

02/03/21 BCC AGENDA SHEET

GELATO STAND  
(TITLE 30)

LAS VEGAS BLVD S/HARMON AVE

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**AR-20-400161 (UC-18-0793)-PHW LV, LLC:**

**USE PERMITS FIRST APPLICATION FOR REVIEW** for the following: **1)** permit an accessory use (retail booth) to not have primary access through a resort hotel; and **2)** deviations per plans on file.

**DEVIATIONS** for the following: **1)** permit retail sales (gelato stand) to be conducted outside and not within an enclosed building; and **2)** all other deviations per plans on file.

**DESIGN REVIEWS** for the following: **1)** a retail booth (gelato stand); and **2)** modifications to an approved comprehensive sign package in conjunction with an existing resort hotel (Planet Hollywood) on a portion of 37.4 acres in an H-1 (Limited Resort and Apartment) Zone in the MUD-1 Overlay District.

Generally located on the east side of Las Vegas Boulevard South and the north side of Harmon Avenue within Paradise. JG/al/jd (For possible action)

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RELATED INFORMATION:

**APN:**

162-21-210-000; 162-21-210-003 through 162-21-210-005; 162-21-210-007; 162-21-210-009; 162-21-210-010; 162-21-210-012 through 162-21-210-013 ptn

**LAND USE PLAN:**

WINCHESTER/PARADISE - COMMERCIAL TOURIST

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 3663 & 3667 Las Vegas Boulevard South
- Site Acreage: 37.4 (portion)
- Project Type: Retail booth (gelato stand) and amend the comprehensive sign package
- Number of Stories: 1
- Building Height (feet): 12
- Square Feet: 370

Site Plans

The plans show an existing resort hotel (Planet Hollywood) located on a 37.4 acre property. Access to the site is from Las Vegas Boulevard South, Harmon Avenue, and Audrie Street. The retail booth (gelato stand) is located along the west side of the resort hotel abutting the sidewalk/pedestrian access easement along Las Vegas Boulevard South. This space is an

unobstructed private sidewalk area along the side of the building. The gelato stand is located on the west side of the Planet Hollywood Resort Hotel set back approximately 260 feet from the northern property line of the resort hotel; and is set back approximately 28 feet from the west property line along Las Vegas Boulevard South. The gelato stand is set back 6 feet from the sidewalk/pedestrian access easement located along the west side of the Planet Hollywood Resort Hotel. The 6 foot setback includes a 3 foot wide shy zone located between the sidewalk/pedestrian access easement and the customer queuing area for the gelato stand.

#### Landscaping

No changes were proposed or required to existing landscape areas with this request.

#### Elevations

The gelato stand is 12 feet in height with the employee entrance located on the south side of the stand. Portions of the gelato stand are located under a canopy for the resort hotel, and an existing column for the canopy was incorporated into the gelato stand for signage. There is an awning along the west side of the gelato stand that extends out 1.5 feet from the front of the structure. The awning is intended to help shade the gelato in display cases located along the west side of the stand. Building materials for the stand are consistent with the existing resort hotel.

#### Floor Plans

The gelato stand has an area of 370 square feet. Display cases for products are located along the west side of the stand, facing the pedestrian access easement. There are open windows above the display cases to allow customers to walk up to the stand and place their order. The customers will then proceed to the point of sale areas located on the north and south sides of the stand. The plans indicate that the customer queuing area for sales is located along the north and south sides of the stand and the lines will queue to the east away from the pedestrian access easement.

#### Previous Conditions of Approval

Listed below are the approved conditions for UC-18-0793:

##### Current Planning

- 2 years to commence and review;
- Per revised plans;
- No temporary signs, structures, or other obstructions within pedestrian access easement or within 3 feet of pedestrian access easement (shy area).
- 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; 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.

#### Signage

The plans depict 7 additional wall signs in conjunction with the gelato stand. None of the proposed signs are animated. The signs are located on the leading edge of the awning, over the point of sale locations, on the west side of the stand and around the existing column. The sign around the column has the appearance of ice cream cones that are approximately 8 inches in height. The other signs will consist of channel letters within sign cabinets.

### Applicant's Justification

The applicant indicates that the gelato stand is in operation and that there have been no complaints regarding the use on the property. The gelato stand has been operating in conformance to the conditions of approval for UC-18-0793. Therefore, the applicant is requesting that the gelato stand be allowed to continue operations at this location and that there be no further reviews for the application.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-18-0793	Retail booth (gelato stand) in conjunction with a resort hotel	Approved by BCC	December 2018
WS-18-0705	Modifications to an existing patio area and an amended comprehensive sign package	Approved by BCC	October 2018
VS-18-0128	Vacated a pedestrian access easement	Approved by PC	April 2018
UC-0544-17	Façade changes, outside dining and drinking areas, and modification to an approved comprehensive sign plan for a restaurant within a shopping center (Miracle Mile Shops)	Approved by BCC	August 2017
UC-0348-16	Amended an approved comprehensive sign plan to include wall signs, a projecting sign, and animated signs for a restaurant within a shopping center (Miracle Mile Shops)	Approved by BCC	July 2016
UC-0342-16	Amended an approved comprehensive sign plan to include additional wall signs, roof signs, and animated signs (video units) for a restaurant within an existing shopping center (Miracle Mile Shops)	Approved by BCC	July 2016
UC-0209-16	Facade remodel and additions to a portion of an existing shopping center (Miracle Mile Shops) for a proposed restaurant with an outside dining and drinking area	Approved by BCC	May 2016
DR-0676-15	Amended comprehensive sign package for an existing resort hotel (Planet Hollywood)	Approved by BCC	November 2015
UC-0985-14	Amended comprehensive sign package for a restaurant in a shopping center (Miracle Mile Shops) in conjunction with the Planet Hollywood Resort Hotel	Approved by BCC	February 2015
UC-0359-11	Escalator attachments to an existing pedestrian bridge and modifications of a shopping center in conjunction with an existing resort hotel (Planet Hollywood)	Approved by BCC	September 2011
UC-0402-10	Comprehensive sign package in conjunction with an existing resort hotel (Planet Hollywood)	Approved by BCC	October 2010
VS-0394-10	Modify existing pedestrian access easements	Approved by BCC	October 2010

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-0370-10	Exterior façade change, outside sales/display (retail enclosure), allow access not from the interior of the resort, and outside dining and drinking	Approved by BCC	September 2010
UC-0340-10	Additional signs in conjunction with an approved restaurant (PBR Rock Bar)	Approved by BCC	September 2010
UC-0192-10	Permit primary access to the outside dining area from an existing secondary access, and modify a portion of the building façade to accommodate a restaurant (PBR Rock Bar)	Approved by BCC	June 2010
UC-1613-05	Façade remodel and comprehensive signage including roof signs	Approved by BCC	December 2005
UC-1115-05	Remodel to the frontage of the resort with deviations for setbacks and signage	Approved by BCC	August 2005

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Commercial Tourist	H-1	Paris Resort Hotel
South	Commercial Tourist	H-1	Shopping center (Harmon Corner), commercial buildings, & Chateau Hotel timeshare
East	Commercial Tourist	H-1	Parking lot
West	Commercial Tourist	H-1	Shopping center (Crystals), Cosmopolitan Resort Hotel, & Bellagio Resort Hotel

**STANDARDS FOR APPROVAL:**

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

**Analysis****Current 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. The business is in operation and there have been no complaints or reports of the business not acting in conformance to the conditions of approval for their use permit. Time limits for review are placed on applications to ensure that the use remains in compliance with the conditions of approval for the land use application. The business has operated in compliance with the conditions of approval for this use permit. Staff does not find that continued reviews for this application are necessary. Should issues arise in the future there

are other methods, like revoking the use permit, to enforce the conditions of approval. Therefore, staff can support removing the time limit.

### **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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

### **PRELIMINARY STAFF CONDITIONS:**

#### **Current Planning**

- Remove the time limit.

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

- No comment.

#### **Clark County Water Reclamation District (CCWRD)**

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTEST:**

**APPLICANT:** PHWLTV, LLC

**CONTACT:** REBECCA MILTENBERGER, BROWNSTEIN HYATT FARBER SCHRECK,  
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