

10/03/23 PC AGENDA SHEET

OUTSIDE DINING AND DRINKING AREA  
(TITLE 30)

MILLER LN/SAHARA AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-23-0509-WINNER PROPERTIES, LLC:**

**USE PERMITS** for the following: **1)** eliminate the requirement for the primary means of access to be through the interior of the restaurant; and **2)** eliminate pedestrian access for outside dining and drinking in conjunction with an existing restaurant on a portion of 7.8 acres in a C-2 (General Commercial) Zone.

Generally located on the south side of Sahara Avenue and the west side of Miller Lane within Spring Valley. JJ/mh/syp (For possible action)

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RELATED INFORMATION:

**APN:**

163-09-513-001 ptn

**USE PERMITS:**

1. Eliminate the requirement for the primary means of access to be through the interior of the restaurant for outside dining and drinking.
2. Eliminate the required minimum 48 inch wide pedestrian access around the perimeter of an outside dining and drinking area in conjunction with an existing restaurant.

**LAND USE PLAN:**

SPRING VALLEY - NEIGHBORHOOD COMMERCIAL

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 7905 W Sahara Avenue, Suite 102
- Site Acreage: 7.8 (portion)
- Project Type: Outside dining and drinking area
- Number of Stories: 1
- Building Height (feet): 19
- Square Feet: 480 (outside dining area)
- Parking Required/Provided: 407/427

### Site Plans

The site is located on the northeast corner within an existing office and commercial complex on an approximately 7.8 acre parcel which is located on the south side of Sahara Avenue and on the west side of Miller Lane. The plans show an existing restaurant (Chill Bar & Grill) which occupies the corner suite in a building that features suites with other businesses. The outside dining and drinking area is located on the far east side of the building, which is currently used as a walkway along a portion of the front side and the east side of the restaurant. The pad site is higher than the parking lot; therefore, the walkway is elevated from the parking lot. The plans show this walkway being converted into an outside dining area, which has an existing protective barrier featuring concrete block on the bottom with metal rail fencing on top. There is also a shade structure attached to the building, which covers the outside dining area and the main entrance into the restaurant. Patrons walk up a few steps from the parking lot to the walkway and enter the building or the outside dining area.

### Landscaping

There are no proposed or required changes to existing landscape areas with this request.

### Elevations

There are no proposed changes to the elevations of the building with this request.

### Floor Plans

The plans show an 8 foot wide outside dining area that extends approximately 60 feet in length. There are 10 dining tables, with seating for up to 20 customers within the approximately 480 square foot dining area. The outside dining area is primarily accessed from the side of the front entrance into the restaurant, with a secondary access point from the kitchen being exclusively for restaurant staff. The interior of the restaurant will not be changed or affected. Title 30 requires a minimum 48 inch wide pedestrian access around the perimeter of an outside dining area, which is not provided.

### Signage

Signage is not a part of this request.

### Applicant's Justification

The applicant indicates that the project does not propose any changes to the existing building, parking, or landscaping. Since no structural changes are being made to the site, use permits are necessary to waive the condition of a 48 inch wide pedestrian access area and the condition that the primary means of access be through the interior of the restaurant. The applicant adds that outside dining is preferred by many diners during the Spring and Fall seasons and that the outside dining will provide seating for up to 20 additional guests, which will support the success and profitability of the business.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-19-0472	Personal services (beauty salon) and permanent make-up establishment	Approved by PC	August 2019

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-18-0760	Personal services (skin care) establishment	Approved by PC	November 2018
ZC-1235-00	Reclassified a portion of the project site to C-1 zoning for a pad site immediately adjacent to Miller Lane	Approved by BCC	October 2000
VC-0673-99	On-premises consumption of alcohol (supper club)	Approved by PC	June 1999
ZC-1709-96	Reclassified the project site from R-E to C-P, C-1 and C-2 zoning for a commercial complex	Approved by BCC	February 1997

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	City of Las Vegas	C-1	Office & commercial complex
South	Ranch Estate Neighborhood (up to 2 du/ac)	C-1, C-P & R-E (RNP-I)	Commercial development within the same complex & single family residential
East	Neighborhood Commercial	C-P & C-2	Office & commercial complex
West	Neighborhood Commercial	R-4	Multiple family residential

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Comprehensive Planning**

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 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.

The applicant indicates that outside dining is preferred by many customers and will support the business operations by providing additional seating for customers. The proposed outside dining and drinking area will not incorporate a pedestrian sidewalk around the outside where required, nor will the primary means of access be through the interior of the restaurant. However, it should not have an adverse impact on the site or reduce pedestrian safety, as the area is secured by a protective barrier that will provide safety for patrons. The proposed outside dining and drinking area is harmonious with the existing restaurant and the immediate area of the commercial complex. Therefore, staff can support this request.

**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**

- Applicant is advised that the County has adopted a rewrite to Title 30 effective January 1, 2024, 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**

- No comment.

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

- Applicant is advised that CCWRD does not provide sanitary sewer service in this portion of the unincorporated county; and that for any sanitary sewer needs, to contact the City of Las Vegas to see if the City has any gravity sanitary sewer lines located in the vicinity of the applicant's parcel.

**TAB/CAC:** Spring Valley - approval.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** DOG BITES BACK, LLC

**CONTACT:** COOK & KELESIS, LTD, 517 S. 9TH STREET, LAS VEGAS, NV 89101