

RESTAURANT
(TITLE 30)

CONVENTION CENTER DR/CHANNEL 8 DR

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-23-0667-CONCORD PRIME, LLC & VEGASSTARR, LLC:

USE PERMITS for the following: **1)** restaurant; **2)** reduce the pedestrian access area around the perimeter of the outside dining and drinking patio; **3)** on-premises consumption of alcohol (supper club); **4)** live entertainment; **5)** hookah lounge; and **6)** banquet facility.

WAIVER OF DEVELOPMENT STANDARDS to allow a banquet facility not on the ground floor.

DESIGN REVIEWS for the following: **1)** an outdoor kiosk; and **2)** outside dining and drinking patio on a portion of 3.3 acres in an H-1 (Limited Resort and Apartment) Zone.

Generally located on the south side of Convention Center Drive and the east side of Channel 8 Drive within Winchester. TS/jor/syp (For possible action)

RELATED INFORMATION:

APN:

162-09-805-017 ptn

USE PERMITS:

1. Restaurant.
2. a. Reduce the pedestrian access area around the perimeter of the proposed outside dining and drinking patio in conjunction with an outdoor kiosk to zero feet where 48 inches is the minimum per Table 30.44-1 (a 100% reduction).
- b. Reduce the pedestrian access around the perimeter of the proposed outside dining and drinking area in conjunction with a restaurant to zero feet where 48 inches is the minimum per Table 30.44-1 (a 100% reduction).
3. On-premises consumption of alcohol (supper club).
4. Live entertainment.
5. Hookah lounge.
6. Banquet facility.

WAIVER OF DEVELOPMENT STANDARDS:

Allow a proposed banquet facility not on the ground floor when adjacent to a residential use per Table 30.44-1.

DESIGN REVIEWS:

1. Outdoor coffee kiosk.
2. a. Outside dining and drinking patio in conjunction with an outdoor coffee kiosk.

- b. Outside dining and drinking area in conjunction with a restaurant.

LAND USE PLAN:

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 101 Convention Center Drive
- Site Acreage: 3.3 (portion)
- Project Type: Proposed restaurant, supper club, hookah lounge, banquet facility, outside dining and drinking, outdoor coffee kiosk, and live entertainment
- Number of Stories: 12 (existing northwest tower building)/6 (L-shaped commercial building with parking garage)
- Building Height (feet): 145 (maximum)/15 (proposed coffee kiosk)
- Square Feet: 202,004 (all structures on-site)/16,999 (lease space – restaurant, hookah lounge, & banquet hall)/699 (restaurant outside dining and drinking patio area)/690 (coffee kiosk outside dining and drinking area)/160 (coffee kiosk)
- Parking Required/Provided: 913/964

Site Plans

The site was approved via VC-0208-79. There is an existing 12 story office tower on the northwest corner of the site, and an L-shaped commercial building along the south and east property lines. The L-shaped building includes a basement level for parking, a courtyard area on the ground level facing Convention Center Drive, additional lease spaces on the first and second floors, and the remaining parking spaces are located on the third through fifth floors. The applicant's lease space (Suite 125), for everything other than the kiosk and its accompanying outdoor dining and drinking area, is located on the eastern portion of the L-shaped building, on the first floor only, which is higher than the ground level. In addition, the applicant is proposing an outside dining and drinking patio area adjacent to the west side of the restaurant. The outside dining area includes seating at an inside/outside bar (with a roll-up door in between), and outside dining tables on the other side of a 48 inch pedestrian walkway. The plans show that the applicant is not incorporating a 48 inch wide pedestrian access around the perimeter of the outside dining and drinking area. The plans show the outside dining area is enclosed by swing gates; therefore, customer seating would be on either side of the pathway.

The applicant is proposing an outdoor coffee kiosk on the ground floor of the site, west of the restaurant lease space. North of the coffee kiosk is an entrance to the basement level parking garage. South of the kiosk includes a loading area, bicycle racks, and an existing outdoor seating area. The proposed outside dining and drinking area south of the coffee kiosk is approximately 6 feet west of an existing loading zone, and there are no other pedestrian access areas as required per Code since this area is tucked in the corner adjacent to the courtyard retaining walls and landscape planter north of the bicycle racks. The coffee kiosk will be set back 48 feet from the nearest property line to the north. The kiosk and seating area are enclosed with a railing and gate.

The request is to allow the following uses: a proposed restaurant, supper club, hookah lounge, live entertainment, and reduce the pedestrian access area around the perimeter of the outside dining and drinking patio to zero feet where 48 inches is required per Code. The pedestrian access area reduction is related to the proposed coffee kiosk outside dining and drinking area located on the ground floor, and the outside dining area adjacent to the restaurant (first floor). A waiver of development standards is required for a proposed banquet facility not located on the ground floor when adjacent to a residential use to the southeast (parcel 162-09-810-000).

The design reviews are for the proposed outdoor coffee kiosk and the related outside dining and drinking patio, and the outside dining and drinking area for the restaurant.

Landscaping

There is existing street landscaping along Convention Center Drive, and existing on-site landscape planters within the street level courtyard. No new landscaping is proposed or required with this request.

Elevations

There are no proposed changes to the existing building elevations. The site includes an existing office tower with a maximum height of 145 feet. The L-shaped building includes 2 floors of lease spaces and the parking garage on the basement and upper levels. The existing exterior materials include decorative glass panels, concrete panels, white metal railing, and decorative stone planters. The maximum height of the proposed kiosk is 15 feet. The coffee kiosk includes decorative panels with lift-up panels to allow customers to access the self-service area and cashier space.

Floor Plans

The floor plan shows the following areas: customer waiting area, dining room, bar area, stage, hookah lounge area with a prep room, outside dining and drinking patio related to the restaurant, kitchen, storage rooms, buffet area, and banquet hall area. The lease space has an overall area of 16,999 square feet. The restaurant outside dining and drinking patio has an overall area of 699 square feet. The proposed coffee kiosk has an overall area of 160 square feet, and the adjacent coffee kiosk outside dining and drinking area has an overall area of 690 square feet.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant is proposing to remodel an existing office space into a restaurant. The proposed space will be a restaurant with an outside dining and drinking area, hookah lounge, banquet area, an outside dining and drinking area related to the coffee kiosk, and indoor stage for live entertainment. The proposed space is immediately above the entrance of a parking garage allowing for 964 available parking spaces. The outdoor kiosk will be a prefabricated structure with an overall area of 160 square feet. The hours of operation will be as follows: 6:00 a.m. to 8:00 p.m. for the coffee kiosk and 6:00 a.m. to 3:00 a.m. for the restaurant, 7 days a week. The indoor live entertainment performances that will be held within the restaurant will take place from 6:00 p.m. to 10:00 p.m.

Prior Land Use Requests

Application Number	Request	Action	Date
ET-21-400150 (WS-19-0618)	First Extension of Time for increased wall sign area	Approved by PC	December 2021
WS-19-0618	Increased wall sign area	Approved by PC	October 2019
UC-18-0441	Banquet and convention facility - expired	Approved by PC	August 2018
UC-0322-10	Increased height of a communication antenna	Approved by PC	September 2010
VC-1144-98	Reduced setback for a freestanding sign	Approved by PC	August 1998
VC-0208-79	Office building and parking garage	Approved by PC	December 1979

Additional land use applications were previously approved on this site.

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Entertainment Mixed-Use	H-1	Recreational facility (Indoor Skydiving), Hotel (Siegel Select), Restaurant, & Las Vegas Convention Center expansion area
South	Entertainment Mixed-Use	H-1	Multiple family residential & Office /Broadcasting building for Channel 8 News
East	Entertainment Mixed-Use	H-1	Previously approved (undeveloped) hotel (Majestic) & future shopping center
West	Entertainment Mixed-Use	H-1	Hotel (Royal Resort)

Related Applications

Application Number	Request
ET-23-400150 (WS-19-0618)	Second extension of time for increased wall sign area is a related item on this agenda.

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.

Use Permits #1, & #3 through #6

Staff does not object to the applicant's request to allow a restaurant, supper club, banquet facility, live entertainment, and a hookah lounge. The site is an existing commercial center with a myriad of uses. These uses are compatible within the immediate area and should not pose a negative impact to the site.

Use Permit #2 & Design Reviews

The proposed outside dining and drinking area adjacent to the restaurant includes a 48 inch pathway through the outside dining area, leaving no way for pedestrians to navigate around the patio area. The site plan shows the restaurant's seating is placed on either side of the 48 inch pedestrian pathway only. This outside patio area will be enclosed by fencing and gates and restricts restaurant patrons and customers of the entire complex from circulating to the other side of the first floor of the building. The site plan shows that customers can access the remaining first floor lease spaces through the main plaza entry only.

In addition, the applicant is proposing a coffee kiosk with an adjacent outside dining and drinking area located on the ground floor. The site plan shows that the kiosk will be placed adjacent to a fire lane, an existing drive aisle, a loading zone, and an entrance to the underground parking garage. The proposed outside dining and drinking area was originally utilized as a smoking and seating area dating back to 2009. Staff finds that the applicant has the opportunity to redesign this area to prioritize pedestrian circulation and include a 48 inch wide pedestrian access area. Furthermore, the applicant provided photos showing the frequency of vehicles that utilize this area for loading, parking, and driving. Placing a coffee kiosk at the proposed location is unjustifiable in terms of overall site design and layout. Staff finds that any proposed kiosk that serves food and drinks should be placed in an area that is away from fire lanes, drive aisles, and loading zones. The purpose of providing a 48 inch pedestrian access area is to allow ample circulation for customers to promptly maneuver towards and away from the outside dining and drinking area. Staff does not support these requests.

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.

The floor plan depicts that the proposed banquet area is located towards the rear of the lease space (southeast corner). There is an existing multiple family residential development to the southeast. However, aerial photos and street views show that the exterior building elevation does not include windows or direct access to the multiple family residential building to the southeast. Furthermore, the multiple family residential building is buffered by a parking lot, and there is a 55 foot setback from the applicant's lease space to the multiple family residential building. Staff

does not foresee a negative impact as a result of the proposed banquet area within the applicant's lease space. Staff can support this request.

Staff Recommendation

Approval of use permits #1, #3, #4, #5, #6 and the waiver of development standards; denial of use permit #2 and the design reviews.

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:

- 1 year to commence and review as a public hearing;
- Live entertainment to be daytime hours only.
- Applicant is advised that approval of this application does not constitute or imply approval of a liquor or gaming license or any other County issued permit, license or approval; the County has adopted a rewrite to Title 30 effective January 1, 2024, 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 and application for review; and that 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.

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: Winchester - approval.

APPROVALS:

PROTESTS:

APPLICANT: GANESHA LLC

CONTACT: SUZANA RUTAR ARCHITECT LTD., 1950 E. WARM SPRINGS RD., LAS VEGAS, NV 89119