

05/08/24 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-24-0091-RUSSELL DECATUR CROSSING, LLC:

WAIVER OF DEVELOPMENT STANDARDS for driveway geometrics.

DESIGN REVIEW for a modification to an approved shopping center on 12.4 acres in a CG (Commercial General) Zone within the Airport Environs (AE-60) Overlay.

Generally located on the south side of Russell Road, 270 feet west of Decatur Boulevard within Spring Valley. MN/jud/ng (For possible action)

RELATED INFORMATION:

APN:

163-36-510-003 through 163-36-510-006 ptn

WAIVER OF DEVELOPMENT STANDARDS:

Reduce throat depth to 14 feet where a minimum of 25 feet is required per Uniform Standard Drawing 222.1 (a 44% reduction).

LAND USE PLAN:

SPRING VALLEY - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Acreage: 12.4 portion
- Project Type: Restaurant
- Number of Stories: 1
- Building Height (feet): 19
- Square Feet: 4,407
- Parking Required/Provided: 30/41 (restaurant)/616/634 (shopping center)
- Sustainability Points Required/Provided: 7/7

Site Plan

The original project, ZC-1542-06 approved in December 2006, included 7 buildings constructed throughout the shopping center. Currently, the site has 3 buildings constructed and the proposed layout of the restaurant building with drive-thru has a north-south orientation rather than the originally approved layout, which was parallel to Russell Road and with no drive-thru lanes. The applicant is proposing to construct a restaurant with a drive-thru on APN 163-36-510-006 only. The plans depict a proposed 4,407 square foot restaurant located on the south side of Russell Road. The drive-thru aisle is located on the south and east sides of the building, and traffic will circulate around the building. A double ordering lane on the southeast corner, becomes a single

drive-thru lane pay and pick up service. The on-site talk box is also located on the southeast corner of the site, buffered from the right of way by the restaurant building. Parking is provided on the west, and southern portions of the site with cross access to the adjacent properties to the east, south and west of the proposed restaurant. There are 2 main access points shown along Russell Road where an existing detached sidewalk with landscaping is located on the northern side of the proposed building.

The building is set back 80 feet from the north property line along Russell Road. The overall development parking layout is in accordance with the previously approved overall parking layout via ZC-1542-06. The original approval depicted 616 parking stalls required with 657 provided. The parking for the proposed restaurant depicts a new parking layout with 634 parking spaces provided for the entire shopping center. A total of 41 parking spaces, including 2 ADA accessible parking spaces are provided, where 30 are required for this use. Four bicycle parking spaces are provided as required per Code. The loading zone and trash enclosure are located on the south side of the site.

The proposed layout is designed to match the previously approved layout for site access. The driveways along Russell Road depict a throat depth entering the parking lot of 16 feet on the west and 14 feet on the east driveways. A waiver of standards is included as part of this application to allow these throat depths listed above, where a minimum of 25 feet is required.

Landscaping

An existing detached sidewalk is located along Russell Road and it provides a 12 foot wide landscaping strip behind the sidewalk. Three Blue Palo Verde trees are proposed within that landscape strip, also including 3 Thornless Honey Mesquite trees. The plan depicts parking lot landscaping with low and very low water needs; with 20 large trees as well as water efficient shrubbery.

There was a condition in the zone change requiring the landscaping to match approved plans. The proposed street landscaping meets the condition of approval except for the street landscaping portions which are within the sight visibility zone and the accessibility route.

Elevations

The plan depicts a 19 foot high building with various articulations and material changes on all facades of the building. The material changes include aluminum batten, smooth hardi-board plank, alpolc metal panel, and an EIFS stucco finish. Each façade presents material change within the 50 foot minimum regulation of the next material change. The color scheme consists of wood grain, iron ore, white and gray.

Floor Plans

The plans depict a 4,407 square foot building for the proposed restaurant with a drive-thru area.

Applicant's Justification

The applicant stated the proposed restaurant provides an appealing architectural aesthetic which greatly enhances the building presentation. Also, the proposed addition provides both an

architecturally enhanced building and pedestrian experience that will tie in well with the new development of the overall site.

Prior Land Use Requests

Application Number	Request	Action	Date
VS-23-0257	Request to vacate patent easement and right-of-way	Approved by PC	July 2023
WS-23-0255	Request for a convenience store, gasoline station and restaurant	Approved by PC	July 2023
DR-1665-06 (ET-0348-08)	First extension of time to commence an office/retail	Approved by PC	January 2009
TM-500494-06	1 lot commercial subdivision	Approved by PC	January 2007
VS-1672-06	Vacated and abandoned a portion of right-of-way being Russell Road between Edmond Street and Decatur Boulevard and between Russell Road and Oquendo Road to construct detached sidewalks	Approved by PC	January 2007
ZC-1542-06	Shopping center	Approved by BCC	December 2006

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Corridor Mixed-Use & Business Employment	CG & IP (AE-60)	Commercial development & undeveloped
East	Business Employment	CG & IP (AE-60)	Commercial development
South	Business Employment	IP (AE-60)	Industrial
West	Business Employment & Neighborhood Commercial	IP & RS20 (AE-60)	Industrial & undeveloped

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

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

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.

The design is appropriate and compatible for the area. The proposed architecture of the restaurant will enhance the developing shopping center. The cross access to the east, south, and west provides additional access to mitigate the impact of the stacking along Russell Road. The queuing lane for the restaurant is located on the south side of the parcel to provide adequate circulation throughout the site.

The overall design proposed conforms to the sustainability requirements of the Code. The applicant is providing a larger number of trees than required, and the proposed vegetation is water efficient. Cool roof is provided with low-sloping that provides a solar reflection. Also, awnings over 50% of the windows/entrances on the north & west facades of the building, which is the public side of the building. The applicant states glazing within the front and west façades that would incorporate a daylight strategy within the front area, and with the provided solar ban glass on all south and west facing windows. Therefore, staff can support this request.

Public Works - Development Review

Waiver of Development Standards

Staff finds that the reduced throat depth for the commercial driveways on Russell Road will result in conflicts with traffic entering and exiting the parking lot. Since Russell Road is an arterial street, it is important that traffic can flow without the impediment of vehicles attempting to access the parking lot; therefore, staff cannot support this request.

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.

Staff Recommendation

Approval of the design review; denial of the waiver of development standards.

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:

- Certificate of Occupancy and/or business license shall not be issued without approval of an application for a zoning inspection.
- Applicant is advised 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

- Traffic study and compliance.

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.
- 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.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Spring Valley - approval.

APPROVALS:

PROTESTS:

APPLICANT: ACG DESIGN

CONTACT: ACG DESIGN, 4310 CAMERON ST., SUITE 12-A, LAS VEGAS, NV 89103