

05/22/24 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-24-0105-SUNSET & SPENCER, LLC:

WAIVER OF DEVELOPMENT STANDARDS for retaining wall height.

DESIGN REVIEW for an office/warehouse on 2.2 acres in an IP (Industrial Park) Zone within the Airport Environs (AE-65 and AE-70) Overlay.

Generally located on the south side of Sunset Road and the east side of Spencer Street within Paradise. JG/rr/ng (For possible action)

RELATED INFORMATION:

APN:

177-02-510-006

WAIVER OF DEVELOPMENT STANDARDS:

Allow a 4 foot high retaining wall where 3 feet is the maximum height allowed per Section 30.04.03C (a 33.3% increase).

LAND USE PLAN:

WINCHESTER/PARADISE - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: 1875 E. Sunset Road
- Site Acreage: 2.2
- Project Type: Office/warehouse
- Number of Stories: 1
- Building Height: 47 feet, 10 inches
- Square Feet: 30,065
- Parking Required/Provided: 31/34
- Sustainability Points Required/Provided: 7/7

Site Plan

The plan depicts a proposed 30,065 square foot warehouse building on 2.2 acres at the southeast corner of Sunset Road and Spencer Street. The building is set back 89 feet from Sunset Road, 20 feet from Spencer Street, 93 feet from the rear (south) property line, and 25 feet from the side interior (east) property line. The site will be accessed by a 40 foot wide driveway from Sunset Road and a 40 foot wide driveway from Spencer Street. All parking, including 3 accessible parking spaces, are located on the north side of the building. A parking turnaround approximately 17 feet by 25 feet is provided at the west end of the parking lot. The south side of

the building provides access to six, 11 foot wide roll-up overhead doors at the rear of the building as well as a trash enclosure. A drive aisle/fire lane provides a connection between the parking area on the north side of the building and the rear of the building. Cross access is provided to the undeveloped property to the east.

Landscaping

Along Sunset Road, street landscaping consisting of an existing attached 5 foot wide sidewalk and a landscape strip which exceeds the minimum width requirement of 10 feet, except where an existing bus stop is located to the west of the driveway. The street landscaping includes 10 large trees set apart approximately 21 feet on center with at least 3 shrubs per tree which meets the minimum requirements. Along Spencer Street, street landscaping consists of an existing attached 5 foot wide sidewalk with a 20 foot wide landscape strip with 10 large trees. The landscape strip exceeds the minimum width of 10 feet and features at least 3 shrubs per tree which meets the minimum requirement. Within the parking lot there are 6 medium trees in the landscape islands and an additional 7 large trees on the site which exceeds the minimum requirements. An 8 foot wall with a 4 foot retaining wall is located along the east property line.

Elevations

The plans indicate the proposed building will be concrete tilt-up construction with 3 different roof parapet heights. The building height is 47 feet 10 inches to the highest roof parapet and 42 feet 10 inches to the low roof parapet. The building features exterior wall finishes that are proposed to consist of bare concrete panels and painted concrete panels with three different colors. Six inch wide wall reveals are located between the panels. There are also painted stucco panels on vertical elements of the building, as well as corrugated metal siding at 3 of the building corners which are visible from the streets and around the building entrances facing Sunset Road. The building will feature a storefront window system including windows on vertical elements of the building and at 3 building corners visible from the streets. Each building entrance has a painted steel canopy with shade structures also present over rear doors which are south facing.

Floor Plans

The plan indicates a shell warehouse building with 6 suites. Each suite features a 1,000 square foot office space in the front where the main entrances are located. Warehouse spaces make up most of the rear portion of each suite and range in size from 4,100 square feet to 3,500 square feet. Exterior access to each warehouse space is provided by 6 rear doors and 6 roll-up overhead doors.

Applicant's Justification

The request is for the development of a 30,065 square foot warehouse on the site. There is existing CG and IP zoning in the surrounding area; therefore, this development is suitable for this area.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-1453-07 (ET-0359-09)	First extension of time to increase building height for a retail/office building to 55 feet - expired	Approved by PC	February 2010
UC-1435-07	Increased retail/office building height to 55 feet	Approved by PC	January 2008
ZC-1928-05	Reclassified the site from M-D to C-2 zoning	Approved by BCC	January 2006
AV-1230-05	Administrative minor deviation to increase height of retail/office building to 55 feet - expired	Approved by ZA	November 2005
ZC-1651-02	Reclassified the site from M-D to M-1 zoning	Denied by BCC	January 2003
WT-0167-97	Waived the finished floor elevation for an office/warehouse	Approved by PC	March 1997
ZC-0826-96	Reclassified the site from R-E to M-D zoning	Approved by BCC	June 1996

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Public Use	PF (AE-70 & AE-75)	Harry Reid International Airport
South	Business Employment	IP (AE-65)	Office/warehouse
East	Business Employment	IP (AE-65 & AE-70)	Undeveloped
West	Business Employment	CG (AE-65 & AE-70) & IP (AE-65)	Gas station & undeveloped

Related Applications

Application Number	Request
ZC-24-0051	A zone change to reclassify 2.2 acres from CG (Commercial General) Zone to an IP (Industrial Park) Zone 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**Waiver 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.

The applicant is requesting a waiver to allow a 4 foot high retaining wall along the eastern property line of the subject site. Section 30.04.03C states that retaining walls shall be no more than 3 feet in height above an adjacent property with certain exceptions. None of the exceptions apply in this case. The property to east is currently undeveloped and at the same grade at the property line. The property to the east was recently approved for a vehicle wash (DR-23-0071). Plans for DR-23-0071 showed an at grade landscape area measuring 5 feet wide. The cross sections for the subject project indicate a maximum fill of 5 feet on the subject site with a 4 foot elevation difference at the eastern property boundary. A 4 foot high retaining wall, topped with an 8 inch screen wall, could impact the proposed landscaping for the vehicle wash in the 5 foot wide landscape strip to the east which is currently in plan review with the Building Department. Additionally, there are other available options for increasing the grade that do not require a waiver. For example, Section 30.04.03C allows a retaining wall up to 6 feet in height if a fence is located on top of the retaining wall which is 85% open. Another option would be to provide tiered retaining walls or grade the site in such a way to allow a more natural grade transition between the 2 properties. For these reasons, staff cannot support 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.

Pedestrian connectivity is provided between the public sidewalks, the adjacent public transit stop, building entrances, internal walkways, parking areas, and adjacent land uses and development. A stamped concrete crosswalk is provided which connects the public sidewalk and parking areas to the walkway along the front of the building. The trash enclosure is located at the rear of the building and will feature gates a concrete pad that extends out more than 8 feet and walls that will be a minimum of 1 foot higher than the receptacle. Building materials include the use of glass, decorative metal, concrete, and stucco. The building facades which are visible from the streets feature wall reveals, changes in surface colors and materials with 2 to 3 foot high roofline variations at 3 building corners and in the center of the building. All customer entrances face Sunset Road and feature 3 foot wide canopies above the doors and windows. Roll-up doors are located at the rear of the building directed away from the public rights-of-way. The applicant indicates that they will meet the minimum requirement of 7 sustainability points for this project. Based on this information, staff could support this request; however, staff is not supporting the waiver and therefore, recommends denial.

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) 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

Denial.

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 a Certificate of Compliance.
- 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

- Drainage study and compliance;
- Traffic study and compliance;
- Applicant to coordinate with Public Works - Development Review Division for the design of a median extension along Spencer Street;
- Off-site improvement permits may be required.
- Applicant is advised that Nevada Department of Transportation (NDOT) permits may be required.

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; incorporate exterior to interior noise level reduction into the building construction as required by Code for use; 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 that fire/emergency access must comply with the Fire Code as amended.

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 #0162-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Paradise - approval.

APPROVALS:

PROTESTS:

APPLICANT: MARK STEARNS

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