

03/04/25 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-25-400003 (UC-19-0824)-ATRIUM HOLDINGS, LLC:

USE PERMIT SECOND EXTENSION OF TIME for long term/short term lodging.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce setbacks; **2)** reduce parking; **3)** reduce number of loading spaces; **4)** alternative landscaping; **5)** nonstandard off-site improvements; and **6)** alternative commercial driveway geometrics.

DESIGN REVIEWS for the following: **1)** a long term/short term lodging facility; and **2)** alternative parking lot landscaping on 3.8 acres in a CR (Commercial Resort) Zone within the Airport Environs (AE-60) Overlay.

Generally located on the west side of Paradise Road, 700 feet south of Flamingo Road within Paradise. JG/nai/kh (For possible action)

RELATED INFORMATION:

APN:

162-22-103-005

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce the building height setback from an arterial street (Paradise Road) to 15 feet where a minimum of 24 feet is required per Figure 30.56-4 (a 37.5% reduction).
2. Reduce parking to 337 spaces where a minimum of 480 spaces are required per Table 30.60-1 (a 29.8% reduction).
3. Reduce the number of loading spaces to 2 spaces where a minimum of 4 spaces are required per Table 30.60-6 (a 50% reduction).
4. Permit alternative landscaping along Paradise Road where landscaping per Figure 30.64-17 or 30.64-18 is required.
5. Permit nonstandard off-site improvements (landscaping) within the right-of-way of Paradise Road where off-site improvements are required per Section 30.52.050.
6. Reduce driveway throat depth to a minimum of 69 feet where a minimum of 100 feet is required per Uniform Standard Drawing 222.1 (a 31% reduction).

DESIGN REVIEWS:

1. A long term/short term lodging facility.
2. Permit alternative parking lot landscaping where landscaping is required per Figure 30.64-14.

LAND USE PLAN:

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 4255 Paradise Road
- Site Acreage: 3.8
- Project Type: Long term/short term lodging
- Number of Units: 480
- Number of Stories: 6
- Building Height (feet): 75
- Square Feet: 434,422
- Parking Required/Provided: 480/337

Site Plan

The approved plans show a site currently being constructed as a hotel, which will be demolished to allow for the construction of the proposed facility. The plans depict a long term/short term lodging facility consisting of 480 units. The facility is in the central portion of the site with access from Paradise Road via 2 driveways, 1 on the northeast corner of the site and the other on the southeast corner. Parking for the facility is located along the north, south, and west sides of the building adjacent to the property lines and in a parking garage, which consists of the first floor of the building. The parking garage first floor is part of a podium for the base of the building. The remaining floors consisting of the units are in 2 towers, which are separated by an approximately 10 foot wide gap in an east/west orientation between the towers. Amenities for the residents include laundry facilities, pool, and a park area that is located along Paradise Road in front of the building.

Landscaping

The approved landscape plans depict landscape areas along the north, south, and west property lines that are a minimum of 3 feet 8 inches in width, with landscape diamonds every 6 parking spaces. These landscape areas consist of combinations of trees, shrubs, and groundcover. The plan depicts a landscape area along Paradise Road that varies 10 feet to 15 feet in width. Portions of the sidewalk along Paradise Road are attached and portions are detached. A portion of this landscape area is within the right-of-way. Additional landscaping is in front (east side) of the building and within planters on the second level between the towers in landscape planters.

Elevations

The approved plans depict a building that is 6 stories with a maximum height of approximately 75 feet. The roofs are flat behind parapet walls with variations in height to break-up the roofline. The exterior of the building has a stucco finish painted in earth tone colors. The exterior consists of pop-outs and recesses to break-up the vertical and horizontal surfaces of the building. The units are accessed by public balconies that act as open hallways.

Floor Plans

The approved plans depict a facility that has a total area of 434,422 square feet divided between 6 stories. The first level of the building consists of a parking garage, leasing office, laundry facilities, electrical/mechanical areas, and storage areas. Levels 2 through 6 consist of the lodging units. The facility has 480 units with each unit having a kitchen.

Previous Conditions of Approval

Listed below are the approved conditions for ET-22-400062 (UC-19-0824):

Current Planning

- Until December 3, 2023 to commence.
- Applicant is advised that 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 and application for review; and that 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

- Compliance with previous conditions.

Listed below are the approved conditions for UC-19-0824:

Current Planning

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- 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

- Drainage study and compliance;
- Traffic study and compliance;
- Southernmost driveway to be right in and right out only;
- Extend the median island on Paradise Road to the south portion of the commercial driveway of APN 162-22-104-004 to allow for full turn movements in and out of the site or coordinate with Public Works – Design Division for a cost participation for the median;
- If the applicant/owner elects a cost participation for the median, the applicant/owner shall install delineator posts and raised ceramic traffic markers with a minimum size of 8 inches to act as a temporary median, with the alternating spacing of the delineator posts and raised ceramic traffic markers to be no greater than 2.5 feet;
- Only 1 parking space shall be permitted to the south of the leasing office at the southern driveway, which shall be an ADA accessible parking space with double the standard length to allow vehicles to pull through the space without backing up;
- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way.

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 must record a stand-alone noise disclosure form against the land, and provide a copy of the recorded document to the Department of Aviation;
- Applicant must provide a copy of the recorded noise disclosure form to future buyers/renters, separate from other escrow documents, and provide a copy of the document to the Department of Aviation;
- Applicant must provide a map to future buyers/renters, as part of the noise disclosure notice, that highlights the project location and associated flight tracks, provided by the Department of Aviation when property sales/leases commence;
- Incorporate an exterior to interior noise level reduction of 30 decibels into the building construction for the habitable space that exceeds 35 feet in height or 25 decibels into the building construction for the habitable space that is less than 35 feet in height.
- 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; that separate airspace determinations will be needed for construction cranes or other temporary equipment; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed.

Building Department - Fire Prevention

- Applicant to show fire hydrant locations on-site and within 750 feet.
- Applicant is advised that fire/emergency access must comply with the Fire Code as amended.

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.

Applicant's Justification

The applicant states that the proposed commercial development is unable to commence because Clark County Public Works did not complete the widening of Paradise Road along the southbound lanes fronting the property. In addition, there is a storm drain channel that is located along the southern portion of the property that also needs to be reconstructed by Clark County Public Works, which is expected to begin construction in 2025.

Prior Land Use Requests

Application Number	Request	Action	Date
ET-22-400062 (UC-19-0824)	First extension of time for a use permit with a design review for long term/short term lodging; with waivers for reduced setbacks, reduced parking, reduced number of loading spaces, alternative landscaping, nonstandard off-site improvements, and alternative commercial driveway geometrics	Approved by PC	June 2022
UC-19-0824	Use permit with a design review for long term/short term lodging; with waivers for reduced setbacks, reduced parking, reduced number of loading spaces, alternative landscaping, nonstandard off-site improvements, and alternative commercial driveway geometrics	Approved by PC	December 2019
WS-0360-08	Additions, renovations, and minor site design changes to an existing hotel (Atrium) with waivers to reduce parking and setbacks	Approved by PC	May 2008
UC-0401-05	Resort condominium with reduced parking	Approved by BCC	June 2005
UC-353-88	Hotel with support related facilities	Approved by PC	November 1988

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North & West	Entertainment Mixed-Use	CR (AE-60)	Undeveloped
South	Entertainment Mixed-Use	CR (AE-60)	Virgin Hotel Las Vegas
East	Entertainment Mixed-Use	CR (AE-60)	Multi-family residential

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

Title 30 standards of approval for an extension of time state an application may be denied if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws, regulations, or policies affecting the subject property. Additionally, the applicant must demonstrate the project is progressing through the applicable development permit or licensing process.

Staff finds that there are 2 active building permits submitted for this project. BD21-34611 is for the new 6 story hotel building, records show that there have been no recent activity with this permit since August 2021. Records show that BD21-35278 is another active permit to construct the new leasing office, however, it is on hold with the Clark County Building Department. Furthermore, the applicant has 2 active permits with Clark County Public Works such as PW22-10971 (drainage study) and PW22-15792 (structural study) both of which have been approved. Staff finds that the applicant has demonstrated significant progress for the project; therefore, staff supports this request. However, staff may not support future extension requests if significant progress to commence the project is not made by the new commence date.

Public Works - Development Review

There have been no significant changes in this area. Staff has no objection to this extension of time.

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

- Until December 3, 2026 to commence or the application will expire unless extended with approval of an extension of time;
- Applicant is advised a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; 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; the County has adopted a rewrite to Title 30 effective January 1, 2024, 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; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- 30 days to coordinate with Public Works - Design Division and submit separate document if required, for dedication of any necessary right-of-way and easements for the Paradise Road improvement project;
- 90 days to record said separate document for the Paradise Road improvement project;
- Compliance with previous conditions.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Paradise - approval.

APPROVALS:

PROTEST:

APPLICANT: SEAN THUESON

CONTACT: GEORGE ROSS, SIEGEL COMPANIES, 3790 PARADISE ROAD, SUITE 250
LAS VEGAS, NV 89169