



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: OCTOBER 10, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: AND GO CONCEPTS, LLC – OWNER: PRE RANCHO CRAIG, LLC

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0273-SUP1	Staff recommends DENIAL, if approved subject to conditions:	23-0273-SDR1
23-0273-SDR1	Staff recommends DENIAL, if approved subject to conditions:	23-0273-SUP1

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 23

NOTICES MAILED 879

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0273-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Drive-Through use.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (23-0273-SDR1) shall be required, if approved.
3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Division.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

7. Queues for the overall shopping center shall not extend into the public right-of-way as a result of the drive-thru operations on this site.

23-0273-SDR1 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (23-0273-SUP1) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 09/11/23, except as amended by conditions herein.
4. A Waiver from Title 19.08.040 is hereby approved, to allow a trash collection area to not be screen from public view from right-of-way.
5. A Waiver from Title 19.08.070 is hereby approved, to allow a nine-foot perimeter landscape buffer adjacent to right-of-way where 15 feet is the minimum required.
6. An Exception from Title 19.08.040 is hereby approved, to allow three interior parking lot area trees where seven are required.
7. An Exception from Title 19.08.040 is hereby approved, to allow eight 24-inch box perimeter landscape buffer trees where 10 trees are the minimum required.
8. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Division.
9. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
10. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, which shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device.
11. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Conditions Page Three**October 10, 2023 - Planning Commission Meeting****Public Works**

12. Coordinate with the Environmental Compliance & Enforcement staff of the Department of Public Works to locate any required grease interceptor and sand/oil interceptors in acceptable locations prior to submittal of sewer-related plans. Comply with the recommendations and requirements of the Environmental Compliance & Enforcement staff prior to issuance of permits. The team may be contacted at 702-229-6594 or emailed at ece@lasvegasnevada.gov.
13. Landscape and maintain all unimproved right-of-way adjacent to this site. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
14. A Traffic Impact Analysis must be submitted to an approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. The Traffic Impact Analysis shall also include a pedestrian circulation/access plan, in accordance with Section 2.2 of the City's Vision Zero Action Plan, to identify nearby pedestrian attractors and recommend measures to accommodate pedestrians, such as but not limited to pedestrian access, crosswalk, pedestrian activated flashers and temporary sidewalks. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
15. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to an approved by the Department of Public Works prior to submittal of any construction drawings or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways recommended into the approved drainage study update.

Fire & Rescue

16. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing to develop a 1,000 square-foot restaurant with a dual-lane drive-through approximately, 900 feet west of the intersection of Craig Road and Jones Boulevard.

ISSUES

- The Drive-Through use is listed as a Conditional Use in the C-2 (General Commercial) zoning district.
- The proposed Drive-Through use does not meet Conditional Use Regulation #2 which states, “The drive-through shall be screened in accordance with LVMC 19.08.040 (F).” Therefore, a Special Use Permit is requested, which staff does not support.
- A Waiver of Title 19.08.070 is requested to allow a nine-foot landscape buffer where 15 feet is required. Staff does not support this request.
- A Waiver of Title 19.08.040 is requested to not screen a proposed trash collection area from public right-of-way. Staff does not support this request.
- An Exception of Title 19.08.040 is requested to allow three interior parking lot area trees where seven are required. Staff does not support this request.
- An Exception of Title 19.08.040 is requested to allow eight 24-inch box perimeter landscape buffer trees where 10 are required. Staff does not support this request.

ANALYSIS

The subject site is zoned C-2 (General Commercial) with a GC (General Commercial) land use designation, and is subject to Title 19 development standards. The GC (General Commercial) land use designation allows for higher intensity, retail, wholesale, office, and other general business uses.

The subject site is located in Rancho & Jones, a one-lot commercial subdivision and is surrounded by an under-construction health club to the west and undeveloped land to the south and east. The applicant proposes to develop the subject site with a 1,000 square-foot restaurant with a dual lane drive-through. The proposed restaurant would operate as a “Salad and Go” in which the business model provides no in-person dining services.

Per Title 19.12, the Drive-Through use is defined as, “The use of a dedicated drive lane that, incidental to a principal use, provides access to a station, such as a window, door or

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mechanical device, from which occupants of a motor vehicle receive or obtain a product or service.” The proposed use meets the definition as the site plan date stamped, 09/11/23, depicts a dual-lane drive-through that provides access to a service window.

The Minimum Conditional Use Regulations for the proposed use include:

1. A single station drive-through shall have a stacking lane that will accommodate a minimum of six vehicles, including the vehicle at the station. A multiple station drive-through shall have stacking lanes that will accommodate a minimum of three vehicles per station, including the vehicle at the station.

The proposed use meets this requirement as the proposed single-station drive-through provides dual stacking lanes that will accommodate a minimum of 19 vehicles, including the vehicle at the station.

2. The drive-through shall be screened in accordance with LVMC 19.08.040(F).

The proposed use does not meet this requirement. Per the submitted landscape plan date stamped, 09/11/23, the drive-through is buffered by a landscape strip 12 feet in width, which is three feet less than the 15-foot perimeter landscape buffer requirement when adjacent to Right-of-Way (Craig Road). The applicant, as a result, has requested Special Use Permit (23-0273-SUP1), which staff doesn't support as the applicant can reconfigure the site to fulfill the landscape buffer requirement

3. In the O (Office) and C-D (Designed Commercial) Districts, a drive-through shall be separated from any residentially zoned property by an intervening building and shall not have access to local residential streets.

The proposed Drive-Through use is located in the C-2 (General Commercial) Zoning district. Therefore, this requirement is not applicable.

The proposed building has a maximum height of 20 feet when measured from finished floor to building parapet. Proposed building façade materials include fiber cement panels, brick, and lightweight stucco in tandem with decorative metal finishes in neutral tones. The proposed materials are consistent with architectural design standards outlined in Title 19.08.040.

Pursuant to Title 19.08.040, refuse collection areas and dumpsters shall be:

- A. Provided in sufficient size and numbers to meet the needs of the development;
- B. Located away from the street front and screened from view from rights-of-way, sidewalks, and abutting properties through the use of landscaping and screening; and

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- C. Shall have solid metal gates, and a roof or trellis structure; and
- D. Are subject to the residential adjacency standards set forth in LVMC 19.08.040(H).

Per the submitted site plan date stamped, 09/11/23, the trash enclosure is placed approximately 10 feet from Craig Road and is partially screened by a seven-foot tall wall and nine-foot landscape buffer. Staff finds that the proposed screening materials are not sufficient to screen from adjacent right-of-way and therefore, a Waiver to place the trash enclosure near the street frontage is requested. Staff does not support this request as the trash enclosure can be relocated elsewhere on-site.

The applicant has also requested a Waiver to reduce the landscape buffer width along Craig Road at nine feet where 15 feet is required. The applicant also requests an Exception for a reduction of required planting materials. As one of the fastest warming cities in the country, extreme heat is one of three current and long-term hazard vulnerabilities to the city must be mitigated. The City of Las Vegas 2050 Master Plan has prioritized increasing tree canopy across all areas of the city as one of the methods to reduce the urban heat island and corresponding extreme heat conditions. The applicant provides no justification for these requests. As such, staff finds that these requests are self-imposed hardships and therefore, staff does not support these requests.

Staff finds the proposed development will not be compatible and harmonious with the existing and surrounding development in the area. This is evidenced by the requested Waivers of landscape buffer requirements and trash enclosure placement and Exception of planting materials. Therefore, staff recommends denial of all requested entitlements. If approved, they will be subject to conditions.

FINDINGS (23-0273-SUP1)

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

1. **The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

The proposed drive-through use cannot be conducted in a manner that is harmonious and compatible with the existing surrounding land uses, and with future surrounding uses as projected by the General Plan. This is demonstrated by the requested Waiver of perimeter landscape buffer requirements, prompting this Special Use Permit (23-0273-SUP1) request.

2. **The subject site is physically suitable for the type and intensity of land use proposed.**

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The subject site is not physically suitable for the type and intensity of land use proposed. This is evidenced by the applicant's request for a Waiver of the perimeter landscape buffer requirements, prompting this Special Use Permit (23-0273-SUP1) request.

- 3. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

The subject site is accessed by Craig Road, a 120-foot Primary Arterial, as defined by the Master Plan of Streets and Highways and is adequate in size to meet the requirements of the proposed use.

- 4. Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

If approved, the proposed use will be subject to business license review and periodic inspection, thereby safeguarding the public health, safety and general welfare.

- 5. The use meets all of the applicable conditions per Title 19.12.**

The proposed Drive-Through use does not meet Conditional Use Regulation #2 which requires a drive-through lane to be screened in accordance with LVMC 19.08.040 (F). The proposed use provides a reduced landscape buffer for screening the drive-through and therefore, a Special Use Permit (23-0273-SUP1) is requested, which staff does not support.

FINDINGS (23-0273-SDR1)

In order to approve a Site Development Plan Review application, per Title 19.16.100(E) the Planning Commission and/or City Council must affirm the following:

- 1. The proposed development is compatible with adjacent development and development in the area;**

The propose development is not compatible with adjacent development and development in the area. This is evidenced by a Waiver of trash enclosure placement, landscape buffer requirements and Exceptions for planting materials.

- 2. The proposed development is consistent with the General Plan, this Title, and other duly-adopted city plans, policies and standards;**

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While the proposed development is consistent with the GC (General Commercial) land use designation, Waivers of landscape buffer width, trash enclosure placement requirements and an Exception of planting materials make the proposed development inconsistent with Title 19.

3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;

Site access is from Craig Road, an 120-foot Primary Arterial as defined by the Master Plan of Streets and Highways and are adequate in size to meet the needs of the proposed development.

4. Building and landscape materials are appropriate for the area and for the City;

The proposed stucco building façade is appropriate for this area of the city. Proposed landscape materials comply with the Southern Nevada Regional Plant List and are therefore appropriate for the area and for the City.

5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment, and are harmonious and compatible with development in the area.

6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

Site development is subject to building permit review and inspection, thereby securing the public health, safety and general welfare.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
11/18/15	The City Council approved a request for a General Plan Amendment (GPA-60900) from SC (Service Commercial) to GC (General Commercial) on 51.21 acres on the southeast corner of Rancho Drive and Craig Road
11/18/15	The City Council approved a request for a Rezoning (ZON-60901) from C-2 (General Commercial) and R-E (Residence Estates) to C-2 (General Commercial) on 51.21 acres on the southeast corner of Rancho Drive and Craig Road.
11/18/15	The City Council approved a request for a Tentative Map (TMP-60902) for a one-lot commercial subdivision on 51.21 acres on the southeast corner of Rancho Drive and Craig Road.

<i>Most Recent Change of Ownership</i>	
02/22/23	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
There are no related Building Permits or Business Licenses	

<i>Pre-Application Meeting</i>	
05/31/23	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Site Development Plan Review and Special Use Permit.

<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

<i>Field Check</i>	
08/30/23	Staff conducted a routine field check of the subject site and observed an undeveloped lot. Nothing of concern was noted.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.70

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Undeveloped	GC (General Commercial)	C-2 (General Commercial)
North	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
South	Undeveloped	GC (General Commercial)	C-2 (General Commercial)
East	Undeveloped	GC (General Commercial)	C-2 (General Commercial)
West	Undeveloped	GC (General Commercial)	C-2 (General Commercial)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Rancho	N
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District (140 Feet)	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS***Pursuant to Title 19.08, the following standards apply:***

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	20,000 SF	36,155 SF	Y
Min. Lot Width	100 Feet	130 Feet	Y
Min. Setbacks			
• Front	10 Feet	38 Feet	Y
• Side	10 Feet	40 Feet	Y
• Side	10 Feet	86 Feet	Y
• Rear	20 Feet	110 Feet	Y
Max. Lot Coverage	50%	1%	Y
Max. Building Height	N/A Feet	20 Feet	Y

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Standard	Required/Allowed	Provided	Compliance
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/ a Roof or Trellis	N*
Mech. Equipment	Screened	By Condition	Y

*A Waiver has been requested to not screen the proposed trash enclosure from right-of-way.

Pursuant to Title 19.08, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees: • North	1 Tree / 20 Linear Feet	10 Trees	7 Trees	N*
TOTAL PERIMETER TREES		10 Trees	8 Trees	N*
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	7 Trees	3 Trees	N**
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width • North	15 Feet		9 Feet	N***

*An Exception is requested to allow a reduced amount of trees in the perimeter landscape buffer area.

**An Exception is requested for a reduced number of parking area trees.

***A Waiver has been requested to allow a nine-foot landscape buffer where 15 feet is required.

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Craig Road	Primary Arterial	Master Plan of Streets and Highways	120 Feet	Y

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Pursuant to Title 19.08 and 19.12, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Restaurant	837 SF	1:200 SF	5				
TOTAL SPACES REQUIRED			5		18		Y
Regular and Handicap Spaces Required			4	1	17	1	Y
Loading Spaces	>10,000 SF	1	1		1		Y

Waivers		
Requirement	Request	Staff Recommendation
A 15-foot landscape buffer shall be provided adjacent to rights-of-way (Craig Road).	To allow a nine-foot landscape buffer adjacent to rights-of-way (Craig Road).	Denial
Trash and refuse collection areas shall be screened from public view from all right-of-way, pedestrian areas, and parking lots		

Exceptions		
Requirement	Request	Staff Recommendation
Provide seven interior parking lot area trees.	To allow three parking area trees.	Denial
Provide ten 24-inch box landscape buffer trees.	To allow eight 24-inch box landscape buffer trees.	Denial