

06/06/23 PC AGENDA SHEET

RESTAURANTS W/OUTSIDE DINING & DRINKING  
& RETAIL  
(TITLE 30)

POLARIS AVE/DEWEY DR

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-23-0162-HERBST FAMILY LP II:**

**USE PERMITS** for the following: **1)** restaurants; **2)** outside dining and drinking; and **3)** retail sales and service.

**WAIVER OF DEVELOPMENT STANDARDS** to eliminate the required 48 inch wide pedestrian access around the perimeter of the outside dining area.

**DESIGN REVIEWS** for the following: **1)** restaurants with outside dining and drinking; and **2)** retail uses in conjunction with a parking garage, warehouse, and convenience store with gasoline station on 4.1 acres in an M-1 (Light Manufacturing) (AE-60) Zone.

Generally located on the south side of Dewey Drive, the north side of Russell Road, and the west side of Polaris Avenue within Paradise. MN/md/syp (For possible action)

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RELATED INFORMATION:

**APN:**

162-29-401-013; 162-29-401-014; 162-29-401-016

**LAND USE PLAN:**

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 5625 Polaris Avenue and 3480 W. Russell Road
- Site Acreage: 4.1
- Project Type: Restaurants with outside dining and drinking/retail
- Number of Stories: 1
- Building Height (feet): 49.5 (parking garage)
- Square Feet: 3,170 (restaurant)/4,080 (restaurant with retail)/1,560 (outside dining and drinking)
- Parking Required/Provided: 240/645

History and Request

WS-20-0294 was previously approved by the Board of County Commissioners in August 2020 for a parking garage in conjunction with an existing warehouse and convenience store with

gasoline station. A subsequent application, UC-21-0412, was approved by the Planning Commission in October 2021 for a supper club on the first floor of the parking garage. The applicant is now requesting use permits for 2 restaurants with outside dining and drinking, in addition to retail uses, within the first floor of the garage. On-premises consumption of alcohol is not proposed with the restaurant uses associated with this request.

### Site Plans

The plans depict 2 proposed restaurants located on the first floor in the southeast portion of an approved parking garage. An outside dining and drinking area is located immediately to the east of the restaurants with access to the restaurants provided by stairs and a ramp to the sidewalk along Polaris Avenue. The outside dining and drinking area is set back a minimum of 20 feet from the east property line, adjacent to Polaris Avenue. Vehicle access to the parking garage is granted via a single driveway located at the northwest corner of the site, adjacent to Dewey Drive. The previously approved parking garage included 713 parking spaces. However, the proposed restaurant improvements will eliminate 68 parking spaces within the interior of the garage. The previously approved supper club and the proposed restaurants and retail uses require 240 parking spaces where 645 parking spaces are provided within the garage. Two standard loading spaces are proposed within the parking lot, immediately south of the proposed restaurants and to the east of the existing convenience store and warehouse.

### Landscaping

The plans depict a pedestrian realm located along Dewey Drive and Polaris Avenue that is consistent with the guidelines within the Stadium District Plan accepted by the Board of County Commissioners in June 2021. The plans maintain the existing 5 foot wide attached sidewalks located adjacent to Dewey Drive and Polaris Avenue, followed by a 5 foot wide landscape strip, another 10 foot wide walkway, and a 5 foot wide landscape strip. This pedestrian realm configuration creates a total of 15 foot wide walkways (5 foot wide sidewalk and a 10 foot wide walkway) combined with 10 feet of landscaping (two, 5 foot wide landscape strips).

### Elevations

The plans depict a previously approved parking garage measuring up to 49.5 feet in height to the top of the parapet wall. The proposed restaurants are located on the first floor of the parking garage. The façade area for the proposed restaurants consist of a painted EIFS system, aluminum fascia, wall tile, ground face block, and a storefront system with glazing. The outside dining and drinking area is enclosed by the required protective metal railings and is located at a higher grade than the streetscape.

### Floor Plans

The plans depict 2 proposed restaurants with an outside dining and drinking area along the streetscape area adjacent to Polaris Avenue. Restaurant 1 measures 3,170 square feet in area and is located at the southeast corner of the parking garage. Restaurant 2, which includes a proposed retail use, is adjacent to the north of restaurant 1 and measures 4,080 square feet in area. There are 2 main entrances through the garage for both restaurants. The outside/dining and drinking areas consists of 1,560 square feet and is shared between the 2 restaurants with a view of Allegiant Stadium.

### Signage

Signage is not a part of this request.

### Applicant's Justification

The applicant states the proposed restaurants and retail are an appropriate and compatible use for the site, the adjacent area, and Allegiant Stadium to the east. The use is in a portion of the parking structure that was set aside for future development when the garage was designed and approved. The use is located on a portion of Polaris Avenue which is a collector street. The proposed outside dining and drinking areas are along the frontage of the previously approved supper club and the proposed restaurants/retail. The outside dining and drinking areas are in conjunction with the uses within portions of the parking garage that were also set aside for future development when the garage was designed and approved. The outside dining areas in conjunction with the supper club and restaurants/retail will enhance the Stadium Overlay District. The outside dining and drinking area is set back 20 feet from the east property line, adjacent to Polaris Avenue, and is at a 2 foot higher grade than the sidewalk and Polaris Avenue. A protective fence is provided that creates a barrier between patrons and the landscape area. In addition, both restaurants will not have on-premises consumption of alcohol. The design of the uses are appropriate, and complement and enhance the immediate and general area.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
WS-23-0047	Increased building height; increased wall sign area; permit animated signage (video units) where not permitted; increased animated sign area; permitted roof signs; increased projecting sign area; and allowed a projecting sign to be animated with design reviews for modifications to an approved parking garage and a comprehensive sign plan for a parking garage, warehouse, and convenience store with gasoline station	Approved by BCC	May 2023
ET-22-400100 (WS-20-0294)	First extension of time for a design review for a parking garage	Approved by BCC	October 2022
VS-22-0182	Vacated and abandoned patent easements	Approved by PC	May 2022
UC-21-0412	Supper club on the first floor of a parking garage	Approved by PC	October 2021
WS-20-0294	Parking garage	Approved by BCC	August 2020
VC-0321-99	Turf landscaping	Approved by PC	April 1999
VC-1118-97	75 foot high freestanding sign	Approved by PC	August 1997
UC-0752-97	100 foot high flagpole	Approved by BCC	July 1997

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
VC-0153-97	Reduced parking for a warehouse	Approved by PC	March 1997
ZC-1579-93	Reclassified the southern portion of the site to M-1 zoning for a convenience store with gasoline pumps and an office/warehouse	Approved by BCC	October 1993
ZC-0246-90	Reclassified the northern portion of the site and the parcel to the west to M-1 zoning for a warehouse and office building	Approved by BCC	October 1990

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Entertainment Mixed-Use	M-1	Undeveloped
South	Entertainment Mixed-Use	M-1	Convenience store with gasoline station
East	Entertainment Mixed-Use	H-1	Allegiant Stadium
West	Entertainment Mixed-Use & Public Use	M-1	NV Energy substation & parking lot

**STANDARDS FOR APPROVAL:**

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

**Analysis****Comprehensive 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.

The proposed restaurants with outside dining and drinking and retail uses are appropriate for the area surrounding Allegiant Stadium. The uses will provide additional amenities for patrons before and after events at the stadium. In addition, the uses will help transform the existing industrial area to an entertainment district, which is consistent with the goals of the Stadium District Plan.

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.

Staff typically does not support eliminating the requirement for the 48 inch wide pedestrian access around the perimeter of the outside dining and drinking area. However, the project site is currently under construction and is designed with an existing 5 foot wide sidewalk adjacent to Polaris Avenue, followed by a 5 foot wide landscape strip, another 10 foot wide walkway, and a 5 foot wide landscape strip adjacent to the outside dining and drinking areas. Furthermore, the outside dining and drinking area is enclosed with a 3.5 foot high protective metal railing located at a higher grade than the streetscape. Staff finds the pedestrian realm, that is currently under construction, is an acceptable alternative to the required 48 inch wide pedestrian access; therefore, recommends approval.

#### Design Reviews

The design of the restaurants with outside dining and drinking includes pedestrian access to Polaris Avenue. The pedestrian access, outside dining and drinking, and the proximity of the restaurants to the street creates a strong pedestrian connection for the evolving entertainment area and activates the pedestrian realm. In addition, the sidewalks and street landscaping are consistent with the design recommendations in the Stadium District Plan. As a result, staff can support 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 Master Plan, Title 30, and/or the Nevada Revised Statutes.

#### **PRELIMINARY STAFF CONDITIONS:**

##### **Comprehensive Planning**

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; 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**

- Traffic study and compliance.

##### **Fire Prevention Bureau**

- No comment.

**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 #0139-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Paradise - approval.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** TIMOTHY HERBST

**CONTACT:** CASSANDRA WORRELL, 520 SOUTH FOURTH STREET, LAS VEGAS, NV  
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