

01/20/21 BCC AGENDA SHEET

RESTAURANT W/DRIVE-THRU
(TITLE 30)

LAMB BLVD/LAKE MEAD BLVD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WC-20-400138 (ZC-0275-07)-HD LAMB TWIST, LLC:

WAIVER OF CONDITIONS of a zone change requiring no gathering of individuals in an area that would result in an average density of greater than 25 persons per acre per hour during a 24 hour period, not to exceed 50 persons per acre at any time on a portion of 1.2 acres in a C-1 (Local Business) Zone and C-1 (Local Business) (APZ-2) Zone.

Generally located on the southeast corner of Lamb Boulevard and Lake Mead Boulevard within Sunrise Manor. WM/jt/jd (For possible action)

RELATED INFORMATION:

APN:

140-20-301-001 ptn

LAND USE PLAN:

SUNRISE MANOR - COMMERCIAL NEIGHBORHOOD

BACKGROUND:

Project Description

General Summary

- Site Address: 1928 N. Lamb Boulevard
- Site Acreage: 1.2 (portion)
- Project Type: Restaurant with drive-thru

History & Request

ZC-0275-07 was originally approved to reclassify this site to C-1 zoning for a retail building. A condition of approval required “no gathering of individuals in an area that would result in an average density of greater than 25 persons per acre per hour during a 24 hour period, not to exceed 50 persons per acre at any time” for the entire parcel. However, only the northeast portion of the parcel is in the Accident Potential Zone II (APZ-2). This application is to waive this requirement for the southwest portion of the site, which is not in the APZ-2. A companion application (WS-20-0510) is in process for a proposed restaurant located in the southwest (non APZ-2) portion of the site.

Previous Conditions of Approval

Listed below are the approved conditions for ZC-0275-07:

Current Planning

- No resolution of intent and staff to prepare an ordinance to adopt the zoning;
- No gathering of individuals in an area that would result in an average density of greater than 25 persons per acre per hour during a 24-hour period, not to exceed 50 persons per acre at any time;
- All applicable standard conditions for this application type.
- Applicant is advised that certain uses are not permitted in the airport environs and certain other uses will require a special use permit; currently there is a moratorium on land use applications due to the AICUZ Study and any use approved prior to the completion of this study must comply with allowable uses in the APZ-2 zone; and that future changes due to the completion of the AICUZ Study could further restrict uses on this property.

Civil Engineering

- Construct full off-sites;
- If sidewalk is detached, dedicate right-of-way and grant easements in accordance with detached sidewalk requirements;
- Drainage study and compliance;
- Traffic study and compliance;
- Traffic study to also address the dedication and construction of bus turnouts including passenger loading/shelter areas in accordance with Regional
- Transportation Commission standards;
- Project may qualify for an exception to the traffic analysis with Civil Engineering Division approval;
- Driveway design, width, and locations to be approved by Nevada Department of Transportation.

Applicant's Justification

Correspondence with a representative from Nellis Air Force Base shows support for waiving this condition for the non-APZ-2 portion of the site. Waiving this condition is necessary to allow a restaurant located in the non-APZ-2 portion of the site.

Prior Land Use Requests

Application Number	Request	Action	Date
DR-0728-16	Comprehensive sign plan for an approved restaurant with drive-thru on the western parcel - expired	Approved by BCC	December 2016
DR-0440-15	Restaurant with drive-thru, in-line retail building, vivid hues, and increased finished grade on the western parcel - expired	Approved by BCC	August 2015
ZC-0275-07	Reclassified the western parcel to C-1 zoning for a retail building	Approved by BCC	April 2007

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Business and Design/Research Park	M-D	Undeveloped
South	Residential Suburban (up to 8 du/ac)	R-2	Single family residential
East	Commercial Neighborhood	C-1	Retail building
West	Commercial General	C-2	Vehicle sales, & furniture sales

Related Applications

Application Number	Request
WS-20-0510	A waiver of development standards for a restaurant with drive-thru is a companion application 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**

Waiving this condition will allow more intense development in the non-APZ-2 portion of this site. Since Nellis Air Force Base has no objection to removing the condition for the southwestern (non-APZ-2) portion of the site, staff also has no objection and can support the request. A condition of approval clarifies that the condition will still apply to the northeast (APZ-2) portion of the site. As a result, this application complies with Federal Lands Policy 6, which encourages cooperation with the United States Air Force to mitigate development deemed incompatible with the mission of the military on and near Nellis Air Force Base.

Staff Recommendation

Approval.

Approval of the waiver of conditions request constitutes a finding by the Commission/Board that the condition will no longer fulfill its intended purpose.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:**Current Planning**

- No gathering of individuals in an area that would result in an average density of greater than 25 persons per acre per hour during a 24 hour period, not to exceed 50 persons per acre at any time in the APZ-2 portion of the site only.

Public Works - Development Review

- No comment.

Building Department - Fire Prevention

- 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 a cross-access agreement will be required at time of submittal for fire review.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC:

APPROVALS:

PROTEST:

APPLICANT: ACG DESIGN

CONTACT: ACG DESIGN, 4310 CAMERON ST, STE 12-A, LAS VEGAS, NV 89103