

08/18/21 BCC AGENDA SHEET

LIVE ENTERTAINMENT  
(TITLE 30)

PARADISE RD/HARMON AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-21-0284-HRHH PROPCO, LLC:**

**USE PERMITS** for the following: **1)** live entertainment; **2)** reduce separation from outdoor live entertainment to a residential use; and **3)** allow primary access to the live entertainment areas not through the interior of a resort hotel.

**DESIGN REVIEWS** for the following: **1)** outdoor event areas; and **2)** remodel of resort hotel areas (Virgin Hotel) on 28.8 acres in an H-1 (Limited Resort and Apartment) (AE-60 & AE-65) Zone.

Generally located on the northwest corner of Paradise Road and Harmon Avenue within Paradise. JG/jt/jo (For possible action)

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RELATED INFORMATION:

**APN:**

162-21-615-003; 162-21-615-005; 162-22-201-004

**USE PERMITS:**

1. Live entertainment.
2. Reduce the separation from outdoor live entertainment to a residential use to 80 feet where 500 feet is the minimum per Table 30.44-1 (an 84% reduction).
3. Allow primary access to live entertainment areas and pool areas not through the interior of a resort hotel.

**LAND USE PLAN:**

WINCHESTER/PARADISE - COMMERCIAL TOURIST

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 4455 & 4475 Paradise Road
- Site Acreage: 28.8
- Project Type: Live entertainment areas and remodel of resort hotel areas
- Building Height (feet): 182
- Resort Hotel Square Feet: 610,836
- Parking Required/Provided: 1,858/3,093

### Request

The Virgin Hotel is currently operating in a remodeled resort hotel, formerly the Hard Rock Hotel, with existing entitlements. This application is for outside entertainment areas and to establish the overall baseline areas and uses for the remodeled resort hotel.

### Site Plan

The site plan depicts a resort hotel with the following general layout: resort hotel located near the center of the site, multiple level parking garages located on the north and southwest sides of the resort hotel, a new surface level parking area located in the northwest portion of the site, and an existing surface level parking lot located in the southeast portion of the site (the site of the former Hard Rock Restaurant near the corner of Paradise Road and Harmon Avenue was removed and replaced with a parking area). The outside pools are located near the center of the site on the northwest side of the resort hotel.

Outside live entertainment areas are shown in several locations, including in the northwest and southeast surface parking lots and within the pool areas near the center of the site. A special use permit is necessary to reduce the separation from the outside live entertainment areas on the west side of the site to the multiple family residential complex to the west. The northwestern outside live entertainment area is approximately 80 feet from the western property line, and a new DJ canopy within the westernmost outside live entertainment in the pool area will be approximately 170 feet from the western property line. Speakers for both these outside live entertainment venues will face east, away from the adjacent multiple family residential uses. A new customer queuing area will be located on the northwest side of the outside pools, which will include 2 shade structures and a ticketing booth. A special use permit is necessary to allow primary access to all the outdoor live entertainment venues as well as the pool areas not through the interior of the resort hotel.

In addition to the outdoor live entertainment venues, new queuing area, and new DJ booth, this application will establish baseline areas and uses for the resort hotel. These areas and uses include a 610,836 square foot resort hotel, 1,503 hotel rooms, kitchens in the hotel rooms, 4,041 square foot porte-cochere, 138,264 square foot convention center, 81,875 square foot concert hall, day clubs, nightclubs, outdoor event areas, inside/outside storage areas, restaurants with food and beverage areas, on-premises consumption of alcohol (service bars and taverns), packaged beer, wine, and liquor sales, retail sales, office uses, spa and salons, showrooms, outside dining and drinking, pools, outside casino areas, theater, valet parking, ride share and taxi areas, electric vehicle charging stations, and also a new parking lot/outside entertainment area in the northwest portion of the site. Approval of this application will allow accessory uses to a resort hotel.

### Elevations

Heights of key existing structures includes 182 feet for the resort hotel and 42 feet for the porte-cochere. Heights of new structures include 14 feet for the 2 new shade structures in the pool queuing area, 9 feet for the ticketing booth, and 19 feet for the DJ canopy.

The design of the new structures includes fabric mesh over metal posts for the shade structures, metal posts and a metal roof for the ticketing booth, and a dramatic curved roof structure for the

DJ canopy. A new gated entry is also provided to the pool area, which includes new walls, doors, and stairs.

Signage

Signage is not a part of this request.

Applicant's Justification

According to the applicant, these amenities and services are an asset to the community and will not create any detrimental negative impacts.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
DR-20-0503	Comprehensive sign package (Virgin Hotel)	Approved by BCC	January 2021
ET-20-400031 (VS-18-0074)	First extension of time to vacate and abandon pedestrian access and utility easements	Approved by PC	May 2020
DR-19-0726	Exterior remodel, addition to a surface parking lot, and alternative parking lot landscaping for a resort hotel	Approved by BCC	November 2019
VS-18-0074	Vacated and abandoned easements	Approved by PC	March 2018
UC-0716-17	Proposed theater in conjunction with an existing resort hotel (Hard Rock)	Approved by BCC	October 2017
DR-0723-15	Amended comprehensive sign package	Approved by BCC	December 2015
DR-0213-15	Convention center expansion	Approved by BCC	May 2015
DR-0211-12	Increased wall sign area and revisions to a comprehensive sign package	Approved by BCC	June 2012
UC-0228-10	Live entertainment and outdoor events - expired	Approved by PC	July 2010
DR-0467-09	Additions and modifications to a previously approved sign package including an increase to the animated sign area	Approved by BCC	September 2009
UC-0263-09	Reduced setbacks for directional signs	Approved by BCC	May 2009
UC-0054-09	Additions to an approved resort hotel including an outdoor casino area, outdoor bar, drinking and dining areas	Approved by BCC	February 2009
UC-0034-09	Comprehensive sign package	Approved by BCC	February 2009
DA-1424-07	Development agreement	Approved by BCC	January 2008
UC-0272-05 (ET-0123-07)	First extension of time to commence resort condos and GED expansion	Approved by BCC	June 2007

### Prior Land Use Requests

Application Number	Request	Action	Date
UC-0479-07	Resort hotel expansion and GED expansion	Approved by BCC	July 2007
UC-1465-06	Addition of 349 hotel rooms, meeting, retail, and restaurant space	Approved by BCC	December 2006
UC-0272-05	Resort condos and GED expansion	Approved by BCC	May 2005

### Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Commercial Tourist	H-1	Hotel & undeveloped
South	Commercial Tourist	H-1	Hotels & shopping center
East	Commercial Tourist	H-1 & C-2	Undeveloped, hotel, motel, adult cabaret, & shopping center
West	Commercial Tourist	H-1	Multiple family residential

### STANDARDS FOR APPROVAL:

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

### Analysis

#### Current 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 Comprehensive 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.

Use permits for live entertainment, reducing the separation from live entertainment to the multiple family residential development to the west, and to allow access not through the interior of the resort hotel are appropriate at this location and will not create any negative impacts. Speakers for the western outdoor live entertainment areas face east, away from the adjacent residential uses. Also, the property line wall, live entertainment structures such as the back of the DJ canopy, and landscaping will all help soften the auditory impacts of the live entertainment. In addition, the resort hotel is located in Community District 1, which is the most intense area of development in Clark County, and this area is zoned H-1, which is intended for resort hotel uses that cater to both tourists and residents. As a result, staff can support these requests.

##### Design Reviews

The outside live entertainment areas are designed to minimize impacts on adjacent parcels. For example, the speakers are all pointed away from adjacent and abutting uses, and the outside live entertainment areas will create negligible impacts to parking, queuing, and traffic. Furthermore, the baseline areas and uses established with this application are appropriate for the resort hotel,

and this baseline will be helpful to track the data for land use, building permitting, and business license applications as the resort hotel evolves over time.

### **Department of Aviation**

A portion of the property lies within the AE-65 (65-70 DNL) noise contour for McCarran International Airport and is subject to continuing aircraft noise and over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade McCarran International Airport facilities to meet future air traffic demand.

### **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**

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

- Coordinate with Public Works - Design Division for the Paradise Road improvement project;
- Dedicate any right-of-way and easements necessary for the Paradise Road improvement project.

### **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 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 the property is already connected to the CCWRD sewer system; and that if any existing plumbing fixtures are modified in the future, then additional capacity and connection fees will need to be addressed.

**TAB/CAC:** Paradise - approval (1 year review as a public hearing; and address outdoor live entertainment nearest to multiple family residential development).

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** HRHH PROPCO, LLC AND HRHH CAFE PROPCO, LLC

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