



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: NOVEMBER 12, 2024

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: PANDA INN, INC.

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0460-SDR1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 8

NOTICES MAILED 88

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

24-0460-SDR1 CONDITIONS

Planning

1. 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.
2. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 09/18/24, except as amended by conditions herein.
3. A Waiver from of Title 19.08.040(B)(6)(c) is hereby approved, to allow the building to not be placed at the street edge at the minimum setback line.
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.
6. Pursuant to LVMC Title 19.08.040.G for commercial and industrial properties, a perimeter wall shall be constructed adjacent to any residential zoning district or property used solely for residential purposes. The wall or fence is intended to screen the commercial or industrial activity from the residential property, and shall be of a solid decorative material that is a minimum of six feet in height measured from the side of the commercial or industrial property. In no case shall the wall or fence exceed the overall height limitation applicable to the adjacent zoning district or property unless approved through a Variance or other applicable means. The overall height of a wall or fence shall be measured from the side with the greatest vertical exposure above finished grade.
7. 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.

Conditions Page Two**November 12, 2024 - Planning Commission Meeting**

8. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

9. In accordance with code requirements of Title 13.56 and Section 2.2 of the City's Vision Zero Action Plan, remove all substandard offsite improvements and unused driveway cuts, if any, and replace with new improvements meeting Public Right-of-Way Accessibility Guidelines (PROWAG) to the satisfaction of the City Engineer concurrent with development of this site. Grant Pedestrian Access Easement(s) if necessary to comply with this requirement. All existing paving damaged or removed by this development shall be restored at its original location, width and depth concurrent with development of this site.
10. In accordance with joint access requirements of a commercial subdivision, the "future development" area shown on this site plan shall have access to all driveways shown on this site plan.
11. 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.
12. Coordinate sewer connection at a size, depth, and location acceptable to the Sanitary Sewer Engineering Section of the Department of Public Works.
13. 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. Obtain an Occupancy Permit from the Nevada Department of Transportation (NDOT) for all driveways or other private improvements in the Nellis Boulevard public right-of-way adjacent to this site prior to constructing any improvements within NDOT jurisdiction. The median as shown on Nellis Boulevard is not approved. Approval from The Nevada Department of Transportation, Clark County Public Works, and City of Las Vegas Public Works is required prior to any work on the median in Nellis Boulevard.
15. A Traffic Impact Analysis must be submitted to and 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 section

Conditions Page Three**November 12, 2024 - Planning Commission Meeting**

addressing Standard Drawings #234.1 #234.2 and #234.3, in accordance with Section 2.2 of the City's Vision Zero Action Plan, to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights of way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. 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. Coordinate study with Clark County Public Works and Nevada Department of Transportation.

16. 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
17. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.

Fire & Rescue

18. 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.

Staff Report Page One**November 12, 2024 - Planning Commission Meeting****** STAFF REPORT ******PROJECT DESCRIPTION**

This is a request for a Site Development Plan Review for a proposed commercial development consisting of a single-story, 3,300 square-foot Restaurant with Drive-Through on a portion of 2.08 acres on property located on the west side of Nellis Boulevard, approximately 620 feet south of Bonanza Road.

ISSUES

- The proposed Restaurant is a permitted land use within the existing C-2 (General Commercial) zoning district.
- The proposed Drive-Through is a Conditional Land Use within the existing C-2 (General Commercial) zoning district.
- The applicant has requested a Waiver of Title 19.08.040(B)(6)(c) building orientation development standards to allow the building to not be placed at the street edge at the setback line. Staff recommends approval of the request.

ANALYSIS

This is a request for a Site Development Plan Review for a proposed 3,300 square-foot Restaurant with a Drive-Through (Whataburger) on a portion of an undeveloped parcel located on the west side of Nellis Boulevard, approximately 620 feet south of Bonanza Road. The subject site has a zoning designation of C-2 (General Commercial) and is subject to Title 19 development standards, which allow the proposed Restaurant as a permitted land use and the Drive-Through as a conditional land use.

The proposed commercial development will occupy the south half of the site with the north half reserved for future development. The site is accessible to Nellis Boulevard, which is designated as a 100-foot wide Primary Arterial street that is adequate in size to facilitate the development. The proposed dual lane drive-through has been designed to wrap around the building on three sides in a counter clockwise direction with the drive-aisle entrance located on the west side of the building with vehicle traffic moving along the south side of the building and existing along the east side of the building.

Staff Report Page Two**November 12, 2024 - Planning Commission Meeting****Drive-Through Conditional Use Requirements:**

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 that station.

The submitted site plan indicates that the proposed 3,300 square-foot Restaurant with a Drive-Through will provide a double-station drive-through that will provide a stacking lane which will accommodate 18 vehicles with a maximum of eight vehicles in each lane, which exceeds the three vehicles per station minimum.

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

The submitted landscaping plan indicates that the proposed development complies with all Title 19.08.040(F) landscape buffer screening requirements with a 16-foot wide landscape buffer on the east perimeter and an 11-foot landscape buffer on the southern perimeter of the drive-through with 24-inch box trees spaces every 20-feet with a combination of shrubs to provide adequate screening.

The proposed building is approximately 21 feet in height measured to the top of the parapet. The submitted justification letter states, "The proposed elevation will incorporate Whataburger's last design concept, which includes natural colors, composite brick finishes and modern design metal canopies." The floor plan for the structure shows a typical layout for a Restaurant with Drive-Through with interior dining area. The submitted floor plans depict drive-through and interior food service areas, ADA accessible restrooms, office, food preparation, walk-in cooler, walk-in freezer and wash room space.

The applicant has indicated that all existing perimeter landscaping located to the west of the development site will remain in compliance with Title 19.08.040(F) landscape development standards. Per the submitted landscape plan a 16-foot landscape buffer is provided on the west perimeter of the development adjacent to Nellis Boulevard, where a 15-foot buffer is the minimum required. Along the interior lot lines an 11-foot landscape buffer will be provided on the southern perimeter and nine-foot wide landscape on the western perimeter, where eight feet is the minimum required. The submitted landscape plan indicates within the perimeter landscape buffers and the interior parking lot area that a combination of 24-inch box Catclaw Acacia, Blue Palo Verde and Thornless Hybrid Mesquite trees with five-gallon shrubs will be provided throughout the development. Pursuant to Title 19.12 the 3,300 square-foot restaurant is required to provide a minimum of 31 parking spaces. The submitted site plan indicates that 48 parking spaces will be provided, which meets Title 19.12 requirements.

Staff Report Page Three**November 12, 2024 - Planning Commission Meeting**

Also, Title 19.08.040(B)(6)(c) building orientation development standards state, "In order to develop and maintain a strong street edge, buildings for standalone projects or individual pad developments associated with a larger commercial center should be located at the front of the site at the minimum setback line, with the exception of additional width landscaping or a single drive-through lane." Due to the fact the proposed structure is not located at the minimum setback line and is separated from the Nellis Boulevard street frontage by a double lane drive through the applicant has requested a Waiver of this development standard.

However, staff finds the requested building orientation Waiver will have minimal negative impact to the surrounding multi-family and commercial uses. Due to the fact, the proposed double lane drive-through has been adequately screened from Nellis Boulevard by perimeter landscape buffer planting materials. Also, staff notes that the proposed restaurant has the potential to have a high volume of drive-through customers. Staff believes the double lane drive through line will help facilitate on-site vehicular circulation.

This project is expected to add an additional 1,543 trips per day on Nellis Boulevard and Bonanza Road. Currently, Nellis Boulevard is at about 78 percent of capacity and Bonanza Road is at about 39 percent of capacity. With this project, Nellis Boulevard is expected to be at about 80 percent of capacity and Bonanza Road to be at about 42 percent of capacity. Based on Peak Hour use, this development will add into the area roughly 147 additional peak hour trips, or about two every minute.

Staff has determined the proposed restaurant with drive-through development is consistent with adjacent multi-family development and the existing commercial developments in the surrounding area. Also, the proposed project meets all of the conditional use requirements outlined in Title 19.12 for the drive-through; therefore, staff recommends approval the requested Site Development Plan Review.

FINDINGS (24-0460-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 proposed development is consistent with the existing commercial developments within the surrounding commercial developments and is compatible with adjacent multi-family development to the west of the subject site.

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

The proposed site plan conforms to the General Plan, Title 19 and the overall site development plan for the commercial development, with exception to the requested Waiver to allow the building to not be placed at the street edge at the setback line. However, Staff finds the requested building orientation Waiver will have minimal negative impact to the surrounding commercial and residential uses.

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

Site access is provided from Nellis Boulevard Avenue a 100-foot Primary Arterial as designated by the Master Plan of Streets and Highways. This right-of-way is adequate in size to accommodate the proposed commercial development.

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

The proposed building and landscape materials are appropriate for the surrounding area and a desert climate.

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;**

The proposed building elevations are not unsightly or obnoxious in appearance and would be compatible with future development in the area.

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

The proposed development is subject to building permit review and regular inspections during the construction phase to ensure the public health, safety and general welfare are protected.

Staff Report Page Five

November 12, 2024 - Planning Commission Meeting

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
10/10/62	The Board of City Commissioners approved a request for Rezoning (Z-0092-62) from R-E (Residence Estates) to C-1 (Limited Commercial) on property generally located west of Nellis Boulevard, between Bonanza Road and Stewart Avenue.
09/03/86	The City Council approved a request for a Rezoning and Plot Plan Review (Z-0065-86) from R-E (Residence Estates) and C-2 (Limited Commercial) for a proposed medium density residential development on property located on the west side of Nellis Boulevard, approximately 1,015 feet south of Bonanza Road.
04/17/91	The City Council approved a request for a Rezoning (Z-0017-91) from R-E (Residence Estates) to C-2 (General Commercial) for a proposed commercial center on property generally located on the west side of Nellis Boulevard, south of Bonanza Road.
11/06/97	The Planning Commission voted approved a request for an Abeyance of requested Rezoning (Z-0099-97) from C-2 (General Commercial) to C-1 (Limited Commercial) on property located on the west side of Nellis Boulevard, approximately 600 feet south of Bonanza Road.
04/25/18	A Code Enforcement case (#CE-187984) was processed for a growing homeless/vagrant encampment in the corner of the vacant lot behind K-Mart on Nellis & Bonanza. The case was resolved on 07/23/18.
06/02/21	The City Council approved a request for a General Plan Amendment (21-0029-GPA1) to adopt the City of Las Vegas 2050 Master Plan and amend the City of Las Vegas General Plan from various categories to TOD-1 (Transit Oriented Development-1), TOD-2 (Transit Oriented Development-2), TOC-1 (Transit Oriented Corridor-1), TOC-2 (Transit Oriented Corridor-2), or NMUX (Neighborhood Center Mixed Use) within the City of Las Vegas. The Planning Commission and staff recommended approval of the request.
11/29/22	A Code Enforcement case (#CE22-06491) was processed for a homeless encampment in the open lot directly off of Nellis Blvd before Bonanza on the other side of the old Kmart center wall, in front of the apartments. The case was resolved on 02/13/23.
06/08/23	The Department of Community Development - Planning Division processed a request for a Zoning Verification Letter (100634-ZVL) for the proposed construction of a new 2,600 square-foot commercial fast-food restaurant with drive-through on the subject site (APN 140-32-517-001).

Staff Report Page Six

November 12, 2024 - Planning Commission Meeting

Most Recent Change of Ownership

10/31/17	A deed was recorded for a change in ownership.
----------	--

Related Building Permits/Business Licenses

There are no Building Permit or Business Licenses associated with the subject site.

Pre-Application Meeting

09/04/24	Staff conducted a pre-application meeting where the submittal requirements for a Site Development Plan Review were discussed for a proposed Restaurant with Drive-Through development.
----------	--

Neighborhood Meeting

A neighborhood meeting was not required, nor was one held.

Field Check

10/01/24	During a routine site inspection, staff observed an undeveloped site surrounded by an existing chain link fence. The site contained minimal trash and debris, however high weeds were present throughout the site.
----------	--

Details of Application Request**Site Area**

Gross Acres	Portion of 2.08
-------------	-----------------

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Undeveloped	TOD-2 (Transit Oriented Development - Low)	C-2 (General Commercial)
North	Shopping Center	TOD-2 (Transit Oriented Development - Low)	C-1 (Limited Commercial)
South	Residential, Multi-Family	M (Medium Density Residential)	R-3 (Medium Density Residential)

Staff Report Page Seven

November 12, 2024 - Planning Commission Meeting

<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>
East	Office, Other than Listed	NC (Neighborhood Commercial) - Clark County	CG (Commercial General) - Clark County
West	Residential, Multi-Family	M (Medium Density Residential)	R-3 (Medium Density Residential)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: East Las Vegas	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
No Applicable Special Area or Overlay Districts	N/A
<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 19.08.080, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	100 Feet	305 Feet	Y
Min. Setbacks			
• Front (Nellis Blvd.)	10 Feet	38 Feet	Y
• Side (south)	10 Feet	41 Feet	Y
• Side (north)	10 Feet	230 Feet	Y
• Rear (west)	20 Feet	160 Feet	Y
Max. Lot Coverage	50 %	4 %	Y
Max. Building Height	N/A	21 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/ a Roof or Trellis	Y
Mech. Equipment	Screened	Screened	Y

Staff Report Page Eight

November 12, 2024 - Planning Commission Meeting

Pursuant to Title 19.08, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	N/A	N/A	N/A	N/A
• South	1 Tree / 20 Linear Feet	11 Trees	11 Trees	Y
• East	1 Tree / 20 Linear Feet	7 Trees	7 Trees	Y
• West	1 Tree / 20 Linear Feet	8 Trees	8 Trees	Y
TOTAL PERIMETER TREES		26 Trees	26 Trees	Y
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	14 Trees	25 Trees	Y
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	N/A		N/A	N/A
• South	8 Feet		11 Feet	Y
• East	15 Feet		16 Feet	Y
• West	8 Feet		9 Feet	Y
Wall Height	6 to 8 Feet Adjacent to Residential		Not Indicated	Y

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Nellis Boulevard	Primary Arterial	Master Plan of Streets and Highways Map	100	Y

Staff Report Page Nine

November 12, 2024 - Planning Commission Meeting

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 with Drive-Through	944 SF	1:50 SF public seating and waiting	18.88 (19)				
	2,356 SF	1:200 SF of remaining gross floor	11.78 (12)				
TOTAL SPACES REQUIRED			31		48		Y
Regular and Handicap Spaces Required			29	1	46	2	Y
Loading Spaces	Less than 10,000 SF		1		1		Y

Waivers		
Requirement	Request	Staff Recommendation
Pursuant to Title 19.08.040(B)(6)(c) building orientation development standards, "In order to develop and maintain a strong street edge, buildings for standalone projects or individual pad developments associated with a larger commercial center should be located at the front of the site at the minimum setback line, with the exception of additional width landscaping or a single drive-through lane."	To allow the building to not be placed at the street edge at the minimum setback line.	Approval