

09/07/22 BCC AGENDA SHEET

RESORT HOTEL  
(TITLE 30)

QUAIL AVE/POLARIS AVE

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ZC-22-0413-SLETTEN CONSTRUCTION COMPANY:**

**ZONE CHANGE** to reclassify 2.1 acres from an M-1 (Light Manufacturing) (AE-60) Zone to an H-1 (Limited Resort and Apartment) (AE-60) Zone.

**USE PERMIT** to allow outside dining and drinking.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** increase building height; **2)** encroachment into airspace; **3)** reduced parking; **4)** reduced throat depth; and **5)** reduced departure distance.

**DESIGN REVIEWS** for the following: **1)** alternative parking lot landscaping; and **2)** hotel.

Generally located on the southwest corner of Quail Avenue and Polaris Avenue within Paradise. (description on file). MN/sd/jo (For possible action)

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**RELATED INFORMATION:**

**APN:**

162-32-101-023; 162-32-101-024

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Increase the maximum building height to 245 feet where a maximum height of 100 feet is allowed per Table 30.40-7 (a 145% increase).
2. Permit encroachment into airspace.
3. Reduce required parking to 520 spaces where 531 spaces are required per Table 30.60-1 (a 2% decrease).
4. Reduce the throat depth to 11 feet where 150 feet is required per Uniform Standard Drawing 222.1 (a 93% reduction).
5. Reduce the departure distance to 15 feet where 190 feet is the standard per Uniform Standard Drawing 222.1 (a 92% reduction).

**LAND USE PLAN:**

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 5825 Polaris Avenue
- Site Acreage: 2.1

- Project Type: Hotel
- Number of Stories: 19
- Building Height (feet): 245
- Parking Required/Provided: 531/520

#### Site Plans

The plans depict a proposed hotel of 340 rooms with restaurant, day spa, ballroom, and convention hall. The site is currently within a mile of Allegiant Stadium and is surrounded by industrial and warehouse uses and is within the Stadium District. The hotel will not be a resort hotel and will not offer any gaming uses or entertainment. The hotel is set back 10 feet from Quail Avenue and is centrally located on the site with most of the parking in a garage that occupies Floors 2 through 5 of the building. There are a total of 521 spaces which is the subject of a waiver request to reduce the required parking. An accessory building for “back of house” is in the northwest portion of the site, adjacent to Quail Avenue. Access to the proposed hotel is shown from Polaris Avenue and Quail Avenue.

#### Landscaping

The plans depict landscape areas around the perimeter of the property and includes trees set at 20 feet on center along the southern, eastern, and northern property lines, 30 feet on center along the western property line with various trees and shrubs between 5 to 15 gallon base. An existing attached sidewalk is adjacent to Quail Avenue and Polaris Avenue. The plans also depict landscaping at the pool deck and terrace with raised planters along the perimeter, artificial turf adjacent to the pool. No trees are proposed in the pool area.

#### Elevations

The plans depict a 19 story, 245 foot high hotel with cement panels and cast in place concrete walls and columns, pre-finished cement fiber board panels, metal seam roof canopy, window glazing and other architectural enhancements.

#### Floor Plans

The plans depict several amenities often associated with a hotel. The lobby plans include offices, lobby bar, mechanical room, and check-in. Levels 2 through 5 is reserved as a parking garage.

The ballroom includes kitchen, board rooms, meeting room, event center, junior ballroom, and restrooms. The pool and spa floor plans include a fitness center, pool bar and deck, kitchen, outdoor terrace and spa, and restrooms.

The restaurant and bar on Level 9 includes dining area, kitchen, bar, cigar bar, and an outdoor terrace for outdoor dining and drinking. The next floor up are hotel rooms typical of any standard hotel and includes upscale suites on the nineteenth floor. In addition, on the nineteenth floor there is a rooftop bar with kitchen and an outdoor terrace for outdoor drinking.

#### Signage

Signage is not a part of this request.

### Applicant's Justification

The applicant states that this application is for a conforming zone change from M-1 to H-1 zoning to allow for a hotel. A hotel on the site would be ideal for tourists travelling to Las Vegas for football games and other events at Allegiant Stadium. Since the site is within walking distance to the Stadium, it would assist with providing additional hotel options for guests without impacting traffic or parking concerns at the Stadium.

The hotel would also include a restaurant with the service of alcohol and live entertainment. There will be outside dining and alcohol consumption associated with the restaurant use. Providing a restaurant with alcohol within a hotel is an appropriate and common amenity for the guests. The proposed restaurant and alcohol sales would be an asset to the overall project and would not negatively impact the surrounding area.

The first level will include the hotel lobby, offices, and administrative space. Levels 2 through 5 will be designated for the parking garage. Levels 7 and 8 include a ballroom, event center, meeting rooms, fitness center, spa, and indoor pool. Level 9 is reserved for the restaurant space and Levels 10 through 18 are for guestrooms. Level 19 will have a rooftop deck and outdoor gather space, as well as 5 additional high-end guestrooms.

The applicant is requesting to reduce the parking from the required 531 parking spaces to 520 parking spaces provided or about a 2% reduction. The 2% reduction is minor and will not have an impact on the project. With the increase in ridesharing and the walkability within the stadium corridor, the additional parking is not necessary. Therefore, a 2% reduction in parking is reasonable.

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
East	Entertainment Mixed-Use	M-D	Warehouse facility
West, South, & North	Entertainment Mixed-Use	M-1	Office, warehouse, & undeveloped

### **STANDARDS FOR APPROVAL:**

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

### **Analysis**

#### **Current Planning**

##### Zone Change

The proposed reclassification to an H-1 zoning district is within the range of intensity allowed by the Entertainment Mixed-Use use designation in the Land Use Plan. The goal for this immediate area, which is part of the Stadium District, is to increase tourist accommodation and other amenities with uses focused on tourist activities uses and involves the adaptive reuse or redevelopment of obsolete commercial properties. The proposed non-gaming hotel will be adjacent to already existing commercial, warehouse and office uses with no established residential uses within the area. The proposed hotel is within one mile of Allegiant Stadium and this use will accommodate increases in tourist activities. The proposed zone change in part

complies with Policy WP-1.2: Stadium District Development, where a new hotel will help promote the transition of the Stadium District area into a vibrant mixed-use center for retail, entertainment, and hospitality. Staff finds that the requested zoning is appropriate and consistent with the existing land use plan in the area; therefore, staff can support this request.

#### Use Permit

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 proposed outside dining and drinking area as part of the hotel's restaurant and bar is not within 200 feet of any existing residential uses or any residential zoned properties. In addition, the outside dining area will not be at ground level, but on Level 9, whereby pedestrian safety is less paramount than that with ground level outside dining areas that are adjacent to on-site parking. Staff finds the proposed outdoor dining area will not have an impact on adjacent properties and is a common amenity to a variety of hotel with restaurants. The immediate area consists of primarily industrial and manufacturing uses; therefore, staff can support this request.

#### 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 #1

The applicant is requesting to increase the overall building height to 245 feet where 100 feet is the maximum. Increasing the height to the requested 245 feet will not negatively impact the site. The immediate area is primarily zoned for light industrial uses, manufacturing, warehouse/office uses and little to no existing residential uses are located within this area of the hotel that would otherwise be detrimental to any height increase. The applicant has submitted a copy to the FAA a "Notice of Proposed Construction or Alteration" regarding increased building height. Additionally, the proposed building has varied rooflines with different heights breaking up the mass of a building. Staff does not have any practical problem with the increase in building height and can support this request.

#### Waiver of Development Standards #3

The site is close to public transit facilities, employment areas, and other tourist locations within the Stadium Corridor. Similar parking reductions have been approved for nongaming hotels in the County. The request by the applicant results in a 2% reduction in on-site parking and is not considered excessive. Staff finds the proposed parking reduction will not have an adverse effect on the adjacent properties and can support this request.

### Design Reviews

The proposed building and site design are compatible with the surrounding uses and properties. The design of the hotel building complies with the requirements of Code for architectural elements to enhance the project and the development provides appropriate buffers and setbacks. The project should implement a comprehensive land use plan to promote economic viability and employment opportunities with development that is compatible with adjacent land uses. However, since the site is within the Stadium District, the proposed development has not incorporated pedestrian safety measures as adopted by the County's "pedestrian realm" into overall design. Staff has concerns regarding safety measures within this area with increased pedestrian traffic related to events and games at Allegiant Stadium. The applicant has been sent these diagrams and has not provided any revisions or incorporated them into the design. Staff cannot support the design review as shown.

### **Public Works - Development Review**

#### Waivers of Development Standards #4 & #5

Of the 3 proposed driveways, staff cannot support either driveway on Polaris Avenue but can support the driveway on Quail Avenue.

Although the plans do not reflect this, the applicant's justification letter indicates that the northern driveway on Polaris Avenue is for ingress only. While that may help mitigate some concerns, the driveway is wide enough to accommodate two-way traffic. Additionally, the driveway leads to a porte-cochere at the entrance to the hotel. When arriving at the hotel, guests will likely park in the porte-cochere during the check-in process. With multiple check-ins at the same time, the porte-cochere area will be full and vehicles will run out of room to safely park, leading to stacking in the right-of-way and potential collisions. In addition to the lack of space on-site, the driveway is so close to the intersection with Quail Avenue which will greatly increase the chance of accidents.

Drivers entering the site from the southern driveway on Polaris Avenue will face immediate conflicts with vehicles using the porte-cochere area, which will lead to the same problems discussed above.

The applicant's contention that the site cannot be designed to meet both the throat depth standards and the driveway departure standards is based on the proposed design.

The driveway on Quail Avenue, although not meeting the minimum throat depth standard of 150 feet, has a throat depth of over 143 feet and is for ingress traffic only, reducing the number of conflicts that are associated with a two-way driveway. Staff can support this portion of the request.

### **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.

More importantly, the development will penetrate the Part 77 airspace surface (Airport Airspace Overlay District), as defined by Section 30.48.100 of the Clark County Unified Development Code. Therefore, as required by Section 30.16.210(12)(D) of the Clark County Unified Development Code, final action cannot occur until the FAA has issued an airspace Determination of No Hazard and the Department of Aviation has reviewed the determination. (Note that Section 30.16.210(12)(D) requires that the FAA Determination of No Hazard shall be submitted two weeks prior to final approval for any proposed structure that intrudes into Airport Airspace Overlay District [see Chapter 30.48 Part B].)

### **Staff Recommendation**

Approval of the zone change, use permit, waivers of development standards #1, #3, and #4 for the Quail Avenue driveway only, and the design reviews; denial of waivers of development standards #4 for the Polaris Avenue driveways and #5.

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:**

#### **Current Planning**

If approved:

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Applicant to work with Current Planning on the design of the pedestrian realm, sidewalks, and street landscaping to comply with the intent of the Stadium District Plan;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- 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; 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;
- Reconstruct any unused driveways with full off-site improvements.
- Applicant is advised that signs, structures, and landscaping shall not encroach into public right-of-way, easements, or sight-visibility zones; and 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;
- 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.
- 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**

- No comment.

**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](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0277-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Paradise - approval.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** NEW ANGLE DEVELOPMENT

**CONTACT:** KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DR., SUITE 650, LAS VEGAS, NV 89135