

01/06/26 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-25-0788-NEW STRATEGIES, LLC:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increase fence height; and **2)** reduce access gate setback in conjunction with an existing restaurant and hookah lounge on 2.02 acres in a CR (Commercial Resort) Zone.

Generally located east of Fremont Street and north of Oakey Boulevard within Sunrise Manor.
TS/mh/kh (For possible action)

RELATED INFORMATION:

APN:

162-01-601-037

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase fence height to 8 feet where a maximum height of 3 feet is permitted in the front setback per Section 30.04.03B (a 167% increase).
2. Reduce the setback for an access gate to 1 foot where a minimum of 18 feet is required per Section 30.04.03E (a 94% reduction).

LAND USE PLAN:

SUNRISE MANOR - ENTERTAINMENT MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 3015 Fremont Street
- Site Acreage: 2.02
- Project Type: Fence height and access gate setback
- Fence Height (feet): 7
- Parking Required/Provided: 62/177

Site Plan

The plan depicts a commercial site featuring an existing 6,180 square foot restaurant and hookah lounge, which is located in the southeast corner of the site. Parking is provided along the north and east sides of the building, with 177 parking spaces provided where 62 are required. An existing 7 foot high fence, which includes an access gate that will be open during business hours, is set back 1 foot from the front property line along Fremont Street. In addition, an existing 7 foot high wrought iron fence is located along the northern property line, extending 16 feet from the front property line. Finally, an existing decorative wall with wrought iron on top of the wall, which is 7 feet, 6 inches in total height, is set back 4 feet from Fremont Street and located along

the southern portion of the front property line with return walls to enclose the restaurant. In addition to the waiver of development standards for the fence height, a waiver of development standards is required to reduce the setback of the access gate to 1 foot where 18 feet is required per Title 30.

Landscaping

The site features existing street landscaping consisting of trees, shrubs, and groundcover, as well as parking area landscaping consisting of trees. There are no proposed changes to landscaping associated with this application.

Elevations

The photos provided depict an existing 7 foot high decorative wrought iron fence along the front property line, which is along Fremont Street. A waiver of development standards is required to increase the fence height in the front setback to 7 feet where a maximum of 3 feet is permitted per Title 30. A portion of the wrought iron fence serves as an access gate, which is also 7 feet high. The southeast corner of the site features an existing screen wall with a decorative wrought iron fence on top, which is 7 feet, 6 inches high overall.

Applicant's Justification

The applicant states that the fence is necessary due to ongoing safety concerns in the immediate vicinity of the business. The unlawful activities occurring in the area were directly impacting the safety of employees, and customers, while hindering normal business operations. The installation of the fence has significantly improved site security by regulating site access more effectively. The access gate will remain open during business hours.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-22-0399	Use permit for a hookah lounge in conjunction with an existing restaurant and tavern	Approved by PC	September 2022
ZC-0740-14	Zone change from H-1 and H-2 to H-1 for a tavern and banquet facility	Approved by BCC	October 2014
ET-400063-99 (ZC-2101-96)	First extension of time for a zone change from H-1, H-2, and R-4 to H-1 for a hotel and casino - expired	Approved by BCC	April 1999
ET-400089-98 (UC-0400-95)	Third extension of time for a use permit to review live entertainment - expired	Approved by PC	April 1998
ET-400215-97 (UC-0400-95)	Second extension of time for a use permit to review live entertainment - expired	Approved by PC	December 1997
UC-0400-95	First extension of time for a use permit for live entertainment - expired	Approved by PC	August 1997
UC-2100-96	Use permit for automobile sales - expired	Approved by PC	February 1997
UC-2101-96	Zone change from H-1, H-2, and R-4 to H-1 for a hotel and casino - expired	Approved by BCC	February 1997

Prior Land Use Requests

Application Number	Request	Action	Date
UC-0400-95	Use permit for live entertainment - expired	Approved by PC	November 1995

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North & South	Entertainment Mixed-Use	CG	Vehicle sales
East	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS5.2	Manufactured home park
West	City of Las Vegas & Corridor-Mixed Use	C-2 (City) & CG	Mini-warehouse & vehicle sales

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.

The wrought iron fence and access gate have already been constructed without the requisite land use approval or building permits. While staff can understand the desire to secure the site, staff finds that the requests to increase the fence height and reduce the access gate setback are self-imposed hardships that will not substantially increase the safety and security of the site than if it was setback per Title 30 regulations. The applicant has not provided a compelling justification for why the fence and access gate cannot be redesigned or redesigned to comply with Title 30 standards. Therefore, staff cannot support this request.

Staff Recommendation

Denial.

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:

- Applicant is advised 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 Nevada Department of Transportation (NDOT) permits may be required.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Sunrise Manor - approval.

APPROVALS:

PROTESTS:

APPLICANT: SIERRA GROUP, LLC

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