

02/06/24 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-23-0849-SRMF TOWN SQUARE OWNER, LLC:

WAIVER OF DEVELOPMENT STANDARDS to permit encroachment into air space.

DESIGN REVIEWS for the following: **1)** commercial building; and **2)** alternative parking lot landscaping in conjunction with an existing shopping center on a portion of 94.0 acres in an H-1 (Limited Resort and Apartment) (AE-65 & AE-70) Zone.

Generally located on the west side of Las Vegas Boulevard South and the south side of Sunset Road within Enterprise. MN/bb/syp (For possible action)

RELATED INFORMATION:

APN:

177-05-510-002 ptn

LAND USE PLAN:

ENTERPRISE - ENTERTAINMENT MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Acreage: 94 (portion)
- Project Type: Commercial building with restaurants and outdoor dining and drinking
- Number of Stories: 1
- Building Height (feet): 30
- Square Feet: 9,200
- Parking Required/Provided: 5,515/5,588

Site Plans

The plans show a proposed inline retail building within an existing shopping center (Town Square). The proposed building is located on the north side of the property at the southeast corner of Sunset Road and the entrance along the Windy Road alignment. Access to the shopping center is from Las Vegas Boulevard South and Sunset Road via multiple driveways. An undeveloped pad site is currently located on the south side of the area proposed for development. This pad site will be relocated to the north and the building will be adjacent to Sunset Road on the east side of the north entrance to Town Square shopping center. Approximately 40 existing parking spaces will be removed because of the new construction. 85 new parking spaces are shown south of the new building, for a net increase of 45 parking spaces.

Landscaping

No changes to the existing landscaping are proposed or required with this application. The new parking lot areas will have diamond shaped landscape islands requiring a design review for alternative parking lot landscape design.

Elevations

The proposed inline retail building includes a combination of stucco siding, decorative metal accents, exterior stone, and partially enclosed patio spaces for outdoor dining and drinking. The façade consists of glazed window paneling, enhanced architectural features, and multiple wall returns. The 1 story inline commercial building extends up to a maximum height of 30 feet. Due to the proximity to Harry Reid International Airport, a waiver of development standards is necessary to encroach into air space, and a determination by the FAA will be required before this application can be acted on by the Board.

Floor Plans

The floor plans depict a 9,200 square foot building area with 3 leased spaces consisting of 3,500, 3,200, and 2,500 square feet. The 2 larger end units are anticipated to have restaurant uses with consistent seating areas, restrooms, kitchens, outdoor dining and drinking spaces, and service stations. The third space is also anticipated to be used as a restaurant with no outside dining and drinking space.

Applicant's Justification

The applicant states that they wish to construct an inline retail commercial building on an existing pad site in Town Square for 3 possible restaurant uses. Additionally, the applicant notes that a proposed hotel is located south and west of this site, and both developments will enhance the Town Square appeal. Moving the retail building to the north will provide greater visibility to Las Vegas Boulevard South traffic and place the building between the travelling public and parking. There are no residential uses near this location on the property and lighting and signs will comply with Code requirements at the time of development. The height is less than the typical 35 foot height of many of the other retail buildings on the property.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-23-0670	Recreational facility (indoor golf simulator), accessory restaurant and bar	Approved by PC	November 2023
UC-23-0159	Recreational facility (putting course)	Approved by BCC	June 2023
UC-23-0126	Use permit & design review for a monorail station (Vegas Loop)	Approved by BCC	May 2023
ET-22-400107 (WS-19-0682)	First extension of time for a hotel	Approved by BCC	November 2022
WS-19-0682	Waived development standards for a hotel encroaching into air space	Approved by BCC	October 2019

Prior Land Use Requests

Application Number	Request	Action	Date
WS-18-0918	Amended a comprehensive sign package	Approved by BCC	March 2019
UC-18-0804	Recreational facility (escape room)	Approved by PC	December 2018
UC-17-1045	Banquet facility and major training facility	Approved by PC	January 2018
WS-0790-17	Modifications to an approved comprehensive sign package	Approved by BCC	November 2017
WS-0865-15	Gasoline station (alternative fuel/electric car charging station)	Approved by BCC	May 2016
DR-0781-15	Retail pad site building	Approved by BCC	March 2016
UC-0287-13	Recreational facility with dining and on-premises consumption of alcohol, restaurant, and retail sales with minor training facilities, major training facilities, and colleges/universities	Approved by PC	July 2013
UC-0123-12	Specific uses within an H-1 zoned regional shopping center and allowed an increased number of temporary commercial uses	Approved by PC	May 2012
UC-0391-05	Regional shopping center, live entertainment, nightclubs, theaters, and associated uses	Approved by BCC	May 2005

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Business Employment	M-1 & H-1	Manufacturing, auto repair, industrial complex, & undeveloped
South	Entertainment Mixed Use	C-2	Commercial development (Clark County Aviation), liquor store, & retail buildings
East	Entertainment Mixed Use	H-1	Recreational facility (golf course)
West	Business Employment	M-1, M-D, & R-E	I 15 & industrial

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 Reviews

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.

Design Review #1

The proposed building is consistent with the existing Town Square development and will not be detrimental with future development in this area. The building location places the structure between the travelling public and the parking lot, which is encouraged in Title 30. This use is consistent with other uses along the resort corridor and Master Plan policy 5.5.3 supports small business development in appropriate and established commercial areas. This development is compatible with adjacent existing and planned land uses and off-site circulation patterns. Additionally, the project site has ample parking to accommodate visitors; therefore, staff can support this request.

Design Review #2

The proposed diamond planters within the parking lot are consistent with the existing parking lot landscaping in the shopping center. Finger islands are proposed at the end of parking rows, Staff can support this request.

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.

More importantly, the development will penetrate the Part 77 airspace surface (Airport Airspace Overlay District), as defined by Section 30.48.100 of the Clark County Unified Development Code. Therefore, as required by Section 30.16.210(12)(D) of the Clark County Unified Development Code, final action cannot occur until the FAA has issued an airspace Determination of No Hazard and the Department of Aviation has reviewed the determination. (Note that section 30.16.210(12)(D) requires that the FAA Determination of No Hazard shall be submitted 2 weeks

prior to final approval for any proposed structure that intrudes into Airport Airspace Overlay District [see chapter 30.48 Part B].)

The property lies within the AE-70 (70 - 75 DNL) and the AE-65 (65 - 70 DNL) noise contours 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 approval of an application for a zoning inspection.
- 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 30.48 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;
- 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 #0460-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: CHAMPION RESOURCE GROUP, LLC

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