

RESTAURANTS  
(TITLE 30)

BLUE DIAMOND RD/ARVILLE ST

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ET-21-400024 (ZC-18-0961)-LONE MOUNTAIN PARTNERS, LLC:**

**DESIGN REVIEWS FIRST EXTENSION OF TIME** for the following: **1)** restaurant buildings with drive-thru service; and **2)** alternative parking lot landscaping in conjunction with a commercial development on 0.9 acres in a C-2 (General Commercial) (AE-60) Zone.

Generally located on the south side of Blue Diamond Road, the west side of Schirlls Street, and 550 feet east of Arville Street within Enterprise. JJ/nr/jd (For possible action)

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RELATED INFORMATION:

**APN:**

177-18-602-007

**LAND USE PLAN:**

ENTERPRISE - COMMERCIAL TOURIST

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 0.9
- Project Type: Restaurants with drive-thru
- Number of Stories: 1
- Building Height (feet): 26
- Square Feet: 4,600
- Parking Required/Provided: 20/50

**Site Plans**

The site was previously approved via ZC-18-0961 to construct 2 restaurants with a separate drive-thru service for each building, and alternative parking lot landscaping for a commercial development. The plans submitted with ADR-19-900822 changed the layout of the restaurants on the site and added landscaping. Access to the site is provided by a driveway adjacent to Blue Diamond Road on the northeast corner of the parcel. The plans also showed future cross access to the neighboring parcel to the west. The plans included bicycle parking, pedestrian walkways, and a trash enclosure. A total of 20 parking spaces are required for this development, and the applicant is providing 50 spaces.

### Landscaping

Landscaping is located throughout the site, with the addition of landscaping finger islands and additional landscaping around the perimeter of the proposed retail building.

### Elevations

The buildings are each 1 story with a maximum height of 26 feet. The buildings have flat roofs behind parapet walls that vary in height to break-up the rooflines. The exterior of the buildings consist of a parapet roof, storefront glazing, fiber cement panels, wall light fixtures, sand finish stucco, and aluminum panels. The exterior elevations of the buildings will also have recesses, pop-outs, and other architectural features to break-up the vertical and horizontal surfaces of the buildings.

### Floor Plans

The 2 buildings will have a total area of 4,600 square feet. The eastern building has an area of 1,600 square feet and the western building is 3,000 square feet. The plans depict the buildings as shells to be completed in the future to accommodate the needs of the future tenants.

### Previous Conditions of Approval

Listed below are the approved conditions for ZC-18-0961:

#### Current Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- 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 the design reviews must commence within 2 years of approval date or they will expire.

#### Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Provide cross access to adjacent parcels as shown on the plans;
- Off-site improvements along Blue Diamond Road to be coordinated with Nevada Department of Transportation (NDOT), and applicant to provide an approved NDOT encroachment permit to Public Works Development Review Division.
- Applicant is advised that driveways must be a minimum of 32 feet in width measured from the lip of gutter to the lip of gutter; and that the installation of detached sidewalks will require the granting of necessary easements for utilities, pedestrian access, streetlights, and traffic control.

#### 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;
- 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.

#### Building Department - Fire Prevention

- Applicant is advised that fire/emergency access must comply with the Fire Code as amended; cross agreements may be required to ensure sufficient legitimate access; to show fire hydrant locations on-site and within 750 feet; that fire protection may be required for this facility; and to contact Fire Prevention for further information at (702) 455-7316.

#### 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 #0694-2018 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

#### Signage

Signage is not a part of this request.

#### Applicant's Justification

The applicant indicates that the extension is needed due to delays in utility and development plans along with completing the ground lease. The applicant states that there has been no change in the area and a 2 year extension of time is justified to preserve the approved entitlements.

#### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ADR-19-900822	Redesign of commercial development	Approved by ZA	December 2019
ZC-18-0961	Reclassified site from H-2 to C-2 zoning for commercial development	Approved by BCC	February 2019

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
VS-18-0962	Vacated of 30 feet of Schirlls Street	Approved by BCC	February 2019
SC-1717-98	Renamed an existing north/south street alignment from Schirlls Street, Schirlls Avenue, Vista Street et al to Schirlls Street	Approved by BCC	December 1998

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Commercial General	C-2	Shopping center
South, East & West	Commercial Tourist	H-2 & R-E	Undeveloped

**Related Applications**

<b>Application Number</b>	<b>Request</b>
ET-21-400025 (VS-18-0962)	First extension of time to vacate Schirlls Street adjacent to the site 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****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. In 2019, an Administrative Design Review was approved to redesign aspects of the approved site plan. Since that time there have not been any applications or permits applied for on the site. Staff can support an extension of time since this is the first extension of time and the proposed development is consistent and compatible with other commercial developments along Blue Diamond Road.

**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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

## **PRELIMINARY STAFF CONDITIONS:**

### **Current Planning**

- Until February 6, 2023 to commence.
- Applicant is advised that 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**

- No comment.

### **Clark County Water Reclamation District (CCWRD)**

- No comment.

**TAB/CAC:** Enterprise - approval.

**APPROVALS:**

**PROTEST:**

**APPLICANT:** LONE MOUNTAIN PARTNERS, LLC

**CONTACT:** KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DR., STE 650, LAS VEGAS, NV 89135