

05/03/22 PC AGENDA SHEET

OUTSIDE DINING & DRINKING AREA
(TITLE 30)

BLUE DIAMOND RD/DECATUR BLVD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-22-0153-4965 BLUE DIAMOND HOLDINGS, LLC:

USE PERMITS for the following: **1)** an outside dining and drinking area; and **2)** eliminate the required minimum 48 inch wide pedestrian access around the perimeter of an outside dining area.

DESIGN REVIEW for an outside dining and drinking area in conjunction with an existing restaurant on a 1.0 acre portion of a 13.0 acre site in a C-2 (General Commercial) Zone.

Generally located on the south side of Blue Diamond Road, 175 feet west of Decatur Boulevard within Enterprise. JJ/al/syp (For possible action)

RELATED INFORMATION:

APN:

176-13-713-001; 176-13-801-049; 176-13-801-050; 176-13-813-002 through 176-13-813-011 ptn

LAND USE PLAN:

ENTERPRISE - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 4965 Blue Diamond Road
- Site Acreage: 1.0 (portion)
- Project Type: Outside dining and drinking area in conjunction with an existing restaurant
- Square Feet: 974 (outside dining area)

Site Plan

The site is on an approximately 1 acre parcel that is within an existing shopping center. Access to the shopping center is provided from Blue Diamond Road, Decatur Boulevard, and Edmond Street. The plan shows an existing outside dining and drinking area that has been provided in conjunction with an existing restaurant (Bella Vita). The restaurant is located in the north end of an in-line retail building located along the west side of the parcel. The outside dining area is located on the northeast corner of the building. Access to the outside dining and drinking area is provided from the interior of the restaurant. There is a secondary access gate located on the northwest corner of the outside dining and drinking area located west of a secondary door from the dining room. The plan shows the outside dining and drinking area has seating for

approximately 51 customers within an area of 974 square feet. There is a 67 inch high fence around the perimeter of the outside dining area. This fence is constructed of split face concrete block, metal rails and tempered glass plates. The Code requires a minimum 48 inch wide pedestrian access (sidewalk) around the perimeter of an outside dining area, which is not provided.

Landscaping

No changes are proposed or required to existing landscape areas within the shopping center with this request.

Signage

Signage is not a part of this request.

Applicant’s Justification

The applicant indicates that the existing restaurant is currently operating out of a 3,800 square foot lease space within the existing in-line retail building. The owners of the restaurant desire to offer outside dining and drinking for customers. The owner of the restaurant had a contractor construct the outside dining and drinking area; however, the contractor did not construct the required pedestrian access around the perimeter of the outside dining area. The outside dining and drinking area complies with all other required conditions. The outside dining and drinking area will be operated in a harmonious manner with the surrounding land uses and will not compromise public health, safety, and welfare. Similar requests have been approved for other restaurants with outside dining and drinking areas in the county.

Prior Land Use Requests

Application Number	Request	Action	Date
WC-19-400124 (ZC-18-0256)	Waived conditions of a zone change requiring a design review as a public hearing for lighting	Approved by BCC	November 2019
ADR-19-900608	Redesigned drive-thru for an approved restaurant (Burger King)	Approved by ZA	September 2019
DR-19-0462	Signage	Approved by BCC	August 2019
DR-19-0334	Parking lot and building lighting	Approved by BCC	June 2019
VS-18-0854	Vacated and abandoned easements for detached sidewalks	Approved by PC	December 2018
TM-18-500169	1 lot commercial subdivision	Approved by PC	October 2018
VS-18-0279	Vacated and abandoned government patent easements	Approved by BCC	May 2018
ZC-18-0256	Reclassified the subject property to C-2 zoning	Approved by BCC	May 2018

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North, South, East, & West	Corridor Mixed-Use	C-2	Commercial development

This site and the surrounding area are located in the Public Facilities Needs Assessment (PFNA) area.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis

Current Planning

Use Permits and Design Review

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

The proposed outside dining and drinking area will not incorporate a pedestrian sidewalk around the outside where required, but it should not have an adverse impact to the site or reduce pedestrian safety, as the area is at the end of the commercial building and adjacent to a drive aisle where patrons will not be walking from nearby sidewalks or adjacent parked cars. The outside dining and drinking area is harmonious with the existing restaurant and the immediate area. The proposed outside dining and drinking area are internal to the shopping center and will aid in providing additional amenities to patrons of the restaurant and shopping center. Pedestrian walkways currently exist throughout the complex; 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:

Current Planning

- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; approval of this application does not constitute or imply approval of a liquor or gaming license or any other County issued permits, licenses, or approvals; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; 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; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- No comment.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that the property is already connected to the CCWRD sewer system; and that if any existing plumbing fixtures are modified in the future, then additional capacity and connection fees will need to be addressed.

TAB/CAC: Enterprise - approval.

APPROVALS:

PROTESTS:

APPLICANT: BELLA VITA WEST LLC

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