

RESTAURANT AND RETAIL
(TITLE 30)

GILESPIE ST/WARM SPRINGS RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ZC-22-0165-ELLIPSUS, LLC:

ZONE CHANGE to reclassify 0.6 acres from an R-E (Rural Residential Estates) (AE-60) Zone to an M-D (Designed Manufacturing) (AE-60) Zone.

USE PERMITS for the following: **1)** retail as a principal use; **2)** office as principal use; **3)** restaurant; and **4)** alcohol sales, liquor-packaged only.

WAIVER OF DEVELOPMENT STANDARDS for increased wall height.

DESIGN REVIEWS for the following: **1)** retail building; and **2)** finished grade.

Generally located on the east side of Gilespie Street, 1,300 feet north of Warm Springs Road within Enterprise (description on file). MN/bb/syp (For possible action)

RELATED INFORMATION:

APN:

177-04-701-014

USE PERMITS:

1. Allow retail as a principal use in an M-D Zone.
2. Allow office as a principal use in an M-D Zone (general office uses).
3. Allow a drive-thru restaurant as a principal use in the M-D Zone.
4. Allow the retail sale of alcohol, packaged liquor in the M-D Zone.

WAIVER OF DEVELOPMENT STANDARDS:

Increase wall height to 10 feet (5 feet retaining/5 foot screen wall) where a 9 foot wall (3 foot retaining/6 foot screen wall) is the maximum allowed per Section 30.64.050.

DESIGN REVIEWS:

1. A retail building.
2. Increased finished grade to 60 inches (5 feet) where a maximum of 36 inches (3 feet) is the standard per Section 30.32.040 (a 66% increase).

LAND USE PLAN:

ENTERPRISE - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: 208 E. Arby Avenue
- Site Acreage: 0.6
- Number of Units: 2
- Project Type: Commercial retail
- Number of Stories: 2
- Building Height (feet): 35
- Square Feet: 5,250
- Parking Required/Provided: 21/21

Site Plan

The site plan depicts a 5,250 square foot retail building on the northeast corner of a 0.6 acre parcel with access from Giles pie Street. The southern and eastern portions of the lot were public right-of-way prior to being vacated (VS-0889-03). The site will have access from Giles pie Street at the southwest corner of the lot and will be able to accommodate a drive-thru around the east and north sides of the building. Parking is located on the south and west sides of the lot. The trash enclosure is at the southeast corner of the property. The increase in grade and retaining wall is located along the southern and eastern portions of the site. The site is surrounded by the Department of Aviation property and airport parking.

Landscaping

The plan depicts a 15 foot wide landscape area between the existing attached sidewalk along Giles pie Street and the proposed parking lot. A 5.5 foot wide landscape strip is located on the south side of the property, with similar landscaping on the east and north sides of the lot. Thirty-five trees are shown on the landscape plan, along with 237 shrubs. The applicant is aware of the Southern Nevada Regional Planning Commission approved plant list.

Elevations

The elevation plans depict a building with painted stucco siding, aluminum frame windows and steel doors on the east elevation, aluminum storefront glass doors and windows on the west elevation. A painted steel canopy overhangs the front of the building on the west elevation. A small cantilevered steel canopy is located over the proposed drive-thru window on the north elevation. There are windows located on the north and south elevations of the building. A painted stucco parapet will screen rooftop mechanical equipment from view.

Floor Plan

The floor plan depicts a divided retail space on the first floor (2,030 square feet and 1,465 square feet) with entry doors on the west side of the building. The second floor is a mezzanine overlooking the first floor and divided for separate use (1,000 square feet and 755 square feet). Access to the second level is shown by interior staircases and a shared elevator.

Signage

Signage is not a part of this request.

Applicant’s Justification

The applicant purchased the property as a single family residential use and is proposing to change the zoning from R-E to M-D zoning to facilitate future uses with a commercial and retail building. The applicant does not have a specific tenant at this time, but is proposing retail uses and a potential restaurant use for this property.

Prior Land Use Requests

Application Number	Request	Action	Date
VS-0889-03	Vacated and abandoned Arby Avenue and cul-de-sac	Approved by PC	July 2003

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North, South, & East	Public Use	P-F	Department of Aviation airport parking
West	Public Use	P-F	Department of Aviation rental car facility

STANDARDS FOR APPROVAL:

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

Analysis

Current Planning

Zone Change

The proposed zone change from R-E to M-D zoning on 0.6 acres in the Business Employment planned land use category is consistent with the Master Plan as a conforming zoning district. The size of this lot will necessitate the need for obtaining special use permits for many potential uses. The potential retail and restaurant uses will be compatible with the existing travel oriented, and vehicle rental parking in the immediate area. Staff recommends approval of the rezoning.

Use Permits

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties. The proposed future retail sales, restaurant (drive-thru), and office uses will complement the available space on this property and require specific approval of additional special use permits for other types of uses. This site has adequate access to a public street and will not create undue adverse effects to the surrounding area. Staff recommends approval of these requests.

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. The proposed height increase for the perimeter retaining walls will exceed the maximum by up to 2 feet, but will not have a negative impact to the surrounding parking lot use. Staff recommends approval of this request.

Design Review #1

The proposed commercial retail building maximizes the use of this property when considering parking requirements, landscaping, access, and other design requirements. The building could be used as a single unit or as shown with 2 units. Site circulation and access do not negatively impact neighborhood traffic or adjacent roadways. Elevations and site design are not unsightly, undesirable, or obnoxious in appearance. Staff recommends approval of the design review.

Public Works - Development Review

Design Review #2

This design review represents the maximum grade difference within the boundary of this application. This information is based on preliminary data to set the worst case scenario. Staff will continue to evaluate the site through the technical studies required for this application. Approval of this application will not prevent staff from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approval.

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.

Parcel 177-04-701-017 is owned by the Clark County Department of Aviation (CCDOA). Previously, the cul-de-sac was required to remain, while the adjacent property on parcel 177-04-701-014 was developed with a single family home, per NZC-1122-06. Applicant has demolished the residential structure and intends to develop a commercial use on its property.

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:

Current Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.

- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; 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; 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 reviews must commence within 2 years of approval date or they will expire.

Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Coordinate with Traffic Management to return any County assets at the former intersection of Gilespie Street and Arby Avenue to Public Works.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

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;
- 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 shall protect in place the CCDOA owned masonry wall and landscaping, applicant shall have no further use or access to the CCDOA lot. At its sole discretion, CCDOA reserves the right to leave the masonry wall and landscaping in place, or to demolish the improvements in the future;
- Applicant acknowledges and accepts the CCDOA's conditions, which includes the masonry wall and landscaping.
- 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.

Fire Prevention Bureau

- No comment.

Southern Nevada Health District (SNHD) - Septic

- Applicant is advised that there is an active septic permit on APN 177-04-701-014; to connect to municipal sewer and remove the septic system in accordance with Section 17 of the SNHD Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management; and to submit documentation to SNHD showing that the system has been properly removed.

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 #0146-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - approval (design review as a public hearing for lighting, signage, and significant changes to plans).

APPROVALS:

PROTESTS:

APPLICANT: HOUSTON COSTA

CONTACT: LORA DREJA, BROWN, BROWN, AND PREMSRIRUT, 520 S. FOURTH STREET, LAS VEGAS, NV 89101