

03/21/23 PC AGENDA SHEET

RESTAURANT  
(TITLE 30)

SAHARA AVE/CIMARRON RD

PUBLIC HEARING  
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
**UC-23-0014-WELL DONE, LLC:**

**USE PERMITS** for the following: **1)** outside dining in conjunction with an existing restaurant; and **2)** eliminate pedestrian access.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** eliminate setbacks; **2)** alternative street landscaping; **3)** waive parking lot trees; and **4)** allow non-standard improvements in the right-of-way.

**DESIGN REVIEW** for a proposed addition and outside dining and drinking area to an existing restaurant on 1.0 acre in a C-1 (Local Business) Zone.

Generally located on the south side of Sahara Avenue, 100 feet west of Cimarron Road within Spring Valley. RM/lm/syp (For possible action)

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RELATED INFORMATION:

**APN:**  
163-09-102-009 through 163-09-102-012

**USE PERMITS:**

1. Outside dining/drinking in conjunction with a restaurant in C-1 Zone.
2. Eliminate pedestrian access around the perimeter of the outside dining area where 48 inches is required per Table 30.44-1.

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Eliminate front setback and setback from the right-of-way where 10 feet is required per Table 30.40-4 and Section 30.56.040 (a 100% reduction).
2. Allow alternative landscaping behind an attached sidewalk where 15 feet of landscaping is required per Section 30.64.030.
3. Waive parking lot landscaping (trees) where Figure 30.64-14 is required.
4. Allow non-standard street improvements in the right-of-way (Sahara Avenue) where not allowed per Section 30.52.050.

**LAND USE PLAN:**  
SPRING VALLEY - NEIGHBORHOOD COMMERCIAL

## **BACKGROUND:**

### **Project Description**

#### General Summary

- Site Address: 8245 Sahara Avenue
- Site Acreage: 1
- Project Type: Restaurant with outside dining
- Number of Stories: 1
- Building Height (feet): 24
- Square Feet: 9,580 (total)/8,016 (existing restaurant)/1,564 (addition)/765 (outside dining)
- Parking Required/Provided: 174/186

#### Site Plan

The plan depicts an extension to the existing restaurant (Limoncello) that has access to Sahara Avenue. The building is located at the northeast corner of the site with parking located along the west property line and south of the building. The site shares required parking with the parcels to the east and south within the same shopping center. The addition to the restaurant is located at the southwest corner of the building, with an outside dining area on the north side of the building. The plan includes removing several parking spaces to provide the additional dining room and manager's office. The outside dining patio area is within the existing street landscape area, set back zero feet from the street right-of-way/property line, and separated by 11 feet 7 inches from the rear of sidewalk.

#### Landscaping

Street landscaping is located within the public (Clark County) right-of-way for Sahara Avenue, approximately 15 feet wide, with additional street landscaping located to the east of the outside dining area between the building and the right-of-way. Additional trees are located within the existing and proposed landscaping to the south of the building and within the existing parking lot landscape island located south of the building. The addition to the restaurant will remove a landscape finger on the end of a row of parking; therefore, compliance with Figure 30.64-14 is now required. Shrubbery is provided on the west side of the building.

#### Elevations

The plans depict an existing 24 foot high restaurant building with flat roofs surrounded by painted stucco parapets with pitched metal roof, and wrapped stucco trim. The proposed addition includes full height steel and glazing panel inserts to match the existing windows to provide shade by fabric awnings. A 36 inch high decorative metal barrier (fence) surrounds the proposed outside dining area on the northwest side of the building.

#### Floor Plans

The plans depict an existing 8,016 square foot building with the 1,564 addition of a new dining area with bar and manager's office at the southwest corner of the building. The existing patio constructed on the north side of the building is to be converted into a 765 square foot outside dining area with 36 inch high barrier.

### Signage

Signage is not a part of this request.

### Applicant's Justification

The applicant indicates that the location of the outside dining area is located at a higher grade than the existing sidewalk and Sahara Avenue. Additionally, the outside dining area is surrounded by a 36 inch high fence with internal entry access to the indoor dining area and an emergency gated access on the west side of the patio. Pedestrians and customers will not be able to access the restaurant from Sahara Avenue, only from within the restaurant. The street frontage landscaping area consists of trees and shrubs and matches the landscaping widths on the adjacent lots along Sahara Avenue. Since the restaurant site was originally constructed in 1996 the Sahara Avenue alignment has transferred from NDOT to Clark County, and the request is to maintain existing landscaping improvements. While the original site was developed under the prior Development Code (Title 29) and met parking lot landscaping standards at that time, additional landscaping has been provided within the existing parking lot landscape island.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
VC-1320-97	Reduced front setback to a freestanding sign in conjunction with a restaurant	Approved by PC	September 1997
WT-0369-97	Decreased finished floor elevation in conjunction with a commercial building	Approved by PC	April 1997
VC-1944-94	On-premises consumption of alcohol in conjunction with a restaurant	Approved by PC	January 1995
ZC-1487-94	Reclassified 5 acres to C-1 zoning for a restaurant with office/retail complex	Approved by BCC	October 1994

### **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	Place of worship
South & East	Neighborhood Commercial	C-1	Office/retail within the same complex
West	Neighborhood Commercial	C-1	Mini-warehouse facility

### **STANDARDS FOR APPROVAL:**

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

### **Analysis**

#### **Comprehensive 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 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.

### 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.

### Use Permits & Waiver of Development Standards #1

While staff can typically support the addition of outside dining, the location of the proposed dining area conflicts with standard safety practices for patrons, as there is no setback from the public right-of-way/property line and located 11 feet 7 inches south of the existing public sidewalk. At the time of the tenant improvement for the existing restaurant (BD19-18782), the proposed outside dining pad was not shown on the plans along with a statement that landscaping was not a part of the request; and therefore, was not reviewed by staff for outside dining. Per aerial evidence, the street landscaping was altered and did not conform to street landscaping standards in place at the time of installation. While staff acknowledges there is a grade difference between the street and sidewalk level and the dining area, staff is concerned that in the future the outside dining area could become a hazard to dining patrons if the right-of-way is constructed to full width and the sidewalk moved to the edge of the existing right-of-way/property line. Staff is unable to support the request to eliminate the pedestrian access around the perimeter of the outside dining area and reduce the setback of the outside dining area.

### Waivers of Development Standards #2 & #3

The proposed alternative street landscaping and parking lot landscaping are self-imposed hardships with the proposed expansion of the restaurant. The location of the restaurant addition removes existing parking lot landscape fingers at the southwest corner of the building. Although additional trees are proposed within the parking lot landscaping island located south of the building, the purpose of providing parking lot trees is to help reduce urban heat island effect. Therefore, staff cannot support these requests.

### Design Review

While the design of the restaurant addition is architecturally compatible with the existing building, the location of the outside dining area and the alternative street and parking lot landscaping are self-imposed hardships; therefore, staff is unable to support this request.

### **Public Works - Development Review**

#### Waiver of Development Standards #4

The applicant is responsible for maintenance and up-keep of any non-standard improvement; the County will not maintain any landscaping placed in the right-of-way. Staff can support Waiver of Development Standards #4 but the applicant must execute and sign a License and Maintenance Agreement for any non-standard improvements within the right-of-way.

**Staff Recommendation**

Approval of waiver of development standards #4; denial of the use permits, waivers of development standards #1 through #3, and design review.

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**

If approved:

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that 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**

- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way.

**Fire Prevention Bureau**

- 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, applicant is 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 of waiver of development standards #4; denial of the use permits, waivers of development standards #1 through #3, and the design review.

**APPROVALS:****PROTESTS:**

**APPLICANT:** JENNY KIM

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