

09/06/23 BCC AGENDA SHEET

TEMPORARY OUTDOOR
COMMERCIAL EVENT
(TITLE 30)

LAS VEGAS BLVD S/MANDALAY BAY RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

AR-23-400106 (UC-20-0104)-MGP LESSOR, LLC:

USE PERMIT SECOND APPLICATION FOR REVIEW to waive conditions for temporary outdoor events (tailgating).

DESIGN REVIEW for a temporary outdoor commercial event with temporary structures, eating and drinking areas including on-premises consumption of alcohol, retail sales, and live entertainment in conjunction with a resort hotel (Luxor Resort Hotel) on 62.8 acres in an H-1 (Limited Resort and Apartment) (AE-60) Zone.

Generally located on the west side of Las Vegas Boulevard South and the north and south sides of Mandalay Bay Road within Paradise. MN/mh/syp (For possible action)

RELATED INFORMATION:

APN:

162-29-610-002; 162-29-610-003

USE PERMIT:

1.
 - a. Allow temporary events longer than 10 days per event.
 - b. Allow more than 1 week for set-up and more than 1 week for operational removal.

LAND USE PLAN:

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 3900 Las Vegas Boulevard South
- Site Acreage: 62.8
- Project Type: Temporary outdoor commercial event (tailgate lot)
- Number of Stories: 1, 2, & 3
- Building Height (feet): Up to 30
- Square Feet: 130,000 (outdoor event)/59,186 (tent area)
- Parking Required/Provided: 14,187/16,999 (without the event)/16,590 (with event) (combined Excalibur, Luxor, Mandalay Bay facilities per UC-0574-14)

Site Plans

The approved plans depict a temporary outdoor event (tailgate lot) with temporary structures, eating and drinking areas including on-premises consumption of alcohol, retail sales, and live entertainment located in an existing 130,000 square foot parking area located on the southeastern portion of the site. The event is a tailgate lot for use during Las Vegas Raider football games and other events throughout the year. There are food vendors, live entertainment, broadcast units, offices, trailers, temporary restrooms, and temporary structures distributed throughout the area. The plans include 3 configurations for the structures ranging in area from a total of 29,752 square feet to 54,846 square feet. The tailgate lot is surrounded by a 6 foot high decorative fence and accessed from pedestrian gates outside of the Luxor Resort Hotel. The installation of the fence resulted in the permanent loss of 13 parking spaces. There are 2 areas on the west side of the Shoppes at Mandalay Place sky bridge which provide additional food and beverage options for guests and event spectators as well as management and logistical facilities for the events and sale areas.

Landscaping

No changes to landscaping are required or proposed with this application.

Elevations

No permanent structures are proposed; however, the approved plans depict tents, modular offices, trailers, containers, shade structures, decks, temporary restrooms, and other accessory structures ranging in height from 10 feet to 30 feet.

Floor Plans

The approved plans depict the temporary structures in the main tailgate lot ranging in size from 144 square feet to 27,000 square feet. The temporary structures in the other areas range in size from 200 square feet to 2,160 square feet with a total area of 4,340 square feet.

Signage

Signage is not a part of this request.

Previous Conditions of Approval

Listed below are the approved conditions for AR-21-400040 (UC-20-0104):

Current Planning

- 2 years to review as a public hearing;
- Submit a security plan prior to the first event.
- 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

- 90 days to have recorded the rights-of-way and easements as required by the original conditions of approval;
- Compliance with previous conditions.

Listed below are the approved conditions for UC-20-0104:

Current Planning

- Until March 1, 2021 to review as a public hearing.
- Applicant is advised that 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; and that this application must commence within 1 year of approval date or it will expire.

Public Works - Development Review

- 9 months to perform and have recorded a Record of Survey to determine underlying title rights in relationship to "as built" improvements on Las Vegas Boulevard South;
- 9 months to perform and have recorded right-of-way dedication and/or grant easements for Las Vegas Boulevard South to accommodate a proportionate share of a 200 foot wide right-of-way;
- Right-of-way dedication for areas with Public Works' equipment adjacent to Mandalay Bay Road to be coordinated with Public Works - Traffic Management Division.

Building Department - Fire Prevention

- 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;
- Applicant to show fire hydrant locations on-site and within 750 feet.

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.

Applicant's Justification

The applicant indicates that the originally approved use commenced in Fall 2020 and has continued to meet all of the conditions of approval associated with the original application (UC-20-0104) and the first application for review (AR-21-400040). The applicant adds that there have been no adverse impacts as a result of the outdoor events. The applicant requests that this be the final review.

Prior Land Use Requests

Application Number	Request	Action	Date
SC-22-0378	Street name change to name an unnamed drive aisle	Approved by PC	August 2022
AR-21-400040 (UC-20-0104)	First application for review for a use permit to waive conditions for temporary outdoor events	Approved by BCC	May 2021
UC-20-0546	Use permit, design review, and waiver for a monorail	Approved by BCC	October 2021
DR-20-0200	Amended a comprehensive sign plan for a resort hotel (Luxor Resort Hotel)	Approved by BCC	June 2020
UC-20-0104	Waived conditions for temporary outdoor events in conjunction with an existing resort hotel (Luxor Resort Hotel)	Approved by ZA	April 2020
DR-0951-17	Amended comprehensive sign plan to add a wall sign to the Luxor Resort Hotel	Approved by BCC	December 2017
DR-0085-17	Amended comprehensive sign plan to add animation (LED electronic message/video units) to existing freestanding signs for the Excalibur and Luxor Resort Hotels	Approved by BCC	March 2017
UC-0273-16	Temporary events longer than 10 days in conjunction with existing resort hotels (Excalibur, Luxor, and Mandalay Bay)	Approved by BCC	June 2016
UC-0041-16	Parking garage in conjunction with an existing resort hotel (Excalibur Resort Hotel)	Approved by BCC	April 2016
DR-0703-15	Amended comprehensive sign plan to increase the area of an existing wall sign (building wrap) for the Luxor Resort Hotel	Approved by BCC	December 2015
DR-0869-14	Amendment to an approved comprehensive sign plan for the Excalibur and Luxor Resort Hotels	Approved by BCC	December 2014
UC-0031-14	Comprehensive sign plan for the Luxor and Excalibur Resort Hotels	Approved by BCC	March 2014
DR-0374-13	Wall signs and directional signs for the Luxor Resort Hotel	Approved by BCC	August 2013

Prior Land Use Requests

Application Number	Request	Action	Date
UC-0592-12	Communications tower	Approved by PC	November 2012
UC-0604-11	Recreational facility (zip lines) in conjunction with resort hotels (Excalibur and Luxor) - expired	Approved by PC	April 2012

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Entertainment Mixed-Use	H-1	Excalibur Resort Hotel
South	Entertainment Mixed-Use	H-1	Mandalay Bay Resort Hotel & NV Energy power substation
East	Entertainment Mixed-Use	H-1	MGM Festival lot south, service station, & motel
West	Entertainment Mixed-Use	H-1 & M-1	I-15, motels, & industrial buildings

STANDARDS FOR APPROVAL:

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

Analysis**Comprehensive Planning**

Title 30 standards of approval for an application for review state that such an application may be denied or have additional conditions imposed 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 or policies affecting the subject property. Using the criteria set forth in Title 30, no substantial changes have occurred since the original approval.

Since approval of the original application in April 2020, the applicant has continuously met all of the conditions of approval, including the condition on the Notice of Final Action for AR-21-400040 (UC-20-0104) which required that a security plan be submitted prior to the first event. The applicant has worked with the Las Vegas Metropolitan Police Department on their security plan. There are no Clark County Public Response Office violations associated with the site, nor have there been any reported adverse effects associated with the outdoor events. Therefore, staff can support the review and can also support removing the time limit for future reviews.

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

- Remove the time limit.

Public Works - Development Review

- Compliance with previous conditions.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Paradise - approval.

APPROVALS:

PROTEST:

APPLICANT: RAMPART, LLC DBA LUXOR RESORT & CASINO

CONTACT: GMRA, 6325 S. JONES BOULEVARD, SUITE 100, LAS VEGAS, NV 89118