

05/18/21 PC AGENDA SHEET

OUTSIDE DINING/DRINKING  
(TITLE 30)

FORT APACHE RD/RENO AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-21-0151-APACHE 3, LLC:**

**USE PERMITS** for the following: **1)** reduced separation; and **2)** eliminate the pedestrian access area.

**DESIGN REVIEW** for a proposed outside dining and drinking area in conjunction with an existing restaurant within an existing shopping center on a portion of 4.0 acres in a C-2 (General Commercial) Zone in the CMA Design Overlay District.

Generally located on the south side of Reno Avenue and the west side of Fort Apache Road within Spring Valley. JJ/jor/jo (For possible action)

---

RELATED INFORMATION:

**APN:**

163-30-601-010 ptn

**USE PERMITS:**

1. Reduce the separation of a proposed outside dining and drinking area in conjunction with an existing restaurant to a residential use to 81 feet where 200 feet is required per Table 30.44-1 (a 60% decrease).
2. Eliminate a 48 inch wide pedestrian access around the perimeter of the proposed outside dining and drinking area where required per Table 30.44-1.

**LAND USE PLAN:**

SPRING VALLEY - COMMERCIAL GENERAL

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 5105 S. Fort Apache Road, Suite 195
- Site Acreage: 4 (portion)
- Project Type: Outside dining and drinking area in conjunction with an existing restaurant
- Number of Stories: 1
- Square Feet: 14,960 (Buildings A & B)/7,096 (Building C)/5,223 (Building D)/2,409 (lease space)/450 (proposed outside dining and drinking area north of Building B)
- Parking Required/Provided: 169/175

### Site Plan

The existing shopping center is located south of Reno Avenue and west of Fort Apache Road. Access to the shopping center is located via commercial driveways along the north property line (Reno Avenue) and the east property line (Fort Apache Road). The parcel was reclassified from R-E zoning to C-2 zoning on the north half of the parcel and to C-1 zoning on the south half of the site via ZC-1287-01. Buildings A and B are 2 in-line retail buildings along the west property line, that are oriented north to south with the front of the buildings facing east toward Fort Apache Road. In addition, the northeast and southeast corners of the shopping center have identical designed retail buildings (Buildings C and D). There is an existing drive aisle and landscape strip along the west property line in between the existing residences to the west and Buildings A and B.

The applicant is requesting approval of a proposed outside dining and drinking area in conjunction with an existing restaurant located on the north facing elevation of Building B. UC-0485-11 was previously approved for the same location related to this application. UC-0485-11 reduced the separation from a supper club to a residential use and reduced the separation from an outside dining area to a residential use for a proposed supper club, this application has since expired. The proposed outside dining and drinking area has an 81 foot separation distance, where 200 feet is required from the existing residential use to the west. Lastly, the applicant is requesting to eliminate the 48 inch wide pedestrian access area required around the proposed outside dining and drinking area.

### Landscaping

Landscaping is located throughout the site and changes to the landscaping are neither required nor a part of this request. The proposed outside dining and drinking area is directly adjacent to an existing landscape area which includes palm trees, medium size trees, shrubs, and groundcover. This landscape area provides a physical and visual buffer between the proposed outside dining and drinking area and the parking spaces and drive aisle to the north and east.

### Elevations

The submitted photos depict stucco exterior walls, stone veneer columns, and black aluminum storefront and window systems. The proposed outside dining and drinking area is located within an existing walkway adjacent to the north facing elevation of the lease space.

### Floor Plan

The floor plan depicts a proposed outside dining and drinking area with an overall area of 450 square feet. The applicant is proposing a 3 foot high black metal fence around the proposed outside dining and drinking area that includes an access gate on the southside of the outside dining and drinking area, in addition there is an entrance/exit door from the lease space (north facing elevation) into the proposed outside dining and drinking area.

### Signage

Signage is not a part of this request.

### Applicant's Justification

Per the applicant's justification letter, the separation reduction to 81 feet is warranted because there is an existing 6 foot wide landscape planter with trees and shrubs and a 32 foot wide drive aisle that serves a barrier between the proposed outside dining and drinking area and the existing residential use to the west. UC-0485-11 was previously approved for the same request but has since expired. Furthermore, the applicant is requesting to eliminate the required 48 inch wide pedestrian access area around the proposed outside dining and drinking area. The applicant does not want to eliminate any existing landscaping adjacent to the proposed area to accommodate a 48 inch wide pedestrian access area. This request is also warranted because the existing landscaping provides a barrier between patrons of the restaurant and the adjacent drive aisle and driveway. The applicant stated that the proposed outside dining and drinking area is harmonious to the site since there are existing outside dining and drinking areas in conjunction with existing restaurants within the shopping center. The applicant's requests should not compromise public health and safety.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-0320-16	Allowed on-premises consumption of alcohol (service bar) in conjunction with an existing restaurant (C-1 portion of the site)	Approved by PC	June 2016
UC-0378-12	Allowed on-premises consumption of alcohol (supper club) and a waiver to reduce the separation from on-premises consumption of alcohol (supper club) to a residential use (C-1 portion of the site)	Approved by PC	September 2012
UC-0485-11	Reduced the separation from on-premises consumption of alcohol (supper club) to a residential use, and reduced separation from outside dining to a residential use (C-2 portion of the site) - expired	Approved by PC	December 2011
UC-0107-09	Allowed on-premises consumption of alcohol (service bar) and reduced the separation of an outdoor dining area from a residential use (C-1 portion of the site)	Approved by PC	March 2009
UC-0203-08	Reduced the separation between a convenience store and a residential use (C-2 portion of the site)	Approved by PC	April 2008
VS-1098-06	Vacated and abandoned government patent easements - recorded	Approved by PC	September 2006
DR-0548-06	Design review for an office and retail center, and a waiver of conditions of a zone change (ZC-1287-01) requiring right-of-way dedication to include 25.5 feet for Ali Baba Lane	Approved by BCC	May 2006

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-1287-01 (ET-0304-04)	First extension of time of a zone change from R-E to C-2 zoning for a proposed shopping center	Approved by BCC	November 2004
TM-0089-03	1 lot commercial subdivision	Approved by PC	April 2003
VS-0285-03	Vacated government patent easements - expired	Approved by PC	April 2003
ZC-1287-01	Reclassified the site from R-E to C-2 zoning for the northern portion of the site, and C-1 zoning for the southern half of site for a proposed shopping center	Approved by BCC	January 2002

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Commercial General	C-2	Retail building
South	Commercial General	U-V	Multiple family residential & commercial pad sites
East	Commercial General	C-2	Shopping center
West	Residential Suburban (up to 8 du/ac)	R-2	Single family residential

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Current Planning**

Use Permits

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.

Use Permit #1

Staff does not oppose the separation reduction request to 81 feet where 200 feet is required for an outside dining and drinking area within an existing restaurant. The site plan depicts an existing 6 foot wide landscaping strip with ample trees and shrubs and a 32 foot wide drive aisle along the west property line of the site which provides a physical barrier between the proposed outside dining and drinking area and the residences to the west. Staff does not anticipate any negative ramification of reducing the proposed outside dining and drinking area; therefore, staff supports this request.

### Use Permit #2

Staff does not normally support the elimination of a pedestrian access area around a proposed outside dining and drinking area. However, due to the location of the proposed outside dining and drinking area and the existing mature landscaping around the building, staff finds that eliminating the 48 inch wide pedestrian access area does not pose negative impacts to the overall shopping center. Staff supports this request.

### Design Review

Staff supports the design review of the proposed outside dining and drinking area since the proposed area is compatible to the existing building and the overall shopping center. Since staff supports the use permits, staff also supports 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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

### **PRELIMINARY STAFF CONDITIONS:**

#### **Current Planning**

- 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; 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.

#### **Building Department - Fire Prevention**

- No comment.

**TAB/CAC:** Spring Valley - approval (no live entertainment and no outdoor speakers).

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** LUNAR ONE, LLC

**CONTACT:** ARGENTUM LAW, 6037 S. FORT APACHE ROAD, SUITE 130, LAS VEGAS, NV 89148