

11/01/22 PC AGENDA SHEET

RESTAURANT
(TITLE 30)

BLUE DIAMOND RD/DECATUR BLVD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

DR-22-0505-BLUE DIAMOND DECATUR PLAZA, LLC:

DESIGN REVIEW for a proposed restaurant with drive-thru 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, and west of Decatur Boulevard within Enterprise. JJ/sd/syp (For possible action)

RELATED INFORMATION:

APN:

176-13-813-004 ptn

LAND USE PLAN:

ENTERPRISE - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 1 (portion)
- Project Type: Restaurant with drive-thru
- Building Height (feet): 21
- Square Feet: 783
- Parking Required/Provided: 4/18 (restaurant)/522/610 (shopping center)

Site Plan

The site is on an approximate 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 plans submitted by the applicant shows a proposed restaurant with drive-thru located within the center portion of the parcel and is adjacent to Decatur Boulevard. The drive-thru is shown along the eastern property line and adjacent to Decatur Boulevard. Parking is located on the same parcel, which is surrounded by the larger 13 acre parcel as part of the existing shopping center. Cross access is shown on the plans between this parcel and the larger retail shopping center. The plans show the order talk boxes for the drive-thru are facing Decatur Boulevard. Access to the drive-thru is located on the south portion of the parcel and runs along and around the proposed restaurant.

Landscaping

The plans depict landscaping along Decatur Boulevard within a pedestrian realm of 20 feet wide behind a detached sidewalk and landscape area. Landscaping is also shown throughout the shopping center with diamond landscape islands. Landscaping includes trees, shrubs, and groundcover along the proposed drive-thru.

Elevations

The plans depict a commercial building at 21 feet in height with awning, drive-thru window and canopy, architectural enhancements, including stone veneer, dark cherry wood trim, parapet walls and includes desert colors.

Floor Plans

The plans depict a floor plan with cooler, office, restrooms, service area, and seating with an outside yard area.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant indicates that the overall site plan, building elevations, and layout are compatible with other commercial developments in the area. The proposed restaurant with drive-thru is a compatible use within this area and the shopping center with similar intensities and will not impact the surrounding area.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-22-0453	Outside dining and drinking, pedestrian access, and design review for outside dining and drinking area	Approved by PC	May 2022
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 for a portion of a shopping center	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, & West	Corridor Mixed-Use	C-2	Commercial development
East	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	H-2	Vacant

This site is located 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**Current Planning**

Staff finds the proposed restaurant with a drive-thru is a compatible use within the shopping center. The proposed landscaping and building materials comply with Title 30 standards and are appropriate for the area. Staff finds that the overall design of the site shows the required cross access, pedestrian walkways, a loading zone, trash enclosure, bicycle parking, and ample vehicular parking. Staff supports the design review for this establishment.

Department of Aviation

The development will penetrate the 100:1 notification airspace surface for Harry Reid International Airport. Therefore, as required by 14 CFR Part 77, and Section 30.48.120 of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

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**

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection;
- 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.
- Applicant is advised that a design review as a public hearing for signage is required per ZC-18-0256; 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

- Traffic study and compliance.
- Applicant is advised that the finished floor elevation needs to be raised to 2385.30 feet.

Department of Aviation

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.48 Part B of the Clark County Unified Development Code; applicant is advised that many factors may be considered before the issuance of a permit or variance, including, but not limited to, lighting, glare, graphics, etc.;
- No building permits should be issued until applicant provides evidence that a "Determination of No Hazard to Air Navigation" has been issued by the FAA or a "Property Owner's Shielding Determination Statement" has been issued by the Department of Aviation.
- Applicant is advised that the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments; that the FAA's airspace determinations include expiration dates; and that separate airspace determinations will be needed for construction cranes or other temporary equipment.

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 #0368-2022 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 lighting and signage).

APPROVALS:

PROTESTS:

APPLICANT: ATWELL, LLC

CONTACT: CATHERINE ATCHLEY, ATWELL, LLC, 9001 AIRPORT FREEWAY, SUITE 660, NORTH RICHLAND HILLS, TX 76180