and black metal awning running the length of the eastern façade. The building has a front pop-out

and articulation which contain walk-up windows. The eastern façade contains black and white tile with a red stucco roof wall. The remainder of the building is stucco painted with a mix of white and black.

Floor Plans

General plans have been provided for the convenience store and restaurant building with the convenience store shown to take up the northern 55 feet of the 76.5 foot wide building and the restaurant taking up the southern 21.5 feet with the drive-thru window shown on the southern portion of the building. The floor plans for the pad restaurant show a commercial kitchen taking up 75% of the eastern portion of the building with the rear of the building containing restrooms, an office, and a refrigerator/freezer. The plans for the vehicle maintenance facility show a 16.5 feet wide office and reception spaces in the northern portion of the building which contains a waiting area, bathrooms, and offices. The remainder of the space is dedicated to the vehicle bays and parts storage.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states that the site has been previously rezoned, and that this application is to start the development and construction on the site. They state that sufficient parking and landscaping has been provided and that the provided buildings are well sited. The applicant also states that landscaping has been placed to screen unsightly uses on the site and that any non-subdued colors and access to local streets should not pose any undue burdens on surrounding property owners.

Prior Land Use Requests

| Application Number | Request | Action | Date |
|---------------------------|---|-----------------|---------------|
| ZC-22-0648 | Reclassified the site from C-2 and R-E zoning to C-2 zoning for future commercial uses | Approved by BCC | February 2023 |
| PA-22-700006 | Redesignated the land use for the site to Corridor Mixed-Use from Business Employment | Adopted by BCC | February 2023 |
| ZC-0814-05 | Reclassified the site from R-E to C-2 zoning for a future commercial development | Approved by BCC | July 2005 |
| ZC-1469-00 | Reclassified the site from R-E and M-D zoning to C-2 and M-1 zoning for a convenience store, gas station, shopping center, taxing staging, and maintenance facility | Approved by BCC | November 2000 |

Surrounding Land Use

| | Planned Land Use Category | Zoning District | Existing Land Use |
|-------|----------------------------------|------------------------|--------------------------|
| North | Business Employment | C-2 | Motorcycle sales |
| South | Corridor Mixed-Use | C-2 | Undeveloped & restaurant |
| East | Business Employment | C-2 & R-E | Undeveloped |
| West | Business Employment | M-1 | Freight terminal |

Related Applications

| Application Number | Request |
|---------------------------|---|
| VS-23-0521 | A vacation and abandonment of a government patent easement and 5 feet of Decatur Boulevard and Post Road for detached sidewalks is a companion item on this agenda. |
| TM-23-500110 | A tentative map for a 1 lot commercial subdivision is 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

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 (no longer needed) & Design Review #1

The purpose of both parking lot and street landscaping is to soften the appearance of the buildings from the street, but to also provide relief from the heat caused by large expanses of pavement. Staff finds that a significant number of trees have been provided along Decatur Boulevard and Post Road. With that said, more trees have been planted along Decatur Boulevard than is necessary helping to soften the streetscape along Decatur Boulevard. In addition, the placement of the trees in a single row is no issue given that the trees are still spaced accordingly and are placed in an appropriately sized landscaping strip. Staff, however, finds that while a parking reduction is also not a preferable option, this is a currently undeveloped site and the placement of parking lot landscaping per Figure 30.64-14 should be possible with minor adjustments to the design of the site. Staff does appreciate that more landscaping than is necessary is provided along the western boundary, along Decatur Boulevard, and within the parking lot itself even without the landscaping islands. Staff ultimately finds that the additional landscape along the western boundary and in the alternative locations within the parking area are sufficient to screen the site, soften the buildings from the street, and to shade and reduce heat islands effect. For this reason, staff can support design review #1.

Waivers of Development Standards #2 & #4

Requiring the screening of both overhead doors and drive-thru lanes is to reduce the visual burden and possible distraction that open overhead doors and packed drive-thru lanes can cause. Staff finds that an intense landscape buffer has been provided along the drive-thru lane along Decatur Boulevard and the drive-thru lane associated with the convenience store is screened by the building. In addition, staff finds that the street landscaping in front of the overhead doors of

the vehicle maintenance facility is sufficient screening to screen the doors due to the significant setback from the right-of-way. For these reasons, staff can support these requests, but staff finds that additional landscaping should be provided to fully screen the stacking area of the drive-thrus from both Decatur Boulevard and Post Road. As a result, staff can support waiver of development standards #4, but not waiver of development standards #2.

Waiver of Development Standards #3

The purpose of limiting access of commercial and industrial sites to local street is to prevent high volumes of traffic on roads that may be unable to handle such volumes and to prevent undue impacts on streets that may also contain residential uses. Staff finds that the design of the site is such that most users of the site will opt to use the more southern access to Decatur Boulevard and the additional access to Post Road can provide minor egress and ingress to the site. In addition, the portion of Post Road that the site will access contains only industrial type uses. Overall, staff finds that the removal of the Post Road access would over burden the access along Decatur Boulevard and may lead to more back-up of traffic both on the site and on Decatur Boulevard. Additionally, the portion of Post Road being used should already be used to the industrial traffic to the sites to the west and the addition of minor amounts of commercial traffic should not pose a burden to the neighboring areas. For these reasons, staff can support this waiver.

Waivers of Development Standards #5 & #6

In general, the purpose of architectural compatibility and subdued tones is to assure visually attractive commercial complexes that do not appear cluttered and cause undue visual disturbances to the surrounding area. Staff finds that the proposed building, except for the pad building, are architecturally compatibility in terms of colors, architectural design, and building materials. Regarding the pad restaurant, while the restaurant building is noticeably different, it contains similar architecture features (pop-out and roof articulation) and building materials to the other buildings within the commercial complex. In addition, many of the colors (white and black) are like those of the other buildings or are subdued in nature. Additionally, the portions that are not similar or are not subdued helped to make the complex more interesting and such differences are not uncommon for pad buildings. For these reasons, staff does not anticipate the addition of an unsubdued red color nor slight variations between the pad restaurant and the rest of the complex to cause undue burdens to the surrounding area. As a result, staff can support this waiver.

Waiver of Development Standards #7

Overall, the purpose of siting a certain percentage of commercial complex buildings along street frontages is to the reduce visual impact of parking lots and to make more interesting streetscapes. Staff finds that the siting of the building on the site makes for interesting streetscape with each building at varying setbacks from the primary frontage of Decatur Boulevard. In addition, the buildings are sited as to break large swathes of the parking lot into smaller areas. Lastly, sufficient street landscaping has been provided along Decatur Boulevard, as well as to screen unsightly drive-thru and parking lot sections from the right-of-way. As a result, staff feels that the alternative presented is sufficient to support waiver of development standards #7.

Design Review #2

Staff finds that the design of the site itself is well sited for the uses being proposed with restaurant uses closer to the street and vehicle maintenance uses closer to existing industrial uses in the rear. In addition, the site is set-up to break-up the parking lot and is adequately screened from the street. The uses being proposed are similar to other uses in the area and should not cause any undue burdens. The landscaping along the street and within the parking lot is sufficient. The design of the buildings is attractive and provides for an interesting aesthetic with the unsubdued red complementing the desert tones of the rest of the site. Lastly, the site maintains a mostly uniform design that is like other new commercial complexes within the Las Vegas Valley. Overall, staff finds the site is well designed, and staff can support this design review.

Public Works - Development Review

Waiver of Development Standards #8a

Staff has no objection to the reduction in the approach distance for the Post Road commercial driveway. The applicant has placed the driveway as far west as the site will allow.

Waiver of Development Standards #8b

Staff has no objection to the reduction in the departure distance for the Decatur Boulevard commercial driveway. Although the departure distance does not comply with the minimum standards, staff finds the location allows vehicles to safely access the site.

Department of Aviation

The development will penetrate the 100:1 notification airspace surface for Harry Reid International Airport. Therefore, as required by 14 CFR Part 77, and Section 30.48.120 of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

The property lies within the AE-65 (65-70 DNL) noise contour for Harry Reid International Airport and is subject to continuing aircraft noise and over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade Harry Reid International Airport facilities to meet future air traffic demand.

Staff Recommendation

Approval of waivers of development standards #3 through #8 and the design reviews; denial of waiver of development standards #2.

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

If approved:

- Design review as a public hearing for final plans of future pad site;

- Landscaping per plans;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised approval of this application does not constitute or imply approval of any other County issued permit, license or approval; the installation and use of cooling systems that consumptively use water will be prohibited; 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 4 years of approval date or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- If required by the Regional Transportation Commission (RTC), dedicate and construct right-of-way for a bus turnout including passenger loading/shelter areas on Decatur Boulevard in accordance with RTC standards;
- Right-of-way dedication to include a radius or chord in the northeast corner of APN 163-36-801-008 to encompass traffic components;
- Dedicate a 3 foot wide streetlight and traffic control easement in addition to the above condition, concentric with the radius or parallel to the chord;
- No additional driveway will be granted for this site.
- 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.

Department of Aviation

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.48 Part B of the Clark County Unified Development Code; applicant is advised that many factors may be considered before the issuance of a permit or variance, including, but not limited to, lighting, glare, graphics, etc.;
- No building permits should be issued until applicant provides evidence that a "Determination of No Hazard to Air Navigation" has been issued by the FAA or a

"Property Owner's Shielding Determination Statement" has been issued by the Department of Aviation;

- Incorporate exterior to interior noise level reduction into the building construction as required by Code for use.
- Applicant is advised that the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments; that the FAA's airspace determinations include expiration dates; that separate airspace determinations will be needed for construction cranes or other temporary equipment; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations, which was constructed after October 1, 1998; and that funds will not be available in the future should the owners wish to have their buildings purchased or soundproofed.

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 #0058-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Spring Valley - approval.

APPROVALS:

PROTESTS:

APPLICANT: DECATUR POST, LLC

CONTACT: KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DRIVE, SUITE 650, LAS VEGAS, NV 89135