



Winchester Town Advisory Board

Winchester Community Center

3130 McLeod Dr.

Las Vegas, NV 89121

January 14, 2020

6:00 p.m.

AGENDA

NOTE:

- Items on the agenda may be taken out of order.
- The Board/Council may combine two or more agenda items for consideration.
- The Board/Council may remove an item from the agenda or delay discussion relating to an item at any time.
- No action may be taken on any matter not listed on the posted agenda.
- All planning and zoning matters heard at this meeting are forwarded to Board of County Commissioners Zoning Commission (BCC) or Clark County Planning Commission (PC) for final action.
- Please turn off or mute all cell phones and other electronic devices.
- Please take all private conversations outside the room.
- With forty-eight (48) hour advance request, a sign language interpreter, or other reasonable efforts to assist and accommodate persons with physical disabilities, may be made available by calling 702-455-3530 or TDD 702-385-7486 or Relay Nevada toll free 800-326-6868, TD/TDD.
- Supporting material provided to Board/Council members for this meeting may be requested from Beatriz Martinez at 702-455-0560 and is/will be available at the County's website at www.clarkcountynv.gov.

Board Members:	John J. Delibos– Chair Robert Mikes - Vice Chair Ken Dayton	Judith Siegel Roxana Valladares
Secretary:	Victoria Bonner, 702-335-9205, victoriabelleb@gmail.com	
County Liaison:	Beatriz Martinez, 702-455-0560, beatriz.martinez@clarkcountynv.gov	

I. Call to Order, Invocation, Pledge of Allegiance, Roll Call

II. Public Comment - This is a period devoted to comments by the general public about items on this agenda. No discussion, action, or vote may be taken on this agenda item. You will be afforded the opportunity to speak on individual Public Hearing Items at the time they are presented. If you wish to speak to the Board/Council about items within its jurisdiction but not appearing on this agenda, you must wait until the "Comments by the General Public" period listed at the end of this agenda. Comments will be limited to three minutes. Please step up to the speaker's podium, if applicable, clearly state your name and address and please **spell** your last name for the record. If any member of the Board/Council wishes to extend the length of a presentation, this will be done by the Chair or the Board/Council by majority vote.

III. Approval of Minutes December 10, 2019 (For possible action)

IV. Approval of Agenda for January 14, 2020 and Hold, Combine or Delete Any Items (For possible action)

BOARD OF COUNTY COMMISSIONERS
MARILYN KIRKPATRICK, CHAIR - LAWRENCE WEEKLY, Vice-Chair
LARRY BROWN - JAMES GIBSON - JUSTIN JONES – MICHAEL NAFT - TICK SEGERBLOM
YOLANDA KING, County Manager

V. Informational Items

1. Announcements of upcoming neighborhood meetings and County or community meetings and events.

VI. Planning & Zoning

1. **WS-19-0916-INSIXIENGMAI FAMILY REVOCABLE LIVING TRUST & INSIXIENGMAI CHANTHONE & KAREN TRS:**

WAIVERS OF DEVELOPMENT STANDARDS for reduced setbacks in conjunction with a single family home on 0.1 acres in an R-1 (Single-Family Residential) Zone. Generally located on the north side of Golden Arrow Drive, 430 feet west of Burnham Avenue within Winchester. TS/bb/jd (For possible action) **01/21/20 PC**

2. **UC-19-0924-GOLD KEY 3049, LLC & JADE KEY, LLC:**

USE PERMITS for the following: **1)** supper club; and **2)** live entertainment (outdoor) on 3.5 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located on the east side of Las Vegas Boulevard South and the south side of Convention Center Drive within Winchester. TS/bb/ja (For possible action) **01/22/20 BCC**

3. **WS-19-0972-ALDABBAGH OMAR ENTERPRISE, LP:**

WAIVER OF DEVELOPMENT STANDARDS to establish an alternative parking requirement. **DESIGN REVIEWS** for the following: **1)** an alternative parking design; and **2)** expand the existing use of an existing adult cabaret on 0.3 acres in an M-1 (Light Manufacturing) Zone in the Adult Use Overlay District. Generally located on the west side of Highland Drive, 205 feet north of Capella Avenue (alignment) within Winchester. TS/jor/jd (For possible action) **02/05/20 BCC**

4. **ZC-19-0766-TOP EXPRESS INVESTMENTS, LLC:**

ZONE CHANGE to reclassify 0.2 acres from R-1 (Single Family Residential) Zone to C-P (Office and Professional) Zone.

USE PERMIT for a day care.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce landscaping; **2)** trash enclosure; **3)** reduce drive aisle width; and **4)** allow non-standard driveway improvements.

DESIGN REVIEW for a day care on 0.4 acres in a C-P (Office and Professional) Zone. Generally located on the west side of Eastern Avenue, 260 feet south of Golden Arrow Drive within Winchester (description on file). TS/jt/ja (For possible action) **02/05/20 BCC**

VII. General Business

- 1. Select a representative to the Maryland Parkway Corridor Transit Oriented Development stakeholder Advisory Workgroup (SAW). (For possible action)
- 2. Approval of the Calendar dates. (For possible action)

VIII. Comments by the General Public - A period devoted to comments by the general public about matters relevant to the Board's/Council's jurisdiction will be held. No vote may be taken on a matter not listed on the posted agenda. Comments will be limited to three minutes. Please step up to the speaker's podium, if applicable, clearly state your name and address and please spell your last name for the record. If any member of the Board/Council wishes to extend the length of a presentation, this will be done by the Chair or the Board/Council by majority vote.

IX. Next Meeting Date: January 28, 2020

X. Adjournment

POSTING LOCATIONS: This meeting was legally noticed and posted at the following locations:

Winchester Community Center: 3130 S McLeod Dr., Las Vegas NV 89121

Fast & Fresh Dry Cleaners: 2548 Desert Inn Rd., Las Vegas NV 89121

United States Postal Services: 2478 E. Desert Inn Rd., Las Vegas, NV 89121

Starbucks: 2412 E. Desert Inn Rd., Las Vegas, NV 89121

<https://notice.nv.gov/>

BOARD OF COUNTY COMMISSIONERS
MARILYN KIRKPATRICK, CHAIR - LAWRENCE WEEKLY, Vice-Chair
LARRY BROWN - JAMES GIBSON - JUSTIN JONES - MICHAEL NAFT - TICK SEGERBLOM
YOLANDA KING, County Manager



Winchester Town Advisory Board

December 10, 2019

MINUTES

Board Members: John Delibos – Chair – **Present**
Robert O. Mikes, Jr. – Vice Chair- **Absent**
Kenneth Dayton – **Present**
Judith Siegel – **Present**
Roxana Valladares – **Excused**

Secretary: Victoria Bonner, 702-335-9205 victoriabelleb@gmail.com

Town Liaison: Beatriz Martinez 702-455-0560 beatriz.martinez@clarkcountynv.gov

- I. Call to Order, Pledge of Allegiance, Roll Call, (see above) County Staff Introductions Phillip Blount; Planning, Beatriz Martinez; Town Liaison, Victoria Bonner; Secretary. The meeting was called to order at 6:03p.m.
- II. Public Comment
None
- III. Approval of November 26, 2019 Minutes
Moved by: Dayton
Approve minutes as submitted
Vote: 3-0 Unanimous
- IV. Approval of Agenda for December 10, 2019
Moved by: Dayton
Approve as submitted
Vote: 3-0 Unanimous
- V. Informational Items
 1. Announcements of upcoming neighborhood meetings and County or community meetings and events(for discussion)

VI. Planning & Zoning:

1. AR-19-400154 (UC-18-0784)-WESTWYNN, LLC:

USE PERMIT FIRST APPLICATION FOR REVIEW for a temporary lot.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) landscaping; and 2) alternative parking lot design and layout.

DESIGN REVIEW for a temporary parking lot on a 7.3 acre portion of 34.6 acres in an H-1 (Limited Resort and Apartment) Zone in the MUD-1 Overlay District. Generally located on the north side of Fashion Show Drive, 850 feet west of Las Vegas Boulevard South within Winchester and Paradise. JJ/sd/jd (For possible action) **01/08/20 BCC**

Moved By- Delibos

Approve – with staff conditions

Vote: 3-0 Unanimous

VI. General Business

VII. Public Comment

VIII. Next Meeting Date

The next regular meeting will be January 14, 2019

IX. Adjournment

The meeting was adjourned at 6:11 p.m.

**ATTACHMENT A
WINCHESTER TOWN ADVISORY BOARD
ZONING AGENDA
TUESDAY, 6:00 P.M., JANUARY 14, 2020**

01/21/20 PC

1. **WS-19-0916-INSIXIENGMAI FAMILY REVOCABLE LIVING TRUST & INSIXIENGMAI CHANTHONE & KAREN TRS:**
WAIVERS OF DEVELOPMENT STANDARDS for reduced setbacks in conjunction with a single family home on 0.1 acres in an R-1 (Single-Family Residential) Zone. Generally located on the north side of Golden Arrow Drive, 430 feet west of Burnham Avenue within Winchester. TS/bb/jd (For possible action)

01/22/20 BCC

2. **UC-19-0924-GOLD KEY 3049, LLC & JADE KEY, LLC:**
USE PERMITS for the following: 1) supper club; and 2) live entertainment (outdoor) on 3.5 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located on the east side of Las Vegas Boulevard South and the south side of Convention Center Drive within Winchester. TS/bb/ja (For possible action)

02/05/20 BCC

3. **WS-19-0972-ALDABBAGH OMAR ENTERPRISE, LP:**
WAIVER OF DEVELOPMENT STANDARDS to establish an alternative parking requirement.
DESIGN REVIEWS for the following: 1) an alternative parking design; and 2) expand the existing use of an existing adult cabaret on 0.3 acres in an M-1 (Light Manufacturing) Zone in the Adult Use Overlay District. Generally located on the west side of Highland Drive, 205 feet north of Capella Avenue (alignment) within Winchester. TS/jor/jd (For possible action)
4. **ZC-19-0766-TOP EXPRESS INVESTMENTS, LLC:**
ZONE CHANGE to reclassify 0.2 acres from R-1 (Single Family Residential) Zone to C-P (Office and Professional) Zone.
USE PERMIT for a day care.
WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduce landscaping; 2) trash enclosure; 3) reduce drive aisle width; and 4) allow non-standard driveway improvements.
DESIGN REVIEW for a day care on 0.4 acres in a C-P (Office and Professional) Zone. Generally located on the west side of Eastern Avenue, 260 feet south of Golden Arrow Drive within Winchester (description on file). TS/jt/ja (For possible action)

SETBACKS
(TITLE 30)

GOLDEN ARROW DR/BURNHAM AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-19-0916-INSIXIENGMAI FAMILY REVOCABLE LIVING TRUST & INSIXIENGMAI CHANTHONE & KAREN TRS:

WAIVERS OF DEVELOPMENT STANDARDS for reduced setbacks in conjunction with a single family home on 0.1 acres in an R-1 (Single-Family Residential) Zone.

Generally located on the north side of Golden Arrow Drive, 430 feet west of Burnham Avenue within Winchester. TS/bb/jd (For possible action)

RELATED INFORMATION:

APN:

162-11-712-012

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Reduce the rear setback to 16 feet, 8 inches where 20 feet is required per Table 30.40-2 (a 17% reduction).
- b. Reduce the side setback to 1 foot 3 inches for a patio cover where 3 feet is required per Table 30.40-2 (a 59% reduction).
- c. Reduce the rear setback to zero feet for a shed where 5 feet is required per Table 30.40-2 (a 100% reduction).
- d. Reduce the side setback to zero feet for a shed where 5 feet is required per Table 30.40-2 (a 100% reduction).

LAND USE PLAN:

WINCHESTER/PARADISE - RESIDENTIAL SUBURBAN (UP TO 8 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: 1988 Golden Arrow Drive
- Site Acreage: 0.1
- Project Type: Residential setbacks
- Number of Stories: 1
- Square Feet: 1,726

Site Plan

The site plan depicts an addition, a shed, and a patio cover that were constructed without building permits and are not meeting the required setback requirements. The additions setback of 16 feet 8 inches is 3 feet 4 inches less than the current setback required to the rear property line. The shed is less than the 200 square feet and does not require a building permit, but encroaches into the rear and side yard setback at the northeast corner of the property. The patio cover was also built without a permit on the east side of the property and is encroaching into the side yard setback.

Landscaping

The property has existing landscaping and no changes to the landscaping are required with this application.

Elevations

The elevations depict vertical wood siding and a shingle roof for the addition. The patio cover has a metal roof and wood support beams. The shed is constructed with metal siding and roof materials. None of the added structures are architecturally compatible with the existing masonry block construction and stucco siding of the primary residence.

Floor Plans

The floor plans depict the addition being used as a family room.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant constructed the family room addition as part of an expansion to accommodate the convalescent care of a child. The time sensitive expansion required the work to be done quickly and without permits to accommodate a family need. The shed and patio cover were completed as accessory uses for storage and shade respectively.

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North, South, East, & West	Residential Suburban (up to 8 du/ac)	R-1	Single family residential

Clark County Public Response Office (CCPRO)

This property has an active neighborhood nuisance complaint regarding the construction of the addition without a permit and required electrical panel access.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis

Current Planning

Waivers 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.

Waiver of Development Standards #1a

The addition to the home is constructed in the rear yard without a direct line of sight from the street and is blocked from neighboring view by perimeter walls. The addition, once compliant with electrical and building codes, will meet the general goals and intent of the current code without placing undue burden on the public improvements or facilities. Staff can support this request.

Waiver of Development Standards #1b

The patio cover addition is located 1 foot 3 inches from the property line and existing wall, and will not allow rain to runoff the roof onto adjacent property. In addition, it is open on 3 sides and should not be visually obtrusive to the adjacent neighbor; therefore, staff can support this request as long as the required building permit is issued.

Waivers of Development Standards #1c and #1d

The shed is located in the northeast corner of the property and is abutting the existing block wall, and is adversely impacting the neighboring property. This is a self-imposed hardship as the shed could have been constructed elsewhere on the property to meet the required setbacks; therefore, staff cannot support this request.

Staff Recommendation

Approval of waivers of development standards #1a and #1b; Denial of waivers of development standards #1c and #1d.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

If approved:

- 1 year to complete with any extension of time to be a public hearing;
- Meet building department requirements for all structures.

- Applicant is advised approval of this application does not constitute or imply approval of any other County issued permit, license or approval. 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.

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:

APPROVALS:

PROTESTS:

APPLICANT: CHANTHONE INSIXIENGMAI

CONTACT: CHANTHONE INSIXIENGMAI, 1988 GOLDEN ARROW DR., LAS VEGAS, NV 89169

SUPPER CLUB/
LIVE ENTERTAINMENT
(TITLE 30)

LAS VEGAS BLVD S/CONVENTION CENTER DR

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-19-0924-GOLD KEY 3049, LLC & JADE KEY, LLC:

USE PERMITS for the following: **1)** supper club; and **2)** live entertainment (outdoor) on 3.5 acres in an H-1 (Limited Resort and Apartment) Zone.

Generally located on the east side of Las Vegas Boulevard South and the south side of Convention Center Drive within Winchester. TS/bb/ja (For possible action)

RELATED INFORMATION:

APN:

162-09-804-001, 162-09-405-004

USE PERMITS:

1. Allow a supper club per Table 30.44-1.
2. Allow outdoor live entertainment in conjunction with a supper club per Table 30.44-1.

LAND USE PLAN:

WINCHESTER/PARADISE - COMMERCIAL TOURIST

BACKGROUND:

Project Description

General Summary

- Site Address: 3049 Las Vegas Boulevard South, Unit 1-N
- Site Acreage: 3.5
- Project Type: Supper club and live entertainment (outdoor)
- Number of Stories: 1
- Square Feet: 28,440 Shopping center
- Parking Required/Provided: 126/184

Site Plan

The site plan depicts a shopping center end unit with outdoor seating and live entertainment stage. The space will continue to be used as a restaurant, with added sale of alcohol, and proposed live outdoor entertainment on a 60 square foot stage. The business is limited to the previously approved outdoor dining space by recorded agreement and will not interfere with the

existing pedestrian sidewalk easement. The supper club is accessed from the west and north entrances and has available parking on both parcels under the same ownership.

Landscaping

Landscaping is existing and no changes are proposed or required with this application.

Elevations

The elevations depict an existing shopping center and outdoor seating area adjacent to Las Vegas Boulevard South.

Floor Plan

The floor plan depicts a 60 seat indoor restaurant with prep area and kitchen. The outdoor seating area is located adjacent to the west entrance of the restaurant, and is adjacent to the pedestrian walkway.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant is proposing a supper club, and live outdoor entertainment on the 60 square foot patio stage. The restaurant will operate Sunday through Thursday from 10:00 a.m. to 2:00 a.m., and on Friday and Saturday from 10:00 a.m. to 4:00 a.m. Outdoor live entertainment will take place on Friday and Saturday from 9:00 p.m. to 2:00 a.m. Tacos El Pastor will occupy the suite previously occupied by Tacos El Gorde and continue operating as a restaurant.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-19-0485	Vehicle rental	Approved by PC	August 2019
ADR-0213-16	Outside dining area with shade cover	Approved by ZA	April 2016
UC-0831-15	Supper club within the shopping center	Approved by BCC	February 2016
ADR-0607-11	On-site drive aisle	Approved by ZA	July 2011
UC-0509-10	Banquet facility with a waiver to reduce parking	Approved by PC	December 2010
UC-0043-09	Recreational facility (balloon ride)	Denied by BCC	July 2009
UC-1415-07	Banquet facility	Approved by PC	January 2008
UC-1002-05	Restaurant with indoor live entertainment - expired	Approved by PC	August 2005
UC-0638-99	Outdoor prize wheel – expired	Approved by PC	June 1999

Prior Land Use Requests

Application Number	Request	Action	Date
VC-0292-98	Off-premises sign	Approved by BCC	May 1998

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Commercial Tourist	H-1	Commercial uses
South	Commercial Tourist and Institutional	H-1	Encore Resort Hotel & place of worship (Guardian Angel Cathedral)
East	Institutional	H-1	Place of worship (Guardian Angel Cathedral)
West	Commercial Tourist	H-1	Resorts World Resort Hotel & undeveloped

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis

Current 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 Comprehensive 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 Permit #1

Staff has no objection to operating the supper club at this location. This location is at the corner of the building and is adjacent to Las Vegas Boulevard South and the pedestrian walkway. The majority of the patrons will arrive by foot or public transit, complementing the sale of alcohol when compared to uses that rely on vehicle traffic. The proposed supper club will be harmonious with the purpose and goals of the Comprehensive Master Plan and Title 30 and will not result in adverse effects to the surrounding area when considering the combination of retail service oriented uses in this area. The outdoor seating and dining area must comply with existing boundaries as shown in the pedestrian access easement as found in recorded document 19910125:00805.

Use Permit #2

Staff objects to conducting live entertainment on an outdoor stage at this location. Live outdoor entertainment will not be harmonious to the pedestrian movement in this area and may result in substantial undue adverse effects on adjacent uses, property and pedestrian movement along Las Vegas Boulevard South. There is not enough space in the pedestrian easement to allow potential for pedestrians standing in the easement that would result in pedestrian congestion and negative

impacts to landscaped areas or possible foot traffic on Las Vegas Boulevard South. The proposed use as live outdoor entertainment is not adequately served by public spaces that could accommodate sidewalk viewers.

Staff Recommendation

Approval of use permit #1; denial of use permit #2.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

If approved:

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that outside dining area shall not to encroach into the pedestrian access easement; 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; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Applicant to perform and have recorded a Record of Survey to determine underlying title rights in relationship to "as built" improvements on Las Vegas Boulevard South;
- Record of survey must be recorded by the applicant no later than March 1, 2020, in compliance with UC-19-0485;
- Maintain the required width of all public access walkway segments so that a minimum Level of Service "C" is achieved under peak pedestrian volumes;
- Future applications, whether individually or cumulatively (including this application), that are demonstrated to have a sufficient traffic impact upon Las Vegas Boulevard South may require the owner, or its successors, to grant easements or dedicate its proportionate share of all or portions of the planned right-of-way for Las Vegas Boulevard South adjacent to its property according to the requirements of the Clark County Transportation Element and Title 30;
- Applicant shall vacate document 20160921:00804 and grant a new pedestrian access easement.

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: SURJIT HEERA

CONTACT: JIM DIFIORE, DIFIORE CONSULTING, 8550 W. CHARLESTON
BOULEVARD #102 PMB-348, LAS VEGAS, NV 89117

DRAFT

ALTERNATIVE PARKING
(TITLE 30)

HIGHLAND DR/CAPELLA AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-19-0972-ALDABBAGH OMAR ENTERPRISE, LP:

WAIVER OF DEVELOPMENT STANDARDS to establish an alternative parking requirement.

DESIGN REVIEWS for the following: 1) an alternative parking design; and 2) expand the existing use of an existing adult cabaret on 0.3 acres in an M-1 (Light Manufacturing) Zone in the Adult Use Overlay District.

Generally located on the west side of Highland Drive, 205 feet north of Capella Avenue (alignment) within Winchester. TS/jor/jd (For possible action)

RELATED INFORMATION:

APN:

162-08-804-004

WAIVER OF DEVELOPMENT STANDARDS:

Establish an alternative parking requirement as required per Section 30.60.40.

DESIGN REVIEWS:

1. Alternative parking design for the proposed vehicle parking lifts.
2. Expand the existing adult-use within the interior areas of the existing establishment.

LAND USE PLAN:

WINCHESTER/PARADISE - BUSINESS AND DESIGN/RESEARCH PARK

BACKGROUND:

Project Description

General Summary

- Site Address: 3177 Highland Drive
- Site Acreage: 0.3
- Project Type: Alternative parking and expansion of the adult-use
- Number of Stories: 1
- Building Height: 13 feet, 6 inches (existing building)/6 feet (proposed parking lifts)
- Square Feet: 4,398 (existing building)
- Parking Required/Provided: 44/44

Site Plan

The plan depicts an existing adult-use establishment (Diamond Cabaret) located on the west side of Highland Drive, 205 feet north of Capella Avenue (alignment). The building is oriented east to west, with parking spaces in the front (east of building) and the rear (west of the building). Access to the establishment is along Highland Drive, and via a public alley-way south of the building adjacent to Capella Avenue (alignment). The applicant is proposing to expand the adult-use within the interior areas of the existing building. In order to meet the required parking count of 44 parking spaces, the applicant is proposing a vehicle lift system in the rear parking area of the site. The northern half of the rear parking area will be comprised of 10 ground level parking spaces, which double to 20 parking spaces if the lifts are fully utilized. Similarly, the southern half of the rear parking provides 9 parking spaces within the lift system, but can double up to 18 parking spaces. The existing parking spaces in the front of the building will remain, and an on-site valet attendant will operate the vehicle lifts for the customers.

Landscaping

Existing landscaping is located in front of the building. Changes to the existing landscaping is not a part of this request.

Elevations

The proposed vehicle lifts have an overall structural column height of 6 feet, 7.5 inches and have an overall width of 8 feet, 4.5 inches. The parking lifts have a black exterior finish and are constructed of high grade metal.

Floor Plans

The applicant is also proposing to expand the interior areas of the existing building. The current floor plan includes a vestibule, bar area, storage room, seating area, VIP area, a stage, and restrooms. The new areas of the establishment will include a new seating area, restrooms, a locker room, utility room, additional customer areas, and VIP rooms.

Signage

Signage is not a part of this request.

Applicant's Justification

Per the submitted justification letter, the request is compatible with the adjacent development in terms of intensity and use of the establishment (Diamond Cabaret). In order to remodel and expand the interior areas of the building, the parking count must also be accommodated. The proposed mechanical parking lifts will be used as an alternative parking design to meet Title 30 standards. A valet attendant will assist customers at the main entrance (adjacent to Highland Drive), and the attendant will also operate the vehicle lifts. The proposed vehicle lifts are adjacent to an alley-way (rear of building), and face the rear sides of the existing surrounding businesses.

Prior Land Use Requests

Application Number	Request	Action	Date
DR-0335-09	Exterior modifications to an existing adult-use establishment (Diamond Cabaret)	Approved by PC	June 2009
ADR-1203-01	Interior remodel/reconfiguration of the floor plans of the existing adult-use and exterior building remodel and retrofit of the parking lot	Approved by ZA	January 2005
ADR-0979-00	Eliminated previous uses and expanded into a 2,400 square foot adult cabaret establishment	Approved by ZA	December 2003
AU-0103-98	Established an adult bookstore, novelty shop, video arcade, cabaret area, and video sales	Approved by ZA	March 1998
AU-0102-98	Established an adult bookstore, novelty shop, and video arcade	Approved by ZA	May 1997

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Business and Design/Research Park	M-1	Retail building & showroom
South	Business and Design/Research Park	M-1	Restaurant & office/warehouse
East	Business and Design/Research Park	M-1	NDOT right-of-way & vacant office/warehouse
West	Business and Design/Research Park	M-1	Office warehouse establishments

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis

Current Planning

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. Staff has no objection to the proposed vehicle parking lifts. Since the rear parking lot is existing with no reported problems, staff does not foresee any negative impacts with the proposed parking lift system. The customers who utilize the parking lifts will not be operating any parking mechanisms; therefore, eliminating any potential hazards. Staff is in support of this request.

Design Review #1

Staff finds that the proposing vehicle parking lifts have a subtle exterior finish and overall design. The parking lifts cannot be seen from Highland Drive (main right-of-way) and are visually shielded by the surrounding buildings. Since, staff supports waiver of development standards #1, staff can also support this request.

Design Review #2

Staff has no objection to the interior remodel and expanding the existing use within the same building. The use is already established and appropriate for the surrounding area. Staff recommends approval of 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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

- Applicant is advised that 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; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

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

APPLICANT: OMAK ALDABBAGH ENTERPRISE, LP

CONTACT: VICTOR KNIGHT, KWDG ARCHITECTURE, 6585 ESCONDIDO STREET, SUITE D, LAS VEGAS, NV 89119

02/5/20 BCC AGENDA SHEET

DAY CARE
(TITLE 30)

EASTERN AVE/GOLDEN ARROW DR

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ZC-19-0766-TOP EXPRESS INVESTMENTS, LLC:

ZONE CHANGE to reclassify 0.2 acres from R-1 (Single Family Residential) Zone to C-P (Office and Professional) Zone.

USE PERMIT for a day care.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce landscaping; **2)** trash enclosure; **3)** reduce drive aisle width; and **4)** allow non-standard driveway improvements.

DESIGN REVIEW for a day care on 0.4 acres in a C-P (Office and Professional) Zone.

Generally located on the west side of Eastern Avenue, 260 feet south of Golden Arrow Drive within Winchester (description on file). TS/jt/ja (For possible action)

RELATED INFORMATION:

APN:

162-11-811-077; 162-11-811-078

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Eliminate landscaping to a less intense use where landscaping is required per Figure 30.64-11 (a 100% reduction).
- b. Eliminate street landscaping along Eastern Avenue where 15 feet of landscaping is required per Section 30.64.030 (a 100% reduction).
- c. Eliminate parking lot landscaping where landscaping is required per Figure 30.64-14 (100% reduction).
2. Eliminate trash enclosure where a trash enclosure is required per Section 30.56.120 (100% reduction).
3. Reduce drive aisle width to 18 feet where 24 feet is the minimum per Table 30.60-4 (a 25% reduction).
4. a. Maintain existing pan driveways where commercial driveways are required per Uniform Standard Drawing 222.1.
- b. Eliminate throat depth where a minimum depth of 25 feet is required per Uniform Standard Drawing 222.1 (a 100% reduction).

LAND USE PLAN:

WINCHESTER/PARADISE - OFFICE PROFESSIONAL

BACKGROUND:

Project Description

General Summary

- Site Address: 3153 & 3163 S. Eastern Avenue
- Site Acreage: 0.4
- Project Type: Day care
- Number of Stories: 1
- Square Feet: 3,978
- Parking Required/Provided: 10/11

History & Request

This application includes 2 adjacent buildings that are residential conversions. The northern parcel is zoned R-1 and includes an approved use permit for an existing day care facility. The southern parcel is currently zoned C-P and was previously converted to an office use. This application is to reclassify the northern parcel to C-P, re-approve the day care use in the C-P zone on the northern parcel, expand the day care use to the southern parcel, and redesign the driveways to connect both parcels. Several of the waivers of development standards, which were previously approved on the northern parcel in the R-1 zone, are necessary again with this application since, the northern parcel is being reclassified to a C-P zone. Several variances for landscaping, parking, and a trash enclosure were previously approved for the southern parcel and will remain in effect.

Site Plan

The site plan depicts a day care facility that will occupy 2 adjacent residential conversions. The northern parcel includes an existing day care facility in the center of the site. Playgrounds and patios are located on the north and west sides of the building, and 7 parking spaces are located in front of the building. Currently, a circular driveway provides access to the northern parcel; however, the driveway will be extended to the south to connect with the southern parcel.

The southern parcel includes an existing office building (residential conversion) that will be used for the day care facility. Playgrounds and canopies are depicted on the southwest side of the building, and 4 parking spaces are located in front of the building. Similar to the northern parcel, the existing driveway will be extended to connect to the northern parcel. A trash area, which is not consistent with Title 30 standards, is located on the north side of the southern building, between the 2 parcels.

Landscaping

No landscaping is proposed with this application, and no landscaping currently exists on either parcel besides some minor shrubbery adjacent to the front of the southern building. Waivers of development standards were previously approved for the northern parcel with the day care facility in the R-1 zone, and variances were previously approved for landscaping in conjunction with the southern parcel when it was converted to an office use. Although the driveways will be modified, the applicant does not propose to add any parking lot landscaping or street landscaping.

Elevations

Photographs depict 2 existing single story residential conversions with pitched roofs and painted stucco exteriors. A waiver of development standards was previously approved to allow roof mounted mechanical equipment to remain unscreened on the northern parcel; however, the applicant has since installed screening around the mechanical equipment so a waiver of development standards is no longer necessary. The mechanical equipment on the southern parcel is mounted on the side of the property and screened from view.

Floor Plans

The northern building is currently 1,724 square feet, and a garage will be enclosed to add an additional 260 square feet. Rooms within this building include areas for children, an office, kitchen, lunchroom, and restrooms.

The southern building is 1,994 square feet and will include rooms for children, a kitchen, a laundry/storage room, and restrooms.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant indicates that the northern parcel is the last parcel on the block to convert to office zoning, and the property has been used as a day care facility for many years. The expansion of the day care facility to include the parcel to the south will allow the applicant to expand the business and fulfill a demand in the area for quality child care services. The applicant indicates that the day care facility will comply with all State of Nevada requirements, and the hours of operation will be daily from 6:00 a.m. to 10:00 p.m. One large driveway will connect both properties, and the exterior of the buildings will be painted, the parking lot will be re-stripped, and new playground equipment will be installed in the rear of the properties.

Prior Land Use Requests

The following applications are for the northern parcel (162-11-811-077):

Application Number	Request	Action	Date
AR-18-400006 (UC-0258-13)	Third application for review of a day care facility with waivers of development standards	Approved by BCC	March 2018
UC-0258-13 (AR-0097-17)	Second application for review of day care facility with waivers of development standards	Approved by BCC	September 2017
UC-0258-13 (ET-0024-15)	First extension of time to review waivers of conditions to a use permit requiring hours of operation limited to 6:00 a.m. to 6:00 p.m. (monument sign only and waiver of conditions #1 was deleted)	Approved by BCC	May 2015

Prior Land Use Requests

The following applications are for the northern parcel (162-11-811-077):

Application Number	Request	Action	Date
UC-0258-13 (WC-0071-14)	Waived conditions to a use permit requiring hours of operation limited to 6:00 a.m. to 6:00 p.m. and monument sign only	Approved by BCC	August 2014
UC-0258-13 (ET-0070-14)	First extension of time to review a use permit for a day care facility with waivers of development standards	Approved by BCC	August 2014
UC-0258-13	Day care facility with waived development standards for increased wall height, reduced landscaping, trash enclosure, design standards and allow non-standard driveway improvements	Approved by BCC	August 2014

Prior Land Use Requests

The following applications are for the southern parcel (162-11-811-078):

Application Number	Request	Action	Date
UC-325-91 & VC-748-91	Secretarial services business with applications to reduce parking, waived street landscaping, and waived trash enclosure	Approved by PC	November 1991
ZC-168-80	Reclassified the site parcel from R-1 to C-P zoning to convert the residence to an office	Approved by BCC	October 1980

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North & South	Office Professional	C-P	Office uses
East	Commercial General	R-4	Francisco Villas Apartments
West	Residential Suburban (up to 8 du/ac)	R-1	Single family residential

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis

Current Planning

Zone Change

The zone boundary amendment is within the range of non-residential intensities anticipated for the site as indicated by the Office Professional land use designation in the Winchester/Paradise Land Use Plan. All of the adjacent residential properties to the north and south that face Eastern Avenue on this block between Golden Arrow Drive and Sombrero Drive have converted to the Commercial Professional (C-P) zoning designation. Therefore, the subject site is the last parcel

on this block to convert to C-P zoning. As a result, the zone boundary amendment is consistent with the trend in this area for residential conversions to office use, and it is consistent with the Comprehensive Master Plan designation. As a result, staff can support the zone change.

Use Permit

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 Comprehensive 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.

A day care facility has operated on the northern parcel since 2013, and an expansion of the day care use to the southern parcel will increase capacity for an important service in the area. In addition, the use is consistent with goals in the Comprehensive Master Plan. For example, Land Use Goal 8 encourages professional workplace development integrated throughout the community, including conversion of residential uses accessing arterials (such as Eastern Avenue); and Land Use Goal 9, which encourages commercial development integrated in appropriate locations throughout the community. The location of the day care facility is appropriate since, it is accessed from an arterial street, and it is adjacent to other office uses to the north and south. Although existing residential properties are located to the west, staff does not anticipate any negative impacts from the day care use since the business has operated on the northern parcel since 2013. Therefore, staff can support the request.

Waivers 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.

Waivers of Development Standards #1 through #3

Residential conversions to commercial use typically require several waivers of development standards to accommodate a different use on a former residential property. As a result, it may be difficult to accommodate such improvements as landscaping, trash enclosures, and drive aisle width. In addition, some of the waivers of development standards associated with this application were previously approved, albeit in a residential zoning district. Therefore, staff can support the waivers of development standards, which will enable the reclassification of the zoning district on the northern parcel and the expansion of the day care facility on the southern parcel.

Design Review

Both properties will remain mostly the same, except for the proposed combined driveways. By providing cross access between the 2 properties, ingress and egress from the site will be improved and the safety of motorists will increase. This is consistent with Urban Specific Policy 65, which encourages opportunities for cross access with adjoining sites to reduce traffic congestion and hazards. Staff can support the other aspects of the design review including

enclosing a garage on the northern parcel and adding an outdoor play area on the southern parcel. Lastly, the applicant plans to paint the buildings and make other aesthetic improvements. Therefore, staff can support the request.

Public Works - Development Review

Waiver of Development Standards #4

Staff cannot support the requests to allow the existing residential pan driveways to remain. The driveways are narrow, as small as 15 feet or less for the northernmost driveway, and no throat depth is shown. The layout proposed with the current application is different than what was previously approved in 2013 as additional parking spaces are shown adjacent to the northern driveway, which with the narrow width and no throat depth, may create unsafe conditions. Additionally, since the 2 properties are being combined, staff finds that either 1 or both of the driveways on the northern property should be removed to provide the safest flow of traffic. With the southernmost driveway being the widest at nearly 30 feet, it can serve the development adequately. However, the applicant decided to move forward with the plans showing the 3 driveways, and as a result, the potential unsafe conditions mentioned above, staff cannot support this waiver request. Staff finds that if this application is approved any driveways that remain should be replaced with commercial pan driveways in order to provide ADA compliant sidewalks.

Staff Recommendation

Approval of the zone change, use permit, waivers of development standards #1, #2, #3, and the design review; denial of waiver of development standards #4.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

If approved:

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning.
- Applicant is advised that 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; and that the use permit, waivers of development standards and design review must commence within 2 years of approval date or they will expire.

Public Works - Development Review

- Traffic study and compliance;
- Any remaining driveways shall be reconstructed as commercial pan driveways per Uniform Standard Drawing 224.
- Applicant is advised that off-site permits are required for any work within the right-of-way or County easements.

Building Department - Fire Prevention

- No comment.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0584-2019 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: ROCIO TARAMONA

CONTACT: ROCIO TARAMONA, LUCKY KIDS DAYCARE, 3153 S. EASTERN AVENUE, LAS VEGAS, NV 89169

DRAFT