

08/06/24 PC AGENDA SHEET

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-24-0303-RIO FLAMINGO, LLC:**

**USE PERMITS** for the following: **1)** a restaurant and related facilities; and **2)** outdoor dining, drinking, and cooking,

**DESIGN REVIEWS** for the following: **1)** a restaurant and related facilities; and **2)** outdoor dining, drinking, and cooking on 1.24 acres in an IL (Industrial Light) Zone.

Generally located on the south side of Flamingo Road, 430 feet east of Valley View Boulevard within Paradise. MN/jud/syp (For possible action)

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**RELATED INFORMATION:**

**APN:**

162-20-110-008

**LAND USE PLAN:**

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: 3685 W Flamingo Road
- Site Acreage: 1.24
- Project Type: Restaurant
- Number of Stories: 1
- Building Height (feet): 24
- Square Feet: 3,138 indoor/750 outdoor
- Parking Required/Provided: 24/29
- Sustainability Required/Provided: 7/8

**Site Plans**

The plans depict a restaurant with a drive-thru and outdoor dining. The proposed 3,138 square foot restaurant is located on the north side of the site along Flamingo Road. The drive-thru wraps around the building on 2 sides in a counterclockwise direction with the drive aisle entrance from the south along the east side of building and exits along the north side of the building to the west. A proposed double drive-thru lane at the entrance merges into 1 lane after the menu board and ordering location. Also, a 750 square foot outside dining area is proposed along the east side of the building. The outside dining area is accessible via a secondary door located on the northeast side of the building.

The building is set back 35 feet 8 inches from the north property line along Flamingo Road. An existing drainage channel ranging between 15 feet to 35 feet in width is located between the existing attached sidewalk along Flamingo Road and the north property line. On the west and south sides of the site the applicant is proposing detached sidewalks along the interior private access road. Access to the site is from Flamingo Road, Hotel Rio Drive, and Valley View Boulevard all via interior access roads. No modifications are proposed to the existing driveways. A total of 30 parking spaces, including 2 ADA accessible parking spaces are provided. Four bicycle parking spaces are provided as required per Code. The loading zone and trash enclosure are located on the southeast side of the building. Immediately northeast of the double drive-thru lane is an existing billboard sign that will remain.

#### Landscaping

The plans depict a 20 foot wide landscape strip with large trees along the north side of the site. Along the south and west sides of the site, the applicant is proposing medium trees along the detached sidewalks along the private access roads. On the east side of the site is a proposed 20 foot wide landscape strip with medium and large trees. Immediately east of that strip is an additional existing landscape area which is not a part of this application. The alternative landscaping plan provided by the landscaping architect depict parking lot landscaping with low and very low water needs, with large trees, as well as water efficient shrubs. One tree is missing on the northeast corner of the site due to the pedestrian walkway. The applicant is proposing greater than 10 percent over the required number of trees, tree canopies that cover at least 50 percent of the parking spaces, and trees are placed along the south and west sides of the building for energy conservation.

#### Elevations

The elevation plans show a 24 foot high building. The main entrance is located on the south façade of the building with lobby windows. The north façade of the building presents the pay and pick-up windows with canopies as well as lobby windows not facing the public right-of-way. Secondary entrances and lobby windows are located along the west and east faces of the building. All windows and doors have canopies for shading purposes. The exterior material consists of wood siding, decorative metal shades, low emission windows, brick veneer, and concrete. The color scheme is mainly earth tones with orange accent elements.

#### Floor Plans

The plans depict a 3,138 square foot building for the proposed restaurant with a drive-thru and a 750 square foot outdoor dining area.

#### Applicant's Justification

The applicant states the building's customer entrance faces towards the interior access road instead of Flamingo Road or Hotel Rio Drive. The proposed building design is more appropriate to face internally towards the access roads instead of public right-of-way since the street frontage along Hotel Rio Drive is approximately 210 feet away from the building. Pedestrian access along Flamingo Road is not appropriate since Flamingo Road elevates in this area as traffic approaches the I-15 interchange, and there is a large drainage easement along Flamingo Road making access directly from Flamingo Road impractical (not ideal to have a customer entrance facing a drainage easement).

Moreover, the site exceeds required landscaping requirements by providing 18 trees in the parking lot where 17 trees are required and by providing 41 trees on the overall site where 35 trees are required. The applicant states the request for an alternative design review for parking lot landscaping is necessary as it is not possible to provide a tree and shrubs (as required per code) in the parking lot island located at the northwest portion of the site since it serves as part of the pedestrian connectivity plan from the building to the interior access road to the Flamingo Road. Therefore, an alternative parking lot design review is appropriate.

#### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ADR-23-900269	Billboard digital conversion	Approved by ZA	May 2023
VC-1992-93	Freestanding sign in conjunction with a restaurant	Approved by PC	January 1994
DR-1640-93	Design review for a restaurant	Approved by PC	October 1993

#### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Entertainment Mixed-Use	CR	Rio Resort Hotel
South	Entertainment Mixed-Use	CR	Undeveloped
East	Entertainment Mixed-Use	IL	Hotel Rio Drive
West	Entertainment Mixed-Use	IL	Undeveloped

#### **STANDARDS FOR APPROVAL:**

The applicant shall demonstrate that the proposed request is consistent with the Master Plan and is in compliance with Title 30.

#### **Analysis**

##### **Comprehensive Planning**

##### Use Permits

A special use permit is considered on a case by case basis in consideration of the standards for approval. Additionally, the use shall not result in a substantial or undue adverse effect on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare; and will be adequately served by public improvements, facilities, and services, and will not impose an undue burden.

Staff finds that there are several existing restaurants with drive-thru in the area. Even though property's zoning district does not allow for the use of restaurant outright, in this instance, the location and site layout provide good reasons to justify these uses. Resort hotels are found in close proximity to the site and staff believes the addition of a restaurant on this site will provide more choices to the guests, employees, and residents of the area. Consequently, staff can support this request.

### Design Reviews

Development of the subject property is reviewed to determine if 1) it is compatible with adjacent development and is harmonious and compatible with development in the area; 2) the elevations, design characteristics and others architectural and aesthetic features are not unsightly or undesirable in appearance; and 3) site access and circulation do not negatively impact adjacent roadways or neighborhood traffic.

The design is appropriate and compatible with the area. The overall design meets the required setback requirements and does not hinder on-site circulation. The queuing lane for the restaurant's drive-thru is located on the southeast and north side of the parcel to provide adequate circulation throughout the site. The proposed location of the drive-thru callboxes and pick-up window face away from any residential development in the vicinity. Likewise, the proposed landscape area along the northern side of the site will be a landscape buffer with large trees to mitigate the impacts of this drive-thru lane to Flamingo Road to the north.

The purpose of parking lot landscaping is to soften the appearance of the buildings and large swaths of parking lot pavement from the street, but also to provide relief from the heat caused by large expanses of pavement. The parking lot landscaping has been designed to take advantage of the necessary perimeter landscaping and to add shade to the parking lot areas. Even though a tree is missing on the northwest corner of the building within the parking lot island, staff finds that the applicant has provided sufficient landscaping throughout the site and the elimination of 1 tree is necessary to provide pedestrian connectivity. Therefore, staff can support this request.

### **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:**

#### **Comprehensive Planning**

- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance.
- Applicant is advised within 2 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; 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; changes to the approved project will require a new land use application; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

**Public Works - Development Review**

- Drainage study and compliance;
- Full off-site improvements.
- Applicant is advised that Nevada Department of Transportation (NDOT) permits may be required.

**Fire Prevention Bureau**

- No comment.

**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](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0273-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Paradise - approval.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** KINGSBARN REALTY CAPITAL

**CONTACT:** KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DRIVE, SUITE 650, LAS VEGAS, NV 89135