

11/15/22 PC AGENDA SHEET

RESTAURANT
(TITLE 30)

SPRING MOUNTAIN RD/WYNN RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-22-0554-A J SPRING MOUNTAIN, LLC:

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

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduced parking; and **2)** throat depth on 1.1 acres in an M-1 (Light Manufacturing) Zone.

Generally located on the north side of Spring Mountain Road, 500 feet west of Wynn Road within Paradise. JJ/sd/syp (For possible action)

RELATED INFORMATION:

APN:

162-18-505-008

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce parking to 65 spaces where a minimum of 88 spaces are required per Table 30.60-1 (a 26% reduction).
2. Reduce the throat depth to zero feet where 75 feet is required per Uniform Standard Drawing 222.1 (a 100% reduction).

LAND USE PLAN:

WINCHESTER/PARADISE - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 4240 Spring Mountain Road
- Site Acreage: 1.1
- Project Type: Restaurant/on-premises consumption of alcohol
- Number of Stories: 1
- Building Height (feet): 17
- Square Feet: 5,675 (Building A)/5,386 (Building B)
- Parking Required/Provided: 88/65

Site Plans & History

The plans depict 2 existing buildings on the west side of the site with parking to the east of the buildings. Access to the site is from Spring Mountain Road. The building on the northwest portion of the site was previously approved by use permit (UC-0342-15) and converted to a restaurant with on-premises consumption of alcohol. Previously, a use permit (UC-0196-14) for a restaurant and on-premises consumption of alcohol was approved for the building in the southwest portion of the site. Both applications included waivers to reduce parking. Later in 2015, WS-0844-15 was approved to reduce the overall parking for the site due to a redesign of the parking lot to accommodate requirements per the Fire Department. The parking was reduced to 65 parking spaces where 100 parking spaces were required. While the original use permits had review periods imposed, the reviews were subsequently waived, and WS-0844-15 was approved with a 2 year review to ensure there was adequate parking for the site. The applicant did not file an application for review as conditioned, and WS-0844-15 expired. The applicant is seeking to re-establish the restaurant and on-site consumption of alcohol as was previously approved in 2015 and allow the parking to exist as it has been for several years. Modifications have been made to the buildings, to account for the new parking calculations.

Landscaping

The plans show an existing 15 foot to 26.5 foot wide landscape area along Spring Mountain Road. No new landscaping is proposed with this application.

Elevations

The plans depict a 17 foot high, single story building with stone veneer, stucco finish, and a parapet roof. The roof is designed to give a pagoda appearance. The existing building matches the design of the other buildings on-site and those immediately adjacent to the project site.

Floor Plans

The plans show Building A is 5,675 square feet for a restaurant. Building B includes 1,400 square feet of restaurant, 2,986 square feet of karaoke, and 1,000 square feet of warehouse. The buildings show space for a restaurant, karaoke rooms, service bar, office and storage, kitchen, and entrance lobby.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states that the business types are not changing at this property and since these businesses have been issued a special use permit in the past, the applicant believes the use permits and waivers of development standards should be allowed. With the experience of more than 25 years in the restaurant business the applicant assures that these businesses will be responsible and attentive to the County's needs and concerns regarding any public and safety issues.

Prior Land Use Requests

Application Number	Request	Action	Date
AR-400041-18 (WS-0844-15)	Application review for reduced parking, waiver of conditions for use permit (UC-0342-15) for 1 year to commence and review, and design review for parking lot layout - expired	Approved by PC	April 2018
WS-0844-15	Waiver to reduce parking for restaurant, waiver of conditions for time limit, and design review for parking lot layout - expired	Approved by PC	March 2016
UC-0342-15	Restaurant and on-site consumption of alcohol, waiver for reduced parking, waiver of conditions (UC-0196-14) requiring plans on file, and design review for restaurant for the northwest building	Approved by PC	July 2015
UC-0196-14	Restaurant and on-site consumption of alcohol, waiver to reduce parking and parking lot landscaping, and design review for additional to building for the southwest building	Approved by PC	June 2014

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North & East	Corridor Mixed-Use	M-1	Warehouse/manufacturing
South & West	Corridor Mixed-Use	C-2	Shopping center

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 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 finds the requested use permits conform to the land use plan and are compatible with the immediate area. The adjacent properties to the west and south are zoned for commercial uses and the subject site has been approved for a restaurant use and on-site consumption of alcohol recently in past applications. The need to re-establish the use permit is due to the applicant's landlord not submitting required application review as conditioned.

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

Staff finds the requested parking reduction is not excessive. Additionally, a restaurant and on-site consumption of alcohol have been approved through past use permits on the subject site and review of any violations from Clark County Public Response Office did not find any zoning violations or nuisance issues. Staff can support this request.

Public Works - Development Review

Waiver of Development Standards #2

Staff cannot support the reduction of throat depth to zero feet for the existing Spring Mountain Road driveway. Vehicles entering the site come to an immediate conflict with the vehicles exiting the parking stalls to the west, causing stacking in Spring Mountain Road.

Staff Recommendation

Approval of the use permits and waiver of development standards #1; denial of waiver of development standards #2.

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:

Current Planning

If approved:

- 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

- Remove any landscaping in the right-of-way prior to the issuance of a building permit or business license.

Fire Prevention Bureau

- 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: Paradise - approval (1 year to review as a public hearing).

APPROVALS:

PROTESTS:

APPLICANT: MIN YOUNG CHAI

CONTACT: ANOVATH PHANTHIP, 4881 W. HACIENDA AVENUE, SUITE 6, LAS VEGAS, NV 89118