



# Paradise Town Advisory Board

Paradise Community Center

4775 McLeod Drive

Las Vegas, NV. 89121

March 26, 2024

7:00pm

**Note:**

- Items on the agenda may be taken out of order.
- The Board/Council may combine two (2) 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 the Board of County Commissioners' Zoning Commission (BCC) or the 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 a 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, TDD at (702) 385-7486, or Relay Nevada toll-free at (800) 326-6868, TD/TDD.
- Supporting material provided to Board/Council members for this meeting may be requested from Maureen Helm at 702-606-0747.
  - Supporting material is/will also available at the Clark County Department of Administrative Services, 500 S. Grand Central Parkway, 6th Floor, Las Vegas, Nevada 89155.
  - Supporting material is/will be available on the County's website at <https://clarkcountynv.gov/ParadiseTAB>

Board/Council Members: Susan Philipp-Chair  
 Katlyn Cunningham-Vice Chair  
 John Williams  
 Kimberly Swartzlander  
 Angelo Carvalho

Secretary: Maureen Helm, 702-606-0747, mhelmtab@gmail.com  
 Business Address: Clark County Department of Administrative Services, 500 S. Grand Central Parkway, 6th Floor, Las Vegas, Nevada 89155

County Liaison(s): Blanca Vazquez, 702-455-8531, BVA@ClarkCountyNV.gov  
 Business Address: Clark County Department of Administrative Services, 500 S. Grand Central Parkway, 6th Floor, Las Vegas, Nevada 89155

- I. Call to Order, Pledge of Allegiance, Roll Call, and County Staff Introductions
- 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 (3) 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 Chairperson or the Board/Council by majority vote.

- III. Approval of Minutes for March 12, 2024. (For possible action)
- IV. Approval of the Agenda for March 26, 2024 and Hold, Combine, or Delete any Items. (For possible action)
- V. Informational Items (for discussion only)
- VI. Planning and Zoning

1. **SC-24-0065-PARBALL NEWCO, LLC:**  
**STREET NAME CHANGE** to change the name of a private street/drive Ballys Drive to Center Strip Drive. Generally located on the south side of Flamingo Road and the east side of Las Vegas Boulevard South within Paradise. JG/rp/ng (For possible action) **PC 4/16/24**

2. **WS-24-0057-4680 MARYLAND PARKWAY, LLC:**  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) waive Maryland Parkway District Overlay Standards; and 2) parking lot landscaping.  
**DESIGN REVIEW** for a new restaurant building on a 0.5 acre portion of 4.6 acres in conjunction with an existing shopping center in a CG (Commercial General) Zone within the Maryland Parkway Overlay District. Generally located on the east side of Maryland Parkway and the south side of Del Mar Street within Paradise. JG/sd/ng (For possible action) **PC 4/16/24**

- VII. General Business (For possible action)
- VIII. Comments by the General Public- A period devoted to comments by the general public about matters relevant to the Board/Council's jurisdiction will be held. No discussion, action, or vote may be taken on this agenda item. Comments will be limited to three (3) 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 Chairperson or the Board/Council by majority vote.
- IX. Next Meeting Date: April 9, 2024.
- X. Adjournment.

**POSTING LOCATIONS:** This meeting was legally noticed and posted at the following locations:  
Paradise Community Center- 4775 McLeod Dr.  
<https://notice.nv.gov>



# Paradise Town Advisory Board

March 12, 2024

## MINUTES

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Board Members: Susan Philipp-Chair-**PRESENT**  
Katlyn Cunningham- Vice-Chair -**PRESENT**  
John Williams – **PRESENT**  
Kimberly Swartzlander- **PRESENT**  
Angelo Carvalho- **EXCUSED**

Secretary: Maureen Helm 702-606-0747 mhelmtab@gmail.com

Town Liaison: Blanca Vazquez 702-455-8531 bva@clarkcountynv.gov

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I. Call to Order, Pledge of Allegiance, Roll Call(see above), County Staff Introductions

Brady Bernhart; Planning, Alvaro Lozano; Commission Analyst

Meeting was called to order by Chair Philipp, at 7:00 p.m.

II. Public Comment:  
**None**

III. Approval of February 27, 2024 Minutes

**Moved by: Cunningham**  
**Action: Approve as submitted**  
**Vote: 4-0 Unanimous**

Approval of Agenda for March 12, 2024

**Moved by: Williams**  
**Action: Approve with changes**  
**Vote: 4-0 Unanimous**

V. Informational Items (For Discussion only)  
**None**

VI. Planning & Zoning

1. **AR-24-400016 (UC-22-0688)-CENTER FOR SPIRITUAL LIVING:**  
**USE PERMIT FIRST APPLICATION FOR REVIEW** for a place of worship in conjunction with an office complex on a portion of 4.1 acres in a CP (Commercial Professional) Zone. Generally located on the north side of Russell Road and the west side of Gateway Road within Paradise. JG/my/ng (For possible action) PC 4/2/24

**MOVED BY-Williams**  
**APPROVE- Subject to staff conditions**  
**VOTE: 4-0 Unanimous**

2. **AR-24-400019 (DR-22-0582)-CAPSTONE CHRISTIAN ACADEMY:**  
**DESIGN REVIEW SECOND APPLICATION FOR REVIEW** for an addition to an existing school on 2.0 acres in an RS20 (Residential Single Family 20) Zone. Generally located on the west side of Paradise Road and the south side of Serene Avenue within Paradise. MN/jm/ng (For possible action) PC 4/2/24

**MOVED BY-Cunningham**  
**APPROVE- Subject to staff conditions**  
**VOTE: 4-0 Unanimous**

3. **TM-24-500010-COUNTY OF CLARK (AVIATION):**  
**TENTATIVE MAP** for a 1 lot commercial subdivision on a portion of 12.7 acres in a PF (Public Facility) Zone in the AE-60, AE-65, & AE-70 Overlay Districts. Generally located on the south side of Reno Avenue, 280 feet east of Haven Street within Paradise. JG/dd/ng (For possible action) PC 4/2/24

**MOVED BY-Williams**  
**APPROVE- Subject to staff conditions**  
**VOTE: 4-0 Unanimous**

4. **UC-23-0867-PHALEN, MONIQUE C.:**  
**USE PERMIT** for architectural compatibility.  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) increase wall height; and 2) reduce setbacks for an existing accessory structure in conjunction with a single family residence on 0.2 acres in an R-1 (Single Family Residential) Zone. Generally located on the north side of Ottawa Drive and the east side of Spencer Street within Paradise. TS/jm/ng (For possible action) PC 4/2/24

**MOVED BY-Philipp**  
**DENY**  
**VOTE: 4-0 Unanimous**

5. **WS-23-0920-PF 4090, LLC:**  
**HOLDOVER WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) wall height; 2) alternative landscaping; 3) loading spaces; 4) gate access; and 5) reduce height setback.  
**DESIGN REVIEW** for a mini-warehouse on 1.5 acres in a C-2 (Commercial General) Zone. Generally located on the north side of Flamingo Road and the east side of Eastern Avenue within Paradise. TS/bb/ng (For possible action) PC 4/2/24

**Held per applicant. No return date given**

6. **WS-24-0026-VELAZQUEZ, RODOLFO & PEREZ, ARELYS ARJONA:**  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following 1) reduced setbacks; and 2) exterior colors.  
**DESIGN REVIEWS** for the following 1) an attached addition; and 2) an accessory structure in conjunction with a single family residence on 0.2 acres in a RS5.2 (Single Family Residential 5.2) Zone. Generally located on the north side of Desmond Avenue, 120 feet west of Skyland Drive within Paradise. JG/tpd/ng (For possible action) PC 4/2/24

**MOVED BY-Cunningham**

**APPROVE- Waiver #2 Subject to IF approved staff conditions**

**APPROVE- Design Review #2 Subject to IF approved staff conditions**

**DENY- Waiver #1**

**DENY- Design Review #1**

**VOTE: 4-0 Unanimous**

7. **WS-24-0040-CHURCH ROMAN CATHOLIC LAS VEGAS:**  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) increase decorative fence and wall height; 2) street landscaping; 3) reduce access gate setback; 4) finished grade; and 5) buffering and screening standards.  
**DESIGN REVIEWS** for the following: 1) modular classroom building; and 2) site improvements and modifications in conjunction with an existing place of worship and school on 13.1 acres in an RS5.2 (Residential Single Family 5.2) Zone. Generally located on the east side of Eastern Avenue and the south side of Flamingo Road within Paradise. TS/md/ng (For possible action) PC 4/2/24

**MOVED BY-Philipp**

**APPROVE- Subject to IF approved staff conditions**

**VOTE: 4-0 Unanimous**

8. **UC-23-0801-RK VEGAS CIRCLE, LLC:**  
**HOLDOVER USE PERMITS** for the following: 1) place of worship; 2) on-premises consumption of alcohol (service bars, supper clubs, and tavern) with outside dining and drinking; 3) allow outside dining and drinking in conjunction with a tavern; 4) alcohol sales (beer and wine - packaged only); 5) alcohol sales (liquor - packaged only); 6) restaurants with outside dining and drinking; 7) day spa; 8) banquet facility with outside uses; 9) retail sales and service; and 10) convention facilities/exposition halls.  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) increased building height; 2) permit encroachment into airspace; 3) reduced setbacks; 4) reduced parking; 5) reduced loading spaces; 6) allow alternative street landscaping; 7) allow modified street standards; 8) allow modified driveway design standards; and 9) allow non-standard improvements within the right-of-way.  
**DESIGN REVIEWS** for the following: 1) hotel; 2) place of worship; 3) day spa; 4) retail sales and service; 5) restaurants and tavern with outside dining and drinking; 6) on-premises consumption of alcohol (service bars, supper clubs, and tavern); 7) convention facilities/exposition halls; 8) parking garage with subterranean levels; and 9) outdoor deck with pool area on 0.6 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located on the south side of Black Canyon Avenue and the west side of Vegas Plaza Drive within Paradise. TS/md/syp (For possible action) BCC 4/3/24

**Held per applicant. Return to the May 14, 2024 Paradise TAB meeting**

- VI. General Business (for possible action)
- VII. Public Comment  
**None**
- VIII. Next Meeting Date  
**The next regular meeting will be March 26, 2024**
- IX. Adjournment  
**The meeting was adjourned at 8:05 p.m.**

DRAFT

04/16/24 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**SC-24-0065-PARBALL NEWCO, LLC:**

**STREET NAME CHANGE** to change the name of a private street/drive Ballys Drive to Center Strip Drive.

Generally located on the south side of Flamingo Road and the east side of Las Vegas Boulevard South within Paradise. JG/rp/ng (For possible action)

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RELATED INFORMATION:

**APN:**

162-21-111-001

**LAND USE PLAN:**

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: 3645 Las Vegas Boulevard South
- Project Type: Street name change

Applicant's Justification

The applicant states the request to change the street name to Center Strip Drive is to match the redesign and name change of the hotel on-site.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-23-0907	Eliminated projecting sign height above grade, increased the number of projecting signs, and other deviations in conjunction with a resort hotel (Horseshoe)	Approved by BCC	February 2024
WS-23-0218	Reduced setbacks for fencing around an accessory retail building (Ole Red)	Approved by PC	June 2023
UC-23-0190	Deviations and sign package for Ole Red and Bottle Blonde and signage in Grand Bazaar Shops	Approved by BCC	June 2023
UC-23-0173	Three story "Game of Thrones" recreational facility with motion rides and themed rooms	Approved by BCC	June 2023



**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-23-0057	Deviations and modifications to the Horseshoe Resort Hotel	Approved by BCC	April 2023
UC-22-0638	Deviations for signs, increased number of directional signs, increased directional signage, and design review for a comprehensive sign package	Approved by BCC	January 2023
DR-22-0177	Freestanding sign in conjunction with a resort hotel (Horseshoe Hotel)	Approved by BCC	May 2022
ADR-22-900058	Remodeled with modifications to the interior and exterior of existing buildings within a shopping center (Grand Bazaar) in conjunction with a resort hotel (Bally's)	Approved by ZA	February 2022
TM-20-500099	1 lot commercial subdivision	Approved by PC	August 2020
UC-18-0263	Modification to the interior and exterior of an existing building within a shopping center (Bally's Bazaar)	Approved by BCC	January 2018
DR-1035-17	Exterior and interior remodel of an existing building	Approved by BCC	January 2018
UC-0303-16	Signage in conjunction with the Grand Bazaar	Approved by BCC	June 2016
DR-0188-16	Modifications to an approved comprehensive sign package with an increased wall sign area	Approved by BCC	May 2016
UC-0854-14	Grocery store with a design review for signage	Approved by BCC	December 2014
UC-0847-13	Modifications to a comprehensive sign package	Approved by BCC	March 2014
UC-0227-12	Comprehensive sign and lighting plan with modifications to an approved shopping center (Bally's Bazaar)	Approved by BCC	July 2012
UC-0037-12	Outdoor shopping center (Grand Bazaar Shops)	Approved by PC	March 2012
DR-0077-11	Modifications to an approved sign package and reduced the separation between monument signs	Approved by BCC	May 2011
UC-0305-10	Sign package for Bally's and Paris Resort Hotels	Approved by BCC	August 2010
UC-1384-03 (ET-0283-09)	Second extension of time to allow permanent banners	Approved by PC	December 2009
UC-1384-03	Allowed permanent banners	Approved by PC	October 2003
UC-0855-00	Three sided on/off-premises freestanding sign with deviations to required setbacks	Approved by PC	July 2000

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Entertainment Mixed-Use	CR	Flamingo Resort Hotel
South	Entertainment Mixed-Use	CR	Paris Las Vegas Resort Hotel & parking lot
East	Entertainment Mixed-Use	CR	Battle Bots Arena & parking lot
West	Entertainment Mixed-Use	CR	Bellagio Resort Hotel

**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**

The Las Vegas Fire Communications Center has recommended approval of the street name change to Center Strip Drive. For this reason, staff can recommend approval of the proposed street name change.

**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**

- Subject to Center Strip Drive.
- 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.

**Clark County Water Reclamation District (CCWRD)**

- No comment.

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

**APPLICANT:** KIMLEY-HORN

**CONTACT:** KIMLEY-HORN, 6671 LAS VEGAS BOULEVARD SOUTH, SUITE 320, LAS VEGAS, NV 89119

**DRAFT**

**PUBLIC HEARING**

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

**WS-24-0057-4680 MARYLAND PARKWAY, LLC:**

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) waive Maryland Parkway District Overlay Standards; and 2) parking lot landscaping.

**DESIGN REVIEW** for a new restaurant building on a 0.5 acre portion of 4.6 acres in conjunction with an existing shopping center in a CG (Commercial General) Zone within the Maryland Parkway Overlay District.

Generally located on the east side of Maryland Parkway and the south side of Del Mar Street within Paradise. JG/sd/ng (For possible action)

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**RELATED INFORMATION:**

**APN:**

162-23-313-001 through 162-23-313-004

**WAIVERS OF DEVELOPMENT STANDARDS:**

1.
  - a. Allow the façade fronting a right-of-way to have no windows where at least 20 windows are required per Chapter 30.02.26.E.
  - b. Allow no glass on the ground floor of street facing façade where at least 70% transparent glass is required.
  - c. Allow 11% transparent glass windows on the ground floor of facades not facing streets where 35% is the minimum required per Chapter 30.02.26.E (a 69% reduction).
  - d. Allow for a restaurant entrance to not face the adjacent right-of-way where required per Chapter 30.02.26.E.
  - e. Allow a drive-thru to be located between a street (Maryland Parkway) and front building facades where not permissible per Chapter 30.02.26.E.
  - f. Reduce the pedestrian enhancement width to 15 feet where 20 feet is required per Section 30.04.05.H and Table 30.04-9 (a 25% reduction).
  - g. Allow public space facing façade with no architectural features where required per Chapter 30.02.26.
2. Reduce the width of parking lot landscape width to 5 feet where 8 feet is required per Chapter 30.04.01 (a 38% reduction).

**LAND USE PLAN:**

**WINCHESTER/PARADISE - CORRIDOR MIXED-USE**

## **BACKGROUND:**

### **Project Description**

#### General Summary

- Site Address: 4626 S. Maryland Parkway
- Site Acreage: 0.5 (pad site)/4.6 (shopping center)
- Project Type: Restaurant
- Number of Stories: 1
- Building Height (feet): 22
- Square Feet: 3,138
- Open Space Required/Provided: 500/995
- Parking Required/Provided: 164/223
- Sustainability Points Required/Provided: 7/7

#### Site Plans

The plans depict a new restaurant within an existing shopping center located along Maryland Parkway and Del Mar Street. The existing shopping center is approximately 57,198 square feet consisting of other retail and restaurant uses. The proposed new restaurant building is located within a larger existing shopping center with an in-line commercial building on the east side of the overall complex with parking to the west of the building. Access to the shopping center is from 3 driveways from Maryland Parkway and 2 driveways on Del Mar Street.

The applicant will demolish the existing building and construct a new restaurant with drive-thru lanes located on the west side of the shopping center. The new restaurant will increase the overall square footage of the shopping center from the current 57,198 square feet to 60,336 square feet. With the increase in square footage required on-site parking will still be in compliance with the Code. A total of 223 parking spaces are provided where 164 parking spaces is required. The new restaurant building will meet several aspects of the Code under the Maryland Parkway Overlay District, including setbacks, providing for 995 square feet of open space where 500 square feet is required, architectural facades and canopies and enhanced sidewalks with decorative pavers and concrete. However, the applicant is applying for several waiver of development standards to the Maryland Parkway Overlay District standards.

#### Landscaping

The plans depict landscaping along the north property line for screening the proposed drive-thru lane and along the southern drive aisle where drive-thru traffic will exit. Landscaping is shown in other portions of the proposed site and include planting and trees from the Southern Nevada Water Authority plant list with medium trees spaced at 30 feet on center along the landscape strip between the drive-thru lane and the on-site parking spaces to the south and between the drive-thru lane and the existing ingress/egress driveway from Maryland Parkway. The plan also depicts large trees spaced at 20 feet on center along Maryland Parkway behind a proposed bus stop. The plans also depict an amenity zone that includes a 10 foot wide pedestrian circulation path with color enhanced paving, sidewalk, and landscaping.

#### Elevations

The plans depict a new restaurant building with 4 sided architecture façade, including horizontal articulation features. The height will be 22 feet to the top of the parapet wall that will screen

utility equipment. The exterior includes stucco exterior, decorative brick, decorative wood siding, decorative metal shades and solar ban glazing storefront window. The plans depict the building not facing towards the right-of-way and instead facing north and east.

Floor Plans

The plans depict a restaurant floor plan with dining area, order counter, kitchen and preparation area, cooler and freezer, restrooms and drive-thru window.

Applicant’s Justification

The applicant states that the site configuration and existing conditions cannot meet several of the Maryland Parkway Overlay District standards. These standards include building entrance location, drive-thru location, reduction of the amenity zone width along Maryland Parkway, building transparency and reduction in parking lot landscaping strip width. The site is located within the Midtown Maryland Parkway District. As such, the site is required to meet the Midtown Maryland Parkway District standards. Based on site configuration and existing conditions, unfortunately, the applicant cannot meet all the Midtown Maryland Parkway District standards and, therefore, is requesting the waivers.

Due to the limited size of the site and design constraints, the proposed new restaurant building will need waivers to accommodate the development. These waivers include the building entrance not facing towards the public right-of-way and entrances located on the north and east elevations. To accommodate the drive-thru, the drive-thru must run in a counterclockwise manner, which requires a portion of the drive-thru to be between the building and Maryland Parkway while the amenity pedestrian zone width will be reduced to 15 feet where 20 feet is required due in part to a planned bus turn-out along Maryland Parkway. Another waiver is for building transparency where the applicant will provide transparent glass on the ground floor; however, not the required 35% with 11% for the building façade. The waiver for parking lot landscaping width strip to 5 feet where 8 feet is required is requested to accommodate the parking and has provided for an alternative parking lot landscaping with more trees than is required by Code.

A design review for increased grade is not required, as the site will not exceed the 36 inch maximum grade increase. Additionally, signage is not part of this application.

**Prior Land Use Requests**

Application Number	Request	Action	Date
UC-22-0031	Reduced the separation of a supper club from a residential use within an existing shopping center	Approved by PC	March 2022
WS-0977-08	Waiver to reduce parking and design review for exterior changes to an existing restaurant	Approved by PC	November 2008
UC-1067-97	Outside dining for a restaurant within an existing shopping center	Approved by PC	July 1997

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Corridor Mixed-Use & Compact Neighborhood (up to 18 du/ac)	CG & RM32 (AE-60) (MPO)	Shopping center/retail & multiple family residential
South	Corridor Mixed-Use & Compact Neighborhood (up to 18 du/ac)	CC & RM18	UNLV gateway parking garage & multiple family residential
East	Compact Neighborhood (up to 18 du/ac)	RM-18	Multiple family residential
West	Public Use	PF & CG (AE-60) (MPO)	UNLV & restaurant

**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**

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.

Waivers of Development Standards #1 & #2

Staff cannot support the proposed waivers of development standards as requested by the applicant. Staff analysis of the plans and the overall shopping center has shown that there is adequate room on-site to provide for the design standards of the Maryland Parkway Overlay District. The applicant is demolishing the existing building and building a new restaurant with a new drive-thru. The applicant can redesign and reconfigure the proposed building to meet these standards as the project represents a new development. The requested waivers of development standards by the applicant represents a self-imposed hardship; therefore, staff cannot support these requests.

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 proposed new restaurant building incorporates design elements, including horizontal architectural articulation features on all 4 sides of the building. However, in reviewing the plan elevations the applicant has not provided for vertical articulation and building entrance requirements. The applicant has provided for required sustainability with a point system of 7, which is now the standard for non-residential developments. In addition, although the applicant is providing for an alternative parking lot landscaping in relation to the above waiver of development standards and does not meet the Code, the applicant is providing for more trees than what is required. However, since staff is recommending denial for all the proposed waivers of development standards staff feels this proposed design and associated waivers are a self-imposed hardship and that the applicant could redesign the project to meet aspects of the Code or mitigate any potential impacts from the requested waivers, therefore, staff cannot support this request.

**Staff Recommendation**

Denial.

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:

- 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;
- Certificate of Occupancy and/or business license shall not be issued without approval of an application for a zoning inspection.
- Applicant is advised that a future land use application will be required to review the art plan in conformance with Title 30 Section 30.02.26; 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**

- Traffic study and compliance;
- 30 days to coordinate with Regional Transportation Commission (RTC) and to dedicate any necessary right-of-way and easements for the Maryland BRT project.

**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



#0094-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

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

**APPLICANT:** KINGSBARN REALTY CAPITAL  
**CONTACT:** KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DRIVE, SUITE 650, LAS VEGAS, NV 89135

DRAFT

LAS VEGAS OFFICE  
1980 Festival Plaza Drive, Suite 650  
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KAEMPFER

CROWELL

ANTHONY J. CELESTE  
[aceleste@kcnvlaw.com](mailto:aceleste@kcnvlaw.com)  
D: 702.693.4215

February 13, 2024

**VIA UPLOAD**

CLARK COUNTY COMPREHENSIVE PLANNING  
500 S. Grand Central Parkway, 1<sup>st</sup> Floor  
Las Vegas, NV 89106

**Re: *Kingsbarn Realty Capital  
Justification Letter – Design Review and Waivers of Development Standards to the  
Midtown Maryland Parkway District  
APN: 162-23-313-003***

To Whom It May Concern:

Please be advised our office represents Kingsbarn Realty Capital (the “Applicant”) in the above-referenced matter. The Applicant is proposing to develop a new Bojangle’s restaurant on property located on the east side of Maryland Parkway where University Road terminates, more particularly described as APN: 162-23-313-003 (the “Site”). The Site is approximately 0.46 acres. The proposed Bojangle’s will replace the existing bookstore/retail building on Site. The Site is zoned CG and located within the Midtown Maryland Parkway Overlay. Along with the design review for the Bojangle’s, the Applicant is requesting waivers related to the design standards associated with the Midtown Maryland Parkway Overlay (the “Midtown Overlay”).

**Design Review**

The proposed Bojangle’s Site is part of a larger commercial shopping center (APNs: 162-23-313-001, 002, 003, and 004) with several access points as well as two shared access driveways along Maryland Parkway one north of the Site and one south of the Site. The Applicant is not making any modifications to the existing driveways including design and throat depths. The proposed square footage of the Bojangle’s is 3,138 square feet with a building height of less than 21-feet. The drive-through will wrap around the building on three sides in a counterclockwise direction from the north elevation to the west elevation to south elevation.

The Site complies with parking. The existing commercial shopping center is approximately 57,198 square feet consisting of the following buildings and square footages:

- Café Rio – 5,878 SF
- Building 1 – 32,200 SF

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- Building 2 – 13,120 SF
- North Building – 6,000 SF

With the addition of the Bojangle's building of square footage of 3,138 square feet, the total shopping center square footage will increase to 60,336 square feet. Pursuant to the commercial shopping center parking requirements the total number of required parking is 164 parking spaces (1 space/350 SF up to 50,000 SF = 142.85 parking spaces and 1 space/500 SF over 50,000 = 20.672 parking spaces). Here, including the Site's parking, the total amount of parking for the shopping center is 223 parking spaces. Therefore, the Site complies with the parking requirement.

The Applicant is complying with the following design criteria:

- Meets the required setbacks on all sides.
- The Applicant is requesting to defer the art plan, however, the Applicant will conform to the art standard as required by the Midtown Overlay. The art work will be located at the northwest corner of the Site in between the main entrance to the commercial center and the drive through lane.
- The façades will provide architectural canopies.
- The Site is providing pedestrian marked walkways as well as pedestrian connectivity to the adjacent parcels within the commercial shopping center. The pedestrian circulation plan shows a minimum of 10-foot wide path from Maryland Parkway along the north side of the building connecting to the front entrance of the building's east elevation.
- Since the Site is less than 1 acre, a minimum of 500 SF of open space is required. Here, the Site exceeds the open space amount by providing 995 SF as well as providing a minimum lineal 20-foot dimension.
- The buildings glazing is clear insulated glass.
- The Site will provide enhanced sidewalk areas to include pavers and decorative exposed concrete within the amenity zone.

#### **Sustainability Factors**

The Site design meets the 7-point sustainability and as outlined below exceeds the sustainability requirements by providing the following:

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- Landscaping
  - Title 30.04.05(J)(3)(i) – The Applicant is providing 18 trees where 8 are required which is greater than 10% than required. As such, this equals 1 point.
  - Title 30.04.05(J)(3)(ii) – The plants provided are all categorized under the Very Low or Low water needs. As such, this equals 1 point.
  - Title 30.04.05(J)(3)(vi) – The Applicant is placing trees on the south and west elevations. As such, this equals 0.5 points.
  
- Building/Site Design
  - Title 30.04.05(J)(4) – The building will have a cool roof made of solar reflective material. As such, this equals 1 point.
  - Title 30.04.05(J)(4)(ii)(a) – The building orientation is east-west. As such, this equals 1 point.
  - Title 30.04.05(J)(4)(ii)(b(2)) – The building will provide shade structures:
    - A minimum of 50% of the entries and windows will be covered. As such, this equals 1 point.
    - Additionally, another 25% of the entries and windows will be covered. As such, this equals 1 point.
  - Title 30.04.05(J)(c)(4) – The floor to ceiling height is 11-feet. As such, this equals 0.5 points.
  - Title 30.04.05(J)(c)(5) – The building will have solar ban glazing. As such, this equals 0.5 points.
  - Title 30.04.05(J)(c)(6) – Shading devices are at the building entrances. As such, this equals 0.5 points.

### Waivers to the Midtown Maryland Overlay

The Site is located within the Midtown Maryland Overlay. As such, the Site is required to meet the Midtown Overlay. Based on Site configuration and existing conditions, unfortunately, the Applicant cannot meet all the Midtown Overlay and, therefore, is requesting the following waivers:

- No Windows Facing ROW – Title 30.02.26(E)(3)(iv)(b)(1)

There are no windows facing Maryland Parkway. Due to the limited size of the Site and

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design constraints, the back of the house is primarily on the west portion of the building to allow for the drive through configuration work. The building and Site design is driven by functionality of the restaurant use.

- **Building Entrance Location – Title 30.02.26(E)(3)(iv)(a)(1)**

Due to the narrowness of the Site, the building entrance cannot face towards the public right-of-way. Rather, the building entrances will be located on the north and east elevations.

- **Allow Drive Aisle/Drive-Through Between the Street and the Building – Title 30.02.26(E)(3)(d)(1)**

As indicated above, due to the narrowness of the Site, the building entrance cannot face towards the public right-of-way. Rather, the building entrances will be located on the north and east elevations. In order to accommodate the drive-through, the drive-through must run in a counterclockwise manner, which requires a portion of the drive-thru to be between the building and Maryland Parkway.

- **Reduce Amenity Zone Width for Some Portions Along Maryland Parkway – Title 30.02.26(E)(3)(ii)(a) & 30.04.05(H)(3)**

With the Site along Maryland Parkway, an arterial street, a 10-foot wide amenity zone is required between the back of the sidewalk and the building. The Site is providing a minimum of a 10-foot wide amenity zone along the northern and southern portions of the Site. However, the amenity zone is reduced to less than 5-feet in areas adjacent to the RTC turn out in the Site. Therefore, a waiver is required to reduce this portion of the amenity zone.

- **Building Transparency – Title 30.02.26(E)(3)(iv)(b)(3)**

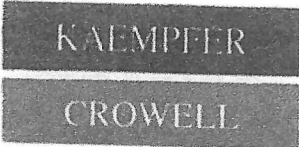
The building will provide transparent glass on the ground floor, however, not the required 35%. The building façade is 4,424 square feet with 483 square feet transparent glazed glass or approximately 11%.

- **Reduce Parking Lot Landscaping Strip Width**

The Site is providing the required amount of landscaping. In fact, the Site will provide 18 trees where only 8 trees are required or a 125% increase. Rather, the waiver is to reduce width of the parking lot landscape width to 6-feet where 8-feet is required. The slight reduction in parking lot landscape width is to accommodate the parking field to match with the configuration of the building.

**Design Review: Not to Orient Main Entrance towards ROW (30.04.05(G)(3)(i))**

Similar to the waiver under the Maryland Parkway Overlay, due to the narrowness of the



Site, the building entrance cannot face towards the public right-of-way. Rather, the building entrances will be located on the north and east elevations.

No design review is required for grade, as the Site will not exceed the 36-inch maximum grade increase. Additionally, signage is not part of this application.

We thank you in advance for your time and consideration of this matter. Should you have any questions or concerns, please feel free to contact me.

Sincerely,

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Anthony J. Celeste

AJC/jmd

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