

10/02/24 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-24-0419-MEEKRAT HOLDINGS, LLC:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** modify residential adjacency standards; and **2)** reduce throat depth.

DESIGN REVIEW for restaurant buildings on 2.12 acres in a CG (General Commercial) Zone within the Airport Environs (AE-60) Overlay.

Generally located on the north side of Quail Avenue and the east side of Jones Boulevard within Spring Valley. MN/sd/syp (For possible action)

RELATED INFORMATION:

APN:

163-36-101-003

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce the separation from a drive-thru lane to a residential zoned property to 65 feet where 200 feet is required per Section 30.04.06 (a 68% reduction).
2. Reduce the throat depth along Jones Boulevard to 16 feet 7 inches where 75 feet is required per Uniform Standard Drawings 222.1 (a 79% reduction).

LAND USE PLAN:

SPRING VALLEY - NEIGHBORHOOD COMMERCIAL

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 2.12
- Project Type: Restaurants with drive-thru
- Number of Stories: 1
- Building Height (feet): 23 (tavern)/22 (coffee shack)
- Square Feet: 4,371(tavern)/700 (coffee shack)
- Parking Required/Provided: 33/38
- Sustainability Required/Provided: 7/8.5

Site Plan & History

The site was originally approved via ZC-22-0628 for 2 restaurants. The previously approved application included a waiver of development standards for a reduction in the required departure distance along Jones Boulevard to 106 feet where 190 feet is required from the intersection of Quail Avenue and Jones Boulevard. The proposed plans depict a new coffee shack in the

northwest portion of the parcel, and a restaurant (tavern) located centrally on the site. The coffee shack will have a drive-thru lane and the queuing for the drive-thru will be along the north property line, with the starting point being 65 feet from the east property line (adjacent residential property). It then travels west towards the talk box and curves towards the south to exit. The talk box is 170 feet from the residential property to the east. The plan depicts all development to be within the north half of the parcel with the southern half of the parcel reserved for a future commercial building. The plan shows pedestrian pathways from Jones Boulevard to the tavern and to the coffee shack building. Access to the site is from Jones Boulevard and Quail Avenue via commercial driveways. There are 38 parking spaces provided where 33 are required. The parking areas are shown on the north and the east of the tavern.

Landscaping

The plans depict a street landscape area measuring a minimum of 15 feet in width consisting of a 5 foot wide detached sidewalk and 5 foot wide landscape strip on both sides of the sidewalk along both Jones Boulevard and Quail Avenue. An 18 foot wide intense landscape buffer, per Figure 30.04.02 for buffering and screening, is provided along the east property line adjacent to the existing single-family residences. A landscape area measuring 4 feet in width is also provided along the north property line, adjacent to the existing commercial development with no trees and only shrubs. Interior parking lot landscaping is equitably distributed throughout the parking lot.

Elevations

The plans depict a new tavern building which is 23 feet to the top of the parapet wall with architectural enhancement including popouts, large windows, and a steel canopy over the front entrance. The proposed coffee shack building is 22 feet to the top of the parapet wall with variations in materials, surface colors, 4 foot parapet wall return, roofline, and roof height. The color pattern is a sand pebble finish that resembles a desert color scheme.

Floor Plans

The plans depict a tavern building with a bar, dining, office, cooler, kitchen, and restrooms at 4,371 square feet. The coffee shack plans depict storage room, retail space, service bar, and preparation area and is 700 square feet.

Applicant's Justification

The applicant states this project proposes to develop 2 restaurant uses, being a coffee kiosk with drive-thru and a tavern with food and gaming. The coffee kiosk/shack and tavern are closer to Jones Boulevard to provide more distance to the residential lot to the east. The kiosk anticipates that most customers will come inside to pick-up and leave or go through the drive-thru, with little or no indoor seating. The order speaker is 170 feet away with an automated sound attenuation monitor; however, the end of the queuing lane is a minimum of 65 feet from the property line to the east. There will be an 18 foot wide intense landscape buffer to the adjacent residential uses along the east property line with evergreen trees. The proposed tavern will be approximately 4,371 square feet with the building pushed away from the eastern residential property line. There will be 87 seats in total consisting of bar seating with 15 bar top machines, a dining area with tables and booths as well as an area for pool tables with counters and stools

surrounding them so that customers can choose to eat and play at the same time and there is no outdoor seating.

Prior Land Use Requests

| Application Number | Request | Action | Date |
|---------------------------|---|-----------------|--------------|
| ZC-22-0628 | Reclassified 2.2 acres from R-E (AE-60) to C-1 (AE-60), waiver of development standards for modified street standards, and design review for 2 restaurants | Approved by BCC | January 2023 |
| AR-21-400110 (UC-0369-15) | Fourth application for review of a use permit to waive the requirement for a temporary commercial event with no primary business being established with a design review for a temporary parking lot - expired | Approved by BCC | August 2021 |
| AR-18-400099 (UC-0369-15) | Third application for review of a use permit to waive the requirement for a temporary commercial event with no primary business being established with a design review for a temporary parking lot - expired | Approved by BCC | June 2018 |
| UC-0369-15 (AR-0072-17) | Second application for review of a use permit to waive the requirement for a temporary commercial event with no primary business being established with a design review for a temporary parking lot - expired | Approved by BCC | July 2017 |
| UC-0369-15 (AR-0089-16) | First application for review of a use permit to waive the requirement for a temporary commercial event with no primary business being established with a design review for a temporary parking lot - expired | Approved by BCC | August 2016 |
| UC-0369-15 | Waived the requirement for a temporary commercial event with no primary business being established with a design review for a temporary parking lot - expired | Approved by BCC | August 2015 |

Surrounding Land Use

| | Planned Land Use Category | Zoning District | Existing Land Use |
|-------|----------------------------------|------------------------|---|
| North | Neighborhood Commercial | CG (AE-60) | Convenience store, gasoline station, & vehicle wash |
| South | Neighborhood Commercial | RS20 (AE-60) | Undeveloped |
| East | Neighborhood Commercial | RS20 (AE-60) | Single family residential |
| West | Neighborhood Commercial | CG (AE-60) | Undeveloped |

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

Staff finds that the proposed location for the coffee shack drive-thru entrance with the related equipment is important to consider due to the impact that such facilities can have on noise and air quality for surrounding properties. Staff cannot support the waiver to reduce a drive-thru lane within 200 feet of an adjacent residential use. Staff anticipates that there will be significant traffic within the shopping center. While the plans depict the order box being approximately 170 feet from the eastern property line, the entrance point to the drive-thru is only 65 feet from the east property line. Although an intense landscape buffer is being provided along the east property line, the proposed design of the drive-thru can potentially have over 8 vehicles waiting in line. A drive-thru adjacent to a residential use even with an intense landscape buffer can have negative impacts to the adjacent residential use. Therefore, staff cannot 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 proposed development for 2 restaurant buildings incorporates varying rooflines and contrasting colors to break-up the mass on portions of the buildings. The tavern building will be in the center portion of the parcel away from the residential property line with a 56 foot setback. The associated drive-thru for the kiosk building is 65 feet at the closet point, where vehicles begin their queuing. Overall, the design of the buildings and uses are compatible with the surrounding area; however, the drive-thru location and distance to the residential property will result in potential impacts to the adjacent residential use. Staff cannot support this request.

Public Works - Development Review

Waiver of Development Standards #2

Staff cannot support the request to reduce the throat depth for the Jones Boulevard commercial driveway. With the future pad area this reduction may not be adequate to handle the traffic or future volumes of traffic entering the site and will cause stacking within the right-of-way. Since Jones Boulevard is an arterial street, it is important that traffic can flow without the impediment of vehicles attempting to access the site.

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 30.02.26B.3(ii) of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

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:

- Expunge the design review portion of ZC-22-0628;
- 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;
- Full off-site improvements;
- Right-of-way dedication to include 25 feet to the back-of-curb for Quail Avenue and associated spandrel;
- 30 days to coordinate with Public Works - Construction Management Division and submit separate document if required, for dedication of any necessary right-of-way and easements. 90 days to record said separate document for the Jones Boulevard improvement project.
- Applicant is advised that the installation of detached sidewalks will require dedication to back-of-curb, the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

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 30.02.26B 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; and 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

- 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.
- Applicant is advised that permits and operational permits may be required for this facility and to contact Fire Prevention for further information at (702) 455-7316.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: CRB INVESTMENTS, LLC

CONTACT: G.C. GARCIA, INC., 1055 WHITNEY RANCH DRIVE, SUITE 210, HENDERSON, NV 89014