

12/17/25 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-25-0756-BP FLAMINGO, LLC:

USE PERMIT for outdoor dining and drinking.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** eliminate street landscaping; **2)** reduce parking; **3)** modify residential adjacency standards; **4)** allow an attached sidewalk; and **5)** allow a commercial pan driveway.

DESIGN REVIEW for proposed restaurant buildings with drive-thrus within an existing commercial complex on 1.1 acres in a CG (Commercial General) Zone.

Generally located north of Flamingo Road and west of Pinecrest Street within Paradise.
TS/hw/cv (For possible action)

RELATED INFORMATION:

APN:

161-18-402-014

WAIVERS OF DEVELOPMENT STANDARDS:

1. Eliminate street landscaping along Flamingo Road where a 10 foot wide landscaping strip with large trees placed every 30 feet on center is required per Section 30.04.01D.
2. Reduce the number of required parking spaces to 18 parking spaces where 24 parking spaces are required per Section 30.04.04C (a 25% reduction).
3.
 - a. Reduce the separation between the western drive-thru and the residential uses to the north to 15 feet where 200 feet is required per Section 30.04.05E (a 92.5% reduction).
 - b. Reduce the separation between the eastern drive-thru and the residential uses to the north to 63 feet where 200 feet is required per Section 30.04.05E (a 68.5% reduction).
4. Allow an existing 5 foot wide attached sidewalk to remain along Pinecrest Street where a 5 foot wide detached sidewalk is required per Section 30.04.08C.
5. Allow the existing commercial pan driveway along Pinecrest Street to remain where a commercial curb return driveway is required per Uniform Standard Drawing 222.1 and Section 30.04.08C.

LAND USE PLAN:

WINCHESTER/PARADISE - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 3680 Flamingo Road

- Site Acreage: 1.1
- Project Type: Drive-thru restaurants
- Number of Stories: 1
- Building Height (feet): 24
- Square Feet: 1,025 (Proposed West Building)/2,650 (Proposed East Building)
- Parking Required/Provided: 24/18
- Sustainability Required/Provided: 7/7

Site Plan

The site of the proposed drive-thru restaurants is 1.1 acres and located on the northwest corner of Flamingo Road and Pinecrest Street. The site is currently developed with an existing 6,000 square foot bank branch office building and it is proposed to be demolished to make way for the proposed restaurants. The proposed restaurant buildings will be centered on the southern portion of the site with one restaurant building located in the west half of the site and the other restaurant building located in the east half of the site. The west restaurant building will be 1,025 square feet and rectangular in shape with a north-south orientation. This building will be set back 42 feet from Flamingo Road, 35 feet from the west property line, and 135 feet from the north property line. A 500 square foot covered outdoor dining area is proposed along the southeast portion of the restaurant building and will be 155 feet from the residential uses to the north. The east restaurant building will be 2,650 square feet and rectangular in shape with a north-south orientation. This building will be set back 41 feet from Flamingo Road, 32 feet from Pinecrest Street to the east, and 91 feet from the north property line. The 2 restaurant buildings will be separated from each other by 95 feet.

The site will be accessed by 2 existing pan driveways with 1 located along Flamingo Road and the other along Pinecrest Street. The Flamingo Road driveway is 31 feet wide and located in the southwest corner of the site but is located entirely within the existing right-of-way of Flamingo Road. The Pinecrest Street driveway is 32 feet wide and located in the northeast corner of the site. Since these driveways will not be constructed to the commercial curb return driveway standards, a waiver of development standards is required. Additionally, the applicant is maintaining the existing 5 foot wide attached sidewalks along Flamingo Road and Pinecrest Street. Since Title 30 requires attached sidewalks to be reconstructed as detached sidewalks, a waiver of development standards is required to maintain the attached sidewalks.

These driveways will access 2 east-west drive aisles located in the northern and southern portions of the site. The northern drive aisle is approximately 32 feet wide while the southern drive aisle varies between 24 feet and 25 feet. A central north-south drive aisle is 24 feet wide and has parking located on each side of the drive aisle adjacent to both restaurant buildings. The parking area contains 18 total parking spaces with 10 spaces on the west side of the drive aisle and 8 spaces on the east side of the drive aisle. An additional 13 parking spaces are located south of the southern drive aisles but are located entirely within the Flamingo Road right-of-way. As a result, those spaces cannot count toward the required number of parking spaces, so a total of 18 parking spaces are provided on-site where 24 spaces are required, thus requiring a waiver of development standards.

Each restaurant building has an associated drive-thru that connects with the on-site circulation of the site. The drive-thru associated with the west restaurant building starts with double drive-thru lanes north of the restaurant, and flows in a counterclockwise direction. The drive-thru lanes merge into 1 lane along the west property line. The menu boards are located after the curve of the drive-thru lanes heading south toward the pick-up window. All menu boards face west away from the residential areas to the north. The vehicles will exit south toward the driveway along Flamingo Road. This drive-thru is set back 15 feet from the residential uses to the north.

The drive-thru associated with the east restaurant building starts at the east of the southern drive aisle and is a 12 foot wide single lane drive-thru. This drive-thru circles the restaurant building along the east, north, and west sides of the building and flows in a counterclockwise direction. The menu board is located at the northeast corner of the restaurant building. The menu board faces east away from the residential uses to the north. The drive-thru exits out into the southern drive aisle just to the west of where the drive-thru begins. This drive-thru is set back 63 feet from the residential uses to the north. Due to the location of both proposed drive-thru lanes for both proposed restaurants, waivers to modify residential adjacency standards are required.

Landscaping

The landscape plans indicate street, parking lot, and screening and buffering landscaping will be provided on the site. In terms of street landscaping, along Pinecrest Street, a 10 foot wide landscaping strip will be provided behind the existing 5 foot wide attached sidewalk. This landscape strip will consist of a single row of 6 Thornless Palo Verde (*Parkinsonia* sp.) trees, and an existing Mesquite species tree spaced every 20 feet where 7 large trees are required. Along Flamingo Road, the existing 5 foot wide landscaping area will remain and contains 2 existing Mesquite trees with 1 Shoestring Acacia (*Acacia Stenophylla*) tree being added. This area, however, is completely within the existing Flamingo Road right-of-way and therefore cannot count toward the required street landscaping and a waiver of development standards is required. To mitigate this, the applicant is providing 1 Shoestring Acacia tree on-site along the right-of-way, 3 Shoestring Acacia trees in a 10 foot wide landscape strip along the western boundary, and 2 Shoestring Acacia trees within a planting area north of the western restaurant building for a total of 6 large trees where 6 large trees would be required.

Within the parking area, a total of 6 Thornless Palo Verde trees are provided where 6 medium or large trees are required. On the west side of the parking area, terminal landscape islands are provided with trees with an additional tree provided in the planting area north of the restaurant building to serve as a parking lot tree. In the eastern portion of the parking, terminal landscape islands are provided with a central landscape finger island in the middle of the parking row. This allows a tree to be placed every 4 spaces.

Buffering and screening landscaping is also provided along the northern boundary of the site within a 15 foot wide landscaping strip. Within this landscaping strip, are 2 rows of Mulga Acacia (*Acacia Aneura*) trees spaced 10 feet apart with an 8 foot tall decorative block wall along the northern property line of the site. Additionally, 2 existing Mesquite trees have been incorporated into the screening buffer as well.

Overall, 2 existing trees located on the site that are considered significant trees will be removed with 6 new trees replacing those lost trees. The new trees are mainly Western Redbud (*Cercis Occidentalis*) trees and Thornless Palo Verde trees that have been placed in the landscape strip along the western boundary and the planting area norther of the western restaurant building.

Elevations & Floor Plans

West Restaurant Building

This building is a typical commercial restaurant building and stands 24 feet tall. The exterior of the building is primarily grey colored stucco with blue fiber cement accenting. The roof is a flat roof with cool roof elements. Roof extensions and wall pop-outs are found on all elevations. A stone veneer accent runs along the entire base of the building. There is a main order/pick-up window located on the southeast portion of the building with the drive-thru located on the southwest portion of the building. All windows and doors have associated awnings. A 12 foot tall outside dining patio is found on the east side of the building. The interior of the building shows the building contains 1,025 square feet with a majority of the area dedicated to a food production area with the remaining spaces being an office, cooler, and restroom.

East Restaurant Building

This building is also a typical commercial restaurant building with franchise architecture and stands 24.2 feet tall. The exterior of the building is primarily blue colored hardi-board siding with red and white siding elements and accenting. The roof is a flat roof with cool roof elements. Roof extensions, wall breaks, and wall pop-outs are found on all elevations. A grey brick veneer accent runs along the entire base of the south and east facades of the building. There is a main entrance located on the south façade of the building consisting of an aluminum commercial window/door system. The drive-thru is located on the southwest portion of the building. All windows and doors have associated awnings. The interior of the building shows the building contains 2,650 square feet with a majority of the area dedicated to a dining room and food prep areas with the remaining spaces being an office, cooler, storage, and restroom.

Applicant's Justification

The outside dining area should not create any burdens to the residential areas to the north due to the provided screening landscape buffer and the outside dining area is more located and oriented towards Flamingo Road. The reduced separation of the drive-thru lanes to the residential uses to the north is justified due to the landscaping and screening buffer along the northern property line along with the fact the property directly to the north is planned for commercial uses and could have been used as such. Additionally, all menu boards and talk boxes are directed away from the residential uses to the north. The reduction of parking and landscaping due to their placement in the Flamingo Road right-of-way is justified due to an existing lease for this area with the Nevada Department of Transportation (NDOT) and additional landscaping has been provided throughout the site to make up for the loss of such landscaping. The Pinecrest Street driveway and sidewalk and the maintenance of the existing condition would not impact the surrounding area due to the limited traffic along Pinecrest Street.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-283-89	Zone change from R-1 to C-2 for a 6,000 square foot bank branch with drive-thru ATM.	Approved by BCC	November 1989
ZC-3-86	Zone change from R-1 to C-2 for a 15,000 square foot commercial complex – expired	Approved by BCC	February 1986

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Neighborhood Commercial & Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS5.2	Undeveloped & single-family residential
South	Ranch Estate Neighborhood (up to 2 du/ac)	RS5.2	Single-family residential
East & West	Corridor Mixed-Use	CG	Commercial Shopping Center

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 Permit

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.

The purpose of reviewing outdoor dining uses is to assure the proposed outdoor dining area is sufficiently set back from neighboring residential uses, appropriate buffering and mitigation measures are being provided, and to assure the site of the proposed use is appropriate for outside dining. In this case, staff finds the proposed separation of the outdoor dining area to the residential uses to the north is 155 feet with both a screening landscape buffer and a drive-thru located between the outdoor dining area and the residential uses. Staff finds this separation combined with the buffer and other uses should help to reduce the impact the outdoor dining area will have on surrounding residential uses. Additionally, the outdoor dining area is more oriented towards the Flamingo Road frontage, which should keep noise and other disturbances from being audible from the residential uses. As a result, staff can support this request.

Waivers of Development Standards

The applicant shall have the burden of proof to establish that the proposed request is appropriate for its proposed location by showing the following: 1) the use(s) of the area adjacent to the subject property will not be affected in a substantially adverse manner; 2) the proposal will not materially affect the health and safety of persons residing in, working in, or visiting the immediate vicinity, and will not be materially detrimental to the public welfare; and 3) the proposal will be adequately served by, and will not create an undue burden on, any public improvements, facilities, or services.

Waivers of Development Standards #1 & #2

Parking stall minimum standards and street landscaping are important to ensure that a lack of parking does not disturb the surrounding area or lead to traffic disruptions, and street landscaping allows pedestrian streetscapes to remain cooler due to a reduction in the heat island effect. In this case, the applicant is providing parking stalls and street landscaping within a portion of the site that is located within the Flamingo Road right-of-way. The parking and landscaping provided within the right-of-way is an issue as this landscaping and parking stalls could be removed at the request of NDOT at any time leaving the site under parked and without any street landscaping. Since the site is being reconstructed, staff finds the site could have been designed to accommodate more parking on-site and the required street landscaping could have been placed along the street as required. While staff can appreciate the placement of additional trees throughout the site to make up for the lack of street landscaping, the proposed additional trees are not provided in locations which would make a comfortable streetscape. As a result, staff is unable to support these requests.

Waiver of Development Standards #3

The purpose of ensuring a significant separation between residential uses and drive-thru lanes is to prevent the noise and odors that come from such uses disturbing surrounding residential areas. In this case, the proposed drive-thru lanes are between 15 and 63 feet from the residential uses to the north. The applicant is proposing a screening landscape buffer that should reduce possible noise and odors. Staff also finds that all menu boards and talk boxes have been oriented away from the residential uses to the north. With that said, staff finds the site is being reconstructed and the design of the site could have been set up to increase the distance of the drive-thru lanes to the northern boundary. Additionally, additional buffering could also have been provided to provide additional screening and buffering where the drive-thru lanes will be closest to the northern boundary of the site. For these reasons, staff is unable to support this request.

Design Review

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 proposed design of the site orients most of the uses proposed towards the south along the Flamingo Road frontage, which creates a more pedestrian oriented site and keeps the uses away from the residential uses to the north. Additionally, the applicant is providing enough parking lot

landscaping and additional landscaping to make up for significant trees that are already present on the site. The landscaping buffer along the north is also provided per Code. The buildings proposed on the site primarily consist of franchise architecture which is typical of the commercial uses that are found along Flamingo Road. Staff also finds the repurposing of the site from its currently blighted condition to the proposed restaurants will be a benefit to the Flamingo Road corridor and the residential uses to north and will increase the safety of the area. With that said, staff finds that since the site is being reconstructed, the existing parking and landscaping within the Flamingo Road right-of-way could have been removed and reconstructed on-site. Additionally, staff finds additional buffering could have been provided to reduce the impacts the drive-thru lanes may have on the residential uses to the north. Ultimately, staff finds the proposed design and uses comply with Master Plan Policies 1.4.4, 5.1.5 and 6.1.6 and Winchester/Paradise Specific Policy WP-3.1, which support adaptive reuse of aging or blighted commercial properties and the use infill development where possible to reduce impacts on existing infrastructure. With that said, Staff also finds the proposed development does not support Policy 1.4.5 and Winchester/Paradise Specific Policy WP-1.1, which encourage the development of non-auto-centric uses along high-capacity transit routes and the uses of appropriate buffers between residential uses and more intense commercial uses. For these reasons, staff is unable to able to support this request.

Public Works - Development Review

Waiver of Development Standards #4

Staff cannot support the request to allow the existing attached sidewalks to remain on Pinecrest Street. Detached sidewalks offer improved pedestrian safety by increasing the distance between pedestrians and vehicular traffic. Staff finds that it is imperative to provide detached sidewalks.

Waiver of Development Standards #5

Staff has no objection to allowing the existing curb return driveways to remain on Pinecrest Street. The applicant worked with staff construct a 5 foot sidewalk behind the existing driveway to maintain ADA compliance.

Staff Recommendation

Approval of the use permit and waiver of development standards #5; denial of waivers of development standards #1 through #4 and the design review.

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

If approved:

- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance, and payment of the tree fee-in-lieu is required for any required trees waived.

- 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;
- Traffic study and compliance;
- Applicant is advised that Nevada Department of Transportation (NDOT) permits may be required.

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 #0250-2026 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Paradise - approval of the use permit; denial of waivers of development standards and the design review.

APPROVALS:

PROTESTS:

APPLICANT: JOSEPH BONIFATTO

CONTACT: LEBENE AIDAM-OHENE, BROWN, BROWN, & PREMSRIRUT, 520 S. FOURTH STREET #200, LAS VEGAS, NV 89101