

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-26-0186-EHH VENTURE:

USE PERMIT to allow outdoor dining, drinking, and cooking.

WAIVER OF DEVELOPMENT STANDARDS to modify parking area design standards.

DESIGN REVIEW for modifications to a previously approved industrial/commercial development on a 3.44 acre portion of 8.06 acres in an IP (Industrial Park) Zone and a CG (General Commercial) Zone within the Airport Environs (AE-65 & AE-70) Overlay.

Generally located south of Sunset Road and west of Spencer Street within Paradise. JG/sd/cv (For possible action)

RELATED INFORMATION:

APN:

177-02-102-007; 177-02-102-008

WAIVER OF DEVELOPMENT STANDARDS:

1. a. Reduce the width of a sidewalk on the northeast side of the building to 3 feet where a minimum of 5 feet wide sidewalk is required to separate building from the pavement for parking aisles or spaces per Section 30.04.04H (a 40% reduction).
- b. Eliminate the required sidewalk on the northwest side of the building where a minimum of 5 feet wide sidewalk is required to separate building from the pavement for parking aisles or spaces per Section 30.04.04H.

LAND USE PLAN:

WINCHESTER/PARADISE - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: 1725 E. Sunset Road
- Site Acreage: 3.44 (subject parcel)/8.06 (overall)
- Project Type: Modifications to a previously approved industrial/commercial development
- Building Height (feet): 46
- Square Feet: 7,000 (restaurant)/1,282 (proposed outdoor dining, drinking, and cooking)/96,324 (total)
- Parking Required/Provided: 321 / 415
- Sustainability Required/Provided: 7/7

History, Site Plan, & Request

APN 177-02-102-008 was approved for an industrial/commercial development through UC-24-0560 by the Board of County Commissioners in December 2024. Since that time, a shell permit has been obtained for the building (BD-25-24513) and construction has commenced. The previously approved plans depicted an office/warehouse building centrally located on the site for light manufacturing with a restaurant tenant space. Access to the site is from Sunset Road with gated access from Spencer Street. Parking is provided on all sides of the building. The applicant is now requesting to modify the previously approved plans. The site redesign includes:

- Adding an outdoor dining, drinking, and cooking area to the previously approved restaurant;
- Reducing the width of a sidewalk on the northeast side of the building to 3 feet 6 inches, and elimination of a portion of the sidewalk on the northwest side of the building to accommodate the outdoor dining;
- Relocating EV charging spaces from the front of the building to the parking area along Sunset Road and providing details of the EV spaces;
- Reconfiguring the covered sidewalk at the building entrance to accommodate outdoor dining area;
- Eliminating some of the parking spaces along the west property line to accommodate cross access to APN 177-02-102-007 which allows shared parking between the two parcels. There will be 321 parking spaces required for both parcels, where 415 spaces are provided;
- Increasing the restaurant area from 4,536 square feet to 7,000 square feet and reducing the office area to 4,011 square feet;
- Changing the façade design and materials;
- Updating the landscape plan;
- New 5 foot wide painted striped pedestrian walkway along the west and northwest exteriors of the building.

Landscaping

With this request, changes are proposed to the previously approved landscape plan under UC-24-0560, that include removal of some trees along a portion of the west property line to accommodate the cross access, relocation of trees from the south side of Spencer Street driveway to the north side of the driveway, and changes to the landscape along Sunset Road to accommodate utilities and drainage needs. All the landscaping will remain in compliance with Title 30 requirements.

Elevations

With this request, minor changes are proposed to the previously approved elevations under UC-24-0560 that include modifications to accommodate the proposed outdoor dining area, and some other slight changes to the façade design and building materials.

Floor Plans

The proposed plans show the first level consists of a 7,000 square foot restaurant with a new 1,282 square feet outdoor dining and drinking area.

Applicant's Justification

The applicant states the outdoor dining, drinking and cooking area is an added amenity to the previously approved restaurant. The outdoor seating area functions as an extension of the restaurant and remains subordinate to the primary use. The request is consistent with the intent of the industrial district, which supports ancillary commercial amenities serving employees and visitors, and does not introduce a new or incompatible use. The outdoor dining area does not encroach into drive aisles or fire lanes. The original Design Review approval exterior building materials and façade articulation have been revised to accommodate the restaurant use and outdoor dining area. Changes include exterior materials, enhanced storefront and entry treatments, integration of outdoor dining features, and updated façade materials.

Prior Land Use Requests

*Application Number	Request	Action	Date
UC-24-0560	Use permit, waiver of development standards, and design review for an industrial/commercial building	Approved by BCC	December 2024
ZC-24-0559	Zone change from CG zone to IP zone	Approved by BCC	December 2024
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

*This list only reflects the land use applications previously approved for APN 177-02-102-008.

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Public Use	PF & CG (AE-70 & AE-75)	Harry Reid International Airport & retail with gas station
South	Business Employment	RS20 & IP (AE-65 & AE-60)	Undeveloped & office
East	Business Employment	IP (AE-65 & AE-70)	Undeveloped
West	Business Employment	CG (AE-65 & AE-70)	Shopping center

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 outdoor dining, drinking, and cooking will be in conjunction with a restaurant. Staff does not anticipate the addition of outdoor dining, drinking, and cooking will produce any adverse effects on properties in the surrounding area. Furthermore, by creating the cross access, there will be ample parking for both sites, and the use is complementary to the surrounding businesses. For these reasons, staff can support this request.

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.

Staff cannot support the reduction or elimination of a portion of the required sidewalk that separates the building from the parking area. The intent of the code is to provide pedestrian safety when traversing the site to the building; therefore, staff cannot support the 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.

Staff finds the changed proposed on the site are mainly to accommodate the outdoor dining area, or provide cross access to the adjacent parcel to the west to comply with the parking standards. However, since staff is not supporting the requested waivers of development standards to reduce and eliminate the required sidewalk around the building due to concerns for pedestrian safety, staff cannot support the design review.

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.

Recommendation

Approval of the use permit; denial of the waiver of development standards and design review.

If this request is approved cross-access 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:

- Record perpetual cross access, ingress/egress, and parking easements between APN 177-02-102-007 and APN 177-02-102-008 prior to any building permit or business license;
- 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 and application for review; 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

- No comment.

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. The Determination of No Hazard must not be expired.
- Incorporate exterior to interior noise level reduction into the building construction as required by Code for use.
- Outside dining in the AE-70 is permitted subject to the recording of a Commercial Noise Disclosure Statement.
- 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

- No comment.

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 #0059-2025 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: MTA PROPERTIES, LLC

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