

12/05/23 PC AGENDA SHEET

RESTAURANT
(TITLE 30)

EASTERN AVE/SUNSET RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-23-0717-RPI REGAL LP:

WAIVER OF DEVELOPMENT STANDARDS for driveway geometrics.

DESIGN REVIEWS for the following: **1)** restaurant with drive-thru; and **2)** alternative parking lot landscaping in conjunction with an existing shopping center on 1.0 acre in a C-2 (General Commercial) (AE-70 & AE-75) Zone.

Generally located on the north side of Sunset Road and the east side of Eastern Avenue within Paradise. JG/bb/syp (For possible action)

RELATED INFORMATION:

APN:

162-36-410-025, 162-36-410-013

WAIVER OF DEVELOPMENT STANDARDS:

Allow an existing pan driveway to remain and not install required commercial curb return driveways per Uniform Standard Drawing 222.1.

DESIGN REVIEWS:

1. Restaurant with drive-thru.
2. Alternative parking lot landscaping where landscaping is required per Figure 30.64-14.

LAND USE PLAN:

WINCHESTER/PARADISE - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: 6440 S. Eastern Avenue
- Site Acreage: 1
- Project Type: Proposed restaurant with drive-thru and parking lot renovation
- Number of Stories: 1
- Building Height (feet): 24 (restaurant)/35 (shopping center)
- Square Feet: 2,691 (restaurant)
- Parking Required/Provided: 11/23 (restaurant)

Site Plan

The site plan depicts an existing commercial center on the northeast corner of Sunset Road and Eastern Avenue. Access to the site is located via 2 driveways along Chandler Avenue, 2 driveways along Eastern Avenue, and 1 driveway along Sunset Road.

There are 2 APNs associated with the requested new restaurant building, 162-36-410-025 and 162-36-410-013. Buildings in the remainder of the shopping center underwent exterior building renovations and parking lot upgrades after approval of WS-22-0117. However, APN 162-36-410-024 (current location of a Wells Fargo Bank branch office) was not a part of the renovations.

APN 162-36-410-025 (Building 6440 along the west property line) is the subject of this request and will be removed for construction of the restaurant. This property remained undeveloped until 2007, when ADR-1410-05 was approved to develop the pad site with an in-line retail building (being demolished for the restaurant). The new restaurant building will replace the existing building and include dual drive-thru lanes on the north, west, and south sides of the building. Existing on-site improvements such as curbs and parking spaces will be removed to accommodate the new drive-thru lane. There are 53 existing parking spaces within APNs 162-36-410-025 and 162-36-410-013 that will be eliminated, and 23 new parking spaces and 1 loading zone will be provided with the new design. This includes a small portion of parcel 162-36-410-013 with 7 existing parking spaces which will be removed and integrated into the new design of the parking lot and access. This will result in a reduction of 30 parking spaces within the shopping center.

Landscaping

Per the landscape plan, new trees will be placed within a parking lot diamond and other landscape areas around the building. New trees and shrubs will be planted within the new drive-thru areas north, east, and south of the new restaurant building. The planting legend depicts that 14 new 24 inch box trees will be planted throughout the site. Lastly, approximately 255 new shrubs will also be planted around the new restaurant building.

Elevations

The elevations depict a 24 foot high drive-thru restaurant with aluminum store entries on the south and east facing façade. A standalone cover is located at the north entrance of the drive-thru and an extended awning covers the drive-thru window on the west side of the building. The building materials include a standing seam flat roof, metal accent panels, thin brick veneer, painted vertical architectural panels, and canopy awnings. A 6 foot high parapet wall will screen mechanical equipment from view. Large decorative windows are located at the southeast corner of the building.

Floor Plans

The floor plans depict a dining room, kitchen, serving area, back of house, freezer, cooler, exterior walled area with access to electrical space, restrooms, and a mechanical room.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states that since the rest of the site was developed from 1983 to 1984, the existing southern driveway will remain, but needs a waiver of development standards to comply with Uniform Standard Drawing 222.1 and Section 30.52.050 of Title 30. The northern driveway will be revised to meet current driveway standards. The design review request is to review the proposed new drive-thru restaurant. The parking lot will utilize a diamond landscape island that requires design review approval.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-22-0117	Exterior renovation of existing commercial buildings	Approved by PC	April 2022
UC-0880-17	Allowed a major training facility within an existing commercial complex	Approved by PC	December 2017
ADR-1410-05	Constructed 3 new single story buildings within the existing commercial complex (40,000 square feet total) for the Park 2000 commercial subdivision	Approved by ZA	January 2006
ET/VC-0554-87	Variance with a first extension of time to allow a 360 square foot freestanding sign	Approved by PC	October 1998
UC-0213-84	Allowed a dry cleaning service with an existing laundry facility	Approved by PC	November 1984
UC-0267-83	Allowed a dance school	Approved by PC	November 1983
AC-169-83	Constructed and maintained 42,000 square foot retail buildings with 29,000 square feet of office, and 32,000 square feet of warehouse space	Approved by PC	November 1983

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Business Employment	C-2 (AE-75, AE-70, & AE-RPZ)	Office warehouse buildings
South	Public Use	P-F (AE-65 & AE-70)	Sunset Park
East	Business Employment	C-2 & M-1 (AE-70 & AE-75)	Office warehouse complex, restaurant, & retail buildings
West	Public Use	P-F (AE-75 & AE-RPZ)	Harry Reid International Airport

STANDARDS FOR APPROVAL:

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

Analysis

Comprehensive Planning

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.

Design Review #1

The proposed restaurant will replace an existing single story, 8,705 square foot building, that has a mission style stucco siding and tile modified mansard roof façade appearance. The proposed architecture and materials are a close match to the materials and architecture of the shopping center based on the plans submitted for the exterior renovation of existing commercial buildings under WS-22-0117. The existing restaurant buildings on the other side of the shopping center at 2512 Sunset Road and 2550 Sunset Road are similar restaurant uses in the shopping center, with painted stucco siding and modified mansard style tile roof façade. Staff supports this request.

Design Review #2

The existing shopping center has diamond shaped landscape islands, and the applicant is proposing to keep the same type of island at the east parking lot. The proposed interior parking lot design will not disrupt the overall parking for the shopping center, considering the shopping center is overparked by more than 100 spaces. The spaces around the diamond shaped landscape planter are marked as no parking. Staff supports this request.

Public Works - Development Review

Waiver of Development Standards

Staff has no objection to allowing the existing commercial pan driveway for the southernmost driveway on Eastern Avenue to remain. The application is significantly improving the site from what was previously approved under WS-22-0117.

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.

The property lies within the AE-75 (75 - 80 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

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:

Comprehensive Planning

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the County has adopted a rewrite to Title 30 effective January 1, 2024, 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;
- 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 30.48 Part B 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.
- 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; incorporate exterior to interior noise level reduction into the building construction as required by Code for use; 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.

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 #0414-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Paradise - approval.

APPROVALS:

PROTESTS:

APPLICANT: RAISING CANES CHICKEN FINGERS RESTAURANT

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