

RETAIL/RESTAURANT/TAVERN
(TITLE 30)

RUSSELL RD/ROGERS ST

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-22-0353-RUSSELL & ROGERS, LLC:

USE PERMITS for the following: **1)** retail; **2)** restaurant; **3)** on-premises consumption of alcohol (tavern); and **4)** outside dining and drinking.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** allow outside dining and drinking in conjunction with a tavern; **2)** increased retaining wall height; **3)** reduced driveway throat depth; and **4)** reduced driveway approach distance.

DESIGN REVIEWS for the following: **1)** retail building; **2)** restaurant building with drive-thru; **3)** tavern building with outside dining and drinking; **4)** alternative parking lot landscaping; and **5)** finished grade on 2.0 acres in an M-1 (Light Manufacturing) (AE-60) Zone.

Generally located on the southeast corner of Russell Road and Rogers Street within Paradise.
MN/gc/tk (For possible action)

RELATED INFORMATION:

APN:

162-31-102-001

WAIVERS OF DEVELOPMENT STANDARDS:

1. Allow outside dining and drinking in conjunction with a tavern when only allowed in conjunction with a supper club, tourist club, mixed-use development, or restaurant per Table 30.44-1.
2. Increase retaining wall height to 9 feet (two, 4.5 foot high retaining walls) where a maximum of 3 feet is permitted within required setbacks per Section 30.64.020 and Section 30.64.050 (a 200% increase).
3. Reduce throat depth for a driveway along Rogers Street to 20 feet where a minimum of 25 feet is required per Uniform Standard Drawing 222.1 (a 20% reduction).
4. Reduce the approach distance between a driveway along Rogers Street and an intersection to 119 feet where a minimum of 150 feet is required per Uniform Standard Drawing 222.1 (a 20.7% reduction).

DESIGN REVIEWS:

1. Retail building.
2. Restaurant building with drive-thru.
3. Tavern building with outside dining and drinking.

4. Allow alternative parking lot landscaping where landscaping per Figure 30.64-14 is required.
5. Increase finished grade to 12 feet where a maximum of 3 feet is the standard per Section 30.32.040 (a 300% increase).

LAND USE PLAN:

WINCHESTER/PARADISE - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 2
- Project Type: Retail/restaurant/tavern
- Number of Stories: 1
- Building Height: 32 feet, 7 inches (retail building)/34 feet, 9 inches (restaurant building)/31 feet, 6 inches (tavern building)
- Square Feet: 4,800 (retail building)/2,400 (restaurant building)/5,000 (tavern building)
- Parking Required/Provided: 97/97

Site Plans

The plans show a proposed commercial center consisting of a retail building located on the southwest portion of the site, a restaurant building located on the northwest portion of the site, and a tavern building located on the northeast portion of the site. The restaurant building has a drive-thru lane along the north, west, and south sides of the building. The tavern building has a 680 square foot outside dining and drinking area located on the northeast side of the building that is enclosed with a 4 foot high wrought iron guardrail. Access to the site is from Russell Road and Rogers Street. A total of 97 parking spaces are provided where a minimum of 97 parking spaces are required. Two trash enclosures are provided on the site south of the restaurant and tavern buildings. The finished grade of the site is being increased up to 12 feet with most of the increase occurring on the south and east portions of the site.

Landscaping

Street landscaping consists of an approximate 21.5 foot wide landscape area with an existing attached sidewalk along Russell Road and an approximate 17 foot wide landscape area along Rogers Street. Within the street landscape area along Russell Road are two, 4.5 foot high retaining walls which result in a terraced landscape design. The retaining walls also wrap around a portion of Rogers Street. A 10 foot wide landscape area is provided along the east property line and a 4.5 foot wide landscape area is provided along a portion of the south property line. A 6 foot high and 3 foot high retaining wall is also located on the interior of the site along the west side of the drive aisle leading from the entrance off Russell Road. Alternative parking lot landscaping is proposed where 8 parking spaces are located between landscape islands in some areas of the parking lot where normally 6 parking spaces is allowed. Additionally, 4 foot wide landscape islands are provided in the parking areas near the drive-thru where normally 6 feet is required.

Elevations

The retail building is 1 story, 32 feet 7 inches high, and constructed of stucco finish, metal awnings, bronze aluminum storefront glazing system, and corniced parapet roofing at varying heights. The restaurant building is 1 story, 34 feet 9 inches high, and constructed of stucco finish, bronze aluminum storefront glazing system, and slanted roofs with stucco cornicing. The tavern building is 1 story, 31.5 feet high, and constructed of stucco finish, metal awnings, wrought iron guardrails, and a combination of pitched concrete tile roofing and flat parapet walls with stucco cornicing. A canopy also extends from the building over the outside dining and drinking area.

Floor Plans

The plans show a 4,800 square foot retail building divided into 4 tenant spaces, a 2,400 square foot restaurant shell building, and a 5,000 square foot tavern shell building with a 680 square foot outside dining and drinking area.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states that the design of the site is harmonious with existing development in the area. The increased finished grade and retaining wall height are necessary due to the existing 10 foot high grade over Russell Road where the existing grade then drops 15 feet from west to east. The proposed finished grade and retaining wall height will maintain a drivable emergency entry/exit and ADA pedestrian path. The alternative parking lot landscaping is being mitigated by additional trees and wider landscape areas elsewhere on the site. The reduced driveway throat depth is being mitigated by providing a longer turn-out throat depth on the opposite side of the driveway. Due to building placement, site dimensions, and fire lane access requirements, a waiver of reduced driveway approach distance is necessary.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-0521-10	Modular office building with outside storage and waivers to waive street landscaping and trash enclosure - expired	Approved by BCC	December 2010
ZC-0919-08	Reclassified the site from R-E to M-1 zoning	Approved by BCC	November 2008

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North & West	Business Employment	M-1	Office/warehouse
South	Business Employment	M-1 & R-E	Outside storage yard
East	Business Employment	M-1	Bank with drive-thru

Related Applications

Application Number	Request
VS-22-0354	A vacation and abandonment of government patent easements is a companion item on this agenda.

STANDARDS FOR APPROVAL:

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

Analysis

Current Planning

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. Staff finds that the proposed uses will not adversely impact the surrounding properties which are primarily industrial. Other commercial uses have been established along Russell Road in the area including the bank on the adjacent property to the east; therefore, staff can support these requests.

Waivers 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.

Waivers of Development Standards #1 & #2

Staff finds the outside dining and drinking area in conjunction with the tavern will not adversely impact the surrounding area. Outside dining and drinking areas in conjunction with taverns have been approved elsewhere in the Las Vegas Valley. The outside dining and drinking area is also located well within the interior of the site. The increased retaining wall heights along the streets are necessary due to the grade of the site. The increased height is mitigated by the terraced landscape design which allows for the street landscaping to screen the retaining walls; therefore, staff can support these requests.

Design Reviews #1 through #4

Staff finds the proposed site and building design compatible with the surrounding properties in the area. The request complies with Policy 1.4.4 of the Master Plan which encourages in-fill developments in established neighborhoods while promoting compatibility with the scale and intensity of the surrounding area. Staff can also support the alternative parking lot landscaping request. The increase in the number of parking spaces in between landscape islands and the reduction in landscape island width near the drive-thru is mitigated by the increase in the number

of trees on the site and the increase in street landscaping width beyond what is required by Title 30.

Public Works - Development Review

Waiver of Development Standards #3

The applicant's request for a reduced throat depth for the Rogers Street driveway is minimal considering that the egress side of the driveway provides a lengthy throat depth.

Waiver of Development Standards #4

Although the approach distance for the driveway on Rogers Street does not comply with the minimum standards, staff finds the location allows vehicles to safely access the site.

Design Review #5

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.

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

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the installation and use of new 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 this application must commence within 2 years of approval date or it 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;
- Full off-site improvements.
- 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 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.

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 #0237-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Paradise - approval.

APPROVALS:

PROTESTS:

APPLICANT: FORTRESS EQUITIES, LLC

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