

RESTAURANT/DRIVE-THRU
(TITLE 30)

CACTUS AVE/POLARIS AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ZC-22-0441-MIKAMI LISA T SEPARATE PROPERTY TRUST & MIKAMI LISA T:

ZONE CHANGE to reclassify 1.3 acres from an R-E (Rural Estates Residential) Zone to a C-1 (Local Business) Zone.

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

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** talk box location; and **2)** allow modified driveway design standards.

DESIGN REVIEWS for the following: **1)** retail building (coffee shop) with drive-thru and outside dining area; and **2)** alternative parking lot landscaping.

Generally located on the south side of Cactus Avenue and the east side of Polaris Avenue (alignment) within Enterprise (description on file). JJ/lm/syp (For possible action)

RELATED INFORMATION:

APN:

177-32-101-021

USE PERMIT:

Reduce the separation from a residential use to an outside dining area to 53 feet where a minimum of 200 feet is required per Table 30.44-1 (a 73.5% reduction).

WAIVERS OF DEVELOPMENT STANDARDS:

1. Allow a drive-thru talk box to face a residence where the talk box shall be set back behind the building or face to minimize noise, per Table 30.56-2.
2. Reduce driveway throat depth to 17 feet where a minimum distance of 25 feet is required per Uniform Standard Drawing 222.1 (a 32% reduction).

DESIGN REVIEWS:

1. Retail building (coffee shop) with drive-thru and outside dining area.
2. Alternative parking lot landscaping where landscaping per Figure 30.64-14 is required.

LAND USE PLAN:

ENTERPRISE - NEIGHBORHOOD COMMERCIAL

BACKGROUND:

Project Description

General Summary

- Site Address: 3373 Cactus Avenue
- Site Acreage: 1.3
- Project Type: Retail building (coffee shop) with drive-thru and outside dining area
- Number of Stories: 1
- Building Height (feet): 22.5
- Square Feet: 2,469 (restaurant)/900 (outside dining)
- Parking Required/Provided: 28/36

Site Plans

The plans depict a proposed retail building (coffee shop) that is located near the front portion of the site. The building is located along Cactus Avenue with the drive-thru aisle located on the south, east, and north sides of the building, and traffic will circulate around the building. While a single drive-thru lane provides service, there is an “escape” lane located to the east of the drive-thru lane. Parking is provided on the westerly portion of the site. There is 1 main access point shown along Cactus Avenue where a detached sidewalk with landscaping is located on the easterly side of the driveway. The outside dining area is located to the south of the building and is located 53 feet from the east property line, 93 feet from the west property line, and over 118 feet from the south property line, all within 200 feet of a residential development. The order talk box is located east of the dining area, facing a single family residence located approximately 36 feet to the east, with the delivery window located on the north elevation of the building. The site also includes an area on the south side of the lot, which extends east in an “L” shape, and is adjacent to the southern property line of the single family residence to the east of the coffee shop. No construction is proposed in this area, but the area will be landscaped.

Landscaping

Street landscaping includes a 25 foot wide landscape area along Cactus Avenue with a detached sidewalk. An 11 foot wide intensive landscape area is located along the east property line with a 10.5 foot wide intensive landscape buffer along the south and west property lines. The easternmost portion of the site includes landscaping along the north and south property lines. While there are a minimal number of landscape finger islands, the westernmost parking is adjacent to the landscape buffer which exceeds the required number of parking lot trees. Landscaping is provided between the outside dining and the drive-thru lane. Landscape materials include Mexican Palo Verde, African Sumac, Shoestring Acacia, Wilson Olive, Holly Oak, Purple Leaf Plum, Willow Pittosporum, various shrubbery, and groundcover.

Elevations

The plans depict a 1 story building with a maximum height of 22.5 feet. The building has a flat roof behind parapet walls with a patio cover over the outside dining area, and the patio area is enclosed on 3 sides by cable railing. The exterior of the building includes painted stucco siding, stone veneer accents, aluminum store front windows and doors, and metal awnings.

Floor Plans

The plans depict a 2,469 square foot building for the proposed coffee shop. The outside dining area is covered with open seating.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant indicates that development is consistent with the intent of the requested zoning district and planned land use designation. The requested reduction to the separation of the outside dining area to the adjoining residence and the location of the speaker box is negligible as the property to the east is no longer occupied as a residential use and the owner is requesting that it be rezoned to C-1. Additionally, the proposed development provides intense landscaping along all residential property lines to the south and west. Lastly, the proposed parking lot landscaping has been redistributed to the intense landscape buffers along all property lines.

Prior Land Use Requests

Application Number	Request	Action	Date
PA-21-700005	Land Use Plan Amendment to re-designate the land use category from Mid-Intensity Suburban Neighborhood (MN) to Neighborhood Commercial (NC)	Approved by BCC	February 2022
VS-17-0269	Vacated a portion of Polaris Avenue	Approved by BCC	June 2017

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Corridor Mixed-Use	C-2	Retail
South & West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-3	Multiple family residential
East	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	C-1 & R-E	Retail & Single family residential

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

Related Applications

Application Number	Request
VS-22-0442	A request to vacate a portion of right-of-way (Cactus Avenue) 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

Current Planning

Zone Change

The request conforms with policies set forth in the Master Plan for the Neighborhood Commercial category, where such uses may include restaurants and commercial services, such as the proposed use, and are considered primary uses for this land use category and provide for areas of employment and commercial uses. Recently the owners of the property to the east submitted a request to change the zoning to C-1 (NZN-22-0324) for a retail building (coffee shop) with drive-thru service, and the area to the south is a developed multiple family residential which makes this site harmonious with the area. Therefore, staff can support the zone change request.

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 use to the east as the owners of that property have submitted a request to develop it with a commercial development, and the surrounding multiple family residential to the south and west consists of a landscape buffer and parking stalls on their side of the property line. Additionally, the applicant is proposing an intense landscape buffer along the south and west property lines, which provides more than the required amount of landscaping; therefore, staff can support this request.

Waivers 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 #1

Typically, the location of a speaker talk box adjacent to a residential use would not be approved; however, a zone change application has been submitted on the adjacent parcel to change the property to C-1 zoning with a drive-thru restaurant service. The proposed location of the speaker talk box is located away from the multiple family residences to the south and staff can support the location considering queuing and stacking for the drive-thru for the proposed development.

Design Reviews

The project provides appropriate buffers, building height, and queuing lane for the drive-thru. The proposed landscaping and building materials comply with Title 30 standards and are appropriate for the area. However, there is a plant material proposed that does not conform to

the latest recommended plants from the Southern Nevada Water Authority Regional Plant List. The applicant should replace the higher water use plant (Purple Leaf Plum) with a plant/tree provided on the recommended list. With those changes, staff can support the request.

Public Works - Development Review

Waiver of Development Standards #2

Staff has no objection to the waiver for throat depth for the commercial driveway on Cactus Avenue. The design of the site has vehicles going all the way to the south of the site for the drive-thru entrance, mitigating conflicts from the reduced throat depth.

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:

Current 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;
- Replace plants listed as “Not Recommended” on the Southern Nevada Water Authority Regional Plant List to those that are of same or greater plant size;
- 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; cross access shall be provided to APN 177-32-101-020 if developed with a similar or complimentary use in accordance with Table 30.56-2i; 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 and application for review; 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 permit, waivers of development standards, and design reviews must commence within 2 years of approval date or they will expire.

Public Works - Development Review

- 1 year review to mitigate traffic concerns on Cactus Avenue;
- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements.

- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

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 #0306-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - approval (2 year review to mitigate traffic concerns on Cactus Avenue; design review as a public hearing for lighting and signage; establish cross access with the property to the east; install bollards 4 feet apart where outside dining is adjacent to parking).

APPROVALS:

PROTESTS:

APPLICANT: ACTIVE COMMERCIAL, LLC

CONTACT: DIONICIO GORDILLO, 204 BELLE ISLE CT, HENDERSON, NV 89012