

COMMERCIAL CENTER
(TITLE 30)

DECATUR BLVD/CC 215

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-21-400029 (ZC-19-0020)-DECATUR COMMONS, LLC:

USE PERMITS FIRST EXTENSION OF TIME for the following: **1)** retail sales as a principal use; **2)** restaurants; **3)** on-premises consumption of alcohol (tavern); and **4)** future hotel.

WAIVER OF DEVELOPMENT STANDARDS for alternative landscaping.

DESIGN REVIEW for a commercial retail center on 5.6 acres in an M-D (Designed Manufacturing) (AE-60) Zone.

Generally located on the east side of Decatur Boulevard and the north side of the CC 215 within Enterprise (description on file). MN/lm/jd (For possible action)

RELATED INFORMATION:

APN:

177-06-113-002; 177-06-113-003

WAIVER OF DEVELOPMENT STANDARDS:

Allow a freeway buffer without a decorative wall where a decorative wall is required per Figure 30.64-4.

LAND USE PLAN:

ENTERPRISE - BUSINESS AND DESIGN/RESEARCH PARK

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 3.7 (zone change)/5.6 (commercial center)
- Project Type: Commercial retail center consisting of a tavern, 2 restaurant buildings, a retail building, and a future hotel
- Number of Stories: 1 (tavern, retail, and restaurants)/4 (future hotel)
- Building Height (feet): Up to 30
- Square Feet: 14,300
- Parking Required/Provided: 255/295

Site Plans

The previously approved plans depict a commercial retail center consisting of a proposed tavern, 3 proposed retail/restaurant buildings, and a future hotel. The tavern is located on the

northwestern portion of the site and a coffee shop building is located south of the tavern. A retail building and a restaurant building are located on the southwestern portion of the site. The 3 retail/restaurant buildings have drive-thru lanes. A hotel is located on the eastern portion of the site (WS-19-0947). The parking is distributed throughout the site. The site has 1 driveway access on Decatur Boulevard to the west and 1 driveway access on Ullom Drive to the east. Access to the adjacent undeveloped parcel to the north is also provided should a compatible use develop on that site.

Landscaping

The previously approved plans depict a 15 foot wide landscape area with a detached sidewalk located along Decatur Boulevard and a 10 foot wide landscape area is located adjacent to an attached sidewalk along Ullom Drive. A 10 foot wide perimeter landscape area is located along the northern and eastern property lines. A 10 foot wide landscape area with trees spaced 40 feet apart and additional shrubs is located along the southern property line adjacent to the CC 215 off-ramp. No decorative wall will be provided as required by Code. Parking lot trees are distributed throughout the site in accordance with Figure 30.64-14. Additional landscaping is provided adjacent to the buildings. The landscape materials include trees, shrubs, and groundcover.

Elevations

The previously approved plans depict 4, single story buildings between 17 feet and 30 feet in height. Each of the buildings will have flat roofs with parapet walls and a similar façade consisting of a light sand stucco finish with contrasting colors, and architectural enhancements such as architectural insets, pop-outs, reveals, fibron wood cladding, stone accents, and dual pane clear glazed doors and windows with aluminum frames.

Floor Plans

The previously approved plans depict the tavern is 4,000 square feet, the coffee shop is 2,300 square feet, the retail building is 4,000 square feet, and the other restaurant building is 4,000 square feet.

Previous Conditions of Approval

Listed below are the approved conditions for ZC-19-0020:

Current Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Design review as a public hearing for the future hotel;
- Design review as a public hearing for lighting and signage;
- Design review as a public hearing for significant changes to plans;
- 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 application for review; 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 review must commence within 2 years of approval date or they will expire.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 30 feet for Ullom Drive together with the portion of the cul-de-sac at the southern terminus of Ullom Drive.
- Applicant is advised that the driveway on Ullom Drive does not appear to meet the minimum requirements in Uniform Standard Drawing 222.1; and that installation of detached sidewalks may 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

- Compliance with most recent recorded airport-related deed restrictions for APN 177-06-101-005;
- 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;
- 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.
- 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; and that separate airspace determinations will be needed for construction cranes or other temporary equipment.

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 #0027-2019 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

Applicant's Justification

The applicant indicates that the off-sites are under construction along with building permits for pad sites for the tavern (BD-20-14909 permit issued and under construction) and retail buildings

(drive-thru restaurant BD-20-42578 is in process). The developer has continued to diligently pursue construction of the project and requests 3 years to complete all building plan reviews, permitting process, and completion of the project.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-20-0059	Increased height and size of signage with review of site lighting and signage	Approved by BCC	June 2020
WS-19-0947	Increased height and a design review for a hotel	Approved by BCC	January 2020
WS-19-0541	Alternative driveway standards and over-length cul-de-sac in conjunction with a commercial retail center	Approved by PC	September 2019
VS-19-0544	Vacated and abandoned government patent easements	Approved by PC	September 2019
TM-19-500140	Commercial subdivision	Approved by PC	September 2019
VS-19-0423	Vacated and abandoned a portion of right-of-way being Decatur Boulevard	Approved by PC	July 2019
ZC-19-0020	Reclassified 3.7 acres from R-E to M-D zoning, with a use permit for retail sales as a principal use, restaurants, on-premises consumption of alcohol, a future hotel; waivers for alternative landscaping without a decorative wall; and a design review for commercial retail center	Approved by BCC	March 2019

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Business and Design/Research Park	R-E & C-2	Retail & undeveloped
South	Industrial	M-1	CC 215 & industrial complex
East	Business and Design/Research Park	P-F	State of Nevada maintenance yard
West	Business and Design/Research Park	C-2	Retail center & undeveloped

STANDARDS FOR APPROVAL:

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

Analysis

Current Planning

Title 30 standards of approval on an extension of time application state that such an application may be denied or have additional conditions imposed if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the

subject property, a change in the areas surrounding the subject property, or a change in the laws or policies affecting the subject property. Using the criteria set forth in Title 30, no substantial changes have occurred at the subject site since the original approval.

Staff has no objections to this request with a 2 year time limit as part of the development is under construction and permits are in review.

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

- Until March 6, 2023 to commence.
- 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; 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

- Compliance with previous conditions.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Enterprise - approval.

APPROVALS:

PROTEST:

APPLICANT: TRISHA H. WEBER

CONTACT: CASSANDRA WORRELL, 520 SOUTH FOURTH STREET, LAS VEGAS, NV 89101