

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-24-0057-4680 MARYLAND PARKWAY, LLC:

HOLDOVER WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** waive Maryland Parkway Overlay District Standards; and **2)** parking lot landscaping.

DESIGN REVIEW for a new restaurant building on a 0.5 acre portion of 4.6 acres in conjunction with an existing shopping center in a CG (Commercial General) Airport Environs (AE-60) Zone within the Maryland Parkway Overlays.

Generally located on the east side of Maryland Parkway and the south side of Del Mar Street within Paradise. JG/sd/ng (For possible action)

RELATED INFORMATION:

APN:

162-23-313-001 through 162-23-313-004

WAIVERS OF DEVELOPMENT STANDARDS:

1.
 - a. Allow the façade fronting a right-of-way to have no windows where at least 20 windows are required per Section 30.02.26E.
 - b. Allow no glass on the ground floor of street facing façade where at least 70% transparent glass is required.
 - c. Allow 11% transparent glass windows on the ground floor of facades not facing streets where 35% is the minimum required per Section 30.02.26.E (a 69% reduction).
 - d. Allow for a restaurant entrance to not face the adjacent right-of-way where required per Section 30.02.26E.
 - e. Allow a drive-thru to be located between a street (Maryland Parkway) and front building facades where not permissible per Section 30.02.26E.
 - f. Reduce the pedestrian enhancement width to 15 feet where 20 feet is required per Section 30.04.05H and Table 30.04-9 (a 25% reduction).
 - g. Allow public space facing façade with no architectural features where required per Section 30.02.26.
2. Reduce the width of parking lot landscape width to 5 feet where 8 feet is required per Section 30.04.01 (a 38% reduction).

LAND USE PLAN:

WINCHESTER/PARADISE - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 4626 S. Maryland Parkway
- Site Acreage: 0.5 (pad site)/4.6 (shopping center)
- Project Type: Restaurant
- Number of Stories: 1
- Building Height (feet): 22
- Square Feet: 3,138
- Open Space Required/Provided: 500/995
- Parking Required/Provided: 164/223
- Sustainability Points Required/Provided: 7/7

Site Plans

The plans depict a new restaurant within an existing shopping center located along Maryland Parkway and Del Mar Street. The existing shopping center is approximately 57,198 square feet consisting of other retail and restaurant uses. The proposed new restaurant building is located within a larger existing shopping center with an in-line commercial building on the east side of the overall complex with parking to the west of the building. Access to the shopping center is from 3 driveways from Maryland Parkway and 2 driveways on Del Mar Street.

The applicant will demolish the existing building and construct a new restaurant with drive-thru lanes located on the west side of the shopping center. The new restaurant will increase the overall square footage of the shopping center from the current 57,198 square feet to 60,336 square feet. With the increase in square footage, required on-site parking will still be in compliance with the Code. A total of 223 parking spaces are provided where 164 parking spaces is required. The new restaurant building will meet several aspects of the Code under the Maryland Parkway Overlay District, including setbacks, providing for 995 square feet of open space where 500 square feet is required, architectural facades and canopies and enhanced sidewalks with decorative pavers and concrete. However, the applicant is applying for several waiver of development standards to the Maryland Parkway Overlay District standards.

Landscaping

The plans depict landscaping along the north property line for screening the proposed drive-thru lane and along the southern drive aisle where drive-thru traffic will exit. Landscaping is shown in other portions of the proposed site and include planting and trees from the Southern Nevada Water Authority plant list with medium trees spaced at 30 feet on center along the landscape strip between the drive-thru lane and the on-site parking spaces to the south and between the drive-thru lane and the existing ingress/egress driveway from Maryland Parkway. The plan also depicts large trees spaced at 20 feet on center along Maryland Parkway behind a proposed bus stop. The plans also depict an amenity zone that includes a 10 foot wide pedestrian circulation path with color enhanced paving, sidewalk, and landscaping.

Elevations

The plans depict a new restaurant building with 4 sided architecture façade, including horizontal articulation features. The height will be 22 feet to the top of the parapet wall that will screen

rooftop utility equipment. The exterior includes stucco exterior, decorative brick, decorative wood siding, decorative metal shades and solar ban glazing storefront window. The plans depict the building front facade does not face towards the right-of-way and instead faces north and east.

Floor Plans

The plans depict a restaurant floor plan with dining area, order counter, kitchen and preparation area, cooler and freezer, restrooms and drive-thru window.

Applicant's Justification

The applicant states that the site configuration and existing conditions cannot meet several of the Maryland Parkway Overlay standards. These standards include building entrance location, drive-thru location, reduction of the amenity zone width along Maryland Parkway, building transparency and reduction in parking lot landscaping strip width. The site is located within the Maryland Parkway Overlay. As such, the site is required to meet the Maryland Parkway Overlay standards. Based on site configuration and existing conditions, unfortunately, the applicant cannot meet all the Maryland Parkway Overlay standards and, therefore, is requesting the waivers.

Due to the limited size of the site and design constraints, the proposed new restaurant building will need waivers to accommodate the development. These waivers include the building entrance not facing towards the public right-of-way and entrances located on the north and east elevations. To accommodate the drive-thru, the drive-thru must run in a counterclockwise manner, which requires a portion of the drive-thru to be between the building and Maryland Parkway while the amenity pedestrian zone width will be reduced to 15 feet where 20 feet is required due in part to a planned bus turn-out along Maryland Parkway. Another waiver is for building transparency where the applicant will provide transparent glass on the ground floor; however, not the required 35% with 11% for the building façade. The waiver for parking lot landscaping width strip to 5 feet where 8 feet is required is requested to accommodate the parking and has provided for an alternative parking lot landscaping with more trees than is required by Code.

A design review for increased grade is not required, as the site will not exceed the 36 inch maximum grade increase. Additionally, signage is not part of this application.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-22-0031	Reduced the separation of a supper club from a residential use within an existing shopping center	Approved by PC	March 2022
WS-0977-08	Waiver to reduce parking and design review for exterior changes to an existing restaurant	Approved by PC	November 2008
UC-1067-97	Outside dining for a restaurant within an existing shopping center	Approved by PC	July 1997

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Corridor Mixed-Use & Compact Neighborhood (up to 18 du/ac)	CG & RM32 (AE-60 & MPO)	Shopping center/retail & multiple family residential
South	Corridor Mixed-Use & Compact Neighborhood (up to 18 du/ac)	CC & RM18	UNLV gateway parking garage & multiple family residential
East	Compact Neighborhood (up to 18 du/ac)	RM18	Multiple family residential
West	Public Use	PF & CG (AE-60 & MPO)	UNLV & restaurant

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request is consistent with the Master Plan and is in compliance with Title 30.

Analysis

Comprehensive Planning

Waivers of Development Standards

The applicant shall have the burden of proof to establish that the proposed request is appropriate for its proposed location by showing the following: 1) the use(s) of the area adjacent to the subject property will not be affected in a substantially adverse manner; 2) the proposal will not materially affect the health and safety of persons residing in, working in, or visiting the immediate vicinity, and will not be materially detrimental to the public welfare; and 3) the proposal will be adequately served by, and will not create an undue burden on, any public improvements, facilities, or services.

Staff cannot support the proposed waivers of development standards as requested by the applicant. Staff analysis of the plans and the overall shopping center has shown that there is adequate room on-site to provide for the design standards of the Maryland Parkway Overlay. The applicant is demolishing the existing building and building a new restaurant with a new drive-thru. The applicant can redesign and reconfigure the proposed building to meet these standards as the project represents a new development. The requested waivers of development standards by the applicant represents a self-imposed hardship; therefore, staff cannot support these requests.

Design Review

Development of the subject property is reviewed to determine if 1) it is compatible with adjacent development and is harmonious and compatible with development in the area; 2) the elevations, design characteristics and others architectural and aesthetic features are not unsightly or undesirable in appearance; and 3) site access and circulation do not negatively impact adjacent roadways or neighborhood traffic.

The proposed new restaurant building incorporates design elements, including horizontal architectural articulation features on all 4 sides of the building. However, in reviewing the

elevation plan the applicant has not provided for vertical articulation and building entrance requirements. The applicant has met the required sustainability points total of 7, which is the standard for non-residential developments. In addition, although the applicant is providing for an alternative parking lot landscaping in relation to the above waiver of development standards and does not meet the Code, the applicant is providing for more trees than what is required. However, since staff is recommending denial for all the proposed waivers of development standards staff feels this proposed design and associated waivers are a self-imposed hardship and the applicant could redesign the project to meet aspects of the Code or mitigate any potential impacts from the requested waivers, therefore; staff cannot support this request.

Staff Recommendation

Denial.

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:

- Approval of this application does not constitute or imply approval of a liquor or gaming license or any other County issued permit, license or approval;
- Appropriate land use application is required for the art plan, and art plan shall be installed prior to Certificate of Completion;
- Certificate of Occupancy and/or business license shall not be issued without approval of an application for a zoning inspection.
- Applicant is advised within 2 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; 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; changes to the approved project will require a new land use application; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- Traffic study and compliance;
- 30 days to coordinate with Regional Transportation Commission (RTC) and to dedicate any necessary right-of-way and easements for the Maryland BRT project.

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 #0094-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Paradise - denial.

APPROVALS: 6 cards

PROTESTS: 1 card, 1 letter

PLANNING COMMISSION ACTION: April 16, 2024 – HELD – To 05/07/24 – per the applicant.

APPLICANT: KINGSBARN REALTY CAPITAL

CONTACT: KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DRIVE, SUITE 650, LAS VEGAS, NV 89135