

11/07/23 PC AGENDA SHEET

RESTAURANT
(TITLE 30)

WARM SPRINGS RD/PARADISE BAY DR

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-23-0624-GIBSON CAPITAL MANAGEMENT LLC:

USE PERMIT to reduce the separation from outside dining to a residential use.

DESIGN REVIEW for a restaurant with drive-thru and outside dining area on 0.7 acres in a C-1 (Local Business) Zone.

Generally located on the north side Warm Springs Road, 168 feet east of Paradise Bay Drive within Paradise. MN/jud/syp (For possible action)

RELATED INFORMATION:

APN:

177-02-816-009, 177-02-816-012 & 013

USE PERMIT:

Reduce the separation from an outside dining area to a residential use to the north to 170 feet where a minimum of 200 feet is required per Table 30.44-1 (a 15% reduction).

DESIGN REVIEW:

Restaurant with drive-thru and outside dining area.

LAND USE PLAN:

WINCHESTER/PARADISE - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 2080 E. Warm Springs Road
- Site Acreage: 0.7
- Project Type: Restaurant with drive-thru and outside dining area
- Number of Stories: 1
- Building Height (feet): 20 feet 10 inches
- Square Feet: 2,300
- Parking Required/Provided: 25/25

Site Plans

The applicant is proposing to construct a restaurant with a drive-thru and outside dining area on APN 177-02-816-013 only. The plans depict a proposed 2,300 square foot restaurant located on the north side of Warm Spring Road, where a car wash is currently existing and is set to be demolished. The drive-thru aisle is located on the east and north sides of the building, and traffic will circulate around the building. A single drive-thru lane provides pick up service only, ordering is done on-line, and no talk box will be on the site. Parking is provided on the south, west, and northern portions of the site with cross access to the adjacent north and west properties. There is 1 main access point shown along Warm Springs Road where an existing attached sidewalk with landscaping is located on the southern side of the proposed building. Cross access still exists to the north and west commercial zoned properties.

The 330 square foot outside dining area is located to the southeast of the building and is located 6 feet from the drive-thru lane. The outside dining area is surrounded by required protective fence and is located at a higher grade than the parking area. The outside dining area, which is 170 feet from the existing residential development to the north, is partially buffered from the residential development to the north by the proposed building.

The building is set back 115 feet, six inches from the south property line. A total of 23 parking spaces and 2 ADA accessible parking spaces are required. A total of 20 parking spaces are provided on the site; the additional 5 parking spaces are provided on the adjacent parcel to the north (APN 177-02-816-012), which is a part of a recorded cross access/parking agreement provided by the applicant. Four bicycle parking spaces are provided as required per Code. The trash enclosure is located 18 feet from the north property line, and the loading space as required is located east of the building with a 5 foot wide sidewalk between the loading space and the building.

Landscaping

An existing 5 foot wide attached sidewalk with a 15 foot wide landscape area is provided along Warm Springs Road. A 3 foot wide landscape area is provided along the east and north property lines. A 6 foot landscape strip is provided along the west property line.

Elevations

The proposed restaurant is up to 20 feet 10 inches high at the top of the parapet. The architecture of the restaurant is of modern contemporary design with painted E.I.F.S. and dual glazing storefront system. The color palette consists of a range of gray shades.

Floor Plans

The plans depict a 2,300 square foot building for the proposed restaurant with a drive-thru area. The outside dining area is 330 square feet in area.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states the proposed reduction in separation for the outside dining/drinking area from the residential use to the north is mitigated by the adjacent parcel to the north which buffers the residential development to the north. An existing block wall and 10 feet of landscaping are provided on the adjacent property line adjoining the residential property line. The proposed restaurant at this location is unique because the business model does not include a call box as this is a pre-order/call ahead with inside and outside dining options. A landscape strip is provided to the north as well as a parking lot to buffer the vehicle noise to the residential neighbors. The proposed reduction will not impact the residential development to the north.

The use is appropriate and compatible for the area and a redevelopment of the site. The existing vehicle car wash is underutilized and the proposed development will provide security and safety in the area. This redevelopment of the subject parcel will not impact the overall commercial complex. The cross access to the west provides additional access to mitigate the impact of the stacking along Warm Springs Road. The queuing lane for the restaurant is located on the east side of the parcel to provide adequate circulation throughout the site.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-212-90	Reclassified 7.5 acres from R-E to C-1 zoning	Approved by BCC	September 1990
UC-247-90	Constructed and maintained a shopping center	Approved by BCC	September 1990

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North, East, & West	Corridor Mixed-Use	C-1	Commercial developments
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single family residential

STANDARDS FOR APPROVAL:

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

Analysis

Comprehensive Planning

Use Permit

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.

The proposed use is in harmony with the purpose, goals, objectives, and standards of the planned land use and Title 30 when considering the outdoor dining area. In addition, this project will not

impose undue burden on the residential uses to the north and south since there is a buffer consisting of landscaping and parking stalls on the north side of the property line and Warm Springs Road on the south side of the property. Therefore, staff can support this request.

Design Review

The project provides appropriate buffers, building height, and queuing lane for the drive-thru. The proposed drive thru lane will serve pick up orders only and no talk box will be installed on this site. The landscaping and building materials comply with Title 30 standards and are appropriate for the area. Consequently, staff can support this request.

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

- Comply with approved drainage study PW23-15852;
- Traffic study and compliance.

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 #0182-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: JOSEPH KENNEDY

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