

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-26-0036-GIPSY, LLC:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce street landscaping; **2)** reduce parking lot landscaping; **3)** reduce and eliminate buffering and screening; **4)** increase fence height; **5)** increase parking; **6)** eliminate parking turnaround; **7)** modify residential adjacency standards; and **8)** allow attached sidewalk.

DESIGN REVIEW for a proposed parking lot expansion and modifications to an existing restaurant and related services establishment on a portion of 1.17 acres in a CG (Commercial General) Zone within the Airport Environs (AE-65) Overlay.

Generally located north of Naples Drive and west of Paradise Road within Paradise. JG/dd/cv
(For possible action)

RELATED INFORMATION:

APN:

162-22-301-011; 162-22-301-015

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce the width of the proposed street landscaping strip along Naples Drive to 6 feet where a minimum of 10 feet is required per Section 30.04.01D (a 40% reduction).
2. Reduce parking lot landscaping where required per 30.04.01D(8).
3. a. Reduce the width of a landscape buffer (west property line) to 5.5 feet where a minimum of 15 feet is required per Section 30.04.02C (a 63% reduction).
b. Reduce the required landscape buffer to 1 row of shrubs where 2 rows of trees are required per Section 30.04.02C.
4. Allow an 8 foot high decorative fence within the front setback where 3 feet is the maximum height allowed per Section 30.04.03B (a 167% increase).
5. Allow 74 parking spaces where 38 parking spaces are required and a maximum of 44 parking spaces are allowed per Section 30.04.04D (a 60% increase).
6. Eliminate the parking lot turnaround spaces for dead-end parking areas where required per 30.04.04H.
7. Allow higher-activity areas of development, such as parking and circulation, where higher activities shall not be adjacent to areas subject to Residential Adjacency Standards per Section 30.04.06G.
8. Allow an attached sidewalk along Naples Drive to remain where a detached sidewalk is required per Section 30.04.08C.

LAND USE PLAN:

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 496 Naples Drive
- Site Acreage: 1.17 (portion)
- Project Type: Parking lot
- Number of Stories: 1 (existing building for the restaurant and related services establishment)
- Building Height (feet): 26 (existing building restaurant and related services establishment)
- Parking Required/Provided: 38/74

Request & Site Plan

On the eastern parcel, APN 162-22-301-015, there is an existing restaurant and related services establishment approved in 1996 via UC-0448-96. The existing building is centrally located on the site, with access via Naples Drive (south property line) and an emergency egress gate on Paradise Road (east property line). The western parcel, APN 162-22-301-011, is proposed to be developed as a parking area to be utilized in conjunction with the existing restaurant and related services establishment.

The site plan depicts a parking area consisting of 32 parking spaces covering the entirety of APN 162-22-301-011. The addition of these parking spaces brings the total for both parcels to 74, where a maximum of 44 are allowed, thus necessitating a waiver of development standards. Additionally, some of the spaces are adjacent to the residential development to the west, and a turnaround space is not provided since there is a dead-end parking area on the southwestern end of the new parking area; both of these factors necessitate waivers of development standards.

Access to the parking area will be provided via the existing driveway along Naples Drive through the eastern parcel. Furthermore, a waiver to modify residential adjacency standards to allow higher-activity areas of development, such as parking and circulation adjacent to areas subject to Residential Adjacency Standards is required since there is an existing residential use west of the proposed parking lot expansion.

Lastly, the applicant is requesting to allow an attached sidewalk along Naples Drive to remain where a detached sidewalk is required per Title 30.

Landscaping

The landscape plan for the proposed parking lot expansion depicts a 6 foot wide street landscape strip where 10 feet is required behind an existing attached sidewalk along Naples Drive, thus necessitating a waiver of development standards. The parking area also features landscape finger islands containing medium trees, but more landscape finger islands are required for the number of parking spaces provided, thus necessitating an additional waiver of development standards. Finally, there is a proposed 8 foot high decorative CMU wall along the west property line per Title 30 standards, but the landscape strip is only 5.5 feet wide and contains a single row of shrubs where 15 feet of landscaping and a double row of evergreen trees is required, necessitating an additional waiver of development standards.

There are no changes proposed or required to the landscaping on APN 162-22-301-015.

Elevations

No changes to the elevations of the existing building are being proposed, however the height of the existing wall surrounding the front entryway to the building along Naples drive is will be increased in height. Currently, the wall is 2.5 feet high and constructed of masonry with a stucco coating, and the applicant proposes to add 5.5 feet of wrought iron and stucco columns, with an additional 1 foot of decorative elements, bringing the total height to 8 feet. This over-height wall is within the front setback of the property and thus requires a waiver of development standards.

Applicant’s Justification

The applicant states that they are seeking to expand their parking area in order to provide additional parking for their patrons, and that the expansion is necessary to accommodate the business that they receive. The applicant also states that the area is predominantly commercial, and that their business and other similar businesses in the immediate area have grown beyond what their parking can currently handle; by waiving the requirements for street, buffer, parking lot landscaping, and parking turnaround space they have maximized their parking capacity, which is necessary to reduce the current strain on parking for their business and for the other businesses in the area. Finally, the applicant states that they are providing an 8-foot block wall per Title 30 requirements so as to buffer the residential property to the west, and that the increase in fence height within the front setback is for the safety of their patrons.

Prior Land Use Requests

Application Number	Request	Action	Date
WC-25-400106 (UC-24-0441)	Waiver of conditions to add an additional day to a temporary event	Approved by PC	October 2025
UC-24-0441	Use permit and waivers of development standards for a recreational and entertainment facility and live entertainment	Approved by PC	October 2024
AR-23-400186 (UC-19-0814)	First application to review the redesign of a tavern with outside dining and drinking	Approved by BCC	February 2024
SC-22-0548	Changed address for proposed tavern/nightclub	Approved by PC	December 2022
ADR-22-900707	Administrative Design Review to redesign the outside dining area for a tavern	Approved by ZA	November 2022
ET-22-400004 (UC-19-0814)	First extension of time for the redesign of a tavern with outside dining and drinking	Approved by BCC	March 2022
UC-19-0814	Use permit and redesign of a tavern with outside dining and drinking	Approved by BCC	December 2019
UC-18-0803	Use permit for outside dining in conjunction with a tavern	Approved by BCC	May 2019
AR-23-400186 (UC-19-0814)	First application review to redesign of a tavern with outside dining and drinking	Approved by BCC	February 2024

Prior Land Use Requests

Application Number	Request	Action	Date
ET-18-400161 (UC-0458-14)	Second extension of time for an outside dining area (patio) with a pool, in conjunction with an existing tavern and nightclub	Approved by BCC	August 2018
ZC-0183-16 (ET-18-0160)	Second extension of time to reclassify 0.2 acres from R-2 to C-2 zoning for a parking lot in conjunction with an existing tavern with a design review for a parking lot	Approved by BCC	August 2018
UC-0458-14 (ET-0102-16)	First extension of time for an outside dining area (patio) with a pool, in conjunction with an existing tavern and nightclub	Approved by BCC	October 2016
ZC-0183-16 (ET-400101-16)	First extension of time to reclassify 0.2 acres from R-2 to C-2 zoning for a parking lot in conjunction with an existing tavern with a design review for a parking lot	Approved by BCC	October 2016
ZC-0183-16	Zone change to reclassify 0.2 acres from R-2 to C-2 zoning for a parking lot	Approved by BCC	May 2016
UC-0458-14	Use permit for outside dining area with pool and modified landscaping in conjunction with an existing tavern and nightclub	Approved by BCC	July 2014
UC-0430-13	Use permit for outside area with modified landscaping standards - expunged	Approved by BCC	September 2013
ZC-0261-02	Zone change to reclassify the property from C-2 to M-1 zoning	Denied by BCC	May 2002
DR-1327-99	Design review for a porte-cochere addition and facade changed for the existing building	Approved by PC	October 1999
UC-0448-96	Use permit for a nightclub within the existing tavern	Approved by BCC	March 1996

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Entertainment Mixed-Use (more than 18 du/ac)	CG (AE-65)	Multi-family residential
South	Entertainment Mixed-Use (more than 18 du/ac)	CG & RM50 (AE-65)	Multi-family residential, restaurant & related services
East	Corridor Mixed-Use (up to 18 du/ac)	CR (AE-65)	Restaurant & related services
West	Entertainment Mixed-Use (more than 18 du/ac)	RS3.3 (AE-65)	Single-family residential

Related Applications

Application Number	Request
ZC-26-0035	A zone change from RS3.3 to CG on APN 162-22-301-011 is a companion item on this agenda.

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.

Waiver of Development Standards #1

Staff finds that all of the required landscaping has been provided within the proposed street landscaping strip. If the full 10 feet of landscaping behind the existing attached sidewalk is proposed, the parking on the site may be greatly reduced. Staff finds that the applicant has provided the best street landscaping possible while working with the existing site conditions and maintaining their goal of increasing parking. For these reasons, staff can support this request.

Waiver of Development Standards #2

Staff has determined that the required parking lot landscape finger islands could be added with the loss of minimal parking spaces. Parking lot trees also play an important role of reducing the urban heat island effect and aesthetically upgrading the site. For these reasons, staff cannot support this request.

Waivers of Development Standards #3 & #7

While staff does not normally support reductions in buffering in screening standards or to modify residential adjacency standards, staff finds that in this case, the applicant is still providing the required 8 foot high screen wall, as well as a 5.5 foot wide landscape strip containing a row of shrubs and groundcover. Staff notes that the only adjacent use will be parking spaces, and that the actual business location is not changing. Additionally, staff notes that the residential site to the west has coexisted with the subject site and the other restaurant and related uses in the area for years, and that the area has become increasingly commercialized. For these reasons, staff can support both of these requests.

Waiver of Development Standards #4

Staff finds that the proposed increase in fence height within the front setback is for the benefit and safety of the patrons to the business on site. Additionally, staff finds that the increase to the existing wall depicts a decorative screening option and will not have any negative visual impact to the site or the surrounding area. For these reasons, staff can support this request.

Waiver of Development Standards #5

Staff does not typically support waivers to increase parking, staff finds that doing so would not have an adverse effect to the site or the surrounding properties. Alternatively, staff finds that the overall increase in parking on the site will more than likely benefit the surrounding businesses, and that the additional parking is based on business needs. For these reasons, staff can support this request.

Waiver of Development Standards #6

Similarly to the parking lot landscape finger islands, a parking turnaround spot could have been added with a minimal loss of parking. Parking lot turnaround spots for dead-end parking configuration help to keep parking areas safe and easily maneuverable. For these reasons, staff cannot support this request.

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.

Staff finds that this business and the other businesses in the surrounding area have become a focal point in the Las Vegas community, and that their continued growth has created a severe need for parking in the area. The establishment of a parking lot on APN 162-22-301-011 will help facilitate the continued growth of the business and provide additional parking for the site as well as the businesses in the surrounding area. In addition a designated pedestrian walkway is provided per Title 30 requirements. For these reasons, staff can support this request.

Public Works - Development Review

Waiver of Development Standards #8

Staff cannot support the request to allow the existing attached sidewalks on Naples Drive to remain. Detached sidewalks along streets provide a safer pathway for pedestrians by increasing the distance from traffic.

Staff Recommendation

Approval of waivers of development standards #1, #3, #4, #5, #7, and the design review; denial of waivers of development standards #2, #6, and #8.

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:

- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance, and payment of the tree fee-in-lieu is required for any required trees waived.
- Applicant is advised that certain uses are not permitted in the airport environs and certain other uses will require a special use permit; and 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

- Applicant is advised that off-site improvement permits may be required.

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 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.

APPROVALS:

PROTESTS:

APPLICANT: GIPSY, LLC

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