

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-25-0116-TYEB, LLC:**

**HOLDOVER USE PERMIT** for a restaurant.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduce street landscaping; and **2)** reduce throat depth.

**DESIGN REVIEW** for modifications to an existing office/warehouse and retail center on 2.5 acres in an IL (Industrial Light) Zone.

Generally located on the north side of Spring Mountain Road and the west side of Sammy Davis Jr. Drive within Paradise. TS/hw/kh (For possible action)

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RELATED INFORMATION:

**APN:**

162-17-504-011

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce the width of a street landscaping area adjacent to an attached sidewalk along Sammy Davis Jr. Drive to 3 feet where 10 feet is the minimum per Section 30.04.01D (a 70% reduction).
2.
  - a. Reduce the throat depth for the northern driveway along Sammy Davis Jr. Drive to 15.5 feet where 25 feet is the standard per Uniform Standard Drawing 222.1 and Section 30.04.08C (a 38% reduction).
  - b. Reduce the throat depth for the southern driveway along Sammy Davis Jr. Drive to 23 feet where 25 feet is the standard per Uniform Standard Drawing 222.1 and Section 30.04.08C (an 8% reduction).

**LAND USE PLAN:**

WINCHESTER/PARADISE - BUSINESS EMPLOYMENT

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 3449 Sammy Davis Jr. Drive
- Site Acreage: 2.5
- Project Type: Restaurant with site modifications
- Number of Stories: 1
- Building Height (feet): 22.6
- Square Feet: 4,200 (restaurant)/36,660 (overall)
- Parking Required/Provided: 122/130
- Sustainability Required/Provided: 7/4.5

### Site Plans

The plans depict an existing, 36,660 square foot office/warehouse and retail complex located on the north side of Spring Mountain Road and the west side of Sammy Davis Jr. Drive. The existing building is located centrally on the site and the restaurant is situated in the southern portion of the building. The plans show the building is set back 49 feet from the Sammy Davis Jr. Drive (the eastern property), 44.8 feet from the western property line, 154 feet from the southern property line, and 20 feet from the northern property line. Rows of parking are shown opposite of the building along the eastern and western property lines with a larger lot located south of the building. The parking areas are existing but are being restriped and retrofitted to meet current Title 30 requirements. Overall, a total of 122 parking spaces are required when the existing and proposed uses are considered with 130 parking spaces being provided on-site with the modifications to the site. Access will be provided by an existing 20 foot wide driveway in the northeastern corner of the site and by a relocated, 36 foot wide driveway located in the southeastern corner of the site.

### Landscaping

The plan shows both street and parking lot landscaping is being provided on-site. In terms of street landscaping, a 3 foot to 12 foot wide landscape strip is provided along Sammy Davis Jr. Drive. Within the street landscaping area, the applicant has provided a variety of species, such as Utah Juniper (*Juniperus osteosperma*), Weeping Acacia (*Acacia pendula*), Golden Leadball (*Leucaena retusa*), Chihuahuan Orchid (*Bauhinia macranthera*), and Chilean Palo Verde (*Geoffroea decorticans*) at various intervals and in some areas placed in clusters to take advantage of wider landscaping areas in the northern and southern portion of the property. South of the southern driveway, 2 Weeping Acacia and 1 each of a Utah Juniper, Chihuahuan Orchid, Golden Leadball, and Chilean Palo Verde are cluster in a single row with an additional Weeping Acacia and Chihuahuan Orchid tree located on the north side of the southern driveway. Between the 2 driveways, an alternating set of Utah Juniper and Chihuahuan Orchid are provided in the wider portion of the landscaping strip in the central portion of the frontage with 1 Chilean Palo Verde tree provided just north of this alternating set of trees. Finally, just south of the northern driveway, the landscape area widens and another clustered row of trees consisting of 1 each of Chihuahuan Orchid, Weeping Acacia, Chilean Palo Verde, and Utah Juniper are provided. Overall, along the street a total of 16 large trees are required with 13 medium trees with large size canopies provided and 6 small trees provided (Chihuahuan Orchid). The trees provided account for a shaded canopy area equivalent to 18 large trees. Within the interior of the parking lot, trees and shrubs are provided within finger islands approximately every 4 to 10 spaces with additional trees provided in the terminal islands when islands are provided every 10 spaces. Besides Utah Juniper and Chilean Palo Verde trees, the parking lot will also host Weeping Acacia, Golden Leadball, and Chihuahuan Orchid trees. A total of 31 parking lot trees are provided where 29 trees are required.

### Elevations

The plans provided depict a 1 story building with a stucco exterior and a flat roof behind parapet walls. The plans indicate the exterior of the building is a beige color and generally stands 19 feet tall with a peak height of 22.6 feet. The front (eastern façade) contains several aluminum store fronts with the restaurant portion of the building containing a door on the eastern façade which

faces north. The restaurant also has secondary access point on the southern portion of the building.

Floor Plan

The plan shows the proposed restaurant will be located in the southernmost suite of the building and will contain approximately 4,200 square feet. The plans show the suite space will contain seating areas, stage, restrooms, bar area, and kitchen.

Applicant’s Justification

The applicant states they are seeking to re-establish a restaurant use on the subject site and the use will utilize the same area that had been previously occupied by the Star Lounge in 2022 and by Sonny's Saloon from 1997 to 2020. Furthermore, the proposed restaurant use was on the site for decades and remains appropriate for the site and is consistent with the surrounding area. Additionally, the existing building was constructed in the 1970's with little or no site modification over the years and the tenants have been a mixture of retail, restaurant, and other uses. The applicant is requesting to allow the street landscaping to vary between 3 feet and 5 feet and the request is justified because Sammy Davis Jr. Drive is a heavily travelled road and several of the properties in the area, including several of the adjacent properties to the north and the properties across the street to the east, have attached sidewalks with no landscaping on the west side of Sammy Davis Jr. Drive. Additionally, the parking area on the east of the building is already narrow and if there was a detached sidewalk there would not be enough space for parking and two-way traffic.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-22-0205	Allowed a supper club and hookah lounge with reduced parking - expired	Approved by PC	September 2022
ADR-21-900310	Permitted an outcall entertainment referral service within an existing shopping center	Approved by ZA	June 2021
UC-19-0979	Allowed a hot dog cart to operate on the subject site - expired	Approved by BCC	February 2020
UC-0389-14	Established a medical marijuana dispensary	Denied by BCC	December 2014
ADR-0340-10	Expanded an existing adult use book and video to include 2 theaters	Approved by ZA	April 2010
ADR-0973-08	Permitted an outcall entertainment referral service within an existing shopping center - expired	Approved by BCC	September 2008
UC-1718-06	Allowed a reflexology business within an existing shopping center - expired	Approved by PC	January 2007
ZC-1361-06	Reclassified the site from H-1 to U-V zoning for a 615 foot high mixed-use resort condominium tower - expired	Approved by BCC	December 2006
UC-0574-98	Allowed live entertainment within an existing restaurant - expired	Approved by PC	May 1998

### Prior Land Use Requests

Application Number	Request	Action	Date
UC-0234-91	Allowed live entertainment within an existing restaurant and lounge - expired	Approved by PC	September 1991
ZC-0073-91	Reclassified the site from M-1 to C-2 to maintain an adult bookstore and video arcade	Denied by BCC	June 1991
UC-41-87	Allowed live entertainment within an existing restaurant and bar - expired	Approved by PC	March 1987

### Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North & South	Business Employment	IL	Office/warehouse facility
East	Entertainment Mixed-Use	CR	Fashion Show Mall
West	Business Employment	IL	Reef dispensary

\*The Union Pacific Railroad right-of-way is directly west 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.

The site is an existing office/warehouse and commercial center with a myriad of uses previously approved with an existing bookstore on-site. Additionally, the floor plans show the site is already set-up for retail and similar uses. Staff finds the subject suite has previously been a restaurant with no apparent complaints. The subject site is within walking distance of the Las Vegas Strip, several industrial and commercial businesses, that act as entertainment spaces. As a result, the restaurant use is compatible with the immediate area and should not pose a negative impact to the site and will support Master Plan Policies 5.1.5 and 5.5.3, which support the redevelopment of vacant commercial spaces particularly for local and small businesses. For these reasons, staff can support this request.

### 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.

### Waiver of Development Standards #1

The purpose of providing street landscaping is to provide necessary shading for nearby street and sidewalk infrastructure. Both the sidewalk and the building are existing on-site and the applicant is completing a retrofitting of the parking lot to current standards. Since the parking lot complies with the parking lot standards the reduction in the width of the landscaping strip is justified. Additionally, staff finds the provided landscape area width should still be wide enough to host the smaller proposed trees and provide for the necessary shading along the street. For these reasons, can support this waiver of development standards.

### 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.

The applicant is proposing modifications to the parking lot layout and design of the site which should be an improvement for the site and the surrounding area. The parking lot aisles and spaces are compliant with current Code requirements. The site is being provided with additional bicycle and motorcycle parking and the landscaping provided within the interior of the site should help to reduce any increase in heating from the change to the parking layout. The number of spaces is compliant with Code, as well. The building itself is existing and the minor improvements and changes through painting of the suite façade should be an enhancement. Finally, staff finds the applicant has provided a sufficient alternative to the standards for street landscaping. The provided street landscaping provides more shade coverage than is required while considering the physical constraints of the site and balancing the need to comply with other physical design standards. The proposed street landscaping should improve both the design of the site and reduce potentially heat increasing effects on the site. Therefore, staff supports this request.

### **Public Works - Development Review**

#### Waiver of Development Standards #2

Staff has no objection to the reduced throat depths for the commercial driveways on Sammy Davis Jr. Drive. The two driveways should see equal use, mitigating potential impacts from the reduced throat depths.

## **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**

- 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**

- **Applicant to coordinate with Public Works - Development Review on the relocation of the southern driveway on Sammy Davis Jr. Drive.**
- Applicant is advised that off-site improvement permits may be required.

### **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 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:** 1 card

**PROTESTS:**

**COUNTY COMMISSION ACTION:** March 19, 2025 – HELD – To 04/16/25 – per the applicant.

**APPLICANT:** DAVID BROWN

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