

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-24-0367-COUNTY OF CLARK (LV CONV AUTH):

USE PERMITS for the following: **1)** multi-family dwelling; **2)** allow a mixture of transient and non-transient uses in conjunction with a hotel; and **3)** allow outdoor dining, drinking, and cooking not in conjunction with a primary eating and drinking establishment.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increase building height; **2)** reduced parking; **3)** reduced EV capable and EV installed parking spaces; **4)** reduced loading spaces; **5)** eliminate open space; **6)** street landscaping; **7)** buffering and screening; and **8)** allow modified driveway design standards.

DESIGN REVIEWS for the following: **1)** multi-family dwelling (tower); **2)** hotel; **3)** shopping center; **4)** entertainment or recreational facilities (theater, amusement ride, and outdoor pool area); **5)** outdoor dining, drinking, and cooking areas; **6)** event plaza; **7)** parking garage; and **8)** all associated and accessory uses, structures, and incidental buildings and structures on 10.0 acres in a CR (Commercial Resort) Zone.

Generally located on the east side of Las Vegas Boulevard South and the south side of Elvis Presley Boulevard within Winchester. TS/md/syp (For possible action)

RELATED INFORMATION:

APN:

162-09-703-024

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase building height (multi-family tower) to 600 feet where a maximum height of 75 feet is permitted per Section 30.02.11 (a 700% increase).
2. Reduce parking to 1,577 parking spaces where 3,185 parking spaces are required per Section 30.04.04D and Table 30.04-2 (a 50.4% reduction).
3.
 - a. Reduce EV capable parking to 320 parking spaces where 647 parking spaces are required per Section 30.04.04H and Table 30.04-5 (a 50.6% reduction).
 - b. Reduce EV installed parking to 47 parking spaces where 96 parking spaces are required per Section 30.04.04H and Table 30.04-5 (a 51.1% reduction).
4. Reduce the number of loading spaces to 13 spaces where 44 spaces are required per Section 30.04.04I and Table 30.04-7 (a 70.1% reduction).
5. Eliminate the required open space for a multi-family dwelling (multi-family tower) where 42,500 square feet of open space is required per Section 30.02.11 (a 100% reduction).
6.
 - a. Allow alternative street landscaping along Las Vegas Boulevard South where a minimum 15 foot wide area, measured from back-of-curb, consisting of 2 landscape strips, 5 feet wide on each side of a 5 foot wide sidewalk shall be provided per Section 30.04.01D.

- b. Reduce street landscaping (Las Vegas Boulevard South) where 1 large tree and 3 shrubs shall be provided every 30 linear feet of street frontage per Section 30.04.01D.
 - c. Reduce street landscaping (Elvis Presley Boulevard) where 1 large tree and 3 shrubs shall be provided every 30 linear feet of street frontage per Section 30.04.01D.
 - d. Allow alternative plant specifications (2 inch caliper small trees) where a minimum of 3 inch caliper large trees are required per Section 30.04.01D and Table 30.04-1.
 - e. Eliminate attached sidewalk landscaping along a portion of Elvis Presley Boulevard where a 10 foot wide minimum landscape strip shall be provided when an attached sidewalk is allowed to remain per Section 30.04.01D.
7. Allow a single row of Evergreen trees along the east property line where buffers require a double row of Evergreen trees with each row planted off-set from one another when a commercial district is adjacent to a PF district and where required per Section 30.04.02.
 8. Increase the width of a commercial driveway along Elvis Presley Boulevard to 41 feet where a maximum width of 40 feet is allowed per Uniform Standard Drawing 222.1 (a 2.5% increase).

LAND USE PLAN:

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 10
- Project Type: Mixed-use development
- Number of Units/Rooms/Seats: 425 (multi-family)/750 (hotel)/3,310 (theater)
- Density (du/ac): 42.5
- Number of Stories: 44 (multi-family and hotel)/4 (shopping center)
- Building Height (feet): 600 (multi-family tower)/600 (hotel)/482 (amusement ride)/140 (theater)/94 (retail and restaurants/shopping center)
- Square Feet: 626,988 (multi-family)/557,795 (hotel)/8,081 (amusement ride)/106,850 (theater)/408,942 (retail and restaurants/shopping center)/748,236 (parking garage)/106,693 (event plaza/outdoor recreational space)/ 5,700 and 4,275 (pool areas)/ 39,496 (outdoor dining, drinking, and cooking)
- Open Space Required/Provided: 42,500/0
- Parking Required/Provided: 3,185/1,577
- Sustainability Required/Provided: 7/3.5 (multi-family); 7/3(hotel); 7/3(shopping center); 7/2(theater)*

*Applicant is proposing alternative compliance with the sustainability measures by achieving a LEED Silver certification for the development.

Site Plans

This is a Project of Regional Significance as defined by Title 30 as the proposed development exceeds 6,250 average daily vehicle trips and is located within one-half mile of a local government's jurisdiction (City of Las Vegas). The plans depict a proposed development consisting of the following: 1) 44 story multi-family dwelling (tower) consisting of 425 units at 42.5 dwelling units per acre; 2) 44 story hotel consisting of 750 rooms; 3) theater consisting of 3,310 seats; 4) shopping center with retail and restaurant uses including outside dining, drinking and cooking; 5) amusement ride; 6) outdoor recreational facility consisting of a pool; 7) parking garage including 2 subterranean levels; and 8) an event plaza.

The development is located at the southeast corner of Las Vegas Boulevard and Elvis Presley Boulevard, immediately south of the Fontainebleau Las Vegas and is designed with the following setbacks: 1) 20 feet from the west (front) property line adjacent to Las Vegas Boulevard South; 2) 20 feet from the north (side street) property line along Elvis Presley Boulevard; 3) 40 feet from the south property line (side interior); and 4) 30 feet from the rear property line, adjacent to the Las Vegas Convention and Visitors Authority (LVCVA) facility. The development will be divided into 2 phases with Phase 1, located on the western 5 acres of the site, consisting of a shopping center, recreational facility with a pool, amusement ride, event plaza, and a 2 level subterranean parking garage. The event plaza/outdoor recreational space is located above the parking garage level and with primary access granted from Las Vegas Boulevard via 2 escalators and staircases. Retail uses, including restaurants with outdoor dining, drinking, and cooking, are located at the north and south portions of Phase 1. An outdoor recreation facility, consisting of a pool measuring 5,700 square feet, is also located at the north portion of Phase 1 adjacent to the retail areas. A rooftop outdoor dining, drinking, and cooking area is located to the west of the southern retail area in Phase 1 of the development.

Phase 2, located on the eastern 5 acres of the site, consists of a multi-family dwelling (tower) with an outdoor pool (4,275 square feet), hotel with an outdoor pool (5,700 square feet), 3,310 seat theater, event plaza, and multiple level parking garage. The multi-family dwelling (tower) is located at the northeast corner of the site and the hotel is located 88 feet to the west of the multi-family dwelling. The applicant is requesting a use permit to allow a mixture of transient and non-transient uses in conjunction with the hotel. However, in the event a portion or the entirety of the multi-family dwelling (tower) will be utilized as a hotel, the use permit request for transient and non-transient uses will also extend to this building. The theater is located at the southwest corner of the site.

The proposed development requires 3,185 parking spaces where 1,577 parking spaces are provided, necessitating a waiver of development standards. Ninety-six EV installed parking spaces are required where 47 EV-Installed parking spaces are provided, requiring a waiver to reduce the number of spaces. Furthermore, 647 EV capable parking spaces are required where 320 parking spaces are provided, also necessitating a waiver. A waiver is also required to reduce the number of loading spaces for the development to 13 spaces. Access to the project site is granted via a commercial driveway (southwest corner of site) along Las Vegas Boulevard South and a driveway (northeast corner of site) along Elvis Presley Boulevard. A waiver of development standards is required to increase the width of a commercial driveway along Elvis

Presley Boulevard to 41 feet. There is an area reserved for the Boring Company hub/station located at the northwest corner of the project site.

Landscaping

The plans depict street landscape area along Las Vegas Boulevard measuring 17 feet, 10 inches in width consisting of the following: 1) a detached sidewalk measuring 6 feet, 9 inches in width; and 2) a street landscape area measuring 11 feet, 1 inch in width. The detached sidewalk is located immediately adjacent to the street landscape area. A waiver of development standards is required as a second 5 foot wide landscape strip is not provided adjacent to the east side of the detached sidewalk. Immediately to the west of the street landscape area along Las Vegas Boulevard is an existing attached sidewalk measuring 18 feet in width. Eight trees are provided where 22 trees are required, necessitating a waiver of development standards to reduce street landscaping. A street landscape area along Elvis Presley Boulevard, measuring 22 feet, 2 inches in width is located behind an existing 6 foot wide attached sidewalk. Eighteen trees are provided where 22 trees are required which also requires a waiver to reduce street landscaping. Two small 2 inch caliper trees (strawberry) are planted at the northeast corner of the site, adjacent to the west side of the commercial driveway along Las Vegas Boulevard, requiring a waiver.

No street landscaping is provided for a small portion of the site, located at the northwest corner of the site, along Elvis Presley Boulevard. The remainder of the Elvis Presley street frontage consists of a row of 2 rows of trees. A concrete walkway with enhanced paving is provided in lieu of the landscaping within this area. A single row of evergreen trees are provided along the east property line where a double row of evergreen trees are required, necessitating a waiver of development standards. An 8 foot tall decorative block wall will be constructed along the east property line.

Elevations

Below is a table reflecting the height and materials for each building:

Building:	Height
Hotel	600
Multi-family (tower)*	600
Theater	140
Amusement ride	482
Shopping center	94

*A waiver of development standards is required to increase the building height for the multi-family dwelling.

The hotel and multi-family dwelling (tower) measure up to 600 feet in height. The hotel and multi-family dwelling are constructed of non-reflective transparent glass. The theater, designed in the shape of a sphere, measures up to 140 feet in height. The exterior of the theater predominantly consists of canopy finished metal panels with decorative perforated metal panels to provide contrast between the building materials. LED panels will be installed on exterior circumference of the theater. The amusement ride measures 482 feet in height and is designed as a lattice type structure, except for the base that resembles a pineapple. The top of the amusement

ride is designed in the shape of a drinking glass. The shopping center measures up to 94 feet in height with varying rooflines. The exterior of the building consists of glass, masonry (brick), decorative metal panels, stone and stucco. The shopping center will be painted with neutral, earth tone colors.

Floor Plans

Below is a table reflecting the building area for each structure:

Land Uses	
Hotel	
Rooms	750
Square feet	557,795
Multi-family (tower)	
Dwelling Units	425
Shopping center	
Square feet	408,942
Theater	
Seats	3,310
Square feet	106,850
Parking garage	
Square feet	748,236
Amusement ride	
Square feet	8,081
Event plaza	
Square feet	106,693

Four levels of parking are located below the theater and 2 levels of parking are located below the hotel and multi-family dwelling towers. The shopping center consists of 4 levels, with the first 3 floors dedicated to retail and the fourth level dedicated to restaurant uses. An outdoor recreation facility, consisting of a pool measuring 5,700 square feet, is located at the north portion of Phase 1 adjacent to the retail areas. Outdoor dining, drinking, and cooking is also proposed at this location. The retail building (Phase 1) located at the southwest corner of the site features a fifth and sixth level, consisting of an outdoor terrace dedicated to outdoor dining, drinking, and cooking.

Signage

Signage is not a part of this request.

Applicant’s Justification

The applicant states the height of the proposed tower is consistent and in harmony with the adjacent developments including Resorts World on the west side of Las Vegas Boulevard South and the Fontainebleau Las Vegas on the north side of Elvis Presley Boulevard. In the Las Vegas Visitor Profile Studies published by the LVCVA, the number of visitors that utilize their own vehicles to travel around Las Vegas has been historically around 50 percent. The number of visitors that rent a car has been consistently low over the last few years. There is also a percentage of visitors that travel between properties with ride share, taxis, bus, shuttle, and a

reducing number utilizing the monorail while leaving their personal/rented cars in another garage. This site is walking distance to the Convention Center and adjacent to an existing Boring Company station that provides access currently to the various halls of the LVCVA and Resorts World. This is a unique multi-family development in that it is on the Strip, provides amenities with the shopping center, the various pools, and the plaza but does not provide traditional open space. The multi-family will not be marketed to traditional tenants/owners but will be more focused on second homeowners/tenants that want to enjoy the amenities of the Strip and would not have a need for traditional open space. As with most large developments, a dock master will be utilized to schedule deliveries and provide a safe and consistent circulation model. Since the exact make-up of the tenants for the shopping center as well as the hotel and multi-family amenities are not finalized, a specific plan cannot be generated at this time. The dock master will, as done in other sites such as City Center, ensures that circulation, parking, and pedestrian traffic is not impacted by deliveries to the site. Therefore, the need for EV charging will be comparable to the need for overall on-site parking. The number of required trees will impact visibility to the site as well as create conflicts with pedestrian entrances to the site. In addition, lower vegetation (shrubs) have been removed along other portions of Las Vegas Boulevard at the request of Metro for safety purposes. Directly to the east of the property is the West Hall of the LVCVA facility, a parking lot and a station to the Boring Company connections throughout the complex. The proposed project will not conflict, nor will it impact the existing uses and events of the LVCVA. The development proposal calls for Cool Roof, Shade Structures, Assorted Building Features, and Alternative Compliance Features. The Alternative Compliance Features include specific building materials, colors, and finishes that will provide a LEED Silver or greater rating.

Prior Land Use Requests

Application Number	Request	Action	Date
TM-23-500180	1 lot commercial subdivision	Approved by PC	February 2024
UC-23-0126	Monorail	Approved by BCC	May 2023
ZC-22-0126	Reclassified from a P-F to an H-1 zoning	Approved by BCC	May 2022
UC-20-0546	Monorail	Approved by BCC	October 2021
DR-20-0261	Underground people mover system connecting the Las Vegas Convention Center to Resorts World Resort Hotel	Approved by BCC	August 2020
DR-19-0429	Underground people mover system at the Las Vegas Convention Center with both below grade and surface level stations	Approved by BCC	July 2019
ADR-19-900879	Modifications to the previously approved underground people mover system at the Las Vegas Convention Center, which included moving stations and changing the entrance structures for stations	Approved by ZA	January 2020

Prior Land Use Requests

Application Number	Request	Action	Date
UC-18-0343	Convention facility/exposition hall; a public/quasi-public building and facility with accessory commercial uses; and outdoor live entertainment	Approved by BCC	July 2018
ZC-0863-15	Reclassified from H-1 to P-F zoning	Approved by BCC	February 2016

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Entertainment Mixed-Use	CR	Fontainebleau resort hotel
South	Entertainment Mixed-Use	CR	Undeveloped
East	Entertainment Mixed-Use	PF	Convention center
West	Entertainment Mixed-Use	CR	Resorts World resort hotel & restaurant

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.

Use Permit #1

Multiple family residential developments require the approval of a use permit in the CR zoning district to permit the use and demonstrate the development is appropriate for the given location. The proposed development complies with Goal 1.1 of the Master Plan that encourages opportunities for diverse housing options to meet the needs of residents of all ages, income levels and abilities. Per the Master Plan, multi-family residential uses are encouraged as a supporting use in the Entertainment Mixed-Use category to support the expansion of housing options within close proximity of services, amenities, and jobs. Therefore, staff recommends approval.

Use Permits #2 & #3

The Entertainment Mixed-Use category encourages a mix of retail, entertainment, gaming, lodging, and other tourist-oriented services. The purpose of the CR zoning district is to accommodate the development of gaming enterprises, tourist and commercial activity, and mixed-use development, and to prevent uses incompatible with gaming enterprises and resort

development. Policy 5.1.3 of the Master Plan emphasizes tourism, conventions, trade shows, and gaming as one of the region's economic pillars. Retail uses and restaurants with outdoor dining drinking, and cooking are common amenities associated with both gaming and non-gaming hotels located within the Resort Corridor. Staff finds the proposed uses comply with the aforementioned policy from the Master Plan and should not have a negative or detrimental impact on the surrounding land uses or properties.

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

Policy 6.2.1 of the Master Plan aims to ensure the design and intensity of new development is compatible with the surrounding area and uses in terms of height, scale, and the overall mix of uses. The requested height increase to the multi-family dwelling (tower) is similar to, and consistent with, other resort hotel requests that have been approved within the immediate area. Therefore, staff recommends approval of this request.

Waivers of Development Standards #2 & #3

The intent of the parking requirements is to establish regulations for the provision of safe and efficient parking facilities in amounts sufficient to meet existing and/or proposed land uses in unincorporated Clark County. The applicant states that a Visitor Profile study, previously published by the LVCVA, states the number of visitors utilizing their own vehicles to travel around Clark County has historically been around 50 percent. Visitors and residents of the development may utilize alternative modes of transportation such as ride-share programs, taxis, and public transit thereby reducing the demand for parking spaces. Therefore, staff recommends approval.

Waiver of Development Standards #4

Staff finds the reduction to the number of loading spaces should have minimal to no impact on the proposed development. The loading spaces are located within the interior of the development, adjacent to loading docks and receiving areas. The proposed number of loading spaces should adequately serve the development; therefore, staff recommends approval.

Waiver of Development Standards #5

Staff typically does not support requests to eliminate the open space requirement for multi-family developments. However, the applicant has provided an event plaza/outdoor recreational space measuring 106,693 square feet in area, in lieu of the required open space. The event plaza will serve the entire development once both phases are complete; therefore, staff recommends approval.

Waivers of Development Standards #6 & #7

Staff does not object to the alternative and reduced landscaping along Las Vegas Boulevard and Elvis Presley Boulevard. The proposed street landscaping is compatible with other developed properties along Las Vegas Boulevard, and the Fontainebleau Las Vegas immediately to the north. Staff typically does not support reducing landscape buffers adjacent to less intensive uses. The reduced landscaping consists of a single-row of evergreen trees along the east property line. However, the adjacent use along the east property line consists of a large parking lot and convention facilities, which essentially function as a commercial development. Staff finds the reduced landscaping should have minimal to no impact on the existing conventions facilities; therefore, recommends approval of this request.

Design Reviews #1 through #6

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.

Although the proposed development is not a resort hotel since there is not any gaming, it is similar to a resort hotel regarding the numerous amenities attracting tourists. The proposed design of the hotel, multi-family dwelling (tower) and associated commercial uses consist of a contemporary design that is architecturally diverse, which is appropriate for the surrounding area. A multitude of commercial uses are provided in conjunction with the proposed hotel and multi-family towers including, but not limited to, retail uses, restaurants, theater, and an amusement ride. The proposed uses comply with policy WP-1.1 of the Master Plan that encourages a diversity of land uses along major corridors as densities that support pedestrian activity and transit use, especially along Las Vegas Boulevard. Staff finds the proposed development is appropriate for the area, is compatible with the surrounding land uses, and complies with the goals and policies from the Comprehensive Master Plan; therefore, recommends approval. Staff also recommends a condition of approval of the application that an administrative design review be required for APN 162-09-703-025 to memorialize the on-site improvements due to APN 162-09-703-024 being development for a different use. APN 162-09-703-025 is currently zone PF and the administrative design review will establish the development standards for said parcel.

Public Works - Development Review

Waiver of Development Standards #8

Staff has no objection to the increase width of the westernmost commercial driveway on Elvis Presley Boulevard. The increase width will allow vehicles to safely exit the right-of-way.

Department of Aviation

The community continues to express concerns regarding any type of helicopter overflight activity throughout the Las Vegas area. The heliport is not located at a Department of Aviation airport facility.

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.

More importantly, the development will penetrate the Part 77 airspace surface (Airport Airspace Overlay District), as defined by Section 30.02.26B.2(i) of the Clark County Unified Development Code. Therefore, as required by Section 30.06.03D.7(iv) 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 30.06.03D.7(iv) 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 30.02.26B].)

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

- Prior to the issuance of building and grading permits, or subdivision mapping, mitigate the impacts of the project including, but not limited to, issues identified by the technical reports and studies, and issues identified by the Board of County Commissioners or commit to mitigating the impacts of the project by entering into a Development Agreement with Clark County;
- Prior to the issuance of building and grading permits, enter into a Performance Agreement with Clark County which includes a Decommissioning Plan specifying the actions to be taken by the Developer or County in the event construction of the project is stopped or abandoned;
- Bond or other form of financial security, acceptable to Clark County, shall be provided with the Performance Agreement as security of the full and complete fulfillment of the decommissioning actions identified in the Decommissioning Plan.
- Administrative design review is required for the remainder of the LVCVA parcel (APN 162-09-703-025);
- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance.
- Applicant is advised that a tree-fee in lieu shall be paid to the County for each street tree waived; approval of this application does not constitute or imply approval of a liquor license or any other County issued permit, license or approval; 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;
- Coordinate with Public Works for the pedestrian bridge and if required execute an agreement.
- No advertising on pedestrian bridge.
- Allow the following permits prior to approval of off-site permits: all demolition, grading, including underground utilities, dewatering, foundation, and structural first lift with foundation;
- Coordinate with Public Works - Directors Office for any improvements on Las Vegas Boulevard South.
- Maintain the required width of all public access walkway segments so that a minimum Level of Service "C" is achieved under peak pedestrian volumes;
- Applicant is advised that off-site improvement permits may be required.

Department of Aviation

- Applicant may be required to file Federal Aviation Administration (FAA) Form 7480-1, "Notice of Landing Area Proposal" with the FAA, per 14 CFR Part 157;
- Applicant must comply with heliport conditions described in 30.03.06B5. "Heliport" of the Code, and any applicable conditions resulting from FAA approval;
- 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 all helicopter noise complaints and inquiries regarding operations from this facility will be forwarded to the operator of this heliport; 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.
- 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 a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0109-2024 to obtain your POC exhibit; that flow contributions exceeding CCWRD estimates may require another POC analysis; and that the proposed development is anticipated to generate significant wastewater flows, which would require the following: the Developer is to install a wastewater meter to monitor the flows; the Developer is to ensure that all wastewater flows are routed to one discharge location from the site to flow through the wastewater meter under desirable hydraulic conditions (i.e., minimize bends from the upstream manhole); and wastewater meter monthly fees shall be billed to the facility.

TAB/CAC: Winchester - approval.

APPROVALS:

PROTESTS:

APPLICANT: BPS PARTNERS, LLC

CONTACT: DAVID BROWN, DAVID BROWN ESQ., 520 S. FOURTH STREET, 2ND FLOOR, LAS VEGAS, NV 89101