

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-26-0159-MARINO FAMILY TRUST & MARINO WILLIAM J & BARBARA B TRS:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce buffering and screening; **2)** modify residential adjacency standards; and **3)** modify commercial driveway standards.

DESIGN REVIEW for a site redesign for an existing restaurant within an existing shopping center on a 1.07 acre portion of 15.89 acres in a CG (Commercial General) Zone.

Generally located north of Reno Avenue and west of Fort Apache Road within Spring Valley.
JJ/lm/kh (For possible action)

RELATED INFORMATION:

APN:

163-30-512-006; 163-30-512-013; 163-30-512-015 through 163-30-512-016; 163-30-513-004
ptn

WAIVERS OF DEVELOPMENT STANDARDS:

1.
 - a. Reduce the width of the landscape buffer to 7 feet where a minimum 15 foot wide landscape buffer is required per Section 30.04.02C (a 53% reduction).
 - b. Allow a 6 foot high wrought iron fence where an 8 foot high decorative wall is required per Section 30.04.02C.
2.
 - a. Reduce the separation between the drive-thru lane and the residential use to the west to 27 feet where 200 feet is required per Section 30.04.06E (an 85% reduction).
 - b. Allow higher-activity areas of development (circulation) along the west property line where not permissible per Section 30.04.06G.
 - c. Allow trash and recycling receptacles within 50 feet of an area subject to Residential Adjacency Standards per Section 30.04.06K (no longer needed).
 - d. Allow parking for non-residential development within 30 feet of an area subject to Residential Adjacency Standards and not screened by a primary building or otherwise buffered per Section 30.04.06L (no longer needed).
3.
 - a. Reduce the driveway throat depth along Reno Avenue to 24.45 feet where 25 feet is required per Uniform Standard Drawing 222.1 (a 1% reduction).
 - b. Reduce the departure distance from an intersection to a driveway along Reno Avenue to 88 feet where 190 feet is the minimum required per Uniform Standard Drawing 222.1 (a 53% reduction).

LAND USE PLAN:

SPRING VALLEY - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 5095 S. Fort Apache Road
- Site Acreage: 1.07
- Project Type: Proposed site redesign to add a driveway and pick-up lane for an existing restaurant within an existing shopping center
- Parking Required/Provided: 337/728
- Sustainability Required/Provided: 1.5

History & Purpose

The existing restaurant was recently converted from a retail (furniture store) to a restaurant through a tenant improvement permit (BD25-29745) and is currently in operation. The site was originally constructed as part of the shopping center to the north, which also provides shared driveway access serving the multi-family residential development to the west from Fort Apache Road. The purpose of this request is to construct a new one-way commercial driveway entrance from Reno Avenue and to add a mobile order pick-up lane and window on the west side of the building.

Site Plan

The plan depicts a 1.07 acre site within an existing shopping center at the northwest corner of Fort Apache Road and Reno Avenue. The proposed 24 foot wide driveway provides a one-way entrance from Reno Avenue and connects to the existing parking lot on the north side of the restaurant. There are no changes to the existing parking lot and new bicycle racks have been added to the north and northwest sides of the building. A mobile pick-up lane begins on the northwest side of the restaurant, loops southeast, and then turns west to direct exiting vehicles north through the shopping center.

Landscaping

The proposed plans depict the existing site landscaping on the south and west sides of the building to be updated with the removal of 3 significant trees, which will be replaced by additional street trees and landscape buffer plantings to mitigate the impact of the loss of the significant trees. New trees will be planted along Reno Avenue, and 3 existing trees will remain. The proposed landscape buffer along the west property line ranges in width from 15 feet at the northerly end of the buffer and tapers to 7 feet in width adjacent to the new Reno Avenue driveway, and it will include 2 rows of evergreen trees planted 20 feet apart in each row. There is an existing 6 foot tall wrought-iron fence on the shared property line at the back of the landscape buffer.

Elevations and Floor Plans

The plans depict an existing restaurant building featuring standard commercial storefront windows and doors, along with a painted exterior that incorporates existing architectural elements. There are no changes to the existing height of the building. A new awning is located over the entrance, and an egress door is added to the northeast elevation in the existing storefront beneath the existing canopy. The updated façade reflects the company's branding while using

color tones, primarily gray and blue, to complement the adjacent multi-family residential development to the west. The pick-up window is located on the southwest side of the building.

Applicant’s Justification

The applicant states that the proposed driveway and pick-up window are intended to support mobile food pick-up only. The scope of work is limited to the southwest portion of the site and includes a new curb cut, the installation of the pick-up window, and associated landscaping. No menu board, communication device, or speaker is included, as all orders are placed through the company’s mobile app, and no face-to-face ordering is permitted. Vehicle stacking is not required because guests will have already ordered and paid electronically and will be assigned a designated pick-up time. In the event an order is not ready when a guest arrives early, 2 holding spaces are provided to keep the pick-up window clear and maintain traffic flow. The westerly landscape buffer was originally designed as part of the overall shopping center and was split into 2 segments with the development of the multi-family residential development to the west. A tapered buffer area has been designed to narrow the drive aisle to facilitate traffic movement to the north. The existing drive aisle configuration on the multi-family site diminishes the buffer’s effectiveness relative to residential adjacency standards.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-1749-99 (WC-400225-02)	Waive condition of a zone change for a loading dock wall height	Approved by BCC	September 2002
DR-0620-01	Design Review for a shopping center on 25 acres	Approved by PC	June 2021
ZC-1515-00	Zone change to C-2 for a shopping center	Approved by BCC	November 2000
ZC-1749-99	Zone change for a shopping center with mini-warehouse	Approved by BCC	December 1999

Additional land use applications for the shopping center are on file and may be reviewed through department records.

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Corridor Mixed-Use	CG	Shopping center
South	Corridor Mixed-Use	RM18, RM50 & CG	Multi-family residential, & shopping center
East	Corridor Mixed-Use	CG	Shopping center
West	Corridor Mixed-Use	CG, RM50 & RS2	Shopping center, single-family residential, & multi-family residential

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

Waivers 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.

Waiver of Development Standards #1

The proposed landscape buffer meets the required tree count; however, the reduced planter area may create long-term challenges for both existing and newly planted trees. In addition, staff is concerned that the omission of the required 8-foot tall decorative wall could negatively affect the adjacent residential property. For these reasons, staff is unable to support the request.

Waiver of Development Standards #2

The intent of residential adjacency standards is to promote compatible transitions between land-use areas of differing intensities and to reduce potential negative impacts that may occur when higher-intensity development is located adjacent to residential zoning districts. Staff has concerns regarding the placement of the proposed circulation lanes along the west property line, as this configuration may negatively affect the adjacent residential property. The purpose of ensuring a significant separation between residential uses and drive-thru lanes and higher activity areas such as site circulation lane is to prevent noise and other disturbances from such uses from impacting surrounding residential areas. In this case, the proposed pick-up lanes are 27 feet from the shared property line with the residential use to the west. Although the applicant is proposing an updated landscape buffer, the existing fence does not provide adequate screening. For these reasons, staff is unable to support this request.

Design Review

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.

The applicant indicates that the proposed location of the new driveway and pick-up window is intended to facilitate on-site traffic circulation. Staff is concerned that the proposed design may create unintended impacts on the adjacent residential development. For these reasons, staff is unable to support the request.

Public Works - Development Review

Waiver of Development Standards #3

Although the throat depth and departure distance for the Reno Avenue commercial driveway does not comply with the minimum standard, the applicant worked with staff to redesign the

driveway to be a one-way ingress only, allowing vehicles to safely enter the site without the potential for conflicts. Therefore, staff has no objection to this request. However, since Planning is recommending denial of the application, staff cannot support this waiver.

Staff Recommendation

Denial.

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

If approved:

- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance.
- 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;
- Off-site improvement permit will be required.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that the property is already connected to the CCWRD sewer system; and if any existing plumbing fixtures are modified in the future, then additional capacity and connection fees will need to be addressed.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: CAFE ZUPAS

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