

10/07/25 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-25-0578-AJB DOUBLE D, LLC:

USE PERMIT to allow outdoor dining, drinking, and cooking.

WAIVER OF DEVELOPMENT STANDARDS to eliminate the setback for proposed access gates.

DESIGN REVIEW for proposed site and building modifications in conjunction with an existing restaurant on a portion of 1.2 acres in an IL (Industrial Light) Zone.

Generally located west of Polaris Avenue and north of Highland Drive within Paradise.
JJ/mh/kh (For possible action)

RELATED INFORMATION:

APN:

162-17-202-012 ptn

WAIVER OF DEVELOPMENT STANDARDS:

Eliminate the setback for proposed access gates where a minimum of 18 feet is required per Section 30.04.03E (a 100% reduction).

LAND USE PLAN:

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 3635 Polaris Avenue
- Site Acreage: 1.2 (portion)
- Project Type: Restaurant with outdoor dining, drinking, and cooking
- Number of Stories: 2
- Building Height (feet): 24
- Square Feet: 3,760
- Parking Required/Provided: 30/17 (parking demand study)
- Sustainability Required/Provided: 7/2.5

Site Plans

The plans depict an existing restaurant (Polaris Street Cafe) accessed via Polaris Avenue to the east. The existing restaurant is 2,080 square feet, with proposed outdoor dining areas on the ground level and roof level in the northeast corner of the building. The ground level outdoor dining area is 1,000 square feet and the roof deck outdoor dining area is 680 square feet, bringing the area of the restaurant use to a total of 3,760 square feet. The restaurant is set back 84 feet

from the north property line, 27 feet from the east property line, and 23 feet from the south property line.

There is an existing 9,400 square foot warehouse building along the west side of the site, with 4 parking spaces located on the southeast side of the building. The warehouse building is not a part of this application.

There is an existing 1 way driveway along the north property line that continues into a circular fire lane that wraps around the site. A one-way ingress driveway is north of the restaurant, which wraps around the building and leads to an existing one-way egress driveway along the southeast corner of the site. The applicant is proposing access gates along the front (east) property lines for the restaurant driveways, thus requiring a waiver of development standards to eliminate the access gate setbacks.

Parking is provided around the perimeter of the restaurant, with additional parking located east of the warehouse. The site features 17 parking spaces where 30 parking spaces are required. The applicant has provided a parking demand study, which indicates that the number of parking spaces provided will be sufficient based on anticipated parking demand and the availability of on-street parking in the vicinity of the site. The trash enclosure is located along the northwest corner of the restaurant, and a pedestrian walkway connects the sidewalk and parking area to the entrance of the restaurant. There are existing 6 foot high security fences located in the northeast and southeast corners of the site. An existing 5 foot, 4 inch high screen wall is located along the north, west, and south sides of the restaurant parking area, with a secondary fire access gate located southwest of the restaurant.

Landscaping

The plans depict a proposed 10 foot wide street landscape area located behind an existing attached sidewalk along Polaris Avenue. The street landscape area consists of medium and large trees, shrubs, and groundcover. Parking area trees and shrubs are proposed within landscape islands and around the perimeter of the restaurant.

Elevations

The plans depict an existing 16 foot high restaurant featuring a tiered, flat roofline, which is proposed to be increased to 24 feet in height for a portion of the building. The façade of the building features painted stucco while the roof is constructed of wood. The building is accessed on the east side, with windows located on the east and west elevations, and an exit door on the north and south elevations.

The roof overhangs on the east side of the building and is supported by pillars. There is a proposed expansion of the restaurant to accommodate outdoor dining, which includes a patio seating area on the ground level and roof deck on the second level. The floor of the second level is accessed via a proposed staircase, connecting the outdoor dining areas. The existing roof overhang on the east side of the building will serve as the floor for the second level, while also providing shade for the ground level outdoor dining area. A proposed shade structure is located on the second level, featuring a flat roof and covering the second level outdoor dining area.

Floor Plans

The plans depict an existing 2,080 square foot restaurant with a kitchen, restrooms, seating areas, a sales counter, an office, and a storage area. There is a proposed 1,000 square foot outdoor dining area located on the ground level on the east side of the restaurant, along with a proposed 680 square foot outdoor dining area located on the second level, which features a roof deck. A proposed spiral staircase leads to the second level outdoor dining area.

Applicant's Justification

The applicant states that a use permit to allow outdoor dining is appropriate as there are no residential uses within 200 feet of the site and the outdoor dining will be in conjunction with the existing restaurant. A parking demand study has been provided to address the parking reduction, which will be offset by additional on-street parking available within 250 feet of the site. The proposed access gates in the north and south driveways will be open during business hours and closed during non-business hours to prevent unauthorized parking from events at Allegiant Stadium. Lastly, the applicant indicates that there are no proposed changes to the existing warehouse building.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-21-0178	Use permit for on-premises consumption of alcohol (service bar)	Approved by PC	June 2021
ADR-900186-04	Administrative design review for an off-premises advertising sign	Approved by ZA	September 2004

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North, South, & West	Entertainment Mixed-Use	IL	Office/warehouse & outdoor storage
East	Entertainment Mixed-Use	IL	Light manufacturing, restaurant, & retail

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

Use Permit

A special use permit is considered on a case by case basis in consideration of the standards for approval. Additionally, the use shall not result in a substantial or undue adverse effect on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare; and will be adequately served by public improvements, facilities, and services, and will not impose an undue burden.

The site has featured a restaurant use for several decades and staff is unaware of any issues that this use has created. The proposed outdoor dining, drinking, and cooking will be in conjunction with the existing restaurant and is not within 200 feet of residential adjacency, meeting the Title 30 conditions that correspond with the use permit requirement to allow the use in the IL Zone. Staff does not anticipate the addition of outdoor dining, drinking, and cooking will produce any adverse effects on properties in the surrounding area. Therefore, staff can support this request.

Waiver 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.

Staff does not typically support eliminating the setback requirements for access gates, which are important to prevent vehicles from stacking in the right-of-way. However, staff finds the driveways will feature access gates for one-way driveways, which will allow vehicles to enter and exit the site with ease and are unlikely to create vehicle stacking in the Polaris Avenue right-of-way. The access gates will also remain open during business hours, further limiting the potential adverse effects associated with having the gates along the property line. For these reasons, staff can 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 the proposed expansion of the restaurant to add outdoor dining, drinking, and cooking is complementary to the existing restaurant, suitable for the site, and compatible with surrounding development. While the applicant is not meeting the sustainability requirements of Title 30, staff understands that the restaurant building is existing and much of the overall site is not being changed with this application. The applicant is proposing several improvements to the site, including street and parking area landscaping, a pedestrian walkway, and a redesigned parking area. Therefore, staff can support this 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 Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Comprehensive Planning

- Gates must remain open during business hours;
- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance.
- 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

- Reconstruct driveways to commercial curb return per Uniform Standard Drawing 222.1.

Fire Prevention Bureau

- Applicant is advised that fire/emergency access must comply with the Fire Code as amended.

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.

APPROVALS:

PROTESTS:

APPLICANT: AJB DOUBLE D, LLC

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