

02/04/26 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-25-0828-B & O INVESTMENT, LLC:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce parking lot landscaping; **2)** allow attached sidewalks; **3)** alternative driveway geometrics; and **4)** waive full off-site improvements.

DESIGN REVIEW for a restaurant (tavern) with outdoor dining and drinking on a portion of 5.04 acres in a CG (Commercial General) Zone within the Red Rock Overlay.

Generally located south of Blue Diamond Road and east of Erskine Junction Road within Red Rock. JJ/bb/kh (For possible action)

RELATED INFORMATION:

APN:

175-15-202-004 ptn

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce parking lot landscape finger islands where required per Section 30.04.01D.
2. Allow an attached sidewalk along Erskine Junction Road (for the area of project) where a detached sidewalk is required per Section 30.04.08C.
3.
 - a. Reduce the driveway throat depth for a proposed driveway along Erskine Junction Road to 11 feet where a minimum of 25 feet is required per Section 30.04.08 and Uniform Standard Drawing 222.1 (a 56% reduction).
 - b. Reduce the driveway approach distance for a proposed driveway along Erskine Junction Road to the intersection of Erskine Junction Road and State Highway 160 feet to 74 feet where 150 feet is required per Section 30.04.08 and Uniform Standard Drawing 222.1 (a 49% reduction).
4.
 - a. Waive full off-site improvements (curb, gutter, sidewalks, streetlights, and partial paving) along Erskine Junction Road (for the remainder of the property - south of area of work) where required per Section 30.04.08C.
 - b. Waive full off-site improvements (curb, gutter, sidewalks, streetlights, and partial paving) along Wigwam Avenue where required per Section 30.04.08C.

LAND USE PLAN:

NORTHWEST COUNTY (RED ROCK) - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 12209 State Highway 160
- Site Acreage: 5.04 (portion)

- Project Type: Restaurant (tavern)
- Number of Stories: 2
- Building Height (feet): 35
- Square Feet: 6,595 (1st floor)/1,151 (2nd floor - enclosed)/5,428 (2nd floor - rooftop)
- Parking Required/Provided: 73/74
- Sustainability Required/Provided: 7/7

Site Plan

The plan depicts a new restaurant (tavern) building located at the southeast corner of Blue Diamond and Erskine Junction Road. Access is provided by a driveway at Erskine Junction Road, approximately 180 feet south of Blue Diamond Road. The building pad is located at the northwest corner of the property, with the remainder of the parcel designated as future development. The building faces north with a loading zone shown on the west side of the building, bicycle parking near the entrance on the north side of the building, and a trash enclosure at the southeast corner of the building. A 24 foot wide drive aisle wraps around the building and is connected to Erskine Junction Road on the west side of the property. The site has 74 proposed parking spaces where 73 parking spaces are required for a restaurant (tavern), which are located adjacent to the north, east, and south sides of the building, and on the west, north, and east sides of the driveway that wraps around the building. Full off-site improvements including an attached sidewalk is shown around the project area, stopping on the south side of the driveway along Erskine Junction Road. Off-site improvements are not planned for the remainder of the site.

Landscaping

The plan depicts street trees and shrubs along Blue Diamond Road and Erskine Junction Road within landscape areas ranging from 10 feet to 40 feet wide. Medium size trees are provided adjacent to both streets every 20 feet on center. The number of trees required within the parking lot have been provided. However, 2 landscape finger islands are missing on the north side of the building and west side of the parking lot, which are the subject of a waiver request. Also, continuous dense vegetation is shown to screen the parking areas from the rights-of-way.

Elevations

The plans depict a 2 story, 35 foot high building and rooftop deck with numerous wall returns and multiple materials and paint colors. The majority of the façade is painted slate gray or brown, with black and royal blue used as accent colors. The siding includes a combination of stucco, vertical decorative metal, fiber cement cladding, and horizontal decorative metal. All 4 sides have aluminum storefront windows with the north, west, and east sides providing pedestrian access doors. The main pedestrian entrance is located on the north side of the building. The rooftop area includes a variety of pop-outs, pedestrian guardrails, and façade treatments. The design mainly features flat roofs, with a small portion of the building featuring a sloped roof.

Floor Plans

The plans depict a 1st floor with restaurant (tavern) facilities, restrooms, and an open area for future kitchen design. The second floor includes a 1,151 square foot enclosed area and 5,428 square foot rooftop open space area for outdoor dining and drinking.

Applicant's Justification

The applicant is proposing to build a 2 story tavern (restaurant) with a total space of 13,174 square feet; 6,595 square feet on the 1st floor, 1,151 square feet of interior space on the 2nd floor, and 5,428 square feet of rooftop area to be used for outdoor dining and drinking. The building is designed for the desert with a mining style architecture and desert type materials and color. The building is located as far north and west as possible to maximize future uses on the property. This requires a throat depth waiver and approach distance waiver for the proposed driveway. An attached sidewalk is proposed along Erskine Junction Road to match the attached sidewalk on the west side of the right-of-way. Off-site improvements are not proposed at this time, with future development anticipated on the property.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-1459-05 (ET-0150-15)	Third extension of time for a private recreational facility - expired	Approved by BCC	December 2015
UC-1459-05 (ET-0115-12)	Second extension of time for a private recreational facility - expired	Approved by BCC	December 2012
DR-0130-07 (ET-0035-09)	First extension of time for the grading plan for a private recreational facility - expired	Approved by BCC	March 2009
UC-1459-05 (ET-0350-07)	First extension of time for a private recreational facility - expired	Approved by BCC	December 2007
DR-0130-07	Design review for hillside grading plan	Approved by BCC	March 2007
VS-1958-05	Wigwam Avenue vacation	Withdrawn	March 2006
UC-1390-05	80 foot high communication tower	Approved by BCC	December 2005
UC-1459-05	Private recreational facility - expired	Approved by BCC	November 2005

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Outlying Neighborhood (up to 0.5 du/ac)	H-2 (RRO)	Undeveloped
South	Open Land & Outlying Neighborhood (up to 0.5 du/ac)	H-2, RS80, & OS (RRO)	Single-family residential & Undeveloped
East	Corridor Mixed-Use	CG (RRO)	Undeveloped
West	Corridor Mixed-Use	CG (RRO)	Gas station & 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

Waivers 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.

Waiver of Development Standards #1

Although the required number of trees within the parking lot has been provided, the site is deficient in 2 required landscape island fingers, which are required at a rate of 1 landscape island finger for every 6 parking spaces. However, there is sufficient landscaping in and along the parking lot, allowing the project to comply with the intent of development standards. Therefore, staff can 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.

The Master Plan identifies this property's planned land use designation is Corridor Mixed-Use (CM), which includes commercial development in the Commercial General Zone. The site plan maximizes the use of this property by pushing the proposed building to the northwest corner of the property and keeping the non-residential use as close to the rights-of-way as possible. The location of the building on the site complies with Policy NW-1.5 of the Master Plan for the Red Rock area by protecting the existing residential properties from commercial encroachment and maximizing private land availability. The applicant is maximizing the use of this property by locating the building closer to the west and north property lines and not the middle of the lot. The design of the building generally complies with the Red Rock Overlay design standards. However, Public Works is not supporting the waiver for attached sidewalk, therefore, staff cannot support the design review.

Public Works - Development Review

Waiver of Development Standards #2

Staff cannot support the request to allow attached sidewalks in place of detached sidewalks for the northern portion of Erskine Junction Road. The site is a raw parcel with no existing off-site improvements; therefore, there is no reason detached sidewalks cannot be installed. The site plan also shows an attached sidewalk on Blue Diamond Road which is an arterial street that accommodates a high volume of highway traffic. Detached sidewalks along streets provide a safer pathway for pedestrians by increasing the distance from traffic.

Waiver of Development Standards #3a

Staff has no objection to the reduction in the throat depth for the commercial driveway along Erskine Junction Road. The reduction will not impact vehicles in the right-of-way as it is along the egress side of the commercial driveway. Furthermore, the throat depth on the ingress side of the commercial driveway exceeds the minimum requirement mitigating any possibility of vehicles stacking in the right-of-way.

Waiver of Development Standards #3b

Staff has no objection to the reduction in the approach distance for the Erskine Junction Road commercial driveway. Although the approach distance does not comply with the minimum standards, staff finds the location allows vehicles to safely enter and exit the site.

Waiver of Development Standards #4

Staff has no objection to not install full off-site improvements along Wigwam Avenue and the southern portion of Erskine Junction Road. The applicant will install full off-site improvements with future development of the site.

Staff Recommendation

Approval of waivers of development standards #1, #3, and #4; denial of waiver of development standards #2 and the design review.

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;
- Full off-site improvements for the northern portion of the site along Erskine Junction Road;

- Full off-site improvements with future development of Wigwam Avenue and the southern portion of Erskine Junction Road may be required;
- Execute a Restrictive Covenant Agreement (deed restrictions) for Wigwam Avenue and the southern portion of Erskine Junction Road;
- Applicant to coordinate with NDOT and Clark County - Public Works for off-site improvements along Blue Diamond Road.
- Applicant is advised that Nevada Department of Transportation (NDOT) permits may be required.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that there are no public sanitary sewer facilities available within the proposed development and none are planned within the next 5 years.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: B & O INVESTMENT, LLC

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