

TAVERN
(TITLE 30)

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
ZC-23-0744-DURANGO ROBINDALE, LLC:

ZONE CHANGE to reclassify a 0.8 acre portion of a 2.2 acre site from a C-1 (Local Business) Zone to a C-2 (General Commercial) Zone.

USE PERMITS for the following: **1)** outside dining, drinking, and cooking; and **2)** eliminate pedestrian access.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** allow modified driveway design standards; **2)** alternative landscaping; and **3)** non-standard improvements in the right-of-way.

DESIGN REVIEWS for the following: **1)** tavern; and **2)** finished grade in the CMA Design Overlay District.

Generally located on the north side of Robindale Road and the east side of Durango Drive within Spring Valley (description on file). MN/rr/syp (For possible action)

RELATED INFORMATION:

APN:

176-09-210-004; 176-09-210-005; 176-09-301-008 ptn

USE PERMITS:

1. Outside dining, drinking, and cooking within a rooftop patio area not in conjunction with a supper club, tourist club, mixed use development, or restaurant.
2. Eliminate the minimum 48 inch wide pedestrian access around the perimeter of an outside dining area.

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce the throat depth for an existing driveway on Robindale Road to a minimum of 3 feet 2 inches where 25 feet is required per Uniform Standard Drawing 222.1 (an 88% reduction).
2. Allow alternative landscaping along Robindale Road and Durango Drive where landscaping per Figure 30.64-17 is required.
3. Allow non-standard improvements (landscaping) within the right-of-way on Robindale Road and Durango Drive.

DESIGN REVIEWS:

1. Tavern.
2. Increase finished grade to 40 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 12% increase).

PROPOSED LAND USE PLAN:

SPRING VALLEY - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 0.8 (zone change)/2.2 (site)
- Project Type: Tavern
- Number of Stories: 1
- Building Height (feet): 33.5
- Square Feet: 5,400
- Parking Required/Provided: 73/79

Site Plans

The plans depict a proposed 5,400 square foot tavern with a 750 square foot roof patio on the southernmost parcel APN 176-09-301-008 of 3 parcels located along the east side of Durango Drive north of Robindale Road. The proposed building is set back 93 feet from the west property line (Durango Drive) and 42 feet from the south property line (Robindale Road). The site is accessed from an existing driveway on Robindale Road. Cross access is provided to the 2 parcels to the north where access to Durango Drive is provided via 2 existing driveways. Parking areas are located on the east and west sides of the tavern and are connected by a 24 foot wide drive aisle. 24 parking spaces are proposed on the parcel. A loading zone is proposed at the eastern end of the parking lot, and a trash enclosure is located just east of the building. The parking analysis indicates the proposed tavern, in combination with the roof patio, will generate a need for 57 parking spaces. A parking agreement exists between the subject site and the 2 adjoining parcels to the north. There are 32 existing parking spaces on APN 176-09-210-005 which is the location of a convenience store and gas station. APN 176-09-210-004 farther to the north has some existing parking and is approved for a drive-thru restaurant with 22 parking spaces. The balance of the required parking will be met by utilizing existing parking spaces to the north.

Landscaping

The street landscaping along Durango Drive and Robindale Road will have a detached sidewalk with the landscape areas on each side of the sidewalk. A portion of the required landscape area will be within the right-of-way at the corner of Durango Drive and Robindale Road. As a result, waivers to allow landscaping in the right-of-way and for alternative on-site landscaping have been requested. Plans also show landscaping within the parking areas and at the eastern end of the property. All plants are in accordance with the Southern Nevada Regional Planning Coalition (SNRPC) Regional Plant List.

Elevations

The plans depict a 1 story building that is 33.5 feet in height. Building materials consist of stucco with stone veneer finishes on parts of the building. Portions of the building have roof parapets and cornices, while the main entrance at the southwest corner of the building has a standing seam metal roof. Several storefront windows also feature canopies with standing seam metal. The rooftop patio area is secured by a 3.5 foot high wrought iron guardrail.

Floor Plans

The plans show a proposed 5,400 square foot tavern with dining areas, bar, and kitchen on the ground floor. A 750 square foot rooftop patio area is connected to the ground floor by an interior staircase.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states that the requested zone change to C-2 is appropriate and compatible with the surrounding area. There are similar uses in the Durango Drive corridor, both north and south of the site. The tavern will not be more intense than the existing and incoming uses in the area. The proposed development will complete this vacant corner and should improve the existing vehicular congestion and pedestrian connectivity.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-22-0343	Waived driveway width and throat depth for a restaurant with drive-thru service	Approved by BCC	November 2022
ET-22-400032 (UC-19-0867)	First extension of time for a vehicle wash	Approved by BCC	April 2022
UC-19-0867	Vehicle wash	Approved by BCC	December 2019
ZC-0565-15	Reclassified this parcel to C-1 zoning for southerly access to the adjacent parcel to the north which is developed with a convenience store with gas pumps	Approved by BCC	October 2015
DR-0969-14	Site lighting and signage in conjunction with an approved commercial development	Approved by PC	February 2015
UC-0138-11 (ET-0115-13)	First extension of time for a convenience store, service station, and car wash	Approved by PC	February 2014
UC-0138-11	Convenience store, service station, and car wash	Approved by BCC	November 2012
WS-0932-08	Increased building height for a commercial complex	Approved by PC	November 2008
TM-0344-07	Commercial subdivision	Approved by PC	February 2008

Prior Land Use Requests

Application Number	Request	Action	Date
TM-0682-05	Commercial subdivision	Approved by PC	January 2006
VS-1229-05	Vacated and abandoned easements of interest	Approved by PC	October 2005

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Neighborhood Commercial	C-1	Gas station & convenience store
South	Public Use	P-F	Undeveloped
East	Neighborhood Commercial & Public Use	C-1 & P-F	Mini-warehouse, soccer fields, and parking lot
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2 & P-F	Single family residential & golf course (Rhodes Ranch)

The site is within the Public Facilities Needs Assessment (PFNA) area.

Related Applications

Application Number	Request
PA-23-700038	A plan amendment to redesignate the existing land use category from NC (Neighborhood Commercial) to CM (Corridor Mixed-Use) on 0.8 acres 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

Zone Change

The proposed zone change to C-2 requires approval of a concurrent amendment to redesignate 0.8 acres of the 2.2 acre site from NC (Neighborhood Commercial) to CM (Corridor Mixed-Use) so that the requested zone change may be in conformance to the Master Plan.

Over the past 15 years, commercial development along this section of Durango Drive has seen rapid growth based on the increasing residential development in this part of the Valley. The adjacent properties to the north are developed with a convenience store, gasoline station, and mini-warehouse. This area represents a node of commercial uses that serves the immediate area. Spring Valley Policy SV-1.5 encourages the development of commercial activity at nodes throughout the community as opposed to along linear commercial corridors. A zone change to C-2 will support this policy by maintaining the existing commercial node and expanding the allowed uses. Therefore, staff can support this request.

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 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.

A tavern is a permitted use in a C-2 zone. However, since it is not a supper club, tourist club, mixed use development, or restaurant, the outside dining, drinking, and cooking on the rooftop patio requires a use permit. Additionally, outside dining requires a minimum 48 inch wide pedestrian access around the perimeter of the outside dining area. However, this is requested to be eliminated due to the rooftop nature of the dining area. The intent is to use the rooftop patio for additional seating and dining areas, particularly following events at the nearby recreational facilities. The outside dining use is not within 200 feet of residential uses which are buffered by Durango Drive and Robindale Road. Based on this proposal, staff can support these requests.

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.

Waiver of Development Standards #2

The applicant is requesting to allow the placement of non-standard improvements consisting of landscaping and a detached sidewalk within the right-of-way at the corner of Robindale Road and Durango Drive (Waiver #3). Additionally, a portion of the required landscaping is in the right-of-way. As a result, a waiver for alternative landscaping is requested. Provided that waiver of development standards #3 is approved, staff does not object to eliminating the on-site landscaping, provided that if for any reason the landscaping in the right-of-way is removed in the future because of road construction or other reasons, it is either replanted or replaced on-site.

Design Review #1

The proposed site plan and building elevations indicate appropriate design characteristics, building materials, and other architectural features to help create an orderly and aesthetically pleasing environment that is compatible and harmonious with the surrounding area. The proposed design features cross access with the commercial development to the north, eliminating the need for any additional driveways on Durango Drive. Therefore, staff can support this design review.

Public Works - Development Review

Waiver of Development Standards #1

Staff has no objection to the reduction of throat depth for the driveway on Robindale Road. The applicant worked with staff to remove parking spaces, which provides more room for vehicles to safely exit the right-of-way to gain access to the site.

Waiver of Development Standards #3

The applicant is responsible for maintenance and up-keep of any non-standard improvement; the County will not maintain any landscaping placed in the right-of-way. Staff can support waiver of development standards #3 but the applicant must execute and sign a License and Maintenance Agreement for any non-standard improvements within the right-of-way.

Design Review #2

This design review represents the maximum grade difference within the boundary of this application. This information is based on preliminary data to set the worst case scenario. Staff will continue to evaluate the site through the technical studies required for this application. Approval of this application will not prevent staff from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approval.

Staff Recommendation

Approval. This item has been forwarded to the Board of County Commissioners for final action.

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.

PLANNING COMMISSION ACTION: January 2, 2024 – APPROVED – Vote: Unanimous **Comprehensive Planning**

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- If any landscaping in the right-of-way is removed in the future because of road construction or other reasons, it shall be replanted or replaced on-site by the applicant or owner;
- 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 the use permits, waivers of development standards, and the design reviews must commence within 2 years of approval date or they will expire.

Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Full off-site improvements;

- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

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 #0403-2023 to obtain your POC exhibit; and that flow contributions exceeding CWWRD estimates may require another POC analysis.

TAB/CAC: Spring Valley - approval.

APPROVALS:

PROTESTS: 1 card

APPLICANT: DURANGO ROBINDALE, LLC

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