

RECREATIONAL FACILITY
(TITLE 30)

LAS VEGAS BLVD S/FLAMINGO RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-23-0173-PARBALL NEWCO, LLC:

USE PERMITS for the following: **1)** recreational facility with accessory commercial uses including, but not limited to shops, snack bars, lounges, and restaurants; **2)** on-premises consumption of alcohol; and **3)** all other deviations as depicted per plans on file.

DEVIATIONS for the following: **1)** reduce setback; **2)** reduce street landscaping; **3)** reduce height/setback ratio; and **4)** all other deviations as depicted per plans on file.

WAIVER OF DEVELOPMENT STANDARDS to reduce setback.

DESIGN REVIEWS for the following: **1)** recreational facility with accessory commercial uses including, but not limited to shops, snack bars, lounges, and restaurants; and **2)** finished grade in conjunction with an existing resort hotel (Horseshoe) on a portion of 30.0 acres within a 68.1 acre site in an H-1 (Limited Resort and Apartment) Zone.

Generally located on the south side of Flamingo Road, 1,600 feet east of Las Vegas Boulevard South within Paradise. JG/md/syp (For possible action)

RELATED INFORMATION:

APN:

162-21-102-003 through 162-21-102-005; 162-21-102-009; 162-21-202-005 ptn

DEVIATIONS:

1. Reduce the front setback to 2 feet where a minimum setback of 10 feet is required per Table 30.40-7 (an 80% reduction).
2.
 - a. Reduce the street landscape width along Flamingo Road to 2 feet where a minimum landscape width of 15 feet is required behind an existing attached sidewalk per Section 30.64.030 (an 86.7% reduction).
 - b. Eliminate street landscaping along a portion of Flamingo Road where a minimum landscape width of 15 feet is required behind an existing attached sidewalk per Section 30.64.030 (a 100% reduction).
3. Reduce height/setback ratio from an arterial street (Flamingo Road) to 2 feet where 18 feet is required per Figure 30.56 (an 88.9% reduction).
4. All other deviations as depicted per plans on file.

WAIVER OF DEVELOPMENT STANDARDS:

Reduce the setback from the future right-of-way (Flamingo Road) to 2 feet where a minimum setback of 10 feet shall be maintained between a street or future right-of-way line and a structure per Section 30.56.040 (an 80% reduction).

DESIGN REVIEWS:

1. Recreational facility with accessory commercial uses including but not limited to shops, snack bars, lounges, and restaurants.
2. Increase finished grade to 57 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 58.4% increase).

LAND USE PLAN:

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

BACKGROUND:**Project Description****General Summary**

- Site Address: 3645 Las Vegas Boulevard South
- Site Acreage: 30 (project site)/68.1 (overall)
- Project Type: Recreational facility
- Number of Stories: 3
- Building Height (feet): 58
- Square Feet: 39,995
- Parking Required/Provided: 5,308/7,262

Site Plans

The plans depict a proposed 3 story recreational facility located on a portion of a 30 acre site. The recreational facility features a “Game of Thrones” theme that includes a motion ride, themed rooms from the television series, and retail space for merchandise. The recreational facility is located immediately to the east of the Horseshoe Resort and features the following setbacks: 1) 12 feet from the north property line and 2 feet from the roadway easement adjacent to Flamingo Road; 2) 710 feet to the south property line; 3) 86 feet to the east property line; and 4) 1,620 feet to the southwest property line adjacent to Las Vegas Boulevard South. A deviation is required to reduce the front setback, in addition to a waiver of development standards reducing the setback from the future right-of-way adjacent to Flamingo Road. Immediately to the west of the recreational facility is an extended pedestrian plaza that connects to Flamingo Road. The plaza is constructed with stamped stone decorative concrete and utilizes fixed bollards to separate the plaza from the vehicle drive aisle farther to the west. Access to the site is granted from 2 existing commercial driveways, adjacent to Flamingo Road, located at the northeast and northwest corners of the property. During construction, 160 parking spaces will be permanently removed from the project site. A total of 5,308 parking spaces are required for the subject properties where 7,262 parking spaces are provided.

Landscaping

The plans depict a street landscape area ranging in width from 10 feet to 34 feet adjacent to Flamingo Road, behind an existing 5 foot wide attached sidewalk. The street landscape area consists of a combination of small, medium, and large trees in conjunction with shrubs and groundcover. A deviation is necessary to reduce the width of the street landscape area to a minimum of 2 feet as a future roadway easement, measuring 10 feet in width, is required along Flamingo Road. A second deviation is required as portions of the street landscape area along

Flamingo Road are eliminated to accommodate existing and proposed above ground utilities. Interior site landscaping consisting of trees, shrubs, and groundcover are also located within the extended pedestrian plaza.

Elevations

The plans depict a recreational facility with varying rooflines measuring between 17 feet to 58 feet in height to the top of the parapet wall. The exterior design of the building will have enhanced architectural elements including overhanging shade structures and accent structure supports with contrasting color schemes including matte and flat black and vertical and horizontal LED panel trim. Rooftop mounted equipment will be screened from the right-of-way and public view by parapet walls. A deviation to reduce the height setback ratio from Flamingo Road is required as the building encroachment into the setback begins at a height of 35 feet.

Floor Plans

The plans depict a recreational facility measuring 39,995 square feet in area consisting of 3 levels, plus a basement. The basement level consists of 3,494 square feet. The first level measures 27,465 square feet and includes a bar and dining area, kitchen, retail space, various themed rooms, and the ride seating/wall for the motion ride. The second and third floors measure 4,493 square feet and 4,503 square feet, respectively and include the ride seating/wall for the motion ride in addition to storage space, equipment rooms, and the ride control room.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states with the special use permit approvals, a plethora of uses are allowed including but not limited to restaurant, retail sales, immersive entertainment, motion rides, and on-premises consumption of alcohol and non-packed liquor sales, and services. Special use permits for the above-mentioned uses are appropriate for the following reasons: (1) the site is zoned H-1; (2) the site is within the Strip Corridor; (3) the uses are in conjunction with an existing resort hotel; and (4) the uses are consistent and compatible with existing uses not only on the site but more broadly along the Las Vegas Resort Corridor. The applicant indicates the reason for the design review request to increase the grade is to comply with the Clark County Regional Flood Control requirements resulting in the finished floor elevation to be 2 times the depth of flow on Flamingo Road on the northwest side of the building. Public Works has requested an additional 10 feet of right-of-way dedication along Flamingo Road. With this additional dedication, related waivers and deviations are requested for the front yard setback, right-of-way setback, and height setback ratio. A deviation to the street landscaping requirement is necessary to accommodate the additional 10 feet of right-of-way dedication for Flamingo Road.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-23-0057	Increased building height, encroachment into airspace with design reviews for a pedestrian bridge and modifications to an existing resort hotel (Horseshoe)	Approved by BCC	April 2023
UC-22-0638	Modifications to an approved comprehensive sign package with an increase to the number and area of directional signs	Approved by BCC	January 2023
VS-22-0281	Vacated and abandoned a pedestrian access easement	Approved by BCC	June 2022
UC-22-0280	Two, 4 story retail buildings with alternative street landscaping and reduced building setback	Approved by BCC	June 2022
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-20-0547	Monorail with waivers to not provide a franchise agreement and reduced parking	Approved by BCC	October 2021
UC-20-0546	Project of regional significance for a monorail with a waiver to not provide a franchise agreement	Approved by BCC	October 2021
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

Prior Land Use Requests

Application Number	Request	Action	Date
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

	Planned Land Use Category	Zoning District	Existing Land Use
North	Entertainment Mixed-Use	H-1	Drai's Beachclub & Nightclub
South	Entertainment Mixed-Use	H-1	Planet Hollywood Resort Hotel
East	Entertainment Mixed-Use	H-1	Motion picture production studio, parking lots, & undeveloped
West	Entertainment Mixed-Use	H-1	Bellagio Resort Hotel

STANDARDS FOR APPROVAL:

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

Analysis**Comprehensive 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 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.

The project site is located within an area designated for Entertainment Mixed-Use. The Resort Corridor is the primary activity center where hotels, casinos, entertainment uses, general business, professional and public offices, commercial uses, and multiple family residential uses are located. Staff finds that the proposed use complies with the general goals and policies of the Master Plan which encourages land uses that are complementary and of similar scale and intensity. The proposed uses are compatible with the existing developments in the surrounding area and place no additional demands on the site in terms of required parking, landscaping, or other design features. Therefore, staff can support these requests.

Waiver of Development Standards & Deviation #1

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.

The applicant is required to allocate an additional 10 feet of right-of-way to Flamingo Road in the form of a roadway easement. Once the dedication of right-of-way occurs, the building will be set back 2 feet from the sidewalk and 7 feet from the roadway. Staff has no objection to these requests.

Deviation #2

The reduction to street landscaping varies in width from 2 feet, located at the northeast corner of the building adjacent to the roadway easement, to 13 feet, located at the northwest corner of the site next to the extended pedestrian plaza. A combination of 46 small, medium, and large trees will be planted along Flamingo Road, where 17 trees are required. Staff typically does not support reductions to the street landscape area; however, the proposed reduction should not have a negative or detrimental impact on the surrounding area.

The portions of the subject property without street landscaping occurs at the northeast and northwest portions of the site, immediately adjacent to Flamingo Road. However, these areas are necessary to accommodate existing and future above ground utilities. The elimination of street landscaping in these areas should not have a negative or detrimental impact on the surrounding area. Therefore, staff can support this request.

Deviation #3

Policy 6.2.1 of the Master Plan aims to ensure the design and intensity of new development is compatible with the surrounding area and uses in terms of height, scale, and the overall mix of uses. Varying building height, breaking-up the mass of the building, and shifting building placement can provide appropriate transitions between differing building scales and intensities. Although the height setback ratio reduction along Flamingo Road is significant, the encroachment into the setback begins at a height of 35 feet up to a maximum building height of 58 feet. Staff finds the encroachment into the setback should not negatively impact the surrounding land uses and adjacent properties. Therefore, staff recommends approval of this request.

Design Review #1

The design of proposed elevations break-up the mass of the building through height variations and articulation. Policy WP-1.1 of the Master Plan encourages a diversity of land uses along major corridors at densities that support pedestrian activity and transit use, especially along Las Vegas Boulevard South. Staff finds the proposed recreational facility is appropriate for the area, is compatible with the surrounding land uses, and complies with the goals and policies from the Master Plan. Therefore, staff recommends approval.

Public Works - Development Review

Design Review #2

This design review represents the maximum grade difference within the boundary of this application. This information is based on preliminary data to set the worst case scenario. Staff will continue to evaluate the site through the technical studies required for this application. Approval of this application will not prevent staff from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approval.

Department of Aviation

The development will penetrate the 100:1 notification airspace surface for Harry Reid 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 Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Comprehensive Planning

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; 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; 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

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Grant a 10 foot wide roadway easement for Flamingo Road;
- Grant a 3 foot wide streetlight and traffic control device easement;
- Any areas with existing signage to have a roadway reservation instead of an easement.

- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

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; applicant is advised that many factors may be considered before the issuance of a permit or variance, including, but not limited to, lighting, glare, graphics, etc.;
- 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.

Fire Prevention Bureau

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.

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 #0142-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Paradise - approval (different color of building).

APPROVALS:

PROTESTS:

APPLICANT: GOT LAS VEGAS GROUP, LLC

CONTACT: KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DRIVE, SUITE 650, LAS VEGAS, NV 89135