

12/04/24 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-24-0560-FRANLEN AIRPORT CENTER, LLC:

USE PERMIT for a restaurant.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce buffering and screening; **2)** allow an attached sidewalk; and **3)** alternative driveway geometrics.

DESIGN REVIEW for a proposed industrial building on 3.44 acres in an IP (Industrial Park) Zone within the Airport Environs (AE-65 & AE-70) Overlay.

Generally located on the south side of Sunset Road and the west side of Spencer Street within Paradise. JG/lm/kh (For possible action)

RELATED INFORMATION:

APN:

177-02-102-008

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Eliminate the landscape buffer where 15 feet is required when adjacent to a commercial district (east property line) per Section 30.04.02 (a 100% reduction).
- b. Reduce the height of a landscape buffer wall (west, east, and north property lines) to 6 feet where 8 feet is required per Section 30.04.02 (a 25% reduction).
2. Allow an attached sidewalk to remain along Spencer Street where a detached sidewalk is required per Section 30.04.08.
3. Reduce the throat depth for a driveway along Spencer Street to 36 feet where 75 feet is the standard per Uniform Standard Drawing 222.1 (a 52% reduction).

LAND USE PLAN:

WINCHESTER/PARADISE - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: 1705 E. Sunset Road
- Site Acreage: 3.44
- Project Type: Proposed restaurant/office warehouse and light manufacturing
- Number of Stories: 2
- Building Height (feet): 46
- Square Feet: 96,324 (proposed restaurant/office warehouse building)
- Parking Required/Provided: 133/135
- Sustainability Required/Provided: 7/7

Site Plans

The plans depict a proposed office warehouse building for light manufacturing with a restaurant tenant space centrally located on the site. Access to the site is from Sunset Road with gated access from Spencer Street. The building is set back 62 feet from the north (Sunset Road) property line, 64 feet from the south property line, 62 feet from the west property line, and 26 feet from the east property line shared with APN 177-02-102-008 (existing gasoline station and convenience store).

The plans show the proposed restaurant space is located at the northwest corner of the building, and the remainder of the building consists of a 2 level light manufacturing industrial use that will occupy the first and second levels of the building. Parking is provided on all sides of the building, with 47 parking spaces available north of the gated parking located in the southerly portion of the site. The easterly gate which controls access to the site from Spencer Street is located 51 feet from Spencer Street. A westerly gate is located over 300 feet south of Sunset Road and a second on-site gate is located on the east side of the building even with the front of the building. Drive aisles along Sunset Road are 24 feet wide, with side and rear drive aisles ranging from 24 feet to 29 feet wide. Loading spaces are located on the south and east sides of the building. Trash/recycling enclosures are located on the west and east sides of the building. Attached sidewalks exist along Sunset Road and Spencer Street. There is no cross access provided with the existing industrial property to the southwest (APNs 177-02-102-014 and 177-02-102-015). A transit stop is located to the east within 528 feet of the center of the site along Sunset Road.

Landscaping

The plan depicts both street and parking lot landscaping provided per Code. Along the east property line adjacent to parcel with the gasoline station and convenience store there is a 15 foot wide landscape buffer with a 6 foot high screen wall, 2 rows of off-set trees spaced 20 feet apart, which transitions to zero feet adjacent to the existing retail building to the east. Along the north property line adjacent to the easterly convenience store building there is a 15 foot wide landscape buffer with a 6 foot high screen wall, which includes a 6 foot wide utility easement and 2 rows of offset trees spaced 20 feet apart. Along the west property line there is a 15 foot wide landscape buffer with a 6 foot high screen wall, with 2 rows of off-set trees spaced 20 feet apart. The southern portion of the west screen wall, located south of the proposed security gate, will be increased to 8 feet high. There is an 8 foot high screen wall proposed along the south property line. The Sunset Road street landscape is to be maintained with 6 existing Palo Verde trees, 7 existing palm trees, and 4 new Palo Verde trees. The 4 date palms at the existing driveway along Sunset Road will be removed and replaced with 4 new Palo Verde trees and shrubbery interspersed throughout the landscape strip. Spencer Street and driveway landscaping consists of 4 new Palo Verde trees with shrubbery. Along Sunset Road, 21 trees are required and 21 trees are provided. Along Spencer Street, 4 trees are required and 4 trees are provided. Parking lot landscaping is provided throughout the site.

Elevations

The plans depict a typical concrete tilt-up shell industrial building with varied rooflines, a maximum of 46 feet high. The building exterior primarily consists of painted concrete tilt-up panels with architectural details. The north elevation includes architectural wood siding, metal

panels, floor to ceiling window walls, and the westerly portion of the building for the restaurant tenant space includes 4 glass overhead doors and a covered second balcony level. The west elevation includes architectural metal panels, storefront windows on the second level, and channel glass details. The east elevation includes architectural wood siding, metal panels, storefront windows on the second level, an overhead door to the manufacturing space, channel glass details, and a glass overhead door adjacent to the restaurant tenant space. The south elevation includes 5 overhead doors to the manufacturing space and channel glass details.

Floor Plans

The plans depict a 96,324 square foot building consisting of 2 levels. The first level consists of a 4,536 square foot restaurant at the northwest corner of the building. The restaurant entrance is located under the main covered entry. The remainder of the building, 91,788 square feet, consists of a light manufacturing use consisting of a millwork finishing and fabrication shop with associated office and warehouse spaces.

Applicant’s Justification

The applicant indicates that the proposed uses complement each other as well as this portion of the community. The proposed restaurant will provide an opportunity for convenient dining for employees and the community at large by providing the potential for reduced travel times for people who work and live in the neighborhood. A transit stop is located to the east along Sunset Road, providing opportunities for multiple forms of transportation to the site. The applicant also indicates that the gates will remain open during normal business hours for light manufacturing use. The reduced landscaping is provided directly behind the existing convenience store to the east, and required trees have been reallocated throughout the site to mitigate any heat island effects.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-0596-11 (ET-0015-13)	First extension of time for waiver of parking lot landscaping and screening mechanical equipment for a modular office and retail building - expired	Approved by PC	April 2013
WS-0596-11	Waiver for parking lot landscaping and screening mechanical equipment for a modular office and retail building - expired	Approved by PC	February 2012
ZC-1930-05	Reclassified the subject site to C-2 zoning for an office/retail development	Approved by BCC	January 2006

*Additional land use applications have been approved on this site.

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Public Use	PF & CG (AE-70)	Harry Reid International Airport & retail with gas station
South	Business Employment	RS20 & IP (AE-65)	Undeveloped & office

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
East	Business Employment	IP (AE-65 & AE-70)	Undeveloped
West	Business Employment	CG (AE-65 & AE-70)	Shopping center

Related Applications

Application Number	Request
ZC-24-0559	A zone change to reclassify the site from CG zoning to IP zoning is a companion item on this agenda.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request is consistent with the Master Plan and is in compliance with Title 30.

Analysis

Comprehensive Planning

Use Permit

A special use permit is considered on a case by case basis in consideration of the standards for approval. Additionally, the use shall not result in a substantial or undue adverse effect on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare; and will be adequately served by public improvements, facilities, and services, and will not impose an undue burden.

Staff finds that the proposed restaurant use is compatible with the proposed light manufacturing facility. The site has adequate parking to serve the proposed uses, including the restaurant use when the light manufacturing gates are closed to the southerly parking areas, and staff does not anticipate any adverse effects between uses, or on the properties in the surrounding area. Therefore, staff can support this request.

Waivers of Development Standards

The applicant shall have the burden of proof to establish that the proposed request is appropriate for its proposed location by showing the following: 1) the use(s) of the area adjacent to the subject property will not be affected in a substantially adverse manner; 2) the proposal will not materially affect the health and safety of persons residing in, working in, or visiting the immediate vicinity, and will not be materially detrimental to the public welfare; and 3) the proposal will be adequately served by, and will not create an undue burden on, any public improvements, facilities, or services.

Waiver of Development Standards #1

The purpose of landscape buffering is to reduce impacts of uses and activities on neighboring properties, along with reducing the heat island effect. The reduction to the landscape buffer is located along the southerly portion of the east property line adjacent to the existing convenience store building. The space will effectively only be visible from the proposed light manufacturing

building, as the full extent of the buffer will not be visible from Sunset Road, and the convenience store was constructed up to the shared property line with no windows or openings to the buffer area. The required 6 trees that would be located within the landscape buffer area have been distributed to the driveway entrances (2 trees at the Sunset Road entrance and 4 trees at the Spencer Street entrance). Overall, the proposed landscape plan meets the intent of the Master Plan Policy EN-1.1 for maintaining neighborhood integrity through compatible development. As a result, staff supports this request.

Design Review

Development of the subject property is reviewed to determine if 1) it is compatible with adjacent development and is harmonious and compatible with development in the area; 2) the elevations, design characteristics and others architectural and aesthetic features are not unsightly or undesirable in appearance; and 3) site access and circulation do not negatively impact adjacent roadways or neighborhood traffic.

Overall, staff finds that the proposed light manufacturing building with a restaurant space provides new employment opportunities for the area. The location of the proposed uses is also sited along a major transportation corridor. The design of the proposed building is generally modern and consistent with other industrial buildings in the area. The use of the glass wall on the north side of the building adds interesting architectural detail to the building as well as providing ample viewing of the airport runways and views of resort corridor. In addition, there is sufficient parking provided on the site, with 47 parking spaces provided in the ungated area where 30 parking spaces are required for the restaurant use, and circulation is well designed on the site. Staff has no concern about the lack of cross access provided to the properties to the southeast as there is no access point provided along the shared property line.

The landscaping has been well provided to preserve existing street landscaping along Sunset Road with the addition of new street trees, parking lot landscaping, and landscape buffers which are able to provide needed shade in an area with growing heat island impacts. Since the overhead doors are for the restaurant use and will provide views to the airport flight path, staff can support this portion of the design. Additionally, the development of the subject site would also activate a previously underutilized property which will support Master Plan Policy 1.4.4, which encourages the redevelopment of previously used in-fill lots. For the reasons stated, staff is able to support this request.

Public Works - Development Review

Waiver of Development Standards #2

Staff has no objection to the request to not install detached sidewalks along Spencer Street. With the existing utilities the detached sidewalk will only be for a minimal distance.

Waiver of Development Standards #3

Staff has no objection to reduce throat depth for the commercial driveway on Spencer Street. The driveway should see minimal use as it will not be for public access.

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 30.02.26B.3(ii) 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-70 (70-75 DNL) and 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.

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 approval of a Certificate of Compliance.
- Applicant is advised that within 2 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; 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; changes to the approved project will require a new land use application; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Nevada Department of Transportation approval.

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 30.02.26B 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; and that the FAA's airspace determinations include expiration dates and 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.

Fire Prevention Bureau

- Applicant is advised to submit plans for review and approval prior to installing any gates, speed humps (speed bumps not allowed), and any other Fire Apparatus Access Roadway obstructions.

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 #0460-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: MICHAEL AUSTIN

CONTACT: CARON RICHARDSON, STAMPED & SIGNED, LLC, 341 SIMON BOLIVAR DRIVE, HENDERSON, NV 89014