

04/18/23 PC AGENDA SHEET

RESTAURANT
(TITLE 30)

DECATUR BLVD/RUSSELL RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-23-0085-DECATUR CAPITAL MANAGEMENT, LLC:

WAIVER OF DEVELOPMENT STANDARDS to reduce driveway throat depth.

DESIGN REVIEW for a proposed restaurant within a retail center on 2.5 acres in a C-2 (General Commercial) (AE-60) Zone.

Generally located on the east side of Decatur Boulevard and the south side of Russell Road within Paradise. MN/lm/syp (For possible action)

RELATED INFORMATION:

APN:

162-31-110-001

WAIVER OF DEVELOPMENT STANDARDS:

Reduce driveway throat depth to 12.8 feet where 25 feet is required per Uniform Standard Drawing 222.1 (a 50% reduction).

LAND USE PLAN:

WINCHESTER/PARADISE - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: 4885 Russell Road
- Site Acreage: 2.5
- Project Type: Restaurant with drive-thru
- Number of Stories: 1
- Building Height (feet): 21
- Square Feet: 783
- Parking Required/Provided: 8/16

Site Plan

The plan shows a flag shaped lot with an existing convenience store and gasoline pumps on the northern portion of the site, and an existing tavern on the southwestern portion of the site (the “pole” of the flag). The 783 square foot drive-thru restaurant (Salad and Go) is centrally located within the northern portion of the site between the convenience store and the tavern. Access to the site is from an existing driveway on Decatur Boulevard with secondary existing access on

Russell Road. The double entry drive-thru lane begins approximately 110 feet to the east of the building, circling to the south and west around a landscaped area, and then to the north to the pick-up window. Parking areas are located on the northern portion of the landscaped area between the building and the drive-thru lane, and farther to the east, beyond the drive-thru lane. Pedestrian access is provided from the parking areas to the building if there are walk up orders. The trash enclosure is located along the east property line.

Landscaping

There are no changes to existing street landscaping, and parking lot landscaping is equally distributed adjacent to the parking stalls and along the east property line. The drive-thru lanes circle around a proposed landscape area to the east of the building.

Elevations

The plans depict a proposed commercial restaurant building with a drive-thru at 21 feet in height with a metal awning, metal frame, stucco finish, and storefront glazed windows. The colors proposed include orange and green and architectural enhancements with the rest of the building being white and gray colors.

Floor Plans

The plans depict a 783 square foot restaurant with kitchen, employee restroom, and utility rooms. There is no interior dining area and no outside dining seating area.

Signage

Signage is not a part of this request.

Applicant’s Justification

The applicant indicates the proposed restaurant is permitted in the zoning district and is consistent with existing developments in the area. The reduced driveway throat depth is requested to allow the existing driveway to remain as constructed.

Prior Land Use Requests

Application Number	Request	Action	Date
ADR-22-900610	Addition to tavern	Approved by ZA	September 2022
NZC-18-0449	Reclassified 1.1 acres to C-2 zoning for a convenience store, gasoline station, and vehicle wash	Approved by BCC	October 2019
TM-18-500007	1 lot commercial subdivision	Approved by BCC	October 2019
ZC-1315-07	Reclassified 1 acre to C-2 zoning with a special use permit for an automobile repair facility with a waiver to reduce landscaping - expired	Approved by BCC	December 2007
ADR-0370-04	Communication tower	Approved by ZA	April 2004

Prior Land Use Requests

Application Number	Request	Action	Date
VS-0626-00	Vacated patent easements	Approved by BCC	June 2000
ZC-0283-97	Reclassified the western portion of the site to C-2 zoning for a restaurant/lounge (tavern) and convenience store with gas pumps with a variance to reduce setbacks	Approved by BCC	April 1997

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Business Employment	M-1	Convenience store & outside storage
South	Business Employment & Public Use	M-D & P-F	Undeveloped & Office/warehouse
East	Business Employment	M-1	Office/warehouse
West	Corridor Mixed-Use & Business Employment	C-2	Undeveloped & retail

Related Applications

Application Number	Request
VS-23-0086	A vacation and abandonment of 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

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

Staff finds the proposed design to complement the previously approved tavern and convenience store buildings on the site. The design of the drive-thru lanes does not conflict with the circulation of the site. The proposed changes will be compatible to the surrounding area; therefore, staff can support this request.

Public Works - Development Review

Waiver of Development Standards

Staff has no objection to the reduction in throat depth for the existing driveway on Decatur Boulevard. The applicant has worked with staff to design the site to help mitigate the conflicts caused by the reduced throat depth.

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:

Comprehensive 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 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;
- 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.

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 #0432-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Paradise - approval.

APPROVALS:

PROTESTS:

APPLICANT: ATWELL, LLC

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