

02/06/24 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-23-0834-KURSCHNER THOMAS & K FAM TR & KURSCHNER THOMAS & KATHERINE TRS:**

**USE PERMITS** for the following: **1)** supper club; and **2)** hookah lounge.

**WAIVER OF DEVELOPMENT STANDARDS** to reduce parking in conjunction with a commercial center on 3.3 acres in an M-D (Designed Manufacturing) Zone.

Generally located on the south side of Sahara Avenue and the east side of Lamb Boulevard within Sunrise Manor. TS/jm/syp (For possible action)

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RELATED INFORMATION:

**APN:**

161-08-110-001

**WAIVER OF DEVELOPMENT STANDARDS:**

Reduce the number of required parking spaces to 153 spaces where 195 spaces are required per Table 30.60-1 (a 26% reduction).

**LAND USE PLAN:**

SUNRISE MANOR - BUSINESS EMPLOYMENT

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 4225 E. Sahara Avenue
- Site Acreage: 3.3
- Project Type: Supper club and hookah lounge
- Number of Stories: 1
- Building Height (feet): 16
- Square Feet: 5,848 (leased space)
- Parking Required/Provided: 195/153

Site Plan

The site is located on the southeast corner of Sahara Avenue and Lamb Boulevard. The plan depicts a 5,848 square foot suite located on the southeast corner of an existing 24,928 square foot "L" shaped commercial complex which will be used for a supper club and hookah lounge. Parking surrounds the building. An existing 10,890 square foot building is located on the southeast corner of the site which is used for auto repair. This site is adjacent to an office/warehouse to the east which is not a part of this application.

Parking has been calculated per a 5,848 square foot restaurant, the remainder of the building per retail/office, and the second building is calculated per auto repair. The total required number of spaces is 195 spaces, where 153 spaces are provided. In 2012 UC-0722-12 was approved for commercial uses within the “L” shaped building but did not include the tavern and hookah lounge; therefore, a second application, UC-14-0027, was approved for the current use, which has expired.

Approval of this application will allow for all commercial uses, such as but not limited to office, retail, restaurant, and related facilities, without further land use applications for such uses. In addition, the 2012 approval intended to treat the “L” shaped building as if it was a shopping center where calculations of each use are not required. In 2017 a place of worship was approved using the approved parking calculation as a shopping center, without requiring a separate calculation for each use. No additional land use applications are required for this site.

Landscaping

There are no proposed changes to the landscaping as part of this application.

Elevations

Photos of the façade and the original drawing of the building elevations show an existing 1 story building with pale gray stucco walls with an inset covered colonnade on the front of the building. No changes to the façade are being proposed.

Floor Plans

The floor plans show a 5,848 square foot leased space with a VIP area, kitchen, main dining area, restrooms, bar, office space, hookah lounge, and walk-in cooler.

Applicant’s Justification

The applicant states a use permit for these uses was approved via UC-0027-14 and they commenced operation. However, due to the pandemic they were forced to close for approximately 2 years. Upon attempting to reopen the venue they were informed that the use permit had expired and a new use permit would be necessary to reopen. An approved use permit will also allow their business and liquor licenses to be approved. The applicant is also requesting a waiver to reduce parking stating that they are sharing parking with businesses that will be closed during their projected peak evening hours, allowing them to utilize spaces that would otherwise be occupied.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-1120-17	Place of worship with a food bank and secondhand sales	Approved by PC	February 2018
UC-0027-14	On-premises consumption of alcohol (tavern) and restaurant with a waiver to reduce parking	Approved by PC	March 2014

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-0722-12	Retail, office, restaurant, banquet facility, personal services, and on-premises consumption of alcohol (service bar) in different suites within Building A with a waiver to reduce parking	Approved by PC	January 2013
UC-0449-11	On-premises consumption of alcohol (service bar) in conjunction with an existing restaurant located in the northeastern portion of Building A	Approved by PC	November 2011
UC-1143-00	Switching facility for fiberoptic communications	Approved by BCC	August 2000
ZC-025-85	Reclassified the site and properties to the east from R-E and C-1 to M-D zoning for a shopping center and office/warehouse complex	Approved by BCC	April 1985

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Corridor Mixed-Use	C-2	Convenience store, gas station, & retail
South	Public Use	M-D	Drainage channel
East	Business Employment	M-D	Warehousing
West	Corridor Mixed Use	C-2	Telecommunication facility

**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 Permits

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 use is compatible for the intersection of the arterial streets. Staff finds that due to the applicant having had an approved prior land use for the same business at the same location, UC-0027-14, and no current code enforcement cases are pending, staff can again 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.

If the commercial building was 72 square foot larger, the building would meet the definition of a shopping center and the parking calculation would be reduced. The 72 square feet is insignificant and will not impact the parking on site. The site has existed with these uses without an issue for several years. In addition, the supper club use shares parking with businesses that typically will be closed during peak hours; therefore, staff can support the 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**

- 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**

- No comment.

#### **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 that if any existing plumbing fixtures are modified in the future, then additional capacity and connection fees will need to be addressed.

**TAB/CAC:**  
**APPROVALS:**  
**PROTESTS:**

**APPLICANT:** ORINOCO LLC

**CONTACT:** GUILLERMO PADILLA, ORINOCO LLC, 869 LANTHAM PL, LAS VEGAS,  
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