

RESTAURANT
(TITLE 30)

UPDATE
LAS VEGAS BLVD S/SUNSET RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-21-0023-PHOENIX REALTY HOLDINGS, LLC:

HOLDOVER AMENDED USE PERMITS for the following: 1) restaurants; 2) retail sales and services; and 3) offices.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduce parking; 2) landscaping; and 3) alternative driveway geometrics.

DESIGN REVIEW for a commercial building consisting of 2 restaurants with drive-thru service on 1.2 acres in an H-1 (Limited Resort and Apartment) (AE-70) Zone.

Generally located on the west side of Las Vegas Boulevard South, 820 feet north of Sunset Road within Paradise. MN/al/jd (For possible action)

RELATED INFORMATION:

APN:

162-32-802-017

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Reduce parking to 26 spaces (previously notified as 22 spaces) with initial construction where a minimum of 36 spaces (previously notified as 27 spaces) are required per Table 30.60-1 (a 27.8% reduction previously notified as an 18.5% reduction).
- b. Reduce parking to 20 spaces due to future off-site improvements for Las Vegas Boulevard South where a minimum of 27 spaces are required per Table 30.60-1 (an 25.9% reduction) (no longer needed).
2. a. Permit alternative parking lot landscaping where landscaping per Figure 30.64-14 is required.
- b. Permit alternative landscaping adjacent to Las Vegas Boulevard South where landscaping per Figure 30.64-17 is required.
3. Reduce driveway throat depth to zero feet where a minimum of 25 feet is required per Uniform Standard Drawing 222.1 (a 100% reduction).

LAND USE PLAN:

WINCHESTER/PARADISE - INDUSTRIAL

BACKGROUND:

Project Description

General Summary

- Site Address: 6214 Las Vegas Boulevard South
- Site Acreage: 1.2
- Project Type: Restaurants
- Number of Stories: 1
- Building Height (feet): 25
- Square Feet: **3,442**
- Parking Required/Provided: **36/26**

Site Plans

The plans depict a commercial building that will be divided into 2 lease spaces with the intent for the building to be used for separate restaurants. **The lease spaces will be divided between the northern and southern portions of the building with the lease space on the southern portion of the building having a drive-thru service.** The use permit requests for retail sales, services, and offices will allow options for future tenants. The lot currently has an area of 1.2 acres; however, the eastern (approximately) 200 feet of the parcel will be part of the future right-of-way dedication for Las Vegas Boulevard South, therefore, the proposed building will be located on the central portion of the western half of the parcel. Access to the site will be provided by proposed driveways from Las Vegas Boulevard South. There will also be a shared access with the existing development to the north and a future shared access for the parcel to the south. Parking for the proposed building is located along the west and south property lines of the parcel and to the east in front of the proposed building. **The drive-thru service for the southern lease space is entered at the northwest corner of the building traveling along the west and south sides of the building and exiting into the common drive aisle along the south side of the building. The menu and order board for the drive-thru service is located at the southwest corner of the building and the pick-up window is located on the southeast corner of the building.** Based on the plans there is queuing for about 2 vehicles from the entrances to the drive-thru service lanes to the menu and order boards.

Waiver of development standards #1b is no longer required due to the submittal of revised plans which eliminates the need for the waiver. Waiver of development standards #3 is in conjunction with future off-site improvements when Las Vegas Boulevard South is fully improved. The plan depicts the future driveway location when Las Vegas Boulevard South is widened. There are no immediate plans to improve this portion of Las Vegas Boulevard South, and it could be several years before changes would take place to the driveway and parking lot.

Landscaping

Las Vegas Boulevard South is an arterial street, and per Code, a 15 foot wide landscape area with a detached sidewalk is required for the site. The plans depict an attached sidewalk within the right-of-way for Las Vegas Boulevard South, which matches the existing development to the north. The plan is depicting a minimum **6 foot** wide landscape area along Las Vegas Boulevard South consisting of trees, shrubs, and groundcover. Landscaping within the parking lot is required per Figure 30.64-14, which requires 1 large tree per every 6 parking spaces, or 1

medium tree per every 4 parking spaces, or a combination of large or medium trees. The plan is depicting a combination of large, medium, and small trees on the site and the proposed combination does not comply with the required number of large and/or medium trees needed for the **26** parking spaces.

Elevations

The plans depict a 1 story building with a maximum height of 25 feet. The building has a flat roof behind parapet walls and the exterior of the building has a stucco finish painted in natural colors. The front of the building faces east toward Las Vegas Boulevard South, and the entrances to the lease spaces consist of aluminum and glass storefronts.

Floor Plans

The plans depict a commercial building with an area of **3,442 square feet** to be divided into 2 lease spaces for separate restaurants. The floor plan indicates that the northern lease space will have an area of **2,170 square feet** and the southern lease space will have an area of **1,272 square feet**. The remaining 70 square feet is for a utility area for the building. **The plan depicts 313 square feet of the northern lease space designated for customer seating and 175 square feet of the southern lease space designated for customer seating.**

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant indicates that the proposed development will benefit the community and will help to improve the appearance of the area. The planned primary use for the proposed building is for restaurants **with most of the business for the southern lease spaces being from the drive-thru service. Therefore, the 36 parking spaces required by Code will be excessive for the location and the proposed 26 parking spaces will be adequate for the restaurants.** The landscaping waivers are necessary because of the limited street frontage of the parcel, the design of the driveways to access the site, the drive aisle for on-site traffic circulation, and an existing drainage swale which reduces the available planting area. The proposed landscaping for the site was designed around these site constraints.

Prior Land Use Requests

Application Number	Request	Action	Date
RS-20-500129	Record of survey for Las Vegas Boulevard South - recorded	Approved PW Mapping	November 2020

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Industrial	H-1	Convenience store, gasoline station, & restaurant
South & West	Industrial	M-1	Storage yard
East	Public Facilities	P-F	McCarran International Airport

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 Comprehensive 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.

The intended use of the site is for restaurants with drive-thru service. The use permit requests for retail sales, services, and offices are to allow for possible alternative uses for the lease spaces depending on demand of future tenants. All these uses are consistent and compatible with other developments in the area. Staff finds the uses are appropriate at the proposed location and can support the use permits.

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.

Waiver of Development Standards #1a

The applicant is stating that the intended use for the site is fast food restaurants where most of the business will be provided by the drive-thru service for the southern lease space. Based on this premise the applicant is requesting a waiver of development standards to reduce parking for the site. There are some restaurant businesses which do most of their business via drive-thru service and can operate with fewer parking spaces than required by Code. However, staff finds that the applicant has not provided sufficient justification to support their request. **The plans depict 2 lease spaces for restaurants within the building with only 1 lease space providing a drive-thru service.** Staff finds the site is not large enough to support the proposed development adequately for parking and on-site circulation. **Therefore, staff does not support the parking reduction.**

Waiver of Development Standards #1b

Revised plans were submitted for this project and this waiver is no longer needed.

Waiver of Development Standards #2a & #2b

The width of the lot, future right-of-way dedication for Las Vegas Boulevard South, and the existing drainage swale are all unique circumstances for this site. Similar waivers for the alternative landscaping along Las Vegas Boulevard South have been approved for other developments in the area. McCarran International Airport is located across the street from this

site and no landscaping has been provided along this portion of Las Vegas Boulevard South for the airport. The existing development on the adjacent property to the north has similar parking lot landscaping to the proposed development. Therefore, staff finds the proposed landscaping will be consistent and compatible with existing developments in this area and can support these waivers.

Design Review

Staff is concerned with the proposed design of the building and the drive-thru service lane. Staff finds there is insufficient stacking distance between the entrance to the drive-thru service lane and the menu and order board. There is the potential for vehicles queuing into the drive-thru lane blocking the drive aisle and impeding on-site traffic circulation. Additionally, staff does not support the proposed parking reduction, which is necessary due to the size of the proposed building. Therefore, staff believes this site is not large enough to safely accommodate 2 restaurants and does not support the design review.

Public Works - Development Review

Waiver of Development Standards #3

The applicant is required to dedicate to Clark County their proportionate share of a 200 foot wide right-of-way on Las Vegas Boulevard South according to Title 30 and the Clark County Transportation Element. Until the Las Vegas Boulevard South improvements occur, staff has no objection to the reduction in the throat depth for the commercial driveway. The applicant was made aware that as designed, the functionality of the site will be impacted when Las Vegas Boulevard South is fully improved.

Department of Aviation

The development will penetrate the 100:1 notification airspace surface for McCarran 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) noise contour for McCarran 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 McCarran International Airport facilities to meet future air traffic demand.

Staff Recommendation

Approval of the use permits, waivers of development standards #2a, #2b, and #3; denial of **waiver of development standards #1a** 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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

If approved:

- **Once the use has commenced there shall be no time limit to commence waiver of development standards #3;**
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that 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;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication for Las Vegas Boulevard South to accommodate a proportionate share of a 200 foot wide right-of-way;
- Coordinate with Public Works - Traffic Management for the Las Vegas Boulevard improvement project;
- Dedicate any right-of-way and easements necessary for the Las Vegas Boulevard improvement project.

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;
- 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;
- Incorporate exterior to interior noise level reduction into the building construction as required by Code for use.

- 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; the FAA's airspace determinations include expiration dates and that separate airspace determinations will be needed for construction cranes or other temporary equipment; 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.

Building Department - Fire Prevention

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features (trash enclosure doors impede on access lane).

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 #0335-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC:

APPROVALS:

PROTESTS:

PLANNING COMMISSION ACTION: April 6, 2021 – HELD – To 05/04/21 – per the applicant.

PLANNING COMMISSION ACTION: May 4, 2021 – HELD – To 06/15/21 – per the applicant.

PLANNING COMMISSION ACTION: June 15, 2021 – HELD – To 07/20/21 – per the applicant.

APPLICANT: PHOENIX REALTY HOLDINGS, LLC

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