

RESTAURANT
(TITLE 30)

RAINBOW BLVD/BUE DIAMOND RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-23-0408-RAINBOW & BLUE DIAMOND SOUTHEAST, LLC:

AMENDED WAIVER OF DEVELOPMENT STANDARDS for alternative street landscaping (previously notified as eliminating street landscaping).

DESIGN REVIEWS for the following: **1)** restaurant; and **2)** finished grade in conjunction with a previously approved shopping center on a portion of 8.1 acres in a C-2 (General Commercial) Zone.

Generally located on the east side of Rainbow Boulevard and the south side of Blue Diamond Road within Enterprise. JJ/jud/syp (For possible action)

RELATED INFORMATION:

APN:

176-23-210-003; 176-23-210-004; 176-23-210-006; 176-23-210-007

WAIVER OF DEVELOPMENT STANDARDS:

Allow alternative street landscaping along Blue Diamond Road (previously notified as eliminating street landscaping) where Figure 30.64-17 is required.

DESIGN REVIEWS:

1. Proposed new restaurant.
2. Increase finished grade to 3 feet 6 inches where a maximum of 3 feet is the standard (a 17% increase).

LAND USE PLAN:

ENTERPRISE - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 8.1 (portion)
- Project Type: Restaurant/finished grade
- Number of Stories: 1
- Building Height (feet): 26
- Square Feet: 2,494

- Parking Required/Provided: 256/257

Site Plan & Request

The plan depicts a fast food service restaurant on the north central portion of a previously approved shopping center. This individual parcel is located along Blue Diamond Road and is a portion of a larger shopping center at the corner of Rainbow Boulevard and Blue Diamond Road. Access to the site is through the adjacent parcel to the east, with access to Santa Margarita Street, which has access to Blue Diamond Road. Access also is provided through the shopping center to the west, with access to Rainbow Boulevard. The drive-thru is entered on the east side of the building, with the menu board and call box at the northeast portion of the proposed building. Drivers then circle around the building and pick-up their food at the window at the southwest side of the building. Pedestrian access is provided to the rest of the center through a sidewalk along the south side of the parcel. Alternative street landscaping is provided along Blue Diamond Road. Therefore, necessitating a waiver of development standards to allow an alternative street landscaping along Blue Diamond Road. Parking is provided throughout the shopping center. A total of 257 parking spaces are provided for the entire shopping center. The trash enclosure is located at the southwest corner of the parcel. This application also includes a design review for the proposed restaurant as well as to increase finished grade.

Landscaping

The applicant is providing additional trees adjacent to the drive-thru lane, to alleviate the proposed alternative landscaping along Blue Diamond Road. The alternative landscaping along Blue Diamond Road consists of mulga trees, texas mountain laurel trees, red push pistache trees as well as shrubs, groundcovers and grasses. Parking lot landscaping is provided per Code, with sufficient shrubbery and trees along the east side of the proposed building. The remaining areas around the perimeter of the pad site also provide several 5 gallon shrubs as well as 24 inch box trees.

Elevations

The base of the building is brick with brick trim on the corners. The main sections of the building facades are neutral with red accent awnings and a flat roof, similar to the existing shopping center. The overall height of the building is 26 feet. Accent metal awnings are located above the windows around the building.

Floor Plan

The plan depicts a total building area of 2,494 square feet. The plan shows an open floor plan which includes a walk-in freezer and cooler, manager's office, restrooms, mechanical room, kitchen, and dining area.

Signage

Signage is not a part of this request.

Applicant's Justification

Along Blue Diamond Road is a wide strip of decorative rock placed within the right-of-way. Additional trees are placed adjacent to the drive-thru lane, as a result the view from the street will still be landscaped. Trees have been placed across the frontage to provide a nice appearance.

There is landscaping at the northeast and northwest portions of the site. This site will blend in with the overall development and be a welcome addition to the area. Furthermore, during the review of the drainage study, the grade of the site was suggested to be increased; therefore, a design review as a public hearing is needed to increase the finished grade.

Prior Land Use Requests

Application Number	Request	Action	Date
ADR-23-900243	Vehicle wash facility	Approved by ZA	July 2023
VS-23-0112	Vacated and abandoned a portion of easements	Approved by PC	May 2023
DR-21-0225	Site lighting for a previously approved shopping center	Approved by BCC	July 2021
WS-20-0428	Comprehensive sign plan with waivers for reduced separation between freestanding signs, reduced sign setbacks, and allowed roof signs	Approved by PC	January 2021
VS-20-0161	Vacated and abandoned right-of-way being Rainbow Boulevard between Serene Avenue (alignment) and Blue Diamond Road	Approved by BCC	April 2020
TM-20-500047	1 lot commercial subdivision for a previously approved shopping center	Approved by BCC	April 2020
WS-19-0725	Design review for modifications to an approved shopping center	Approved by BCC	November 2019
WC-19-400122 (NZC-18-0915)	Waived conditions of a zone change to provide enhanced landscape buffers along the perimeters and street frontages for a shopping center	Approved by BCC	November 2019
NZC-18-0915	Reclassified from R-E and H-2 to C-2 zoning for a shopping center, with waivers for modified driveway and separation, and a design review for a shopping center	Approved by BCC	June 2019

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Corridor Mixed-Use	C-2 & H-2	Undeveloped
South	Business Employment	C-2	Undeveloped
East	Business Employment	M-D, M-1, & C-1	Warehouse & undeveloped
West	Corridor Mixed-Use	H-2 & C-2	Retail shopping center

The subject site is within 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

Comprehensive Planning

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.

Staff finds the request for alternative street frontage landscaping is appropriate since the applicant is now providing landscaping along Blue Diamond Road, which will enhance the street view of the site. Similar landscaping is provided at other sites along Blue Diamond Road. The intent of street landscaping is to provide shade along the sidewalks as well as serve as a transition buffer between the right-of-way and the developments. Staff understands that this decorative rock strip is within the Nevada Department of Transportation (NDOT) right-of-way. Similar developments in the area have the same circumstance of decorative rocks along NDOT's right-of-way, and decorative ground coverage (small shrubs and trees) are provided along Blue Diamond Road at those neighboring sites. The applicant worked with staff to provide an alternative landscape plan suitable to the site. Therefore, staff can support the request.

Design Review #1

Access to the site is granted through commercial driveways located within the previously approved shopping center along Santa Margarita Street, Rainbow Boulevard, and Serene Avenue. The design of the proposed restaurant and drive-thru lanes does not conflict with the circulation of the site. The proposed development is compatible with the overall shopping center and the proposed parking lot landscaping is adequate throughout the site. Therefore, staff can support this request.

Public Works - Development Review

Design Review #2

This design review represents the maximum grade difference within the boundary of this application. This information is based on preliminary data to set the worst case scenario. Staff will continue to evaluate the site through the technical studies required for this application. Approval of this application will not prevent staff from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approval.

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 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 this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: BLUE DIAMOND STEAKBURGER OPERATIONS, LLC

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