

01/19/21 PC AGENDA SHEET

RESTAURANT
(TITLE 30)

PARADISE RD/FLAMINGO RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-20-0532-HURD LAS VEGAS, LLC:

USE PERMIT for a restaurant.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduced throat depth; and **2)** elimination of a loading zone.

DESIGN REVIEWS for the following: **1)** a restaurant with drive-thru; and **2)** alternative landscaping on 1.3 acres in an H-1 (Limited Resort and Apartment) (AE-60) Zone.

Generally located on the west side of Paradise Road, 200 feet south of Flamingo Road within Paradise. JG/bb/jd (For possible action)

RELATED INFORMATION:

APN:

162-22-103-007

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce throat depth on Paradise Road to 68 feet where 100 feet is the minimum per Uniform Standard Drawing 222.1 (a 32% decrease).
2. Eliminate a loading zone required per Section 30.60.070.

DESIGN REVIEWS:

1. Restaurant with a drive-thru.
2. Remove required trees from 2 landscape islands while meeting overall number of trees required per Section 30.64-14.

LAND USE PLAN:

WINCHESTER/PARADISE - COMMERCIAL TOURIST

BACKGROUND:

Project Description

General Summary

- Site Address: 4165 Paradise Road
- Site Acreage: 1.3
- Project Type: Restaurant
- Number of Stories: 1
- Building Height (feet): 22

- Square Feet: 4,561
- Parking Required/Provided: 46/46

Site Plan

The site plan depicts a restaurant located in the east portion of the site. The proposed building is oriented north to south, facing Paradise Road. Setbacks include 17 feet from the north property line adjacent to the neighboring gas station, 20 feet from the east property line along Paradise Road, 20 feet from the south property line, and 234 feet from the west property line. An existing driveway on Paradise Road provides access to the site and cross access is provided with the adjacent commercial development to the south. Two parallel drive-thru lanes provide access to the restaurant drive-thru, starting from the west side of the property leading east to the pick-up window. The drive aisles for the drive-thru will be able to accommodate approximately 24 vehicles. The restaurant shares the Paradise Road driveway entrance and parking lot with the adjacent retail uses to the south. There is no access between this property and the convenience store and gas station to the north. There is a recorded cross access easement between this property, the adjacent lands to the south and west. The access easement connects Paradise Road through this property and north to Flamingo Road from the adjacent property to the west.

Landscaping

Landscaping includes a 10 foot wide strip along the west and north property lines. An attached sidewalk with a 15 foot wide landscape strip is shown along Paradise Road on the east side of the site. Pedestrian access is provided from the restaurant across three, 5 foot sidewalks connecting to the Paradise Road sidewalk. A 7.5 foot sidewalk is provided adjacent to the internal parking spaces leading from the trash enclosure on the west side of the property to the north and south side entrances of the restaurant.

Elevations

The restaurant building is 22 feet to the top of the parapet roof. A 14 foot by 60 foot continuous metal awning canopy extends from the west side of the building to cover the inside drive-thru lane. The sides of the building are finished in stucco, with the first 3 feet covered by brick veneer. Cantilevered exterior canopy covers are located above all doors and windows as decorative accents and for shade.

Floor Plans

The 4,561 square foot restaurant building includes a kitchen area, entry vestibule, serving area, freezer, cooler, office, and restrooms. The primary entry is located on the south side of the building with secondary entrances on the east side of the building. Service entries are located on the north and west sides of the building. A riser room and access door are located on the east side of the building.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant is proposing to remove the existing 9,000 square foot vacant restaurant building and replace it with the proposed 4,561 square foot drive-thru restaurant. The drive-thru lanes are

proposed to intersect the driveway from Paradise Road at 68 feet from the east entrance. This throat depth will provide adequate space for safe vehicle movements. The dual drive-thru exit at the driveway will allow for the outside lane traffic to exit the property to the west and north to Flamingo Road. The inside drive-thru vehicles will be able to exit by making a left turn to go east, where the driveway intersects with Paradise Road.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-0969-95	Two restaurants and outside dining	Approved by PC	July 1995

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Commercial Tourist	H-1	Convenience store with gasoline station
South	Commercial Tourist	H-1	Retail
East	Commercial Tourist	H-1	Resort hotel
West	Commercial Tourist	H-1	Undeveloped

STANDARDS FOR APPROVAL:

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

Analysis

Current Planning

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 Comprehensive 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. As a result, a restaurant is an appropriate use at this location, and it will not create any undue adverse effects on adjacent properties. This location was previously used for a sit down restaurant and associated parking. This property provides adequate space for a drive-thru restaurant that will be compatible with the surrounding area and existing uses. The proposed use will be adequately served by public improvements, facilities, and services and will not impose an undue burden.

Waivers 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.

Waiver of Development Standards #2

The use of the area adjacent to the property included in the waiver request will be affected in a substantially adverse manner without adequate loading space for the proposed restaurant. The applicant has not provided a detailed explanation of how restaurant products and food will be delivered, including how that delivery will not impact operations. The proposal may materially affect the safety of persons working in, or visiting the immediate neighborhood, when considering that impromptu unloading of goods for the restaurant could create a significant disruption of on-site traffic flow, parking, and pedestrian movements. Staff recommends denial of this request, absent an alternative schedule and plan for loading.

Design Review #1

The proposed development is not compatible with adjacent developments in the area, including buildings, and structures. The proposed development is not consistent with the applicable land use plan, Title 30, and other regulations, plans and policies of the County. Site design characteristics do not allow for safe access or pedestrian movements, and are not harmonious or compatible with development in the area. There are multiple vehicular and pedestrian conflicts proposed on this site that make it unsafe for pedestrians and vehicles. Therefore, staff recommends denial of this request.

Design Review #2

Staff is not able to recommend approval of the proposed landscape changes and removal of trees from 2 landscape islands when considering the other site design issues and design concerns. In addition, since staff is not supporting the design review of the overall site, staff cannot support this request.

Public Works - Development Review

Waiver of Development Standards #1

Staff has no objection to the reduction in the throat depth for the Paradise Road driveway. The applicant is reconstructing an existing commercial driveway to provide additional distance from what was previously approved.

Staff Recommendation

Approval of the use permit, and waiver of development standards #1; denial of waiver of development standards #2, and design reviews.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

If approved:

- 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;
- Coordinate with Public Works - Design Division to grant any right-of-way and easements that may be necessary for the Paradise Road improvement project.
- Applicant is advised the off-site improvement permits may be required.

Building Department - Fire Prevention

- 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:

APPROVALS:

PROTESTS:

APPLICANT: KEITH GILBERT

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