

05/18/21 PC AGENDA SHEET

OUTSIDE DINING & DRINKING
(TITLE 30)

HIGHLAND DR/CAPELLA AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-21-0135-HIGHLAND PARTNERS, LLC:

USE PERMITS for the following: **1)** outside dining and drinking; and **2)** on-premises consumption of alcohol (service bar).

WAIVER OF DEVELOPMENT STANDARDS to reduce parking in conjunction with an existing restaurant on a 0.5 acre portion of 1.3 acres in an M-1 (Light Manufacturing) Zone in the Adult Use Overlay District.

Generally located on the northwest corner of Capella Avenue and Highland Drive within Winchester. TS/nr/jo (For possible action)

RELATED INFORMATION:

APN:

162-08-804-005; 162-08-804-006 ptn

USE PERMITS:

1. Allow outside dining and drinking in an M-1 Zone per Table 30.44-1.
2. Allow on-premises consumption of alcohol in M-1 Zone per Table 30.44-1.

WAIVER OF DEVELOPMENT STANDARDS:

Reduce the number of parking spaces to 53 where 102 parking spaces are required per Table 30.60-1 (a 48% reduction).

LAND USE PLAN:

WINCHESTER/PARADISE - BUSINESS AND DESIGN/RESEARCH PARK

BACKGROUND:

Project Description

General Summary

- Site Address: 3185 S. Highland Drive
- Site Acreage: 1.3 (portion)
- Project Type: Outside dining and drinking
- Number of Stories: 1
- Square Feet: 264 (outside dining and drinking)
- Parking Required/Provided: 102/53

Site Plans

The plans depict an existing in-line office/warehouse complex with the parking in front of the businesses at the corner of Highland Drive and Capella Avenue. The existing restaurant (service bar) is located close to the corner of the “L” shaped building on the north side of the site. The proposed outside dining and drinking area is located under a covered entry directly outside of the existing restaurant. The site is accessed from Highland Drive and Capella Avenue.

Landscaping

Landscaping requirements were waived per UC-0552-08.

Elevations

The photos show an existing 1 story masonry building with desert colors and aluminum storefronts.

Floor Plans

The plans depict an existing restaurant with kitchen, storage, dining area, restrooms, catering offices, and catering equipment storage. The 264 square foot outside dining area is accessed from the interior of the restaurant, the outside area is surrounded by a 4 foot high baffler wall, and there is a 4 foot wide walkway that separates the dining area from the parking lot.

Signage

Signage is not a part of this request.

Applicant’s Justification

The applicant indicates that the proposed uses were previously approved, but expired. The proposed uses are appropriate for the area and the previous request was supported by staff.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-0552-08	Supper club with no outside dining and reduced parking and landscaping	Approved by PC	July 2008
VC-1905-95	Off-premises sign	Approved by PC	January 1996
UC-270-91 & VC-561-91	Adult bookstore, reduced parking, and elimination of street landscaping	Approved by BCC	October 1991

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North, South, East, & West	Business and Design/Research Park	M-1	Developed industrial uses & mixed commercial uses with use permits

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.

Waiver 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

The proposed outside dining and drinking area complies with the requirements stated in Table 30.44-1 with regards to the perimeter pedestrian access area, a protective barrier, and interior access from the restaurant building. A proposed outside dining and drinking area should not pose negative impacts to the surrounding uses and existing businesses. Staff finds that the proposed outside dining and drinking within this area is suitable since the site is completely surrounded by M-1 zoning and office/warehouse buildings and complexes. The proposed uses are in conjunction with an existing restaurant establishment which has been in operation since 2013. Although there are unique constraints on the site, the reduced parking and elimination of landscaping were approved with UC-0552-08. A reduction in the parking for this site will not change the existing parking conditions on the site and the proposed further reduction should not have a negative impact on the area. The proposed outside dining and drinking area is appropriate as is the on-premises consumption of alcohol. Staff does not anticipate any negative impacts to the surrounding area therefore, staff is in support of these requests.

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 approval of this application does not constitute or imply approval of any other County issued permit, license, or approval; 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.

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: Winchester - approval.

APPROVALS:

PROTESTS:

APPLICANT: ROLLIN SMOKE BBQ

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