

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-25-0204-DRAGON JJ, LLC:

WAIVER OF DEVELOPMENT STANDARDS to allow existing attached sidewalks to remain.

DESIGN REVIEW for a proposed expansion to an existing shopping center on a 0.96 acre portion of a 2.78 acre site in a CG (Commercial General) Zone within the Airport Environs (AE-65) Overlay.

Generally located on the north side of Sunset Road and the east side of Decatur Boulevard within Paradise. MN/hw/cv (For possible action)

RELATED INFORMATION:

APN:

162-31-411-002; 162-31-411-003; 162-31-411-005; 162-31-411-007

WAIVER OF DEVELOPMENT STANDARDS:

Allow existing attached sidewalks along Sunset Road to remain where 5 foot wide detached sidewalks are required to replace existing attached sidewalks per Section 30.04.08C.

LAND USE PLAN:

WINCHESTER/PARADISE - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: 4810 W. Sunset Road
- Site Acreage: 0.96 (subject site)/2.78 (shopping center)
- Project Type: Retail and restaurant building expansion
- Number of Stories: 1
- Building Height (feet): 22
- Square Feet: 2,040 (Building A)/2,080 (Building B)/4,734 (Building C)/16,200 (Existing) /25,054 (overall)
- Parking Required/Provided: 77/99
- Sustainability Required/Provided: 7/7.5

History & Site Plan

The site was reclassified to CG zoning for a proposed shopping center via ZC-0089-01. In August 2004, DR-1009-04 was approved for a shopping center with a gasoline station, retail buildings and a tavern. The northern retail building which includes the convenience store, the gasoline station pumps (southwest corner), and the centrally located restaurant building with a

drive-thru exists today. The previously approved plans via the design review showed a tavern on the eastern portion of the site but was never constructed. With this request, the applicant is requesting to develop the eastern portion of the shopping which is currently undeveloped.

The plans depict an existing 16,200 square foot shopping center consisting of a restaurant, retail building, and gas station located on the northeast corner of Sunset Road and Decatur Boulevard. The existing shopping center consists of a combined 14,000 square foot retail and convenience store building located 10 feet from the northern property line in the central portion of the site with building setback 77 feet from Decatur Boulevard. An existing 2,200 square foot restaurant building is located approximately 75 feet south of the eastern portion of the retail building and 35 feet north of Sunset Road. The existing restaurant also has a single lane drive-thru running along the eastern and southern sides of the building. Approximately, 100 feet west of the pad restaurant is the north-south running gas station with canopy.

The proposed 3 building expansion will be located to the east of the existing buildings on the site on a separate pad parcel. Two of the 3 buildings will be in the south while the third and largest building will be along the northern portion of the site. Building A is 2,040 square feet, will run north to south, and is programmed for a restaurant. Building B is 2,080 square feet, will run east to west, and is also programmed for a restaurant. Building A is setback approximately 25 feet from Sunset Road, while Building B will be set back 50 feet from Sunset Road. Buildings A will be 12 feet to the west of Building B with Building B set back 60 feet from the eastern property line of the site. Along the west side of both Buildings A and B will be a single drive-thru lane that will take access from a drive aisle that will be located to the north of each building. Each drive-thru will be able to accommodate 3 to 4 cars. Approximately 110 feet northeast of Building B, is the 4,734 square foot retail and restaurant Building C. Building C is located in the very northeast corner of the site, set back 10 feet from the north property line and 6 feet from the east property line. All 3 buildings are rectangular in shape.

Access to the overall shopping center is provided by 4 commercial driveways with 2 driveways located along Sunset Road and 2 driveways located along Decatur Boulevard. All driveways are 39 feet to 40 feet wide with the driveways along Decatur Boulevard located in the northern and southern portions of the frontage and the driveways along Sunset Road located in the eastern and western portions of the frontage. The eastern driveway along Sunset Road will serve as the main point of entry for the expansion portion of the site.

Parking in the existing portion of shopping center is located to the south, east, and west of the main retail building and to the west of the restaurant building. Additional parking is also provided along the street frontage to the south and west of the gas station area. In the expansion portion of the site, parking will be provided along the east property line, to the south of Building C, and in a double row of angled spaces between the three buildings. A total of 77 parking spaces are required for both the existing and proposed portions of the shopping center with 99 parking spaces provided throughout the site. Of the 99 provided parking spaces, 64 of those parking spaces are currently existing with the shopping center to the west, for which this site shares cross access.

Landscaping

There are no proposed changes to the landscaping currently existing in conjunction with the existing portions of the site, but both street and parking lot landscaping is proposed with the proposed portion of the site. Along the affected portion of Sunset Road, a 10 foot wide landscape strip is proposed behind the existing 5 foot wide attached sidewalk, which will remain. Within this landscaping strip, a total of 6 Chilean Mesquite (*Prosopis Chilensis*) trees are provided every 20 feet on center where 5 large trees are required. Within the parking lot area, landscape finger islands are provided every 3 to 7 spaces. Within these landscape finger islands are a mix of Chilean Mesquite and Desert Willow (*Chilopsis Lineans*) trees with a total of 10 parking lot trees required and 10 trees being provided throughout the site.

Elevations

No changes to the existing elevations of the existing shopping center are proposed with this request. The elevations of all buildings are similar in materials, colors, and theme to each other and the existing buildings on the site. Buildings A and B are both shown to be 22 feet tall with nearly identical exterior features. Both buildings will have painted stucco exteriors consisting of neutral tones to match the existing buildings and will have a stone veneer accent along the bottom portion of the building on the south, east, and north façades. The south, east, and north façades of both buildings will contain an aluminum commercial entry door with an awning and a varying number of commercial windows, however the east façade of Building A will not have an awning over the door and the north façade of Building B will have 2 entry doors. The west facades of both buildings will be identical with a mostly flat stucco exterior with a drive-thru window, an awning above the window, and a foam pop-out along the roof.

Building C will also have a similar exterior appearance with neutral painted stucco, a foam pop-out along upper portion of the building, and the building will be a maximum of 22 feet tall. The roof of Building C is flat. Along the south façade of the building, will be four commercial window-door systems with an awning over each door and stone veneer accents along the bottom portion of the building. The north, east, and west facades are other wise stucco walls with the foam pop-out, but the north facades will have 4 rear entry/exit doors.

Floor Plans

There are no proposed changes to the interior spaces of the existing retail and restaurant buildings. The interior of the proposed restaurant buildings, Buildings A and B, are shown to be shell buildings with a drive-thru window on the west side of the buildings. Buildings A will be 34 feet wide and 60 feet long for a total of 2,040 with Building B being 52 feet wide and 40 feet long for a total of 2,080 square feet. Building C is also shown as a shell building with 4 total suites. The suites will be 15 feet to 20 feet wide and 60 feet long for a total of 1,200 square feet. The western suite has a small cut-out reducing its area to 1,134 square feet. The suites are generally programmed for retail spaces, but the second suite from the west side of the building is programmed for restaurant space.

Applicant's Justification

The proposed buildings will all match the existing buildings on-site as well as those in the area.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-22-0115	Permitted a cannabis distributor facility in conjunction with an existing cannabis facility	Approved by BCC	April 2022
ADR-21-900161	Allowed a customer walk-up window in conjunction with an existing cannabis retail store	Approved by ZA	May 2021
UC-20-0396	Allowed a cannabis retail store in conjunction with an existing shopping center	Approved by BCC	November 2020
DR-0977-14	Allowed a shell retail building expansion in conjunction with an existing shopping center - expired	Approved by PC	February 2015
WS-0351-07	Allowed an additional freestanding sign with reduced separations	Approved by PC	May 2007
VS-0239-07	Vacated and abandoned a 15 foot wide and 400 foot long pedestrian easement.	Approved by PC	April 2007
WC-0310-06 (DR-1009-04)	Waived the condition of a previous design review requiring detached sidewalks	Approved by PC	November 2006
VS-0611-05	Vacated and abandoned portions of Sunset Road and Decatur Boulevard for detached sidewalks	Approved by PC	June 2005
TM-0025-05	1 lot commercial subdivision	Approved by PC	February 2005
DR-1009-04	Shopping center with gasoline station, retail buildings, and a tavern	Approved by PC	August 2004
ZC-0089-01	Reclassified the site from R-E to C-2 zoning for a 21,500 square foot shopping center	Approved by BCC	March 2001

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Business Employment	IP & CG (AE-65)	Office/warehouse & shopping center developments
South	Business Employment	IP & CG (AE-60)	Undeveloped & shopping center development
East	Business Employment	IP (AE-65)	Office/warehouse development
West	Business Employment	CG (AE-65)	Convenience store & gas station

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.

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 proposed buildings are generally similar in height and design as those buildings currently on site and those in the surrounding area. The size of the buildings along the south should be sufficiently sized for fast food restaurant, and the retail building is also sized appropriately for retail and service businesses that are typical of the area. Additionally, the site is sufficiently parked when considered together with the existing buildings on site. The uses are appropriate for the area given its location at the intersection of two major streets and within an area with a mix of commercial and industrial uses. The landscaping along the street and within the parking area should also help with the general design of the site and the heat island effect of the area. With that said, staff is concerned with the design of several of the facades of the buildings. Several building facades are nearly blank with just a foam pop-out articulation. Since these buildings are being designed from scratch, more can be done to provide visually pleasing articulations while maintaining the general aesthetic of the shopping center. Additionally, staff is particularly concerned with the design of the drive-thru areas. The drive-thru lanes hold a small number of cars and without knowing the type of restaurant that could be using these spaces, the available stacking space is insufficient. The location of the stacking area and drive-thrus is also a point of concern as the stacking of cars waiting in the drive-thru could spill over into the drive aisle along the north of the buildings, creating a point of conflict with the parking spaces found along the drive aisle. Staff finds the site could be redesigned to allow for more stacking area and more separation between the parking area and drive-thrus to prevent potential conflicts. For these reasons, staff cannot support this request.

Public Works - Development Review

Waiver of Development Standards

Staff cannot support the request to not install detached sidewalks along Sunset Road. Detached sidewalks along streets provide a safer pathway for pedestrians by increasing the distance from traffic and with the redevelopment. Staff finds that it is imperative to provide the detached sidewalks.

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-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

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.

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; 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

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.

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 #0141-2025 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Paradise - denial.

APPROVALS:

PROTESTS:

APPLICANT: LEWIS LIU

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