

RESORT HOTEL  
(TITLE 30)

LAS VEGAS BLVD S/SPRING MOUNTAIN RD

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-23-0031-MGP LESSOR, LLC:**

**USE PERMITS** for the following: **1)** high impact project; **2)** resort hotel; **3)** public areas including but not limited to: casino, showrooms, theater, retail, restaurants, offices, pharmacy, personal services, art gallery, live entertainment, night clubs, indoor and outdoor dining and drinking, and alcohol sales (package liquor, beer and wine); **4)** associated accessory and incidental commercial uses, buildings, and structures including retail areas, dining, theater, spa, fitness center and daycare; and **5)** deviations as depicted per plans on file.

**DEVIATIONS** for the following: **1)** increase building height; **2)** reduce height/setback ratio; **3)** encroachment into airspace; **4)** reduced loading spaces; **5)** allow primary access into portions of the building from the exterior of the resort hotel; **6)** alternative landscaping and pedestrian realm; and **7)** all other deviations as depicted per plans on file.

**WAIVER OF DEVELOPMENT STANDARDS** for modified driveway geometrics.

**DESIGN REVIEWS** for the following: **1)** high impact project; **2)** resort hotel with all associated and accessory uses, structures, and incidental buildings and structures; and **3)** finished grade on 69.8 acres in an H-1 (Limited Resort and Apartment) Zone.

Generally located on the west side of Las Vegas Boulevard South, 1,300 feet south of Spring Mountain Road within Paradise. TS/rk/syp (For possible action)

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**RELATED INFORMATION:**

**APN:**

162-16-214-002; 162-17-711-002

**DEVIATIONS:**

1. Increase building height to 660 feet where a maximum height of 100 feet is permitted per Table 30.40-7 (a 557% increase).
2. Reduce height/setback ratio from an arterial street (Las Vegas Boulevard South) to 59 feet where 218 feet is required per Figure 30.56-4 (a 73% reduction).
3. Permit encroachment into airspace.
4. Reduce the number of loading spaces to 12 where 24 spaces are required per Table 30.60-6 (a 50% reduction).
5. Allow primary access into portions of the building from the exterior of the resort hotel.
6. Allow alternative landscaping and a pedestrian realm along the street frontage (Las Vegas Boulevard South) where required per Table 30.56-2, Table 30.64-2, Figure 30.64-17, and Figure 30.64-18.
7. Allow all other deviations as depicted per plans on file.

## **WAIVER OF DEVELOPMENT STANDARDS:**

Allow existing driveways to remain where compliance with Uniform Standard Drawing 222.1 is required.

## **WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE**

### **BACKGROUND:**

#### **Project Description**

##### General Summary

- Site Address: 3400 Las Vegas Boulevard S.
- Site Acreage: 69.8
- Project Type: Resort hotel
- Number of Stories: 43 (including podium)
- Building Height (feet): 542 (top of guitar)/660 (additional architectural features)
- Square Feet: 1,208,301 (total)
- Parking Required/Provided: 4,634/6,166

#### Site Plans

This request is for a new hotel tower to be built on the site currently branded as The Mirage where the volcano attraction currently sits adjacent to Las Vegas Boulevard. The new hotel tower and buildings will consist of 1,208,301 square feet of total area including casino, retail, restaurants (indoor and outdoor dining), night club, day club, offices, live entertainment, entertainment areas, recreation areas, public and back of house areas, and other accessory uses.

The square footage breakdown is more fully described below:

- 48,234 square feet of casino.
- 96,668 square feet at street level to include restaurants and retail.
- 156,634 square feet for check in/pool level.
- 66,673 square foot spa, fitness center and salon.
- 804,282 square feet of floor area associated with the hotel rooms.

The new Hard Rock hotel tower will be in the shape of a guitar and will contain 600 hotel rooms. There will be approximately 36 occupied room levels within the tower which will be built on top of a 105 foot tall podium. The total height of the project will be 542 feet to the top of the guitar and a maximum height of 660 feet for additional architectural features to mimic the neck of the guitar. The height/setback ratio requires 218 feet from Las Vegas Boulevard South where 59 feet is provided, necessitating a deviation. The porte-cochere for the project is accessed via existing driveways off Las Vegas Boulevard South. A valet drop-off area is provided at the porte-cochere for use by patrons of the resort hotel. All parking will be provided through existing adjacent parking garages (total of 3). Based upon the parking totals submitted with this request, a total of 6,166 parking spaces are provided between the Mirage Property and Treasure Island. With the addition of the new hotel tower and uses as well as the other existing uses, a total of 4,6340 parking spaces are required. The plans also depict the location of multiple “potential” pedestrian bridges. Two of the proposed bridges are located on the west side of Las Vegas Boulevard South and would span across the existing vehicular driveways off Las Vegas

Boulevard South. Also, as a point of information, the applicant has been working with The Boring Company for a proposed Vegas Loop station. Access to the project site is granted via 2 existing commercial driveways adjacent to Las Vegas Boulevard South. The existing driveways along Las Vegas Boulevard are not being modified with this project, though it is noted that these driveways do not meet current uniform standard drawing dimensions for entry/exit driveway radii, driveway widths, and throat depths. The intent of this project is to maintain the existing driveways.

### Landscaping

The plans depict a pedestrian realm and landscaping along Las Vegas Boulevard South consisting of 36 inch box trees, shrubs, and groundcover. The pedestrian realm adjacent to Las Vegas Boulevard South measuring approximately 18 feet to maximum 29.5 in width, with a detached sidewalk measuring 18 feet with no landscaping, necessitating deviations for alternative landscaping and a pedestrian realm. Additional landscaping is featured around the perimeter of the buildings and entry driveways throughout the project site.

### Elevations

The plans depict a proposed resort hotel with a total height of 542 feet to the top of the guitar and a maximum height of 660 feet for additional architectural features to mimic the neck of the guitar. The design of the hotel features an exterior composed of a glazed aluminum window wall system, EIFS applications, and aluminum composite panels. The lower-level podium areas involve the use of pre-cast concrete panels, and aluminum composite. The necessary forms have been filed with the Federal Aviation Administration (FAA). However, final action cannot occur until the FAA has issued a valid Determination of No Hazard, and the Department Of Aviation (DOA) has reviewed the determination.

### Floor Plans

The plans depict a variety of hotel room sizes measuring between 460 square feet to 5,60 square feet in area. The floor plans of the resort hotel consist of the following: 1) 48,234 square feet of casino; 2) 96,668 square feet at street level to include restaurants and retail; 3) 156,634 square feet for check in/pool level; 4) 66,673 square foot spa, fitness center and salon; and 5) 804,282 square feet consisting of 600 hotel suites.

### Signage

Signage is not a part of this request.

### Applicant's Justification

The applicant indicates the Hard Rock Guitar Tower will bring 600 luxury guestrooms and suites to the Las Vegas strip. The proposed new hotel tower and additional amenities are compatible and consistent with all the other resort hotels along Las Vegas Boulevard South. Designed to resemble back to back guitars, complete with guitar faces and lit strings, this tower will be an engineering masterpiece at a height of 660 feet with floor to ceiling glass panes. The guitar tower will forever change the skyline of the Strip.

### Prior Land Use Requests

| Application Number        | Request  | Action          | Date          |
|---------------------------|--|-----------------|---------------|
| DR-21-0443                | Comprehensive sign package   | Approved by BCC | October 2021  |
| ADR-21-900297             | Outdoor patio  | Approved by ZA  | July 2021     |
| UC-19-0859                | Temporary commercial outdoor events  | Approved by BCC | December 2019 |
| DR-18-0647                | Façade changes to existing outdoor sales structure/booth   | Approved by BCC | October 2018  |
| AR-18-400147 (UC-0283-17) | First application for review of an outdoor sales structure/booth subject to removing the time limit                                      | Approved by BCC | July 2018     |
| UC-0283-17                | Allowed an outdoor sales structure/booth for Mirage and signage subject to a 1 year review after ticket sales begin                      | Approved by BCC | June 2017     |
| UC-0200-17                | Allowed an outdoor sales structure/booth for Treasure Island and a use permit for deviations to development standards for a Resort Hotel | Approved by BCC | May 2017      |
| DR-0596-12                | Comprehensive sign package   | Approved by BCC | November 2012 |
| TM-0221-08                | 1 lot commercial subdivision   | Approved by PC  | February 2009 |
| UC-2055-04                | Remodel and expansion of the existing Mirage Resort Hotel including signage  | Approved by PC  | January 2005  |
| DR-1047-03                | 67 foot high pedestrian bridge connection to a proposed public pedestrian bridge on the north side of the Treasure Island Resort Hotel   | Approved by BCC | August 2003   |
| VC-2030-98                | Pedestrian bridge to connect the Treasure Island and The Mirage Resort Hotel properties to the Venetian Resort Hotel                     | Approved by BCC | August 1998   |
| VC-894-92                 | 37,000 square feet of signs  | Approved by PC  | December 1992 |

### Surrounding Land Use

|       | Planned Land Use Category | Zoning District | Existing Land Use   |
|-------|---------------------------|-----------------|---|
| North | Entertainment Mixed-Use   | H-1             | Treasure Island Resort Hotel  |
| South | Entertainment Mixed-Use   | H-1             | Caesars Palace Resort Hotel & Forum Shops                                     |
| East  | Entertainment Mixed-Use   | H-1             | Venetian/Palazzo Resort Hotel Complex, Casino Royale, & Harrah's Resort Hotel |
| West  | Business Employment       | M-1             | Office/warehouse buildings & I-15   |

## **STANDARDS FOR APPROVAL:**

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

### **Analysis**

#### **Comprehensive Planning**

##### Use Permits

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 resort hotel, in addition to the various accessory and incidental uses, is defined as a High Impact Project (HIP) as it includes more than 1,200 guest rooms and will generate 8,000 or greater average daily trips, as defined by the Institute of Transportation Engineers. The purpose of the Limited Resort and Apartment District (H-1) is to provide for the development of gaming enterprises, compatible commercial, and mixed commercial and residential uses, and to prohibit the development of incompatible uses that are detrimental to gaming enterprises. Policy 5.1.3 of the Master Plan emphasizes tourism, conventions, trade shows, and gaming as one of the region's economic pillars. Staff finds the request for a new resort hotel with all associated accessory uses complies with the aforementioned policy and is appropriate based on the site's location on Las Vegas Boulevard South, the H-1 zoning designation, and the Las Vegas Boulevard Gaming Corridor; therefore, staff can support these requests.

##### Deviations #1 and #2

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 is similar to, and consistent with, other resort hotel requests that have been approved within the immediate area. Varying building height, breaking-up the mass of the building, and shifting building placement can provide appropriate transitions between differing building scales and intensities. Although the height/setback ratio reduction along Las Vegas Boulevard South is significant, the encroachment into the setback begins at a height of 53 feet. Staff finds the encroachment into the setback should not negatively impact the surrounding land uses and adjacent properties; therefore, staff recommends approval of these requests.

##### Deviations #4 through #7

The intent of the loading requirements is to establish regulations for the provision of safe and efficient loading facilities in amounts sufficient to meet existing and/or proposed land uses. Staff finds the reduction to the number of loading spaces should have minimal to no impact on the proposed resort hotel development. The proposed number of loading spaces should adequately serve the resort hotel and the associated uses. The Applicant is requesting to allow direct access to the pool area and other accessory incidental areas that are not accessed through the interior type of entry to the resort hotel. The exterior entrances are popular and operated in many resort hotels. This allows for better queuing and less congestion in the hotel and gaming areas; therefore, staff recommends approval. Finally, staff does not object to the proposed alternative

landscaping and pedestrian realm design along Las Vegas Boulevard South. The pedestrian realm adjacent to Las Vegas Boulevard South measures between 34 feet to 43 feet in width, with a detached sidewalk measuring 15 feet in width. The alternative landscaping and pedestrian realm are compatible with other developed properties along Las Vegas Boulevard South; therefore, staff recommends approval.

#### Waiver 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.

#### Design Reviews #1 & #2

The proposed design of the resort hotel and accessory uses consist of a contemporary design that is unique and architecturally diverse, which is appropriate for the surrounding area. The street landscape area along Las Vegas Boulevard South, which consists of detached sidewalks, complies with the Master Plan which encourages detached sidewalks and shade to provide a safe and comfortable environment for pedestrians. The majority of Harmon Avenue also includes detached sidewalks, in compliance with the Master Plan. Policy WP-1.1 of the Master Plan encourages a diversity of land uses along major corridors at densities that support pedestrian activity and transit use, especially along Las Vegas Boulevard South. A multitude of accessory commercial uses are provided in conjunction with the resort hotel including, but not limited to, retail uses, restaurants, art studio, theater, and entertainment. Staff finds the proposed resort hotel is appropriate for the area, is compatible with the surrounding land uses, and complies with multiple goals and policies from the Master Plan; therefore, recommends approval.

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

##### Waiver of Development Standards

Staff can support the request to allow the existing driveways on Las Vegas Boulevard South to remain since both driveways are signalized to reduce potential conflicts.

##### Design Review #3

This design review represents the maximum grade difference within the boundary of this application. This information is based on preliminary data to set the worst case scenario. Staff will continue to evaluate the site through the technical studies required for this application. Approval of this application will not prevent staff from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approval.

#### **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.

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 permits, 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;
- Allow the following permits prior to the adoption of the Development Agreement: all grading, including excavation and underground utilities, construction below grade level, and structural first lift with initial foundation work;
- 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;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that approval of this application does not constitute or imply approval of a liquor or gaming license or any other County issued permit, license or approval; water features must comply with Chapter 30.64; the installation and use of cooling systems that consumptively use water will be prohibited; 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;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Right-of-way dedication per RS-22-500123;
- Sight zones adjacent to all driveways to be restored to be code compliant within 90 days of approval;
- 30 days to coordinate with Public Works - Design Division & Construction Management Division and to dedicate any necessary right-of-way and easements for the Las Vegas Boulevard South improvement project;
- Grant necessary easements including, but not limited to pedestrian access for sidewalks and bridges.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

### **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; 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**

- Applicant is advised that fire protection may be required for this facility; that operational permits may be required for this facility; to contact Fire Prevention for further information at (702) 455-7316; and to please contact this office for pre-construction meetings.

**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 #0246-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

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

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** HR NV, LLC

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