

SHOPPING CENTER
(TITLE 30)

HARMON AVE/LAS VEGAS BLVD S

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-21-0382-CITYCENTER HARMON HOTEL HOLDINGS:

USE PERMITS for a shopping center including the following: **1)** alcohol, on-premises consumption; **2)** alcohol sales beer and wine - packaged only; **3)** alcohol sales, liquor - packaged only; **4)** antiques; **5)** arcade; **6)** art gallery; **7)** billiard hall; **8)** club; **9)** convenience store; **10)** electronic equipment sales; **11)** food cart/booth; **12)** grocery store; **13)** jewelry making - excluding smelting of metal; **14)** jewelry repair; **15)** kiosk/informational (outdoor); **16)** live entertainment; **17)** movie theater; **18)** offices; **19)** outside dining, drinking and cooking; **20)** pharmacy; **21)** photographic studio; **22)** recording studio; **23)** restaurant; **24)** retail sales and service; **25)** shoe repair; **26)** sporting goods; **27)** watch/small clock repair; **28)** banquet facilities; and **29)** all deviations as shown per plans on file.

DEVIATIONS for the following: **1)** alternative landscaping and screening requirements; **2)** permit uses outdoors where required to be in an enclosed building; **3)** allow primary access for a shopping center and accessory retail structures for the exterior of a resort hotel; **4)** increase building height; and **5)** all other deviations as shown per plans on file.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** to reduce setbacks; and **2)** reduce parking.

DESIGN REVIEW for a shopping center in conjunction with the CityCenter Resort Hotel on a portion of 61.4 acres in an H-1 (Limited Resort and Apartment) Zone.

Generally located on the southwest corner of Las Vegas Boulevard South and Harmon Avenue within Paradise. JG/al/jo (For possible action)

RELATED INFORMATION:

APN:

162-20-711-008 ptn; 162-20-711-013 through 162-20-711-014

DEVIATIONS:

1. Permit alternative landscaping adjacent to Harmon Avenue where landscaping is required per Table 30.64-2 and Figure 30.64-17.
2.
 - a. Permit food carts/booths to be outdoors where required to be within an enclosed building.
 - b. Permit retail sales outdoors where required to be conducted within an enclosed building.
3. Allow primary access for a shopping center and accessory retail structures in conjunction with a resort hotel (CityCenter Resort Hotel) for the exterior of the resort hotel where access is required through the interior of the resort hotel per Table 30.44-1.

4. Increase building height to 127 feet where 100 feet is the standard per Table 30.40-7 (a 27% increase).
5. All other deviations as shown per plans on file.

WAIVERS OF DEVELOPMENT STANDARDS:

1.
 - a. Reduce the side street (corner) setback to a shopping center to 3 feet where a minimum of 10 feet is required per Table 30.40-7 (a 70% reduction).
 - b. Reduce the setback to a right-of-way (Harmon Avenue) to a minimum of 3 feet where a minimum of 10 feet is required per Section 30.56.040 (a 70% reduction).
2. Reduce parking for a shopping center to 400 spaces where a minimum of 777 spaces are required per Table 30.60-1 (a 48.5% reduction).

LAND USE PLAN:

WINCHESTER/PARADISE - COMMERCIAL TOURIST

BACKGROUND:

Project Description

General Summary

- Site Address: 3414 & 3716 Las Vegas Boulevard South
- Site Acreage: 61.4 (portion)
- Project Type: Shopping center in conjunction with CityCenter Resort Hotel
- Number of Stories: 4
- Building Height (feet): 127
- Square Feet: 228,278
- Parking Required/Provided: 777/400

Site Plan

The site is located at the southwest corner of the intersections of Las Vegas Boulevard South and Harmon Avenue. This site is located within the boundary of the CityCenter Resort Hotel facility and is considered a part of that project. The site is made-up of 3 parcels that have a total area of approximately 61.4 acres that includes areas within the CityCenter Resort Hotel facility that are beyond the scope of the proposed shopping center. The site of the shopping center itself has an area of approximately 2.3 acres located on the northeast corner of the CityCenter Resort Hotel facility. The building for the shopping center is located on the eastern portion of the 2.3 acres. Parking for the shopping center is provided by an existing underground parking garage. Access to this parking garage is provided by an existing driveway from Harmon Avenue located on the western portion of the proposed shopping center site. The plans depict loading areas, drop-off and pick-up areas and access to the parking garage located to the west of the shopping center building, pedestrian access is provided to this site from the abutting developments to the north, south, and west by existing sidewalks/pedestrians access easements at grade level and by an existing pedestrian bridge and access easement on the second level. The proposed setback reductions are for a pedestrian access on the second level of the building along the northern portion of the building from Harmon Avenue.

Landscaping

There are existing landscape areas adjacent to this site along Las Vegas Boulevard South and the plans indicate 1 tree will be removed from this landscape area at the intersection of Harmon Avenue and Las Vegas Boulevard South to improve visibility. No other changes are proposed or required to the landscape area along Las Vegas Boulevard South. The plan depicts landscape islands adjacent to the driveway from Harmon Avenue, next to the ramps that provide ingress and egress to the parking garage and along portions of the west side of the building. These landscape areas will consist of combinations of trees, shrubs, and groundcover.

Elevations

The building is 4 stories with a maximum height of 127 feet. The roofline of the fourth story is at a height of 81 feet. The remaining 46 feet of the building is a parapet wall that will be used for a LED sign that is not part of this request. The building has flat roofs behind parapet walls. The exterior of the building consists of insulated glass windows, aluminum curtain wall window systems, decorative metal panels, stone tile, and concrete in colors and patterns to match adjacent developments.

Floor Plans

The shopping center has a total area of 228,278 square feet, which will consist of 162,200 square feet of public areas and 66,078 square feet of nonpublic areas. The shopping center consists of 4 levels above grade and basement levels. The basement levels will consist of loading spaces, service areas for trash disposal, a parking garage and storage areas for the shopping center. The plans show the 4 levels above grade will be divided into 21 leasable spaces that will be between 260 square feet to 27,560 square feet in area that will be used for a variety of dining, shopping, and other commercial/retail uses. Level 4 will also have 7,460 square feet of outdoor terrace area that will be used for outside dining and drinking areas.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant indicates that the proposed development is appropriate for the area and is compatible with existing uses along the Resort Corridor. The project will enhance the aesthetics of the general area and site and contribute to the existing synergy of this portion of the Resort Corridor. The proposed parking reduction is for this shopping center only and additional parking for this shopping center can be provided by other parking facilities within the CityCenter Resort Hotel facility. Additionally, based on a traffic analysis submitted for this project, 52% of the trips to this site will be by an alternative mode of transportation other than private or for hire vehicles. Therefore, the proposed parking reduction will not have an adverse effect on the adjacent developments. The proposed height of the building is consistent and compatible with other developments in the area. The setback reduction is for pedestrian access on the second level of the building along the north side of the building. This will provide access to the shopping center from the existing pedestrian access bridge and access easement along the east side of the site which ties the project site in with the abutting development to the north and south of this site.

Prior Land Use Requests

Application Number	Request	Action	Date
DR-20-0136	Building modifications including changes to the entrance of an existing lease space in conjunction with a resort hotel (CityCenter)	Approved by ZA	March 2020
UC-0749-13	Recreational facility (T-Mobile Arena), fairgrounds, retail sales, restaurants, on-premises consumption of alcohol, accessory commercial uses, and parking reduction that combined parking for CityCenter, New York-New York, Monte Carlo, and the T-Mobile Arena	Approved by BCC	January 2014
UC-0364-09	Reduced parking for Project CityCenter and the Monte Carlo Resort Hotel	Approved by BCC	July 2009
UC-0341-09	Reduced setbacks from right-of-way to outside dining area	Approved by BCC	June 2009
UC-0712-08	Comprehensive sign plan	Approved by BCC	August 2008
DR-0711-08	Landscaping additions (public art)	Approved by BCC	August 2008
UC-0669-07	Increased height of a high-rise tower in conjunction with a resort hotel	Approved by BCC	July 2007
UC-0281-07	Increased height of 4 high-rise towers in conjunction with a resort hotel	Approved by BCC	April 2007
DR-0290-07	Modified the retail portion of an approved resort hotel	Approved by BCC	April 2007
WS-0007-07	Allowed a pedestrian grade system at the intersection of Las Vegas Boulevard South and Harmon Avenue	Approved by BCC	February 2007
DR-1436-06	Landscaping	Approved by BCC	November 2006
UC-1336-06	Modified an approved resort hotel, waiver to non-standard improvements in a right-of-way and landscaping	Approved by BCC	November 2006
UC-0712-06	Modified an approved resort hotel	Approved by BCC	June 2006
UC-0711-06	Modified an approved resort hotel	Approved by BCC	June 2006
UC-0013-06	Resort hotel	Approved by BCC	March 2006

There are several other land use applications that have included this site; however, the application listed above is the most directly related to the current request.

Surrounding Land Use

	Planned land Use Category	Zoning District	Existing Land Use
North	Commercial Tourist	H-1	Cosmopolitan Resort Hotel
South & West	Commercial Tourist	H-1	Project CityCenter
East	Commercial Tourist	H-1	Harmon Corner shopping center

STANDARDS FOR APPROVAL:

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

Analysis

Current Planning

Use Permits & Deviations

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.

This site is located within the Resort Corridor which is a high intensity economic center that is tourist oriented and caters to pedestrians both in circulation and scale of development. The proposed shopping center is consistent and compatible with the existing facilities for CityCenter. The use is also compatible with the existing developments abutting this site. The request complies with Urban Specific Policy 7 of the Comprehensive Master Plan which encourages land uses that are complementary and of similar scale and intensity to provide appropriate connective and not be segregate. The design also complies with Urban Specific Policy 10 of the Comprehensive Master Plan to encourage site design that are compatible with adjacent land uses. This project is being developed in conjunction with Project CityCenter, a resort hotel facility. Similar deviations have been approved in conjunction with other resort hotels and associated uses with resort hotels within the Resort Corridor. Therefore, staff can support the requested use permits and deviations.

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 & #1b

The proposed setback reductions are for a pedestrian access on the second level of the shopping center from Harmon Avenue. The reduction to 3 feet is only for a portion of the pedestrian access, the majority of this pedestrian access will be approximately 6 feet from the street.

Additionally, this pedestrian access is not at grade level but is approximately 20 feet above grade. Therefore, staff does not object to this waiver.

Waiver of Development Standards #2

Typically, staff would find a request to reduce parking by 48.5% to be excessive. However, a traffic analysis submitted by the applicant indicates that 52% of the trips to this site will be by an alternative mode of transportation other than private or for hire vehicles. Many patrons of this shopping center will be tourists who will walk to this site from the abutting developments or seek some other mode of transportation other than a private vehicle. Additionally, as part of CityCenter, there are other parking facilities that can be utilized within CityCenter to provide additional parking if needed. Employees of the shopping center, for example will use a parking garage used by employees of the CityCenter facility, which will free up spaces on-site for the customers of the shopping center who do drive to the facility. Therefore, staff can support the requested parking reduction.

Design Review

The design of the proposed shopping center will result in improvement to the CityCenter site that are functionally and visually integrated both internally as well and with abutting developments. The proposed building complies with Urban Specific Policy 10 of the Comprehensive Master Plan, which encourages site designs to be compatible with adjacent land uses and staff supports the design review. However, staff is concerned that if construction is halted or the project is abandoned this would create a safety hazard and visual impact, and have an adverse impact on this portion of the Resort Corridor. Therefore, staff would recommend that a performance agreement with a Decommissioning Plan be required for this project.

Department of Aviation

The development will penetrate the 100:1 notification airspace surface for McCarran International Airport. Therefore, as required by 14 CFR Part 77, and Section 30.48.120 of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

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

- Prior to the issuance of building, enter into a Performance Agreement with Clark County which includes a Decommissioning Plan specifying the actions to be taken by the Developer or County in the event construction of the project is stopped or abandoned;

- Bond or other form of financial security, acceptable to Clark County, shall be provided with the Performance Agreement as security of the full and complete fulfillment of the decommissioning actions identified in the Decommissioning Plan;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that this project is subject to the requirements of the Development Agreement for CityCenter; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; 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

- Vacate the excess portion of the existing pedestrian access easement/sidewalk.

Department of Aviation

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.48 Part B of the Clark County Unified Development Code;
- No building permits should be issued until applicant provides evidence that a "Determination of No Hazard to Air Navigation" has been issued by the FAA or a "Property Owner's Shielding Determination Statement" has been issued by the Department of Aviation.
- Applicant is advised that the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments; that the FAA's airspace determinations include expiration dates; and that separate airspace determinations will be needed for construction cranes or other temporary equipment.

Building Department - Fire Prevention

- No comment.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: 63SLVB, LLC

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