

COMMERCIAL CENTER  
(TITLE 30)

**UPDATE**  
BLUE DIAMOND RD/CIMARRON RD

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ZC-23-0004-CIMARRON CAPITAL MANAGEMENT, LLC:**

**ZONE CHANGE** to reclassify 1.4 acres from an H-2 (General Highway Frontage) Zone to a C-1 (Local Business) Zone.

**USE PERMIT** to reduce separation from outside dining to a residential use.

**WAIVER OF DEVELOPMENT STANDARDS** for alternative street landscaping.

**DESIGN REVIEW** for a commercial center (restaurants) with drive-thru services and outside dining areas.

Generally located on the north side of Blue Diamond Road, 300 feet west of Cimarron Road within Enterprise (description on file). JJ/rk/syp (For possible action)

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**RELATED INFORMATION:**

**APN:**

176-21-201-028

**USE PERMIT:**

1. a. Allow outside dining (Chipotle) with a 98 foot separation from a residential use where a 200 foot separation is required per Table 30.44-1 (a 51% reduction).
- b. Allow outside dining (Dutch Bros Coffee) with an 88 foot separation from a residential use where a 200 foot separation is required per Table 30.44-1 (a 56% reduction).

**WAIVER OF DEVELOPMENT STANDARDS:**

Allow alternative sidewalk and landscaping along public street frontage (Blue Diamond Road).

**PROPOSED LAND USE PLAN:**

ENTERPRISE - NEIGHBORHOOD COMMERCIAL

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 1.4
- Project Type: Commercial center (restaurants) with drive-thru services and outside dining areas
- Number of Stories: 1

- Building Height (feet): Up to 24
- Square Feet: 2,325 (Chipotle)/950 (Dutch Bros Coffee)/600 (total outside dining)
- Parking Required/Provided: 37/44

### Site Plans

The plans submitted with this request depict 2 restaurant pad site buildings with drive-thru services and outside dining areas. The small pad site buildings are in the center of the site facing Blue Diamond Road with the drive-thru aisles wrapping around the north, east, and west sides of the buildings. A portion of the drive-thru lane for Dutch Bros Coffee will be double stacked to allow for more queuing. Minimum building setbacks are as follows: 44 feet from the north property line, 29 feet from the west property line, 80 feet from the east property line, and 72 feet from the south property line (Blue Diamond Road). Outside dining areas are located on the east side of both buildings and are within 200 feet of a compact residential development to the north. According to the applicant, there are no “talk boxes” associated with either of the businesses. Parking is equitably distributed throughout the site with most of the parking spaces shown in the middle and south portions of the project. There is 1 main access point shown along Blue Diamond Road to the south.

### Landscaping

Along the north and west property lines, the project will provide a 10 foot wide landscape buffer with trees spaced 20 feet apart next to the residential development. An existing 6 foot high CMU block wall is also shown along these property lines. The required 15 feet of street landscaping along frontage of the subject parcel is shown on plans; however, instead of a standard sidewalk, an 8 foot wide asphalt sidewalk/trail is provided within the excess NDOT right-of-way easement. This will match the design provided along portions of both sides of Blue Diamond Road for other developed properties. Interior to the site, landscaping is distributed throughout the parking lot and around portions of the buildings footprints. The landscape materials include large trees, shrubs, and groundcover.

### Elevations

The plans depict two, 1 story buildings with a maximum height of 24 feet. The exterior of the buildings has the standard façade for both Chipotle and Dutch Bros Coffee including EIFS walls, vertical metal panel systems, brick veneer accents, and aluminum store front windows and doors. The buildings have flat roofs behind parapet walls and vary in height between 12 feet to 24 feet. On the east elevation of each building is an open outdoor dining patio enclosed by a decorative fence with a pedestrian access area around the perimeter of the dining patio.

### Floor Plans

The plans depict a total building area of 3,275 square feet. The Chipotle restaurant pad site is 2,325 square feet (with an approximately 400 square foot patio) and Dutch Bros Coffee is 950 square feet (with an approximate 200 square foot patio). The plans indicate the buildings will be constructed with open floor plans that will be modified to meet the needs of the tenants.

### Applicant’s Justification

The Chipotle restaurant proposed at this location is unique because the business model does not include a call box, this will be a pre-order/call ahead location with a pick-up window only for the

orders. Dutch Bros Coffee also does not have a call box because there will be face to face orders taken by staff with handheld electronic menus. The outside dining/drinking areas will accommodate the customers who drive to the site. The proposed restaurants are community serving uses with customers drawn mostly from the immediate area. The uses as designed are appropriate for and compatible with the development trends in the area. This is an in-fill project along a major highway and is less than 400 feet west of the intersection of a half section street and is; therefore, an appropriate and compatible use for the area. The use as proposed also fulfills the growth management goals outlined in the Master Plan by developing a parcel located within existing developments. Furthermore, the applicant states they have worked to address concerns raised by the neighbors at the neighborhood meeting to minimize the impact to the surrounding areas.

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North & West	Compact Neighborhood (up to 18 du/ac)	R-3	Single family residential
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RUD	Single family residential
East	Neighborhood Commercial	C-1	Medical office

The subject site is within the Public Facilities Needs Assessment (PFNA) area.

### **Related Applications**

<b>Application Number</b>	<b>Request</b>
PA-23-700001	Master Plan Amendment to re-designate the land use category from Compact Neighborhood (CN) to Neighborhood Commercial (NC) is a companion item on this agenda.
TM-23-500001	A tentative map for a 1 lot commercial subdivision on 1.4 acres is a companion item on this agenda.

### **STANDARDS FOR APPROVAL:**

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

### **Analysis**

#### **Comprehensive Planning**

##### Zone Change

There is a concurrent Master Plan Amendment application to re-designate the land use category from Compact Neighborhood (CN) to Neighborhood Commercial (NC). Staff finds that the proposed C-1 zoning is compatible with the existing and planned land uses in this area. The site is located along Blue Diamond Road where commercial zoning is appropriate. There is no indication that the project will have a substantial adverse effect on public facilities and services in this area and the request complies with other goals and policies within the Master Plan. As a result, staff can support the zone change.

### Use Permit

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 areas for the commercial center are relatively small in size and should not have negative impacts on the neighboring properties. Typically, patrons utilizing fast food restaurants outside dining areas are not occupying that area for very long. Additionally, the applicant is proposing to provide trees 20 feet on center per Figure 30.64-11 - "Buffer Adjacent to a Less Intensive Use" along the residential property lines. However, staff finds to provide a better buffer adjacent to the residential development, the applicant should provide more trees within the landscape planters along the north and west property lines; therefore, with the condition listed below, staff can support this portion of the request.

### Waiver of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

The sidewalk and landscaping along Blue Diamond Road have been designed in a manner that meets the intent of Title 30. The required 15 feet of street landscaping along the frontage of the subject parcel is shown on plans; however, instead of a standard sidewalk, an 8 foot wide asphalt sidewalk/trail is provided within the excess NDOT right-of-way easement. Therefore, staff supports this alternative design request.

### Design Review

The design and layout of this project have addressed some of the impacts that come with the sensitivity of a commercial development adjacent to less intensive uses. The plans depict adequate parking on-site, and sensitivity was given to site design, building materials, and landscape buffers. Therefore, with the conditions listed below, staff can support this portion of the request.

### **Staff Recommendation**

Approval. This item has been forwarded to the Board of County Commissioners' meeting for final action.

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.

**PLANNING COMMISSION ACTION:** March 7, 2023 – APPROVED – Vote: Unanimous  
**Comprehensive Planning**

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- No installation of talk boxes associated with any drive-thru services;
- Provide trees spaced 10 feet on center along the north and west property lines;
- Replace Shoestring Acacia trees with a different type of large Evergreen trees that provide a more dense buffer;
- Low level lighting throughout the entire project;
- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; 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 the use permit, waiver of development standards, and design review must commence within 4 years of approval date or they will expire.

**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.

**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 and reference POC Tracking #0022-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Enterprise - approval (design review as a public hearing for significant changes).

**APPROVALS:** 5 cards

**PROTESTS:** 2 cards

**APPLICANT:** J.A. KENNEDY DEVELOPMENT, LLC

**CONTACT:** CASSANDRA WORRELL, 520 S. FOURTH STREET, LAS VEGAS, NV 89101