

12/18/24 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-24-0589-COUNTY OF CLARK (PUBLIC WORKS):

USE PERMITS for the following: **1)** live entertainment; **2)** banquet facility not accessed from an arterial or collector street; and **3)** vocational training facility.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce street landscaping; **2)** reduce setback; **3)** reduce driveway approach distance; and **4)** allow attached sidewalks.

DESIGN REVIEW for a proposed recreational, banquet, and vocational training facility on 1.25 acres in a CU (Commercial Urban) Zone.

Generally located on the north side of Harmon Avenue and the west side of Polaris Avenue within Paradise. MN/jor/kh (For possible action)

RELATED INFORMATION:

APN:

162-20-212-005

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Reduce the width of street landscaping along Harmon Avenue to zero feet where a 10 foot wide landscape strip is required adjacent to an attached sidewalk per Section 30.04.01D (a 100% reduction).
- b. Reduce the number of street trees along Harmon Avenue to 6 trees where 12 trees are required per Section 30.04.01D (a 50% reduction).
2. a. Eliminate the proposed building setback where 10 feet is required per Section 30.02.16 (a 100% reduction).
3. Reduce the driveway approach distance along Polaris Avenue to 145 feet where 150 feet is required per Uniform Standard Drawing 222.1 (a 3.4% reduction).
4. Allow an attached sidewalk along Polaris Avenue, Harmon Avenue, and Valley View Boulevard where a detached sidewalk is required per Section 30.04.08.

LAND USE PLAN:

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 4495 Polaris Avenue
- Site Acreage: 1.25
- Project Type: Recreational facility
- Number of Stories: 6.5 (maximum)

- Building Height (feet): 127 (maximum)
- Square Feet: 239,700 (overall building area)
- Parking Required/Provided: 291/301
- Sustainability Required/Provided: 7/7.5

Site Plan

The plan depicts a proposed recreational facility centrally located on a 1.25 acre parcel. The proposed building has the following setbacks:

- Zero foot setback from the north property line adjacent to IL zone property.
- Zero to 30 foot setback from the south property line adjacent to Harmon Avenue.
- Zero to 19.5 foot setback from the west property line adjacent to Valley View Boulevard.
- 10 foot setback from the east property line adjacent to Polaris Avenue.

Access to the site is provided via 2 points of entry/exit driveways along the east side of the building. This leads to the ground level parking garage. The applicant also provided a Fire Department pull-in lane on the southeast corner of the building, and business related deliveries may utilize this point of entry/exit. A primary fire lane is located on the southeasternmost corner of the site adjacent to Polaris Avenue. There are 301 parking spaces provided where 291 parking spaces are required. The applicant also provided 10 EV (Electric vehicle) charger installed parking spaces and 77 EV capable spaces, both are compliant with Title 30 standards. Furthermore, the applicant provided 12 bicycle parking spaces where 8 are required per Code.

Landscaping

The plan shows that an attached sidewalk along Polaris Avenue will remain; however, the required street landscaping along this street was not required since there are 3 proposed driveways and 2 fire lanes, and sight visibility zones. However, the applicant is proposing 3 new shrubs on the northeast corner of the site.

Along Harmon Avenue, there is an existing attached sidewalk, and an unimproved portion of right-of-way north of the attached sidewalk. The applicant will provide a required fire lane, and a landscape strip that ranges from zero feet to 29 feet, 11 inches. Within the landscape area, the applicant will plant 6 large trees where 12 large street trees are required per Code.

Although there is an existing attached sidewalk along Valley View Boulevard (west property line), the sidewalk is inaccessible due to the elevated street ramp for Valley View Boulevard. Street landscaping is not required within this area; however, the applicant is planting 2 large trees on the southwest corner of the building in addition to new shrubs.

Elevations

The overall building height for this project is 127 feet. The proposed architecture includes sleek and modern architectural lines with accents of angled panels with a metal finish and video screen walls, concrete exterior walls, and perforated screen walls attached to the building. The first 4 floors include the parking garage and a restaurant on the ground floor only. The east facing elevation includes the parking garage entry and fire department pull-in lane.

Floor Plans

The submitted floors plans include the following areas:

- The ground through the fourth level will be the proposed parking garage. Per the plans, 301 parking spaces will be provided.
- The ground level will also include a proposed restaurant with an overall area of 2,794 square feet.
- The fifth level will include a 250 seat theater space, office space area that encompasses 5,586 square feet overall, a training facility that is 3,486 square feet, and lastly, recreation/banquet hall with an overall area of 11,514 square feet. This floor features counseling offices, training rooms, conference rooms, reception area, storage rooms, backstage areas for the theater, podcast studios and associate accessory spaces, and corporate offices.
- The sixth level will include additional recreation/banquet hall spaces with an overall area of 35,265 square feet. This floor will feature future event spaces, a kitchen, dressing room, storage area, restrooms, outdoor patio area, pre-function space, and back of house areas, and a lounge.

Applicant's Justification

Due to the proposed conforming zoning change to CU (Commercial Urban), all of the proposed uses of this facility are allowed via approval of a special use permit or permitted with conditions per Table 30.03-1. Additionally, any proposed live entertainment will not be held outside or be audible from the exterior of the building.

The applicant is requesting to reduce street landscaping along Harmon Avenue. Due to the dimensional requirements of a parking garage and the access requirements of the Clark County Fire Department, it would not be feasible to fit the project onto the site without modification to the street landscape requirements.

In addition, the applicant is requesting to reduce the setback requirements associated with the site. The dimensional requirements of a parking garage large enough to park the associated building uses make maintaining a 10 setback along Harmon Avenue and Valley View Boulevard are not feasible.

Furthermore, the applicant is also requesting to reduce the minimum driveway approach distance along Polaris Avenue to 145 feet 11 inches where a minimum of 150 feet zero inches is required. Due to the site constraints of the parcel, it would not be possible to provide the 150 feet minimum without severe modifications to the structural design of the parking garage which would not be aligned with the design of a standard 'double T' structural system.

The applicant is also requesting a waiver to allow for attached sidewalks to remain along Polaris Avenue, Harmon Avenue, and Valley View Boulevard where detached sidewalks are required per Section 30.04.08. Along Polaris Avenue, between the size and location of the building as well as the sight visibility zone requirements, a detached sidewalk and associated landscaping is not achievable. For Valley View Boulevard, the existing sidewalk is integral to the current needs of the Clark County Fire Department warehouse located nearby. Along Harmon Avenue, the

existing sidewalk, which becomes the sidewalk along Valley View Boulevard, is located on the south side of the existing parcel dedicated to the right-of-way.

Lastly the applicant is requesting a design review for the proposed site. Per the applicant’s justification letter, Section 30.04.05 requires that buildings 2 stories and greater reduce mass with a clearly identifiable base, middle, and top, with horizontal elements separating these components. The body or middle must constitute a minimum of 50 percent of the total building height.

Due to the very tight constraints of the site, the zero lot line to the north, and the lower 4 levels of the building design being open parking garage with a very regimented structural system, it is difficult to articulate the differences between the base, middle section, and top level. To rectify this, the applicant proposes that the programmable space of the ground level (future restaurant) as storefront and act as the base of the building and differentiate itself from the surrounding ‘birds nest’ style shading device. This shading device would act as the middle backdrop portion of the building as its primary purpose is to both conceal the parking structure, while still maintaining the open-air requirements of an open parking garage and shade the windows and opening associated with the programmed spaces on the fifth and sixth levels. The fifth and sixth levels of the building are articulated from the middle portion of the building design through the use of large video screens and metal panel façade elements with deep glazing coverage placed around the upper levels of the structure to highlight the important zones.

Lastly, Section 30.04.05 requires that buildings with street frontage have a customer entrance facing the street, and that the primary entrance to a building shall be articulated with architectural elements to define said entrance. The applicant is proposing an alternate customer entrance design due to the lower 4 levels of the building design being a parking garage. It is necessary to have an interior facing building entry for the upper levels, similar to the garage entry functions of many Las Vegas resort hotels and casinos. The future restaurant itself has storefront glazing facing the east and south which help differentiate this entry from the interior facing entry and will be further designed in the future. The interior entry will make use of differing materials and graphics to delineate the core from the rest of the parking garage program.

Prior Land Use Requests

Application Number	Request	Action	Date
TM-0195-01	1 lot commercial subdivision	Approved by PC	July 2001
VS-0760-01	Vacated patent easements - recorded	Approved by PC	August 2001
DR-0687-96	7-up distribution center which included a 2 story, 45,080 square foot building with a 10,000 square foot office area - this complex no longer exists	Approved by PC	May 1996

Prior Land Use Requests

Application Number	Request	Action	Date
VC-1053-95	Allowed a modular office building to be a permanent structure with a variance to allow temporary structure to be a permanent and reduced the side street setback for the modular office building - this building no longer exists	Approved by PC	July 1995
VC-0496-94	Carports for an existing office warehouse complex, with a variance which reduced the front setback to 7 feet where 20 feet is required in an M-1 zone - these structures no longer exist	Approved by PC	May 1994
AC-0225-83	5,800 building addition to an existing 7,900 office building, approved new carports, a parking garage, and expansion of an outdoor storage yard - these structures no longer exist	Approved by PC	January 1984
AC-0111-80	Addition to an existing office building - this building no longer exists	Approved by PC	July 1980

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North & South	Entertainment Mixed-Use	IL	Office warehouse buildings
East	Entertainment Mixed-Use	RS20	NV Energy substation
West	Entertainment Mixed-Use	IL	Right-of-way on-ramps

Related Applications

Application Number	Request
ZC-24-0587	A zone change to reclassify the site from IL to CU zoning is a companion item on this agenda.
SDR-24-0588	A sign design review for proposed signage for a proposed recreational facility is a companion item on this agenda.

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

Use Permits

A special use permit is considered on a case by case basis in consideration of the standards for approval. Additionally, the use shall not result in a substantial or undue adverse effect on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety,

and general welfare; and will be adequately served by public improvements, facilities, and services, and will not impose an undue burden.

Staff finds that the proposed uses are appropriate for the site and are compatible to the surrounding area. In addition, the proposed uses will be conducted within the building, and should not negatively impact the surrounding office/warehouse development. Furthermore, the project provides adequate parking with a 4 level parking garage for patrons and employees. This request supports Goal 5.1 of the Master Plan which encourages the diversification of the economic base to enhance resilience in tourism, conventions, recreational facilities, and event spaces.

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.

Waiver of Development Standards #1

Staff finds that the applicant has the opportunity to reduce the building footprint along the south property line in order to accommodate a 10 foot wide landscape area along Harmon Avenue. Street landscaping reduces the impact of wind, dust, pollution, glare, and the heat island effect on human health and comfort. However, the landscape plan shows that due to the placement of the proposed fire lane, and the additional portion of right-of-way which is unimproved and adjacent to the street on-ramp, staff can support these requests. Street landscaping along Harmon Avenue would not benefit potential pedestrians because the attached sidewalk is inaccessible. Staff can appreciate the additional 2 trees to be planted on the west side of the building to add as an additional buffer between the Valley View Boulevard ramp and the proposed building.

Waiver of Development Standards #2

The applicant is requesting to reduce the proposed building setback to zero feet where 10 feet is required per Section 30.02.16. Staff finds that the proposed building will not be an encumbrance to the adjacent right-of-way (Valley View Boulevard to the west and Harmon Avenue to the south), since there is an existing portion of right-of-way which serves as a physical buffer from the Harmon Avenue and Valley View Boulevard ramps. Staff finds this request to be minimal and should not negatively impact the site since there is no allowance for vehicular or pedestrian circulation on the southwest portion of the site. Staff recommends approval.

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 applicant provided a site design which is complementary to the existing surrounding development, and the exterior design of the building is aesthetically pleasing. Furthermore, the applicant provided ample parking, EV charging and EV capable parking spaces, bicycle parking, and a plethora of on-site amenities and uses for future employees and customers to utilize. In addition, the applicant provided 7.5 sustainability points where 7 points are required per Title 30. The sustainability features for the site include a cool roof, window and door awnings, electric bike charging areas, water efficient landscaping, and other sustainable building measures. Staff supports this request.

Public Works - Development Review

Waiver of Development Standards #3

Staff has no objection to the reduction in the approach distance along Polaris Avenue. The applicant placed the driveway as far north as site will allow.

Waiver of Development Standards #4

Staff cannot support the request to not install detached sidewalks along Polaris Avenue, Harmon Avenue, and Valley View Boulevard. Detached sidewalks along streets provide a safer pathway for pedestrians by increasing the distance from traffic. With the increased pedestrian traffic it is imperative to provide a safe path.

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 30.02.26B.3(ii) of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

Staff Recommendation

Approval of the use permits, waivers of development standards #1 through #3, and the design review; denial of waiver of development standards #4.

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:

- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance and payment of the tree fee-in-lieu is required for any required trees waived.
- 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

- Drainage study and compliance;
- Traffic study and compliance;
- Gates must remain open during business hours.
- Applicant is advised that off-site improvement permits may be required.

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 30.02.26B 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; and 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 #0475-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC:
APPROVALS:
PROTESTS:

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