

RESORT HOTEL
(TITLE 30)

RUSSELL RD/LAS VEGAS BLVD S

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-23-0128-5051 SLV, LLC:

USE PERMITS for the following: **1)** primary means of access to accessory use (dayclub/pool) from the exterior of the resort; and **2)** deviations from development standards.

DEVIATIONS for the following: **1)** reduce setback; and **2)** all other deviations as shown per plans on file.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce the setback for freestanding sign; and **2)** allow non-standard improvements within the right-of-way.

DESIGN REVIEWS for the following: **1)** modifications to a previously approved resort hotel; **2)** comprehensive sign package; and **3)** site lighting on 4.9 acres in an H-1 (Limited Resort and Apartment) (AE-65) Zone.

Generally located on the east side of Las Vegas Boulevard South, 500 feet south of Russell Road (alignment) within Paradise. JG/lm/ja (For possible action)

RELATED INFORMATION:

APN:

162-33-101-019

USE PERMITS:

1. Allow primary means of access to accessory use (dayclub pool) from the exterior of the resort per Table 30.44-1.
2. Deviations from development standards.

DEVIATIONS:

1. Reduce the required special setback for Las Vegas Boulevard South for freestanding signs to 15 feet where 25 feet from back of curb, or 10 feet from property line, whichever is greater, is required per Section 30.56.060.
2. All other deviations as shown on plans.

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce the setback from a future right-of-way for freestanding signs to zero feet where a minimum of 10 feet is required per Table 30.72-1 and Table 30.44-1 (a 100% reduction).
2. Allow non-standard improvements (sport court, landscaping, and signage) in a right-of-way (Las Vegas Boulevard South) where not allowed per Section 30.52.

DESIGN REVIEWS:

1. a. Modify a previously approved resort hotel to include an elevator on the west elevation to provide direct access to a day club/pool.
- b. A sports court in the future right-of-way.
2. Comprehensive sign plan.
3. Site lighting.

LAND USE PLAN:

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 5051 Las Vegas Boulevard S.
- Site Acreage: 4.9
- Project Type: Resort hotel
- Number of Stories: 20
- Building Height (feet): 237
- Sign Height (feet): 165.5
- Sign Square Feet: 9,937 (freestanding)/21,148 (wall)/452 (directional)/125 (projecting) (hanging)/6,414 (animated)
- Parking Required/Provided: 749/750 (standard)/10 (compact)

Site Plans

The plan depicts a previously approved resort hotel with access from Las Vegas Boulevard South. The building is located on the northern and eastern portions of the parcel. There are no changes to the previously approved parking garage that is incorporated into the design of the building. Along the west side of the building, between the building and an existing attached sidewalk along Las Vegas Boulevard South, is a pedestrian plaza. The pedestrian plaza provides a pedestrian connection between the resort hotel and the existing public sidewalk. The proposed changes to the pedestrian plaza include a sports court with a removable artificial turf covering and landscaping located within the future right-of-way of Las Vegas Boulevard South. There are no changes to the entrance of the hotel which is located on the southwestern portion of the building facing Las Vegas Boulevard South. A proposed elevator to the dayclub/pool is requested on the west face of the southern portion of the building, providing direct access to the day club not through the interior of the resort hotel. The previously approved day club/pool is on the podium level to the west of the parking garage.

Landscaping

The approved plans depict an existing attached sidewalk located along Las Vegas Boulevard South with an additional 43 foot wide area for future additional right-of-way. The plans depict that the area within the right-of-way consists of a pedestrian plaza with meandering sidewalks and landscape areas, previously approved by UC-20-0493. This pedestrian plaza extends onto the property and is between 10 feet to approximately 33 feet in width. The plans depict additional landscaping at the northern and southern property lines; however, most of the

proposed landscape areas are within the future right-of way dedication for Las Vegas Boulevard South. An 80 foot by 50 foot sports court covered with artificial turf is proposed to be located within the additional right-of-way area for Las Vegas Boulevard South and will remain open to the adjacent landscaping. The sports court will be constructed with concrete and no permanent fencing. Anticipated special events could include but not limited to ice skating, basketball, roller skating, and various yard games.

Elevations

The building was approved for a maximum of 20 stories with a height of 237 feet. The highest portion of the building remains on the west side of the site. The approved building is designed to increase in height from the east to the west. The lowest portion of the approved building is the parking garage on the east side of the facility, which is approximately 51 feet in height. There are no changes to the previously approved building design features with flat roofs behind parapet walls, and the exterior of the structure consists of glazed aluminum curtain wall systems, metal wall panels, and colored plaster. On the eastern portion of the building, on level 3, is a pool area with an outdoor patio. The proposed primary access to the dayclub/pool area will be located on the eastern portion of the building (west of the parking garage) near the porte-cochere. The changes include an entry area and a dedicated elevator to the previously approved pool level.

Floor Plans

There are no proposed changes to the approved building, which includes 527 guest rooms; public areas (lobbies, retail areas, gaming); food, beverage and entertainment areas; pool deck; meeting space; administration office and related areas; and back of house/support areas.

Signage and Lighting

The plans depict several signs to identify and negotiate the site. A 9,765 square foot, approximately 165.5 foot tall, 2 sided animated freestanding sign is located along Las Vegas Boulevard South which will be set back zero feet from the future right-of-way, a minimum of 50 feet from the back of curb on Las Vegas Boulevard South and over 30 feet from the south property line. A second freestanding sign is designed as an archway over the driveway to the valet and parking areas providing lane designation, and has an overall height of 19 feet with 15 feet of vehicular clearance and 212 square feet. There are 18 directional signs located near the driveways, within the site and within the future right-of-way. Wall signs are located on all elevations of the building. At the top of the room tower on the north and south elevations are 11 foot high illuminated channel letter signs (DREAM) while at the podium and entry levels are additional wall signs. The east elevation on the exterior of the parking garage includes a permanent non-illuminated wall graphic installed directly to the wall or painted directly on the wall. Additional signage on the east elevation of the parking garage includes a digitally printed wall graphic with wash lighting only, and no backlighting, and an illuminated channel letter sign. Projecting and hanging signs are located at the parking garage entrance and exits on the south and east elevations.

Site lighting is provided on the buildings, freestanding light poles, and within landscape areas. All lighting is directed downward to prevent shining on abutting uses.

Type of Sign	Existing (sq ft)	Proposed (sq ft)	Total (sq ft)	Allowed per Title 30 (sq ft)	Percent increase	# of existing signs	# of proposed signs	Total # of signs
Freestanding*	0	9,977	9,977	1,810	N/A	0	2	2
Wall*	0	21,064	21,064	15,260	N/A	0	16	16
Directional	0	452	452	192	N/A	0	18	18
Projecting	0	60	60	32	N/A	0	1	1
Hanging	0	24	24	32	N/A	0	1	1
Total Overall	0	31,577	31,577	17,326	N/A	0	38	38

The freestanding sign also contains animation.

The details for the animated signs are listed below:

Type of Sign	Existing (sq ft)	Proposed (sq ft)	Total (sq ft)	Allowed per Title 30 (sq ft)	Percent increase	# of existing signs	# of proposed signs	Total # of signs
Animated	0	6,419	6,419	150	N/A	0	4 (2 wall & 2 f/s)	4

Applicant's Justification

The applicant indicates that the proposed changes to the building and review of signage and lighting are appropriate for the Las Vegas Gaming Corridor. The applicant further states that they have met with the Harry Reid International Airport and the Department of Aviation and have designed the sign plan to be responsive to the airport operational needs. The proposed signage is shielded by the approved hotel tower. Other signage on the site has been reviewed with the Department of Aviation and the requested design and waivers are compatible to and appropriate for the area. Lighting is provided in consideration of Harry Reid International Airport being fully shielded and directing lighting downwards to avoid light pollution and provided predominantly on the west side of the building to further shield lighting to the east towards the airport. The proposed sport court is provided within the proposed landscaping area within the future Las Vegas Boulevard right-of-way and in conjunction with the proposed project, offers a dedication and reservation agreement which will require, at the application's sole expense, removal of the improvement upon the request of the County. The applicant also indicates that other non-standard improvements such as the freestanding sign at the neighboring Pinball Museum to the north is in the future right-of-way area. Lastly, the proposed direct access to the pool level will allow for guests queuing on the exterior of the hotel and will not interfere with the day-to-day casino operations. Similar operations are conducted at other resort hotels within the Resort Corridor and the proposed dayclub use does not alter the pool design or the pool deck wall.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-20-0493	Resort hotel with expansion to the Gaming Enterprise District	Approved by BCC	September 2021
UC-0385-06	Resort hotel - expired	Approved by BCC	October 2006
ZC-0362-05	Reclassified from H-1 to H-1 (AE-65) zoning to establish an Airport Environs overlay district for the parcel	Approved by BCC	April 2005
ZC-1732-00	Reclassified from P-F to H-1 zoning for a parcel that went from public ownership (Clark County Department of Aviation) to private ownership	Approved by BCC	December 2000

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Entertainment Mixed-Use	H-1	Pinball Museum
South	Entertainment Mixed-Use	H-1	Harley Davidson motorcycle sales & repair facility
East	Public Use	P-F	Harry Reid International Airport
West	Public Use	P-F	Golf course, fire station, & Las Vegas Metropolitan Police facility

STANDARDS FOR APPROVAL:

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

Analysis

Comprehensive Planning

Use Permit

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.

Use Permits & Deviation #2

The proposed modifications to the building access to the dayclub/pool level takes into consideration the location of visitors and queuing and potential impacts to airport operations. Additionally, similar accessory uses within the Resort Corridor providing direct access from the exterior of the resorts have been approved with other resorts within the corridor. Staff can support the proposed access to the dayclub/pool.

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.

Waiver of Development Standards #1, Deviation #1, and Design Review #2

Staff can support the proposed wall, freestanding (archway), monument, projecting, and hanging signage as designed on the north, west, and south elevations of the building. However, staff finds that the proposed location of the directional signs in the future right-of-way are unnecessary in the proposed location to find the ingress and egress to the site and will still accomplish their purpose if located at the back of right-of-way. Staff is concerned with the proposed channel lettering signage on the east elevation of the parking garage. If approved, staff suggests an automated dimming feature for luminance reduction at dusk/dawn to reduce impact on airport operations. While the design of the pylon freestanding sign is compatible with the design of the approved building, the increased freestanding sign height is excessive for this portion of the Resort Corridor. The freestanding sign approved to the north was approved at a height of 58 feet (Pinball Museum), and the freestanding sign south at a height of 74 feet (Harley Davidson). Farther to the south at Town Square the freestanding sign was approved for a height of 66 feet. Therefore, staff is unable to support the request.

Design Reviews #1a & #3

Staff can support the modifications to a previously approved resort hotel for primary access to the dayclub and pool level from the exterior of the resort. Site lighting is shielded to prevent light pollution as required by the lighting standards within Chapter 30.68.

Design Review #1b

Staff is concerned with the sports court in close proximity to the sidewalk and street. While the location is within the landscaped/pedestrian plaza area, activities occurring on the sports court could spill out into the sidewalk. In addition pedestrians walking on the sidewalk may be inclined to stop and watch what is going on, which could disrupt the pedestrian traffic along Las Vegas Boulevard. It is also possible activities in the right-of-way could interfere or create a hazard to the occupants on the sports court. Staff cannot support this portion of the application.

Public Works - Development Review

Waiver of Development Standards #2

The applicant is responsible for maintenance and up-keep of any non-standard improvement; the County will not maintain any sports courts and non-commercial signs placed in the right-of-way. Staff can support waiver of development standards #2 but the applicant must execute and sign a License and Maintenance Agreement for any non-standard improvements within the right-of-way.

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.

The property lies within the AE-65 (65 - 70 DNL) noise contour for Harry Reid 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 Harry Reid International Airport facilities to meet future air traffic demand.

Staff Recommendation

Approval of the use permits, waiver of development standards #2, deviation #2, and design reviews #1a and #3; denial of waiver of development standards #1, deviation #1, and design reviews #1b and #2.

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

If approved:

- Signs shall not increase lighting levels by more than 0.3 foot candles over ambient light levels between dusk to dawn;
- Per plans on file;
- 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

- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way;
- A barrier shall be installed around the sport court when activities are taking place;
- No commercial messages are permitted on signs within the right-of-way.

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; 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 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; that separate airspace determinations will be needed for construction cranes or other temporary equipment, 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.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Paradise - approval (anything built in the right-of-way to be removed at the expense of the resort; signs dimmable per Harry Reid International requirements).

APPROVALS:

PROTESTS:

APPLICANT: 5051 SLV, LLC

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