

12/07/21 PC AGENDA SHEET

OUTSIDE DINING/DRINKING  
(TITLE 30)

SUNSET RD/GILESPIE ST

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-21-0605-MCC PANEVINO, LLC:**

**USE PERMIT** to allow an outside dining/drinking area.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduced parking; and **2)** eliminate the pedestrian access.

**DESIGN REVIEW** for an outside dining/drinking area in conjunction with an existing restaurant on a portion of 2.6 acres in an M-D (Designed Manufacturing) (AE-65 & AE-70) Zone and an M-1 (Light Manufacturing) (AE-65) Zone.

Generally located on the south side of Sunset Road and the east side of Gillespie Street within Enterprise. MN/jor/jo (For possible action)

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RELATED INFORMATION:

**APN:**

177-04-513-002 ptn

**USE PERMIT:**

Allow an outside dining/drinking area in conjunction with an existing restaurant per Table 30.44-1.

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce the parking spaces to 1,574 parking spaces for the entire business complex where a parking reduction to 1,576 parking spaces was previously approved via WS-1664-02 (0.12% decrease).
2. Eliminate a 48 inch wide pedestrian access around the perimeter of the outside dining/drinking area where required per Table 30.44-1.

**DESIGN REVIEW:**

An outside dining/drinking area and shade structure in conjunction with an existing restaurant (Panevino).

**LAND USE PLAN:**

ENTERPRISE - BUSINESS AND DESIGN/RESEARCH PARK

## **BACKGROUND:**

### **Project Description**

#### **General Summary**

- Site Address: 246 Via Antonio Avenue
- Site Acreage: 2.64 (portion)
- Project Type: Outside dining/drinking area
- Square Feet: 1,700 (proposed outside dining/drinking area)/20,255 (existing restaurant - Panevino)
- Parking Provided: 1,576 (previously approved via WS-1664-02 for the business complex)/1,574 (currently provided for the entire business complex)/177 (provided for the restaurant site only)

#### History and Request

The entire business complex was previously reclassified to M-D and M-1 zoning via ZC-1785-97 to construct office buildings, office/warehouse buildings, accessory structures, and an expansion to an existing warehouse building. The northern and western portions of the complex are zoned M-D and the eastern portion of the complex is zoned M-1. UC-0745-01 was approved in August 2001 by the Board of County Commissioners (BCC) to add a restaurant to the site, which is currently located on the northernmost parcel of the entire complex. The restaurant site (Panevino) is zoned M-D (AE-70); however, the southeastern corner of the parking lot is zoned M-1 (AE-65). Currently, the applicant is requesting approval of a use permit to allow an outside dining/drinking area (M-D zoned portion only), waivers to reduce parking by 2 parking spaces and eliminate the required 48 inch wide pedestrian walkway around the outside dining/drinking area, and a design review for the proposed outside dining/drinking area.

#### Site Plan

The site plan depicts an existing restaurant on the northern end of the complex under the APN 177-04-513-002. The existing restaurant building has a unique shape, the eastern half of the building includes right angles, and the western half is shaped with a curve-like pattern. The proposed outside dining/drinking area will be located on the northwest corner of the restaurant building. The applicant is also proposing a shade structure over the proposed outside dining/drinking area. One hundred seventy-seven parking spaces for the restaurant site are located on the east, west, and southern portions of the parcel, where 1,574 parking spaces are provided for the entire business complex (1,576 parking space reduction as previously approved via WS-1664-02). Access to the site is located via Gilespe Street and Pilot Road, which lead to a private driveway along the south property line of the restaurant site.

#### Landscaping

Currently, there over 40 potted plants in the landscape area where the proposed outside dining/drinking area will be constructed. Per the submitted plans, the potted plants will remain and the outside dining/drinking area will be integrated within the existing landscaping. No new landscaping is proposed or required with this request.

### Elevations

The elevation plans show that a 3.5 foot high metal railing will be installed around the outside dining/drinking area. Furthermore, an 11 foot high fabric canopy supported by 6 inch diameter metal posts will be installed over the outside dining/drinking area.

### Floor Plan

The applicant is proposing a circular shaped, 1,700 square foot outside dining/drinking area. The submitted floor plan depicts the following: tables and chairs throughout the outside dining/drinking area on top of a circular concrete pad, the potted plants spaced equally throughout, and a freestanding metal rail will be installed around the outside dining/drinking area. Lastly, there will be 1 vestibule with a doorway, which provides customers and employees ingress/egress from the restaurant building to the proposed outside/drinking area.

### Signage

Signage is not a part of this request.

### Applicant's Justification

The proposed outside dining/drinking area design is architecturally consistent with the existing building within the immediate area and throughout the business complex. The request to eliminate the 48 inch wide pedestrian access area around the proposed outside dining and drinking area is warranted since the outside dining/drinking area will be constructed within the existing landscaped area that will not be disturbed due to the removeable potted plants. Customers have ample room to maneuver throughout the 1,700 square foot outside dining/drinking area. The request to reduce the parking by 2 parking spaces is a minimal request since the entire complex operates at different business hours from the restaurant (Panevino). Although 1,576 parking spaces were approved via WS-1664-02, the entire complex provides 1,574 parking spaces, which is a deficiency of only 0.12%.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
WS-1076-04	Reduce the side street setback and the street setback of a building expansion (new entry feature and reception area) for an office/warehouse building (222 Via Marnell Way)	Approved by PC	July 2004
WS-0480-04	Allowed nameplate signage that is not adjacent to the entrance of a building, proposed at the southeast corner of Sunset Road and Gilespe Street and at the southwest corner of Sunset Road and Pilot Road (Marnell Corporate Center)	Approved by PC	April 2004
VS-0803-03	Vacated a public drainage easement – recorded	Approved by PC	August 2003
WS-1664-02	Reduced parking to 1,576 parking spaces for an existing business complex	Approved by PC	December 2002

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-0745-01	Allowed a restaurant with on-premises consumption of alcohol and this application also waived conditional use requirements for the restaurant to only serve employees/customers of the business park, exterior advertising, and maximum area not to exceed 2,000 square feet	Approved by BCC	August 2001
UC-0746-01	Allowed a business/office complex with a warehouse building and parking garage, and allowed increase heights for proposed office buildings and a parking garage	Approved by BCC	August 2001
TM-500187-01	1 lot commercial subdivision	Approved by PC	July 2001
ZC-1785-97 (ET-0377-99)	First extension of time for a previously approved for an office building and office/warehouse business complex	Approved by BCC	November 1999
UC-1102-99	Allowed a special events recreational building, reduced parking, and design review for a distribution center	Approved by BCC	September 1999
VS-2034-97	Vacated patent easements and a portion of right-of-way being La Cienega Street	Approved by BCC	January 1998
ZC-1785-97	Reclassified the 31 acres to M-D and M-1 zoning for office buildings and office/warehouse complex, accessory structures, a variance for increased building height for a business complex	Approved by BCC	December 1997

\*Additional land use applications have been approved within the existing complex.

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Public Facility	P-F	McCarran International Airport
South	Business and Design/Research Park and Industrial	M-D & M-1	Office/warehouse buildings & office buildings
East	Business and Design/Research Park	M-D & M-1	Office buildings
West	Public Facility	P-F	RTC South Transit Center

**STANDARDS FOR APPROVAL:**

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

## **Analysis**

### **Current Planning**

#### Use Permit

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. Staff does not object to the applicant's request to construct an outside dining/drinking area in conjunction with the existing restaurant (Pnevino). The applicant's request will not pose negative impacts to the surrounding businesses. Furthermore, outside dining in the AE-70 (Airport Environs Subdistrict) within the Standard Land Use Classification Manual (SLUCM) allows outside dining. Therefore, staff supports this request.

#### 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.

#### Waiver of Development Standards #1

The applicant is requesting to reduce the parking spaces to 1,574 parking spaces for the entire business complex where a parking reduction to 1,576 parking spaces was previously approved via WS-1664-02 (0.12% decrease). Staff finds that the applicant's request is not detrimental to the site. The restaurant site includes 177 parking spaces, and customers have cross access and parking access to the parcels to the south. Staff finds that reducing the parking by 2 spaces will not cause a negative impact to the entire business complex; therefore, staff supports this request.

#### Waiver of Development Standards #2

The applicant is requesting to eliminate a 48 inch wide pedestrian access requirement around the perimeter of a proposed outside dining/drinking area. Staff finds the request to be appropriate since the restaurant site includes a minimum of 17 feet of landscaping to the west, and 20 feet of landscaping to the north and the restaurant building surrounds the proposed outside dining/drinking area to the south and east. The plans show that the 48 inch pedestrian access area is not necessary with the proposed design since the plans show that customers have enough maneuverability throughout the outside dining/drinking area and the existing landscaping provides a physical and visual buffer from the parking spaces to the west, and Sunset Road to the north. Staff supports this request.

#### Design Review

Since the applicant is not disturbing the existing landscaping, or eliminating the existing potted plants, staff finds that the outside dining/drinking area and the proposed shade structure over the outside dining/drinking area are architecturally compatible to the existing restaurant building. Since staff supports the use permit and the waivers of development standards, staff can also support this request.

**Department of Aviation**

The property lies within the AE-70 (70 - 75 DNL) noise contour for McCarran International Airport and is subject to continuing aircraft noise and over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade McCarran International Airport facilities to meet future air traffic demand.

**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.

**Department of Aviation**

- Incorporate exterior to interior noise level reduction into the building construction as required by Code for use;
- Outside dining in the AE-70 is permitted subject to the recording of a Commercial Noise Disclosure Statement.
- Applicant is advised that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations, which was constructed after October 1, 1998; and that funds will not be available in the future should the owners wish to have their buildings purchased or soundproofed.

**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:** Enterprise - approval.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** GREG WELLS

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