PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
WS-0231-13 – MKD NEVADA PROPERTIES WEST, LLC:

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduce the setback from the property line; 2) reduce the setback from the right-of-way; and 3) reduce the landscape area for a decorative wall surrounding a proposed outside dining area in conjunction with an existing restaurant.

DESIGN REVIEW for an outside dining area in conjunction with an existing restaurant within a commercial/office warehouse complex on 5.0 acres in a C-2 (General Commercial) (AE-60) Zone and an M-D (Designed Manufacturing) (AE-60) Zone in the MUD-3 and CMA Design Overlay Districts.

Generally located on the northeast corner of Tenaya Way and Rafael Rivera Way within Spring Valley. SS/pb/ml (For possible action)

RELATED INFORMATION:

APN:
176-03-501-007

WAIVERS OF DEVELOPMENT STANDARDS:
1. Reduce the setback from the property line to a decorative wall to 5 feet where 10 feet is required (a 50% reduction).
2. Reduce the setback from the right-of-way to a decorative wall to 5 feet where 10 feet is required (a 50% reduction).
3. Reduce the width of the landscape area adjacent to a Las Vegas Beltway frontage road (Rafael Rivera Way) to 5 feet where 15 feet is required in the CMA Design Overlay District (a 66.6% reduction).

LAND USE PLAN:
SPRING VALLEY - BUSINESS AND DESIGN/RESEARCH PARK

BACKGROUND:
Project Description
General Summary
- Site Acreage: 5
- Project Type: Outside dining area
- Wall Height: 8 feet
- Square Feet: 1,500 (patio)
Site Plan
The plans show a retail and office/warehouse center consisting of one, 21,300 square foot retail building and two, 17,020 and 15,500 square foot office/warehouse buildings. The proposed 1,500 square foot outside dining area (patio) will include a fire pit and is located on the south side of the southernmost building within an existing landscape area. Primary access to the patio is from the interior of the existing restaurant. No changes to the existing buildings, parking, and drive aisles are proposed.

Landscaping
The plans depict an existing landscape area ranging from 23 feet and 33 feet wide. The patio area is 79 feet long and will intrude into the landscape area with the wall of the patio set back a minimum of 5 feet and a maximum of 12 feet from the back of the existing sidewalk and property line. Existing landscape materials will be relocated into the remaining landscape area on the south side of the wall and 2 existing palm trees will remain in the patio area.

Elevations
The plans show a decorative wall with a stucco finish and tempered glass panels surrounding the outside dining/patio area. The wall will range in height from 6 feet to 8 feet.

Signage
Signage is not a part of this application.

Applicant’s Justification
The applicant indicates that the outside dining area is an addition to the existing BJ’s Cocktail Lounge. The existing planting around the patio will remain or be replanted to maintain the landscape buffer. The applicant also states that there will be no impact to the neighborhood since Rafael Rivera Way is a frontage road along the 215 Beltway.

Prior Land Use Requests

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Request</th>
<th>Action</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>UC-0661-06</td>
<td>Fitness club - expired</td>
<td>Approved by PC</td>
<td>June 2006</td>
</tr>
<tr>
<td>ZC-2036-04</td>
<td>Reclassified a portion of the property to C-2 and M-D zoning</td>
<td>Approved by BCC</td>
<td>January 2005</td>
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<tr>
<td>ZC-0859-99</td>
<td>Reclassified the property to C-2 zoning and included a 3 story, 48 foot high office building and detached restaurant/tavern</td>
<td>Approved by BCC</td>
<td>September 1999</td>
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Surrounding Land Use

<table>
<thead>
<tr>
<th></th>
<th>Planned Land Use Category</th>
<th>Zoning District</th>
<th>Existing Land Use</th>
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<tbody>
<tr>
<td>North</td>
<td>Business and Design/Research Park</td>
<td>M-D</td>
<td>Part of the same commercial/office warehouse complex</td>
</tr>
<tr>
<td>South</td>
<td>Business and Design/Research Park</td>
<td>C-2</td>
<td>215 Beltway &amp; shopping center</td>
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<tr>
<td>Planned Land Use Category</td>
<td>Zoning District</td>
<td>Existing Land Use</td>
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<tr>
<td>East</td>
<td>Business and Design/Research Park</td>
<td>M-D</td>
<td>Undeveloped</td>
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<tr>
<td>West</td>
<td>Business and Design/Research Park</td>
<td>M-D &amp; C-2</td>
<td>Commercial/office warehouse complex</td>
</tr>
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**STANDARDS FOR APPROVAL:**
The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

**Analysis**
**Current Planning**

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 and value 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.

Title 30 allows porches and decks which are not covered with a roof to intrude 5 feet into a setback and allows a decorative fence to enclose an outdoor space adjacent to not more than 50% of a commercial building if no closer than 3 feet from the sidewalk. The outside dining area would be allowed without waivers of development standards #1 and #2 if the plans submitted with this application depicted a decorative fence instead of a decorative wall. The wall of the outside dining area shall include a stucco finish and tempered glass panels with variations in height and pop-outs similar to a decorative fence. Therefore, staff can support the requests for waivers #1 and #2.

This parcel is in the CMA Overlay District and a 15 foot wide landscape area is required adjacent to Rafael Rivera Way. The existing landscape area is approximately 285 feet long with a minimum 20 feet wide on the eastern portion of the site and 30 feet on the western portion. The proposed patio is 79 feet long so the landscape area will exceed the required 15 foot width along 70% of the street frontage. Furthermore, the existing landscaping materials will be replanted in the remaining landscape area which will mitigate the impact of the wall. Staff finds that the request conforms to Policy 2.2 of the Spring Valley Land Use Plan by ensuring that new uses, adjacent to existing land uses, are appropriately buffered with transitional space and/or uses.

**Design Review**
The wall of the outside dining area shall include a stucco finish and tempered glass panels with variations in height and pop-outs similar to a decorative fence. Staff finds that the design of the wall surrounding the outdoor dining area is compatible with the existing building and conforms to Policy 12.15 of the land use plan that states all new masonry walls should be decorative and designed to visually minimize the stark appearance of a monotonous block wall face by incorporating variations in surface planes, landscape pockets, height, material, and/or texture. Therefore, staff can support the request.
**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 Plan, Title 30, and/or the Nevada Revised Statutes.

**PRELIMINARY STAFF CONDITIONS:**

**Current Planning**
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time; and that this application must commence within 2 years of approval date or it will expire.

**Public Works – Development Review**
- 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:**
**APPROVALS:**
**PROTESTS:**

**APPLICANT:** Marcella Kantu
**CONTACT:** Mark Sanders, 1882 Woodhaven Drive, Henderson, NV 89074