

04/02/24 PC AGENDA SHEET

**PUBLIC HEARING**

**APP. NUMBER/OWNER/DESCRIPTION OF REQUEST**

**UC-24-0039-LU FAMILY COMPANY, LLC:**

**USE PERMIT** to allow live entertainment in conjunction with an existing adult cabaret and tavern establishment on 0.9 acres in an IL (Industrial Light) Zone.

Generally located on the northeast side of Boulder Highway, 350 feet northwest of US 95 within Sunrise Manor. TS/hw/ng (For possible action)

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**RELATED INFORMATION:**

**APN:**

161-07-202-008

**LAND USE PLAN:**

SUNRISE MANOR - CORRIDOR MIXED-USE

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 3785 Boulder Highway
- Site Acreage: 0.9
- Project Type: Live entertainment
- Number of Stories: 1
- Building Height (feet): 14
- Square Feet: 11,945
- Parking Required/Provided: 75/75 (per ADR-900846-00)

**Site Plan, History, & Request**

The plan depicts an existing adult cabaret and tavern facility located on the northeast side of Boulder Highway and approximately 350 feet northwest of the US 95 right-of-way. The building is shown to be centrally located on the site against the northwestern property line. The building is shown to be set back 64 feet from Boulder Highway, 61 feet from the southeastern property line, and 61 feet from the northeastern property line. The building is rectangular in shape and is shown to be approximately 11,945 square feet. Parking is shown to be located surrounding the building to the east, south, and west. The plan shows that 75 parking spaces are provided, where 75 parking spaces were approved under ADR-900846-00. Access to the site is provided by a commercial driveway in the southwestern corner of the site with access directly to Boulder Highway. The plans show that no modifications will be made to the layout of the site, the parking lot, nor the access driveway.

The site was originally approved as a billiards parlor with a restaurant and tavern in September 1980 with UC-108-80 with the building being converted into an adult cabaret in November 2000 through ADR-900846-00. The site has been approved for various live entertainment uses with the latest live entertainment use permit approved in May 2000 with UC-0548-00, which was allowed to expire in May 2010 when a review was not completed. The applicant is now requesting for a new use permit for live entertainment (potential DJ and singers) to reinstate the ability to conduct live entertainment indoors on-site, in case the sound is audible from the outside of the building.

### Landscaping

The plans show that there are no proposed changes to the existing landscaping on-site. The provided plans show that the originally approved street landscaping consisted of an approximately 18 foot wide landscaping strip along Boulder Highway, which contained a variety of shrubs, including 7 large Texas Ranger (*Leucophyllum*) bushes. Within the parking lot, 4 Western Honey Mesquite (*Prosopis Grandulosa* var. *Torreyana*) were provided within diamond shaped planters. Currently, the street landscaping strip is within the Boulder Highway right-of-way and contains decorative rocks and dirt, while within the parking lot the diamond planters have been removed.

### Elevations

The plans depict a 14 foot tall, single story building constructed of painted CMU block. The exterior of the building is almost entirely white with purple vinyl awnings provided over the entrance. Access to the building is provided in the southwest corner of the building and along the southeastern portion of the building with a commercial door and window system. Egress doors are provided along the southwestern and northeastern facades of the building. No windows are provided on any façade. Painted and temporary wall signs are provided on the northwest, northeast, and southwest façades.

### Floor Plans

The plans depict an existing 11,945 square foot adult cabaret and tavern space with 4,145 square feet of storage space and 7,800 square feet dedicated to the cabaret and tavern. The cabaret and tavern space are split between northern and southern assembly areas with the northern assembly area containing 3,488 square feet and the southern assembly area containing 1,294 square feet. Each assembly area contains a raised platform stage with a bar area and seating surrounding the stages. The northern assembly area contains a dressing room and locker room area, while the southern assembly area contains a kitchen and prep area along with customer bathrooms. Offices are in the northeastern corner of the building with storage spaces scattered along the edges of the building.

### Applicant's Justification

The applicant states the purpose of this request is to reestablish the live entertainment use that was previously approved but allowed to expire. They state they are making no changes to the building, parking lot, nor landscaping and that parking has been provided as previously approved. The applicant also indicates there should be no additional impacts to the site nor the surrounding area as the live entertainment use does not require additional parking, there will be

no changes to the general character and use of the building, and the nearest residential area is 445 feet across US 95. Additionally, they indicate that the use will not occur outdoors.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ADR-900846-00	Adult cabaret within an existing tavern building	Approved by ZA	November 2000
UC-0548-00	Live entertainment within an existing tavern - expired	Approved by PC	May 2000
ZC-0153-00	Reclassified the site from H-2 to M-1 zoning for a tavern	Approved by BCC	April 2000
UC-0045-00	Live entertainment in conjunction with an existing tavern - expired	Approved by PC	February 2000
VC-2180-97	Reduced parking, allowed off-site parking, waived paving requirements, and waived parking lot landscaping	Approved by BCC	August 1998
ZC-1326-97	Reclassified the site from H-2 to M-1 zoning for a nightclub	Withdrawn	October 1997
UC-173-90	Live entertainment within an existing bar and restaurant - expired	Approved by PC	July 1990
ZC-120-88	Adult live entertainment (wet t-shirt contest and hunk-o-mania) in conjunction with an existing restaurant and bar	Denied by BCC	May 1988
UC-195-86	Live entertainment within an existing restaurant and bar - expired	Approved by PC	July 1986
UC-188-85	Live entertainment within an existing billiard parlor - expired	Approved by PC	November 1985
UC-108-80	Billiard lounge with bar and restaurant	Approved by BCC	September 1980
UC-59-78	Billiard parlor with cocktail lounge, restaurant, and pro shop - expired	Approved by BCC	June 1978

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Corridor Mixed-Use	CG	Vehicle rental facility
South	Corridor Mixed-Use	CG	Recreational vehicle rental/sales facility
East	Corridor Mixed-Use	H-2	Undeveloped
West	Corridor Mixed-Use	H-2	Recreational vehicle rental/sales facility

\*The Boulder Highway right-of-way is directly to the southwest of the site.

## **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.

Staff finds the proposed use of the site for live entertainment is compatible with the existing site, the surrounding area, and the previously approved uses. While the adult use is an existing nonconforming business live entertainment compliments and supports the adult cabaret and tavern uses, while not requiring additional parking or resources beyond those already required nor does it expand the nonconforming business. In addition, the properties directly surrounding the site are mostly commercial or undeveloped with large freeways and state rights-of-way separating the site from any residential uses. The live entertainment is also contained within the building, per the applicant. Additionally, Policy 5.1.3 of the Master Plan encourages the development and support of local businesses which contribute to regional economic pillars, such as tourism. Staff finds that support of this use permit will support a local business, which forms part of a larger set of businesses, which draws tourism dollars to the Las Vegas area, and surrounding businesses as well. For these reasons, 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**

- Parking lot landscaping shall be reinstalled per the landscape plan approved with ADR-900846-00;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- 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**

- Applicant is advised that operational permits may be required for this facility and to contact Fire Prevention for further information at (702) 455-7316.

**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:** Sunrise Manor - approval.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** DAVID BROWN

**CONTACT:** DAVID BROWN, DAVID BROWN ESQ., 520 S. FOURTH STREET, 2ND FLOOR, LAS VEGAS, NV 89101