

06/22/22 BCC AGENDA SHEET

RESTAURANT
(TITLE 30)

PARADISE RD/TWAIN AVE

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
ET-22-400071 (UC-20-0154)-PARADISE & TWAIN HOLDINGS, LLC:

USE PERMIT FIRST EXTENSION OF TIME for a restaurant with a drive-thru.
WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** allow vivid hues (no longer needed); **2)** alternative landscaping; and **3)** alternative driveway geometrics.
DESIGN REVIEW for a restaurant on 0.6 acres in an H-1 (Limited Resort and Apartment) Zone and a C-1 (Local Business) Zone.

Generally located on the southeast corner of Paradise Road and Twain Avenue within Paradise. TS/jud/syp (For possible action)

RELATED INFORMATION:

APN:
162-15-302-001

WAIVERS OF DEVELOPMENT STANDARDS:

1. Allow vivid hues where not permitted per Table 30.56-2 (no longer needed).
2. Allow alternative landscaping adjacent to a street per Chapter 30.64.
3.
 - a. Allow existing driveway geometrics (a pan driveway) along Paradise Road where not permitted per Uniform Standard Drawing 222.1.
 - b. Reduce the approach distance to 75 feet 9 inches where 150 feet is required per Uniform Standard Drawing 222.1 (a 49% decrease).
 - c. Reduce the departure distance to 116 feet where 190 feet is required per Uniform Standard Drawing 222.1 (a 39% decrease).

LAND USE PLAN:

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 3780 Paradise Road
- Site Acreage: 0.6
- Project Type: Restaurant with drive-thru (Pink Box Donuts)
- Number of Stories: 1
- Building Height (feet): 24
- Square Feet: 2,600 (restaurant building)
- Parking Required/Provided: 26/30

Site Plan

The originally approved site plan shows a restaurant on the northern half of the site adjacent to Twain Avenue. Access to the site is located via 2 driveways, 1 on the southwest corner of the site (adjacent to Paradise Road), and the other on the northeast corner of the site (adjacent to Twain Avenue). Parking stalls are incorporated along the south and east property lines and adjacent to the restaurant building. The drive-thru entrance is located on the east side of the restaurant building. Customers will pick-up their order via a pick-up window on the north side of the building and exit the drive-thru lane along the west side of the building. The southeast corner of the site also incorporates an existing entry/exit for lower level parking from the adjacent building to the south. The approved plans also depict a decorative wrought-iron fence with an overall height of 34 inches to be installed along the north property line and a portion of the northwest property line.

Landscaping

The approved plan includes 24 inch box trees and groundcover within the landscape finger islands and within the landscape planters. The plan depicts a detached sidewalk with 5 foot to 19 foot wide landscape planters provided along the west property line (Paradise Road). Furthermore, the plans show an attached sidewalk with a 6 foot wide landscape planter provided along the north property line (Twain Avenue).

Elevations

The originally approved restaurant building elevations include aluminum storefront systems, stucco and cement board walls that will be painted pink, black, white, and brown, with decorative metal wall panels. The exterior design displays a vertical stripe design with 2 different hues of pink as the main exterior color. The applicant requested a waiver of development standards to allow the vivid hue; however, Title 30 has since been amended to no longer regulate the color of buildings.

Floor Plans

The approved plans depict the building shell of the proposed restaurant. The overall area for the entire building is 2,600 square feet.

Signage

Signage is not a part of this request.

Previous Conditions of Approval

Listed below are the approved conditions for WC-20-400085 (UC-20-0154):

Public Works - Development Review

- Separate Document for the required Paradise Road dedication shall be submitted within 30 days and shall be recorded within 60 days.

Listed below are the approved conditions for UC-20-0154:

Current Planning

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that 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

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- Coordinate with Public Works - Design Division for the Paradise Road improvement project;
- Dedicate any right-of-way and easements necessary for the Paradise Road improvement project;
- Construct a median on Twain Avenue from the point of curvature on the west side of the driveway to the intersection of Twain Avenue and Paradise Road;
- Applicant shall design and bond for the curb return driveway on Paradise Road, with the improvements to be installed in concert with the Paradise Road improvement project.

Building Department - Fire Prevention

- Applicant is advised that a fire life safety report, completed by a Nevada licensed Fire Prevention Engineer 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 #0038-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

Applicant's Justification

The applicant states that they have refined the plans in coordination with Public Works plans for improvements to Paradise Road, which have taken longer than originally contemplated. The specific concern of the applicant is the fact that the proposed doughnut shop will require water connection crossing Paradise Road. That water connection was originally contemplated to be part of the County project, with the property owner dedicating additional right-of-way for the public improvements. The applicant still wants to pursue that option if possible, which would be economically advantageous and also would avoid cutting Paradise Road twice. The applicant requests an extension of time for 2 years to resolve design issues.

Prior Land Use Requests

Application Number	Request	Action	Date
SC-20-0093	Renamed Twain Avenue to Seigel Cares Avenue	Withdrawn without Prejudice	August 2020
WC-20-400085 (UC-20-0154)	Waived condition to design and bond for the curb return driveway on Paradise Road, with the improvements to be installed in concert with the Paradise Road improvement project in conjunction with a restaurant with a drive-thru	Approved By BCC	September 2020
UC-20-0154	Restaurant with drive-thru and alternative landscaping	Approved by BCC	April 2020
SC-0154-14	Renamed Twain Avenue to Sands Avenue	Denied by PC	May 2014

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Entertainment Mixed-Use	H-1	Commercial uses
South	Entertainment Mixed-Use	C-1	Office building
East	Entertainment Mixed-Use	C-1	Commercial building
West	Entertainment Mixed-Use	H-1	Multiple family residential

STANDARDS FOR APPROVAL:

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

Analysis

Current Planning

Title 30 standards of approval on an extension of time application state that such an application may be denied or have additional conditions imposed if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws or policies affecting the subject property.

Using the criteria set forth in Title 30, no substantial changes have occurred at the subject site since the original approval. The applicant is continuing to work on the off-site improvements, which generally would constitute staff supporting a 2 year extension of time. However, due to the recommendation for denial from Public Works, staff is recommending a denial of the extension of time.

Public Works - Development Review

The applicant has not satisfied the previous conditions placed on the waiver of conditions application. Staff finds that the applicant has had more than a reasonable amount of time to comply with the conditions that were placed on the waiver of conditions and the applicant has

not made the appropriate attempt to satisfy the previously set conditions. Therefore, staff cannot support this request.

Staff Recommendation

Denial.

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

If approved:

- Until April 21, 2024 to commence.
- 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; and that 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.

Public Works - Development Review

- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Paradise Road improvement project.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC:

APPROVALS:

PROTEST:

APPLICANT: SIEGEL COMPANIES

CONTACT: GREG BORGEL, SIEGEL COMPANIES, 3790 PARADISE ROAD, SUITE 250, LAS VEGAS, NV 89169