

01/04/23 BCC AGENDA SHEET

RESTAURANTS W/DRIVE-THRU  
(TITLE 30)

JONES BLVD/QUAIL AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ZC-22-0628-MEERKAT HOLDINGS, LLC:**

**ZONE CHANGE** to reclassify 2.2 acres from an R-E (Rural Estates Residential) (AE-60) Zone to a C-1 (Local Business) (AE-60) Zone.

**WAIVER OF DEVELOPMENT STANDARDS** to allow modified street standards.

**DESIGN REVIEW** for 2 restaurants with drive-thru in the CMA Design Overlay District.

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

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RELATED INFORMATION:

**APN:**

163-36-101-003

**WAIVER OF DEVELOPMENT STANDARDS:**

Reduce the departure distance for a driveway along Jones Boulevard to 106 feet where a distance of 190 feet is required from the intersection of Quail Avenue and Jones Boulevard per Uniform Standard Drawing 222.1 (a 44.3% reduction).

**LAND USE PLAN:**

SPRING VALLEY - NEIGHBORHOOD COMMERCIAL

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 2.2
- Project Type: Restaurants with drive-thru
- Number of Stories: 1
- Building Height (feet): 21 (Starbucks)/22 (Guthrie's)
- Square Feet: 984 and 2,124
- Parking Required/Provided: 32/32

Site Plans

This request is for a conforming zone boundary amendment to a C-1 zoning district for 2 proposed restaurants on a 2.2 acre site. The plans depict a restaurant with a drive-thru lane (Starbucks) located on the north portion of the site with a second restaurant (Guthrie's) with a

drive-thru lane located on the south portion of the site. A dual drive-thru lane measuring 30 feet in width (minimum width of 12 feet for each lane) is located on the north side of the Starbucks restaurant that transitions into a single, 12 foot wide lane along the western and southern portion of the pad site. The menu order board is located at the northwest corner of the pad site, oriented away from the existing single family residence to the east. A dual drive-thru lane measuring a minimum of 25 feet in width (minimum width of 11.5 feet for each lane) is located on the northwest and west sides of the Guthrie's restaurant pad site. The dual drive-thru lane transitions into a single, 25 foot wide drive thru lane located along the southern and eastern portion of the pad site. The menu order board is located at the southwest corner of the pad site, oriented away from the single family residence to the east. Five foot wide detached sidewalks are provided along Quail Avenue and Jones Boulevard. Ingress and egress to the site is granted via a single commercial driveway located adjacent to Jones Boulevard. A second one-way driveway, measuring between 13.5 feet to 26 feet in width, is located to the east of the Guthrie's restaurant and is exclusively designed for egress purposes adjacent to Quail Avenue. A raised concrete median will be constructed at this driveway location to deter vehicles from entering the site. No outside dining is proposed with the restaurants. The development requires 32 parking spaces where 32 spaces are provided. A waiver of development standards is required to reduce the departure distance from the intersection of Quail Avenue and Jones Boulevard to the proposed commercial driveway along the west property line of the site, adjacent to Jones Boulevard.

### Landscaping

The plans depict a street landscape area measuring 25 feet in width, including a 5 foot wide detached sidewalk, located along Jones Boulevard. A street landscape area measuring 20 feet in width, including a 5 foot wide detached sidewalk, is provided along Quail Avenue. The street landscape areas are designed with an intense landscape buffer, including shrubs and groundcover, screening the drive-thru lanes from the adjacent public streets. A 10 foot wide intense landscape buffer, per Figure 30.64-12, is provided along the east property line adjacent to the existing single family residence. A landscape area measuring 13.5 feet in width is also provided along the north property line, adjacent to the existing commercial development. Trees, shrubs, and groundcover are planted within the landscape area along the north property line. Interior parking lot landscaping is equitably distributed throughout the parking lot of the development.

### Elevations

The plans depict a proposed restaurant (Guthrie's) measuring up to 22 feet in height to the top of the parapet wall. The building consists of a varying roofline with horizontal planes with an EIFS exterior. Brick veneer and decorative metal accents, in addition to an aluminum storefront window system, are featured on all sides of the building. The drive-thru window is located on the south elevation of the building, oriented away from the adjacent residential use to the east. The parapet wall will screen any rooftop mounted equipment from the right-of-way and public view.

The plans for the second restaurant (Starbucks) depict a maximum building height of 21 feet as measured to the top of the parapet wall. Three of the 4 sides of the building will consist of a decorative brick exterior with the west elevation painted with stucco. All 4 sides of the building feature decorative, horizontal metal resembling wood panels. The drive-thru window is located

along the south elevation of the building, oriented away from the adjacent residential uses to the east. A decorative, pre-finished metal screen matching the colors of the building will be utilized to screen rooftop mounted equipment from the right-of-way and public view. Both restaurants are painted with neutral, earth tone colors.

Floor Plans

The plans for the Starbucks restaurant depict a floor area measuring 984 square feet with a drink preparation area, restrooms, and storage areas. The Starbucks restaurant is drive-thru only and will not feature any indoor dining and drinking. The plans for the Guthrie’s restaurant depict a floor area measuring 2,124 square feet with a dining area, commercial kitchen, restrooms, and a sales area.

Signage

Signage is not a part of this request.

Applicant’s Justification

The applicant states the development has been designed in conformance with the Development Code, apart from the waiver for the departure distance from the intersection of Quail Avenue and Jones Boulevard. The applicant coordinated the proposed driveway locations with Public Works, and is providing an “exit only” driveway onto Quail Avenue. An intense landscape buffer has been provided along the east property line of the site as a buffer between the proposed drive-thru restaurants and the single family residence. The applicant indicates there will be no outdoor dining or drinking associated with the restaurants.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
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	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	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	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	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	Approved by BCC	August 2015

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Neighborhood Commercial	C-1	Convenience store, gasoline station, & vehicle wash
South	Neighborhood Commercial	R-E	Undeveloped
East	Neighborhood Commercial	R-E	Single family residential
West	Neighborhood Commercial	C-1	Undeveloped

### **Related Applications**

<b>Application Number</b>	<b>Request</b>
TM-22-500207	A tentative map for a 1 lot commercial subdivision is a companion item on this agenda.
VS-22-0629	A request to vacate and abandon patent easements and right-of-way 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 Neighborhood Commercial land use category allows a mix of retail, restaurants, offices, service commercial, and other professional services. The designated land use is intended to provide opportunities for compact nodes of low-intensity retail, services, and offices that serve residents of the surrounding neighborhoods. The requested conforming zone boundary amendment is within the range of non-residential intensities anticipated for the project site by the Master Plan. Local Business (C-1) zoning conforms to the Neighborhood Commercial land use category, and C-1 zoning is consistent and compatible with the surrounding commercial related uses in the area; therefore, staff can support the conforming zone boundary amendment.

##### 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.

##### Design Review

The intent of the CMA Design Overlay District is to encourage and promote a high quality level of development that produces a stable environment in harmony with existing and future development and protects the use and enjoyment of neighboring properties. Varying roof lines and contrasting colors have been utilized to break-up the mass on portions of the buildings. The layout of the commercial development and parking lot is functional. The design and location of

the dual drive-thru lanes serving each restaurant should not conflict with the overall flow of vehicular traffic internal to the site; therefore, staff recommends approval.

### **Public Works - Development Review**

#### Waiver of Development Standards

Staff has no objection to the reduction in the departure distance for the Jones Boulevard commercial driveway. The applicant placed the driveway in a location that provides separation from the existing driveway on the parcel to the north.

### **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 30.48.120 of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

### **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;
- 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; 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; 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 waiver of development standards and design review applications must commence within 4 years of approval date or they will expire.

### **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 - Design Division and to dedicate any necessary right-of-way and easements for the Jones Boulevard improvement project;

- Quail Avenue driveway shall be exit only.
- 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.

### **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 30.48 Part B 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; 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 fire/emergency access must comply with the Fire Code as amended; to show on-site fire lane, turning radius, and turnarounds; and that fire access lanes must be a minimum of 24 feet.

### **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 #0308-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Spring Valley - approval of the zone change; denial of the waiver of development standards and design review.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** LEE WILLIAMS

**CONTACT:** RIETZ CONSULTING, 3203 E. WARM SPRINGS RD, STE 400, LAS VEGAS,  
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