

HOTEL  
(TITLE 30)

TROPICANA AVE/KELCH DR

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ET-22-400035 (WS-19-0963)-SID 52, LLC:**

**WAIVERS OF DEVELOPMENT STANDARDS FIRST EXTENSION OF TIME** for the following: **1)** reduce parking; and **2)** permit encroachment into airspace.

**DESIGN REVIEW** for a hotel on a portion of 5.5 acres in an H-1 (Limited Resort and Apartment) (AE-65 & AE-70) Zone.

Generally located 550 feet north of Tropicana Avenue and the west side of Kelch Drive within Paradise. JG/jt/syp (For possible action)

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RELATED INFORMATION:

**APN:**

162-21-810-008 ptn; 162-21-810-009

**LAND USE PLAN:**

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 5.5 (portion)
- Project Type: Hotel
- Number of Stories: 5
- Building Height (feet): 68
- Square Feet: 117,842
- Parking Required/Provided: 181/131

Site Plan

The original site plan depicted a proposed hotel located near the center of the southern parcel (162-21-810-009). Setbacks for the hotel are approximately 31 feet to the north property line, 25 feet to the south property line, 123 feet to the east property line along Kelch Drive, and 63 feet to the west property line. Access to the site is provided by 2 driveways from Kelch Drive, which is a private drive, and parking spaces are located on the north, east, and west sides of the hotel. A portion of the parking spaces and northern driveway entrance extend onto the northern parcel (162-21-810-008), the remainder of the northern parcel will remain undeveloped. Also, a portion of the southern driveway extends onto the adjacent parcel to the south, but this driveway and

drive aisle currently exist and were not a part of the original application. Around the exterior of the hotel, outdoor seating areas are located on both the east and west sides of the building, and a pool area is located near the southeast side of the building.

### Landscaping

Landscaping includes a 15 foot wide landscape area with detached sidewalk along Kelch Drive, an 8 foot wide landscape strip on the north side of the northern parking spaces, a 5 foot wide landscape strip along the west property line, and landscape fingers throughout the parking lot. In addition, landscaping will be provided around the base of the hotel, around outdoor seating areas on both the east and west sides of the hotel, and around the pool area located in the southeast portion of the site.

### Elevations

The previously approved 68 foot tall hotel includes a modern design with parapet walls along the roofline at various heights, off-set surface planes on the elevations, and complementary earth tone colors including eider white, acier, peppercorn, and jute brown. Materials include painted stucco, cultured stone veneer, and aluminum storefront and window frames.

### Floor Plan

The first floor includes a front desk, lobby, lounge, dining area, breakfast buffet, bar for hotel guests, meeting rooms, fitness room, offices, and hotel rooms. The second through fifth floors consist mostly of hotel rooms.

### Previous Conditions of Approval

Listed below are the approved conditions for WS-19-0963:

#### Current Planning

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that 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.

#### 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 30.48 Part B of the Clark County Unified Development Code;

- 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;
- Incorporate exterior to interior noise level reduction into the building construction as required by Code for use.
- 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; Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations, which was constructed after October 1, 1998; and that funds will not be available in the future should the owners wish to have their buildings purchased or soundproofed.

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 #0718-2019 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

#### Signage

Signage is not a part of this request.

#### Applicant's Justification

The applicant indicates that the construction bidding process has started, and the applicant is waiting for the availability of a general contractor. Permitting is expected to begin in the summer of 2022.

#### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
WS-19-0963	Original application for a hotel with encroachment into airspace and reduced parking	Approved by BCC	February 2020
UC-0361-15	Hotel and restaurant with increased height and reduced parking - expired	Approved by BCC	November 2015
UC-1847-05	Timeshare development with office, retail, and restaurant uses - development plans depicted the portion included under this request as not a part even though the parcels were included	Approved by BCC	April 2006

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-0511-00	Reclassified to H-1 zoning for a motel/hotel with office, convention, restaurant, and other accessory facilities	Approved by BCC	May 2000

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North, South, & West	Entertainment Mixed-Use	H-1	Undeveloped
East	Entertainment Mixed-Use	H-1	Undeveloped, timeshare with office, retail, & restaurant uses

**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 on an extension of time application 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 at the subject site since the original approval. Building permits have been submitted for this project, and the building permits are under review. As a result, the applicant is making progress on completing the hotel, and staff can support the extension of time for 2 additional years.

**Department of Aviation**

The development still penetrates 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 still penetrates 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 that is still valid and the Department of Aviation has reviewed the latest determination. (Note that Section 30.16.210(12)(D) requires that the FAA Determination of No Hazard shall be submitted 2 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:****Current Planning**

- Until February 5, 2024 to commence.
- Applicant is advised that 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; 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.

**Public Works - Development Review**

- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Howard Hughes Parkway Extension and Tompkins, Koval to Paradise improvement projects.

**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;
- 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 and is still valid.
- 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**

- No comment.

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

- No comment.

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

**APPROVALS:**

**PROTEST:**

**APPLICANT:** RON DAVISON

**CONTACT:** RON DAVISON, 1785 VILLAGE CENTER CIRCLE, LAS VEGAS, NV 89134