

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-26-0212-MGM RESORTS FESTIVAL GROUNDS, LLC:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce street landscaping; **2)** increase retaining wall height; and **3)** alternative driveway geometrics.

DESIGN REVIEW for a proposed museum (memorial park) on 2.0 acres in a CR (Commercial Resort) Zone within the Airport Environs (AE-60) Overlay.

Generally located south of Reno Avenue and west of Giles Street within Paradise. JG/mh/cv
(For possible action)

RELATED INFORMATION:

APN:

162-28-215-003

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce street landscape area width along Reno Avenue to 6 feet where a minimum of 10 feet is required per Section 30.04.01D (a 40% reduction).
2. Increase retaining wall height to 8 feet where a maximum height of 3 feet is permitted per Section 30.04.03C (a 167% increase).
3.
 - a. Reduce throat depth for the driveway along Reno Avenue to 16 feet where a minimum of 25 feet is required per Uniform Standard Drawing 222.1 (a 36% reduction).
 - b. Reduce approach distance from the driveway along Reno Avenue to the intersection of Reno Avenue and Giles Street to 88 feet where a minimum of 150 feet is required per Uniform Standard Drawing 222.1 (a 41% reduction).

LAND USE PLAN:

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 2
- Project Type: Museum (memorial park)
- Number of Stories: 1 (proposed support building)
- Building Height (feet): 15 (proposed support building)/59 (proposed tower of light)
- Square Feet: 1,754 (proposed support building)
- Parking Provided: 13 (including 3 ADA spaces)
- Sustainability Required/Provided: 7/7.5

Site Plan

The plans depict a proposed museum “Forever One” site located on the northwest corner of Reno Avenue and Giles Street. The site is accessed via a commercial driveway along Reno Avenue, with an additional pedestrian entrance located in the southeast corner of the site. The parking area is located along the north property line. A parking demand study has been provided for the additional parking in lieu of a waiver of development standards to increase the maximum parking. A 1,754 square foot support building is located to the west of the parking area, set back 18 feet from the west property line and 76 feet from the east property line. The trash enclosure is located southwest of the building.

A 5 foot wide walkway, which widens to 16 feet, leads from the parking area to the center of the site, where a plaza with an amphitheater and landscaping will be located. The walkway continues south toward the “tower of light,” which is set back approximately 49 feet from the east and west property lines. The walkway continues south toward the rear of the site, where a second amphitheater with a stepped landscape seating area, supported by an 8 foot high retaining wall, is located. A “remembrance ring” is located south of the amphitheater seating area, set back 39 feet from the east and west property lines, and 32 feet from the south property line. A wall is located along the perimeter of the walkway throughout the site, reaching a maximum height of 27 feet, along with interior walls on the other side of the walkway. Screening consists of an existing 8 foot high chain link fence is located along the south and west property lines, with a proposed 8 foot high decorative metal fence located along the east property line adjacent to Giles Street.

Landscaping

The plans depict an attached sidewalk with a 6 foot wide street landscape area along Reno Avenue, consisting of trees, shrubs, and groundcover, where a 10 foot wide landscape strip is required. A detached sidewalk with street landscaping is proposed along Giles Street, consisting of trees, shrubs, and groundcover. Parking area landscaping is provided with landscape finger islands and perimeter landscaping.

Elevations

The plans depict a 15 foot high support building with a flat roofline, featuring steel cladding on the façade. The entrance is located on the north side, with a roll-up door and additional door located on the west side. The south side of the building will feature a public mural. The plans also depict a 59 foot high “tower of light” constructed of layered, multi-colored panels that will not feature any internal illumination. The plans also depict 16 foot high pillars and 27 foot high commemorative walls.

Floor Plans

The plans depict a 1,754 square foot support building featuring a lobby, electrical room, maintenance room, restrooms, a Las Vegas Metropolitan Police Department security station, and drinking fountains.

Applicant’s Justification

The applicant states that the site will be developed for a commemorative memorial park, which is classified as a museum under Title 30. The maximum approach distance feasible has been provided based on the proximity of the driveway to the intersection of Reno Avenue and Giles

Street. The small parking lot limits the throat depth that can be provided, though the parking lot layout will ensure vehicles can safely enter and exit the site. The parking layout also reduces the available space for street landscaping along Reno Avenue, though sufficient trees and shrubs are being provided, as well as a larger planting area in the northeast corner of the site. The retaining wall is internal to the site and will support amphitheater style seating. A parking demand study has been provided for the additional parking proposed in lieu of a waiver of development standards.

Prior Land Use Requests

| Application Number | Request | Action | Date |
|--|---|-----------------|----------------|
| TM-22-500038 | Tentative map for 1 commercial lot | Approved by PC | April 2022 |
| ADR-21-900389 | Administrative design review for a parking lot | Approved by ZA | July 2021 |
| AV-18-900319 | Minor deviation for a transmission line | Approved by ZA | June 2018 |
| DR-18-0081 | Design review for an extension of monorail system - expired | Approved by BCC | March 2018 |
| UC-0617-16 | Use permits, waivers, and a design review for an extension of a monorail system - expired | Approved by BCC | November 2017 |
| AR-400173-16 (WC-400105-14) (UC-0025-13) | Waiver of conditions first application for review for use permits and waivers for a fairground, live entertainment, and a recreational facility | Approved by BCC | January 2017 |
| ET-400018-15 (UC-0025-13) | First extension of time for use permits and waivers for a fairground, live entertainment, and a recreational facility | Approved by BCC | May 2015 |
| WC-400105-14 (UC-0025-13) | Waiver of conditions of use permits for a fairground, live entertainment, and a recreational facility | Approved by BCC | December 2014 |
| TM-500201-13 | Tentative map for 1 commercial lot | Approved by PC | December 2013 |
| UC-0025-13 | Use permits and waivers for a fairground, live entertainment, and a recreational facility | Approved by BCC | May 2013 |
| ET-400094-12 (UC-0418-11) | First extension of time for use permits and a design review for a temporary outdoor commercial event with live entertainment and temporary structures - expired | Approved by PC | September 2012 |
| UC-0418-11 | Use permits and a design review for a temporary outdoor commercial event with live entertainment and temporary structures - expired | Approved by PC | October 2011 |

Other approved applications for the site are available in the department records.

Surrounding Land Use

| | Planned Land Use Category | Zoning District (Overlay) | Existing Land Use |
|--------------|---------------------------|---------------------------|---------------------------------|
| North | Entertainment Mixed-Use | CR (AE-60) | A's Ballpark and a resort hotel |
| South & West | Entertainment Mixed-Use | CR (AE-60) | Parking lot |
| East | Public Use | CR (AE-60) | Place of worship |

Related Applications

| Application Number | Request |
|--------------------|--|
| VS-26-0213 | A vacation and abandonment of patent easements and a portion of right-of-way 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

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

While staff does not typically support reduced street landscaping, staff finds that the applicant is proposing sufficient trees that will mitigate the urban heat island effect. The applicant is also providing additional landscaping along the northeast and northwest property lines. Therefore, staff can support this request.

Waiver of Development Standards #2

Staff finds that the proposed retaining wall is internal to the site and is being provided to support an amphitheater seating area. The retaining wall will not have adverse effects on the site or the adjacent property. Therefore, staff can support this request.

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.

Staff finds that the site is generally well designed, facilitating convenient access into and throughout the site. The walkways leading from the parking area through the center of the site and to the rear will allow visitors to easily navigate the site. Abundant landscaping is provided throughout the interior of the site, as well as along the streets. The decorative metal fence along Giles Street will enhance the site and streetscape. The proposed museum use is consistent with Policy 2.4.1 of the Master Plan, which seeks to provide opportunities to use public facilities, such as parks, the Clark County Government Center Amphitheatre, community centers, senior centers, libraries, and museums as spaces to create and showcase local contributions to arts, music, and culture. Staff finds that the proposed development is harmonious with the surrounding area, and will serve as a gathering place for community members. For these reasons, staff can support the design review.

Public Works - Development Review

Waiver of Development Standards #3a

Staff has no objection to the reduction of throat depth for the Reno Avenue commercial driveway. Staff does not anticipate any traffic safety issues related to the reduced throat depth, therefore, staff can support this request.

Waiver of Development Standards #3b

Staff has no objection to the reduction in the approach distance for the Reno Avenue commercial driveway. Although the approach distances do not comply with the minimum standards, staff finds the location allows vehicles to safely access the site.

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.

The Tower of Light Sculpture is in very close proximity to airport runways and helicopter flight paths. Glint/glare from lighting and reflective surfaces can create a hazard for aircraft pilots.

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 approval of a Certificate of Compliance.
- 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;
- Full off-site improvements;
- The installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control devices;
- Applicant to install "No Parking" signs along Reno Avenue and Giles Street;
- Applicant must coordinate with the owner of APN 162-28-112-003 regarding the dedication and reconstruction of the Reno Avenue and Giles Street intersection.

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. The Determination of No Hazard must not be expired.
- 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.
- Applicant must submit a plan to the Clark County Department of Aviation (DOA) addressing lighting, glare, graphics, etc. Before building permits can be issued, applicant must receive written approval of said plan from the DOA Airspace Manager, 702-261-5789, which may include its own conditions for approval.

Fire Prevention Bureau

- No comment.

TAB/CAC: Paradise - approval.

APPROVALS:

PROTESTS:

APPLICANT: VEGAS STRONG FUND

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