

08/07/24 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

AR-24-400071 (UC-22-0280)-PARBALL NEWCO, LLC:

USE PERMITS FIRST APPLICATION FOR REVIEW for the following: **1)** allow primary means of access to accessory buildings from the exterior of the resort; and **2)** deviations as shown per plans on file.

DEVIATIONS for the following: **1)** allow alternative landscaping and pedestrian realm; and **2)** all other deviations as depicted per plans on file.

WAIVER OF DEVELOPMENT STANDARDS to reduce setback.

DESIGN REVIEW for accessory buildings (tavern/restaurant/retail) for a resort hotel (Horseshoe) on 30.0 acres in a CR (Commercial Resort) Zone.

Generally located on the east side of Las Vegas Boulevard South and the south side of Flamingo Road within Paradise. JG/sd/syp (For possible action)

RELATED INFORMATION:

APN:

162-21-111-001

USE PERMITS:

1. Allow primary means of access to proposed accessory buildings from the exterior of the resort per Table 30.44-1.
2. All other deviations as shown on plans.

DEVIATIONS:

1. Allow alternative landscaping along the street frontage (Las Vegas Boulevard South) where required per Table 30.56-2, Table 30.64-2 and, Figure 30.64-17.
2. All other deviations as shown on plans.

WAIVER OF DEVELOPMENT STANDARDS:

Reduce setback to 21 feet 3 inches where 25 feet from back of curb along Las Vegas Boulevard South is required per Section 30.56.060.

LAND USE PLAN:

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 3645 Las Vegas Boulevard South
- Site Acreage: 30.0

- Project Type: Accessory buildings in conjunction with a resort hotel (Horseshoe)
- Number of Stories: 4 (Building 1)/4 (Building 2)
- Building Height (feet): 80 (Building 1)/57 (Building 2)
- Square Feet: 27,803 (Building 1)/27,914 (Building 2)
- Parking Required/Provided: 5,142/7,448

Site Plans & History

The approved request allowed for the applicant to remove several buildings from the western portion of the Grand Bazaar Shops at Horseshoe (formerly Bally's) and construct 2 new 4 story retail accessory buildings that include restaurants with outside dining, a tavern, and outside entertainment space.

The approved plans depict 2 buildings that are located adjacent to Las Vegas Boulevard South. The existing driveway entrance on Las Vegas Boulevard South is to remain unchanged along with the pedestrian bridges located on Las Vegas Boulevard South and Flamingo Road. Building 1 (northern) is located 23 feet from Las Vegas Boulevard South and encompasses the recently approved revised pylon sign structure (DR-22-0177) and will have direct access to the pedestrian bridge along Las Vegas Boulevard South. Building 2 (southern) is located 21 feet from Las Vegas Boulevard South for a pedestrian realm and is separated from the northern building by the relocated pedestrian access easement. The pedestrian access easement (pedestrian realm) will be partially relocated to the east side of the proposed buildings and is 18 feet wide with a 15 foot pedestrian zone and two 1.5 foot wide shy zones on either side of the pedestrian zone. The existing pedestrian realm will remain along Las Vegas Boulevard South and connect to the pedestrian bridges and the rest of the Grand Bazaar Shops to the east. The upper canopy and balconies of Building 1 (northern) encroach into the 25 foot setback from Las Vegas Boulevard South (2 feet on Level 3 and 3 feet 9 inches on Level 4).

As part of the original approval, an application for review after 2 years to reasonably assess and mitigate if there are any noise impacts that may result from the approved outdoor live entertainment. This application is a result of the conditions of approval.

Landscaping

The approved plans depict a new landscape area at the intersection of Las Vegas Boulevard South and Flamingo Road (ranging from 20 feet to 21 feet wide) which is inaccessible to pedestrian traffic, and farther south along Las Vegas Boulevard South in front of proposed Building 2 (ranging from 7 feet to 10 feet wide). A portion of the landscaping is within the existing right-of-way area and is covered by an existing License and Maintenance agreement with Public Works. New on-site landscaping will also be located along the western elevation of Building 2. New landscaping materials include a mix of palm trees, shrubbery with groundcover and accent plants.

Elevations

The approved plans depict 2 buildings with Building 1 (northern) being a 4 story structure that has an overall height of 80 feet. The building integrates and surrounds the recently approved revised pylon sign. The building exterior includes decorative brick, metal awnings, exposed steel canopies and balcony's, aluminum window system, aluminum and clear view railings,

mural wall graphic space, decorative metal panels, and covered stage. Building 2 (southern) is a 4 story structure with modern design and has an overall height of 57 feet. The building exterior has aluminum composite metal panels in dark bronze finish, decorative wood panels, cast-in-place concrete walls with glass bottle decorative details, exposed steel balcony with aluminum railing systems and perforated metal, aluminum window systems and intermediate mullions LED screen wall. Both buildings include screening of all roof mounted mechanical equipment.

Floor Plans

The approved plans depict Building 1 (northern) consisting of 27,803 square feet spread out over 4 levels and a basement. Level 1 includes a dining room with stage, restrooms, and back of house areas. Level 2 includes additional dining, bar area, kitchen, open area to view the stage on the lower level, access to the pedestrian bridge, and exterior terrace on the east elevation. Level 3 includes lounge seating and event space, bar, back of house spaces, restrooms, and exterior terraces on the east and west elevations. Level 4 includes partially covered rooftop dining, stage, back of house, restrooms, and access to the roof mounted mechanical equipment.

The approved plans depict Building 2 (southern) consisting of 27,914 square feet spread out over 4 levels with a basement. Level 1 includes 2 bar areas and restrooms. Level 2 includes kitchen and back of house areas. Level 3 includes bar and dining area, and restrooms. Level 4 includes an exterior rooftop dining area with bar and restrooms.

Signage

Signage is not a part of this request.

Previous Conditions of Approval

Listed below are the approved conditions for UC-22-0280:

Current Planning

- 2 year review to reasonably assess and mitigate if there are any negative noise impacts that may result from the outdoor live entertainment;
- Outdoor live entertainment per plans with the performance stage and amplified sound to be directed to the north;
- The surface area of the sidewalk/pedestrian access easement to consist of colors, patterns, texture, and/or material different from the adjacent private walkways and plaza area with final design to be approved by staff;
- Pedestrian access easement must be kept clear of any obstructions, including all customer queuing;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- 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 application for review; 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

- If the pedestrian bridge is being attached directly to the building, an agreement with Public Works is required for said attachment.

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.
- 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.

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 #0196-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

Applicant's Justification

The applicant states that the existing use for outdoor live entertainment has had over 100 concerts and shows and have not received any complaints. As part of the original approval (UC-22-0280) an application for review is required after 2 years of operation. The applicant is requesting the required 2 year review be approved with no additional applications for review.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-22-0280	Allowed primary means of access to accessory buildings from the exterior of the resort; deviations as shown per plans on file; deviations for alternative landscaping and pedestrian realm; with a design review for accessory buildings (tavern/restaurant/retail for resort hotel)	Approved by BCC	June 2022
DR-22-0177	Comprehensive sign package for increased sign height	Approved by BCC	May 2022
ADR-22-900058	Remodeled with modifications to the interior and exterior of existing buildings within a shopping center (Grand Bazaar) in conjunction with a resort hotel (Bally's)	Approved by ZA	February 2022
TM-20-500099	1 lot commercial subdivision	Approved by PC	August 2020
UC-18-0263	Modification to the interior and exterior of an existing building within a shopping center (Bally's Bazaar)	Approved by BCC	January 2018
DR-1035-17	Exterior and interior remodel of an existing building	Approved by BCC	January 2018
UC-0303-16	Signage in conjunction with the Grand Bazaar	Approved by BCC	June 2016
DR-0188-16	Modifications to an approved comprehensive sign package with an increased wall sign area	Approved by BCC	May 2016
UC-0854-14	Grocery store with a design review for signage	Approved by BCC	December 2014
UC-0847-13	Modifications to a comprehensive sign package	Approved by BCC	March 2014
UC-0227-12	Comprehensive sign and lighting plan with modifications to an approved shopping center (Bally's Bazaar)	Approved by BCC	July 2012
UC-0037-12	Outdoor shopping center (Grand Bazaar Shops)	Approved by PC	March 2012
DR-0077-11	Modifications to an approved sign package and reduced the separation between monument signs	Approved by BCC	May 2011
UC-0305-10	Sign package for Bally's and Paris Resort Hotels	Approved by BCC	August 2010
UC-1384-03 (ET-0283-09)	Second extension of time to allow permanent banners	Approved by PC	December 2009
UC-1384-03	Allowed permanent banners	Approved by PC	October 2003
UC-0855-00	Three sided on/off-premises freestanding sign with deviations to required setbacks	Approved by PC	July 2000

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Entertainment Mixed-Use	CR	Drai's Beach club & nightclub
South	Entertainment Mixed-Use	CR	Paris Resort Hotel
East	Entertainment Mixed-Use	CR	Portions of Bally's Resort Hotel
West	Entertainment Mixed-Use	CR	Bellagio Resort Hotel

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**

The applicant has demonstrated compliance with conditions and is progressing through the development process.

Staff can support this request as there have been no known noise complaints since the original approval. The location of the buildings and designs should have minimal to no impact on the surrounding land uses and properties; therefore, staff recommends removal of 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 Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:**Comprehensive Planning**

- Remove the time limit.

Public Works - Development Review

- Compliance with previous conditions.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Paradise - approval.

APPROVALS:

PROTEST:

APPLICANT: JGB VEGAS RETAIL LESSEE, LLC

CONTACT: KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DRIVE, SUITE 650, LAS VEGAS, NV 89135