

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-23-0801-RK VEGAS CIRCLE, LLC:

HOLDOVER USE PERMITS for the following: **1)** place of worship; **2)** on-premises consumption of alcohol (service bars, supper clubs, and tavern) with outside dining and drinking; **3)** allow outside dining and drinking in conjunction with a tavern; **4)** alcohol sales (beer and wine - packaged only); **5)** alcohol sales (liquor - packaged only); **6)** restaurants with outside dining and drinking; **7)** day spa; **8)** banquet facility with outside uses; **9)** retail sales and service; and **10)** convention facilities/exposition halls.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increased building height; **2)** permit encroachment into airspace; **3)** reduced setbacks; **4)** reduced parking; **5)** reduced loading spaces; **6)** allow alternative street landscaping; **7)** allow modified street standards; **8)** allow modified driveway design standards; and **9)** allow non-standard improvements within the right-of-way.

DESIGN REVIEWS for the following: **1)** hotel; **2)** place of worship; **3)** day spa; **4)** retail sales and service; **5)** restaurants and tavern with outside dining and drinking; **6)** on-premises consumption of alcohol (service bars, supper clubs, and tavern); **7)** convention facilities/exposition halls; **8)** parking garage with subterranean levels; and **9)** outdoor deck with pool area on 0.6 acres in an H-1 (Limited Resort and Apartment) Zone.

Generally located on the south side of Black Canyon Avenue and the west side of Vegas Plaza Drive within Paradise. TS/md/syp (For possible action)

RELATED INFORMATION:

APN:

162-17-610-002

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase building height to 648 feet where a maximum height of 100 feet is permitted per Table 30.40-7 (a 548% increase).
2. Permit encroachment into airspace.
3.
 - a. Reduce the front setback along Vegas Plaza Drive to zero feet where 10 feet is required per Table 30.40-7 (a 100% reduction).
 - b. Reduce the side street (corner) setback along Black Canyon Avenue to zero feet where 10 feet is required per Table 30.40-7 (a 100% reduction).
 - c. Reduce the side street (corner) setback along Pershing Avenue to zero feet where 10 feet is required per Table 30.40-7 (a 100% reduction).
 - d. Reduce the setback from the right-of-way (Vegas Plaza Drive) to zero feet where a minimum setback of 10 feet shall be maintained between a street or future right-of-way line and a structure per Section 30.56.040 (a 100% reduction).

- e. Reduce the setback from the right-of-way (Black Canyon Avenue) to zero feet where a minimum setback of 10 feet shall be maintained between a street or future right-of-way line and a structure per Section 30.56.040 (a 100% reduction).
- f. Reduce the setback from the right-of-way (Pershing Avenue) to zero feet where a minimum setback of 10 feet shall be maintained between a street or future right-of-way line and a structure per Section 30.56.040 (a 100% reduction).
4. Reduce parking to 531 parking spaces where 854 parking spaces are required per Section 30.60.035 and Table 30.60-3 (a 37.9% reduction).
5. Reduce the number of loading space to 3 spaces where 8 spaces are required per Table 30.60-6 (a 62.5% reduction).
6. Allow alternative street landscaping, including an attached sidewalk, along Vegas Plaza Drive, Black Canyon Avenue, and Pershing Avenue where landscaping and detached sidewalks are required per Figure 30.64-17.
7.
 - a. Reduce the approach distance to the intersection of Black Canyon Avenue and Vegas Plaza Drive to zero feet where a minimum of 150 feet is required per Uniform Standard Drawing 222.1 (a 100% reduction).
 - b. Reduce the departure distance from the intersection of Vegas Plaza Drive and Pershing Avenue to zero feet where a minimum of 190 feet is required per Uniform Standard Drawing 222.1 (a 100% reduction).
8.
 - a. Reduce throat depth to 51 feet for the loading area on Black Canyon Avenue where a minimum of 150 feet is required per Uniform Standard Drawing 222.1 and Chapter 30.52 (a 66% reduction).
 - b. Reduce throat depth to 103 feet for the self-parking garage on Black Canyon Avenue where a minimum of 150 feet is required per Uniform Standard Drawing 222.1 and Chapter 30.52 (a 31.4% reduction).
 - c. Reduce throat depth to 20 feet for the drop-off area on Pershing Avenue where a minimum of 150 feet is required per Uniform Standard Drawing 222.1 and Chapter 30.52 (an 86.7% reduction).
 - d. Reduce the ingress back of curb radius to 18 feet for the southwest side of the western drive aisle where a minimum radius of 25 feet is required per Uniform Standard Drawing 222.1 (a 28% reduction).
 - e. Reduce the ingress back of curb radius to 15 feet for the west sides of the eastern drive aisle where a minimum radius of 25 feet is required per Uniform Standard Drawing 222.1 (a 40% reduction).
 - f. Reduce the width for a two-way driveway to 24 feet where a minimum width of 32 feet is required per Uniform Standard Drawing 222.1 (a 25% reduction).
9. Allow non-standard improvements (landscaping) within the right-of-way where not permitted per Chapter 30.52.

LAND USE PLAN:

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 3601 Vegas Plaza Drive

- Site Acreage: 0.6
- Project Type: Hotel and place of worship
- Number of Stories: 46
- Number of Rooms: 486
- Building Height (feet): 648
- Square Feet: 955,831
- Parking Required/Provided: 854/531

Site Plans

The plans depict a proposed 46 story hotel consisting of 486 rooms with an overall area measuring 955,831 square feet. The hotel will also contain a place of worship (synagogue), located on levels 45 and 46, with additional uses consisting of on-premises consumption of alcohol, alcohol sales, restaurants with outside dining and drinking, day spa, banquet facility, retail sales and service, and convention facilities/exposition halls. The hotel is located at the northwest corner of Pershing Avenue and Vegas Plaza Drive, immediately north of the Mirage Resort Hotel and west of the Treasure Island Hotel. The hotel is set back zero feet from Black Canyon Avenue, Vegas Plaza Drive, and Pershing Avenue requiring waivers of development standards to eliminate building and right-of-way setbacks. A one-way only entrance (north/south), measuring 18 feet in width, is located at the northwest corner of the site, adjacent to Black Canyon Avenue requiring a waiver of development standards to reduce the throat depth to 51 feet. The same one-way only vehicle drive aisle exits onto Pershing Avenue. The “self parking only” entrance and exit ramp is located at the northwest corner of the hotel adjacent to Black Canyon Avenue, while the “valet parking only” ramp is located at the southwest corner of the hotel along Pershing Avenue. The hotel porte-cochere with drop-off/valet service is situated on the east side of the hotel with a one-way only entrance (north/south), measuring a minimum of 24 feet in width, located adjacent to Pershing Avenue. Vehicles exit the valet service area from the 1-way drive aisle onto Black Canyon Avenue. Waivers of development standards are requested to reduce the approach and departure distances to the intersection of Black Canyon Avenue and Vegas Plaza Drive, and from the intersection of Vegas Plaza Drive and Pershing Avenue, respectively. Additional waivers are requested to reduce the width and ingress radii for the commercial driveways. The hotel is designed with 5 levels of subterranean parking and 7 above ground levels designated for parking. The mix of commercial and institutional uses within the hotel require 854 parking spaces where 531 parking spaces are provided, necessitating a waiver of development standards. The shared parking schedule, per Table 30.60-3 within Code, was utilized to calculate the parking requirements for the non-residential development. Eight loading spaces are required for the development where 3 loading spaces are provided, necessitating a waiver of development standards. The loading spaces are located on west side of the hotel, accessed from the western one-way vehicle drive aisle. Attached sidewalks measuring between 7 feet to 10 feet in width are located along the perimeter of the hotel, adjacent to Black Canyon Avenue, Vegas Plaza Drive, and Pershing Avenue. No increase to finished grade is proposed with this development.

Landscaping

The plans depict an alternative street landscaping consisting of planter boxes measuring between 2.5 feet to 3 feet in height located behind attached sidewalks measuring between 7 feet to 10 feet in width along Black Canyon Avenue, Vegas Plaza Drive, and Pershing Avenue. Three planter

boxes are located along Pershing Avenue and a single planter box, containing 5 trees, is located adjacent to Black Canyon Avenue. Planter boxes containing trees are located at the northeast and northwest corners of the site, along Vegas Plaza Drive. Some of the trees, shrubs, and groundcover encroach into the right-of-way, necessitating a waiver for non-standard improvements within the right-of-way.

Elevations

The plans depict a proposed hotel with a place of worship measuring up to 648 feet in height to the top of the roof and screened mechanical areas. The exterior building materials consist of concrete columns, iron/steel columns, blue tinted glass, limestone, and decorative metal screens. The structure will be clad with aluminum panels and limestone and a diagrid non-reflective window system. A metal porte-cochere will cover the drop-off area along the frontage. The first grade level, lobby, and the check-in level from levels 11 through 14 show a metal screen enclosed area with metal beams and columns with architectural detailing that is different from the other portions of the tower.

Floor Plans

The plans depict variety of hotel room sizes measuring between 487 square feet and 1,562 square feet located between levels 14 through 40. Levels 45 through 46 feature the place of worship, with a cumulative area measuring 28,754 square feet. The place of worship consists of a synagogue, interstitial space, a mikveh, kitchen, and supporting offices. Below is a table reflecting the gross floor area for each level of the building:

Building Gross Area (square feet)		
Level	Use	Square Feet
B5 to B1	Lower parking	88,083
Level 1	Ground entrance	8,998
Level 2	Mezzanine	6,982
Levels 3 to 9	Upper parking	134,460
Level 10	Interstitial	19,335
Level 11*	Amenities (fitness center, gift shop, café, ad lounge area)	19,486
Level 12	Lobby	14,872
Level 13	Restaurant with outside dining and drinking	18,080
Level 14 through Level 40	Guest rooms	465,218
Level 41	Interstitial	17,230
Level 42	VIP Lounge and day spa	17,230
Level 43	Restaurant and tavern with outside dining and drinking	17,230
Level 44	Banquet and meeting area/convention facilities	17,230
Level 45	Place of worship (synagogue)	17,230
Level 46	Place of worship (synagogue)	11,524
Service Areas	-	931
Vertical Circulation	Elevators	54,272
Vertical Circulation	Stairs	27,439
Total		955,831

*An outdoor swimming pool measuring 900 square feet in area is located on Level 11 of the hotel.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states the proposed uses, including the place of worship, are appropriate within the proposed hotel and are appropriate for the area which is in close proximity to the Resort Corridor. These requests and the proposed hotel are actually less intense than the surrounding resort hotels adjacent to this project. The parcel is 0.6 acres, therefore, any building on the site will have a small footprint. The proposed height of the tower will allow a viable project in the area. Additionally, the proposed height is similar to the height of the resort hotels in the area on large acres of land including Treasure Island, the Mirage, and the recently approved tower in conjunction with the Mirage Resort. This project is embedded in the middle of the existing hotels and even with the proposed height will be appropriate for the area and compatible with existing uses in the area. The site is half an acre in size and is adjacent to 3 rights-of-way and a private drive which is an inherent constraint of the site. Although the reduction is to zero feet, there are existing sidewalks to the north, south, and east sides of the site to allow pedestrians to access the site which is an existing condition for the current development (hotel) on the site. A 10 foot wide landscaping area is proposed on the Vegas Plaza Drive frontage (east) of the site and will enhance the site. Based on the size of the lot, providing a 10 foot front setback for the building will reduce the buildable area of the lot. The requested setback will not impact the site or the adjacent street. The 10 foot wide landscaping provided along the frontage of the site and the attached sidewalk does provide a set back to the tower at grade level. Based on the size of the lot, providing a 10 foot side/corner setback for the building will further reduce the lot size that will further reduce the buildable area of the lot. The requested setback will not impact the site or the adjacent street. Based on the size of the lot, providing a 10 foot side/corner setback for the building will further reduce the buildable area of the lot. The requested setback will not impact the site or the adjacent street. The 10 foot wide landscaping provided along a portion of the frontage of the site and the attached sidewalk does provide a set back to the tower at grade level. The requested reduction in parking will not have an impact on the site and uses proposed because of the close proximity of the hotel to the Las Vegas Strip and the Resort Corridor. Since this is a niche hotel including a place of worship many of the hotel guests will use the place of worship, restaurants, amenities offered by the hotel. A parking analysis is also included with the application. The parking provided is adequate for the site because there are specific Jewish Holidays with specific requirements where vehicular access to the site is not allowed because of religious requirements. The Sabbath starts from Friday at sundown to Saturday night sundown. Driving, the use of phones and computers and work of any kind are not allowed during this period. The following holidays consisting of 2 days and last 2 days are like any Sabbath: 1) Passover Holiday - 8 days; 2) Sukkah Holiday - 8 days; 3) Rosh Hashanah is the Jewish New Year which consists of 2 days, which are considered the Sabbath; 4) Yom Kippur - Day of atonement which is considered a Sabbath; and 5) Shavoot - Holiday Celebration for receiving of the 10 commandments consists of 2 days like the Sabbath. The alternative landscaping request is necessary to accommodate both landscaping and off-site for this 0.6 acre. The design which consists of reduced landscaping within raised planters is more appropriate for the site and will be in scale with the site and design of the hotel. Due to the lot size, size of the building and uses proposed 3 loading areas are adequate for the use and site. The loading areas are located in the most accessible area of the site for loading and unloading. The reduced number of loading zones

will not impact the proposed hotel and uses. The loading zones are located on the east side of the property on a single drive aisle for seamless maneuvering through the site. The approach to the hotel is immediately to the valet area and the garage. The size of the lot will not allow the required distance. This is the same condition as the existing development on the site. The width of the lot is 125 feet. The design allows for no stacking or stalling and allows easy access in and out of the proposed development. The off-site circulation in the area exists based on the development on the site with the adjacent existing developments which makes for an easier integration of the proposed development into the area without changing the circulation patterns. The departure from the hotel is immediately to Black Canyon Avenue or Perishing Avenue. The size of the lot will not allow the required distance. This is the same condition as the existing development on the site. The width of the lot is 190 feet. The design allows for no stacking or stalling in the design and allows easy access in and out of the proposed development. The site circulation proposed exists and is established with the adjacent existing developments which makes for an easier integration of the proposed development. The reductions in the throat depths for the entries into the garage and the valet drop-off lane will not impact the streets adjacent to the proposed development. The depth of the lot is 150 feet; therefore, the standard throat depths cannot be met based on the design for the project. The streets and areas surrounding the site have limited traffic, circulation, and traffic patterns with the existing developments in the area and on the site, therefore, the proposed project will not impact the area because the patterns will remain the same. The mitigating factor for this request is that this is a specialized hotel that will not have large volumes of traffic entering or exiting the site at the same time. The design allows for vehicular traffic to circulate on one-way only driveways within the garage efficiently when guests access the garage to park. As designed with a valet drop-off as the main access to the hotel, most guests are likely to use the valet area for drop-offs and pick-ups. Based on the size of the lot all the waivers requested are necessary to accommodate the design of the project. The lot is not only small but is also shallow, therefore, impossible to comply with typical off-site standards. Additionally, the site is surrounded on 3 sides by public streets, which is not a typical situation for most projects. Attempting to comply with all off-site standards will reduce the developable area of the lot. This request is necessary due to the size of the lot, the plans depict a minimum of 7 feet up to 10 feet of sidewalks along the 3 street frontages. The alternative landscape design includes multiple raised planters to provide additional landscaping that will enhance the street frontages along sides of the site. The design is appropriate based on the area, the adjacent development, and the size of the lot. This request will not impact site and provided additional pedestrian access to the site. Based on the size of the lot the reduced driveway width is necessary to accommodate the design of the project. The lot is not only small but is also shallow; therefore, impossible to comply with typical off-site standards. Additionally, the site is surrounded on 3 sides by public streets, which is not a typical situation for most projects. Attempting to comply with all off-site standards will reduce the developable area of the lot. Additionally, because of the specialized nature of the project, which serves a niche, most guests will use the valet drop-off once they arrive at the hotel and are not likely to use their cars during most of their stay on the property. The entries will be used mostly by valet who know will know how to navigate the driveway entries.

Prior Land Use Requests

Application Number	Request	Action	Date
ET-0217-06 (DR-1170-04)	First extension of time to commence a 9 story, 100 foot high 148 room hotel/timeshare	Denied by BCC	September 2006
DR-1170-04	9 story, 100 foot high, 148 room hotel/timeshare - expired	Approved by BCC	August 2004
UC-0305-03	Off-premises advertising sign with waivers to increase sign height and area	Denied by BCC	April 2003
ET-0289-99 DR-1295-97	Second extension of time to commence a 9 story, 100 foot high, 150 room timeshare hotel	Denied by BCC	September 1999
ET-0228-98 DR-1295-97	First extension of time to commence a 9 story, 100 foot high, 150 room timeshare hotel - expired	Approved by BCC	August 1998
DR-1295-97	9 story, 100 foot high, 150 room timeshare hotel - expired	Approved by BCC	August 1997

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Entertainment Mixed-Use	H-1	Outside storage/employee break area
South	Entertainment Mixed-Use	H-1	Mirage resort hotel
East	Entertainment Mixed-Use	H-1	Treasure Island parking garage
West	Entertainment Mixed-Use	H-1	Mirage/Treasure Island employee parking garage

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

Use Permits

A special use permit is considered on a case by case basis in consideration of the standards for approval. Additionally, the use shall not result in a substantial or undue adverse effect on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare; and will be adequately served by public improvements, facilities, and services, and will not impose an undue burden.

Use Permit #1

With appropriate building siting, proper building massing and scale, required parking, and appropriate buffering, a place of worship can be consistent and compatible with neighborhoods in accordance with Title 30 and the Master Plan. Other places of worship have been approved and developed in non-residential areas with little to no impact on surrounding land uses and properties. Staff does not object to the proposed use and can therefore support the request.

However, staff is concerned with the multiple waivers of development standards associated with this request.

Use Permits #2 through #10

The Entertainment Mixed-Use category encourages a mix of retail, entertainment, gaming, lodging, and other tourist-oriented services. The purpose of the H-1 zoning district 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. Retail uses, restaurants with outside dining and drinking, on-premises consumption of alcohol, and convention facilities are common amenities associated with both gaming and non-gaming hotels located within the Gaming Corridor. Staff finds the proposed uses comply with the aforementioned policy from the Master Plan and should not have a negative or detrimental impact on the surrounding land uses or properties. However, staff is concerned with the multiple waivers of development standards associated with this request.

Waivers of Development Standards

The applicant shall have the burden of proof to establish that the proposed request is appropriate for its proposed location by showing the following: 1) the use(s) of the area adjacent to the subject property will not be affected in a substantially adverse manner; 2) the proposal will not materially affect the health and safety of persons residing in, working in, or visiting the immediate vicinity, and will not be materially detrimental to the public welfare; and 3) the proposal will be adequately served by, and will not create an undue burden on, any public improvements, facilities, or services.

Waiver of Development Standards #1

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. However, since staff is not supporting waivers of development standards #3 through #9 and the design reviews; staff recommends denial of this request.

Waiver of Development Standards #3

The intent of building setbacks is to ensure a uniform development pattern of structures, especially along streets, and to prevent the massing of continuous building facades immediately adjacent to streets. The reduced building and right-of-way setbacks are a self-imposed burden, which can be eliminated through a redesign of the site. Therefore, staff recommends denial.

Waiver of Development Standards #4

The intent of the parking and loading requirements is to establish regulations for the provision of safe and efficient parking and loading facilities in amounts sufficient to meet existing and/or proposed land uses in unincorporated Clark County. Staff acknowledges the parking associated with the hotel and place of worship has been calculated in accordance with the observance of religious holidays prohibiting the operation of motor vehicles. Furthermore, staff recognizes that

out-of-town visitors utilize alternative modes of transportation such as ride-share programs, taxis, and public transit. However, the significant reduction to the required number of parking spaces may have an adverse impact on the available parking for the resort hotels to the east and south of the site. The reduction to the required number of parking spaces is a self-imposed hardship; therefore, staff recommends denial of this request.

Waiver of Development Standards #5

Staff finds the reduction to the number of loading spaces should have minimal to no impact on the proposed hotel development. Three loading spaces are located on west side of the hotel, between the one-way drive aisle and the refuse/loading dock area. The proposed number of loading spaces should adequately serve the hotel and the associated commercial uses. However, since staff is not supporting other waivers of development standards and design review requests, staff recommends denial.

Waiver of Development Standards #6

The intent of street landscaping is to enhance the perimeter of the project site, improve the aesthetics of the site along public rights-of-way, and to provide a buffer between parking areas and the adjacent streets. Furthermore, the intent of the detached sidewalk requirement is to ensure a proper buffer exists between the sidewalk and the adjacent streets, and to prevent conflict with pedestrians and vehicles. Although there are not any detached sidewalks within the immediate area, staff finds eliminating the detached sidewalk requirement along the public right-of-way is a self-imposed burden. Furthermore, the request for alternative landscaping, consisting of landscape planter boxes and attached sidewalks is a self-imposed burden. Therefore, staff cannot support this request.

Design Reviews #1 through #9

Development of the subject property is reviewed to determine if 1) it is compatible with adjacent development and is harmonious and compatible with development in the area; 2) the elevations, design characteristics and others architectural and aesthetic features are not unsightly or undesirable in appearance; and 3) site access and circulation do not negatively impact adjacent roadways or neighborhood traffic.

The proposed design of the hotel consists of contemporary architecture that is aesthetically pleasing and architecturally diverse, which is appropriate for the immediate area. However, when evaluating the overall design of a project, site circulation for the development must accommodate efficient circulation and access as well as high volumes of pedestrian traffic. When the numerous waiver requests including reduced parking, reduced setbacks, alternative landscaping, modified street and design standards are taken into consideration, staff cannot support the design reviews as the site is being over built. The requested waivers of development standards associated with the hotel and place of worship are a self-imposed burden. The majority of the waiver requests can be eliminated, or significantly reduced, through the redesign of the site. Therefore, staff cannot support these requests.

Public Works - Development Review

Waivers of Development Standards #7 & #8

Staff needs the technical studies to further address the circulation concerns that may be caused by the reduction in throat depth, back of curb radii, driveway width, approach and departure distances. However, since Planning is recommending denial of the waivers, staff cannot support these waivers.

Waiver of Development Standards #9

The applicant is responsible for maintenance and up-keep of any non-standard improvement; the County will not maintain any landscaping placed in the right-of-way. Staff can support waiver of development standards #9 but the applicant must execute and sign a License and Maintenance Agreement for any non-standard improvements within the right-of-way. However, since Planning is recommending denial of the waivers, staff cannot support this waiver.

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 of the use permits; denial of waivers of development standards, and the design reviews.

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:

- Certificate of Occupancy and/or business license shall not be issued without approval of an application for a zoning inspection.
- Applicant is advised within 2 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; the County has adopted a rewrite to Title 30 effective January 1, 2024, 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; changes to the approved project will require a new land use application; 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; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way;
- Install "No parking" signs on all public streets adjacent to the site.
- Applicant is advised that off-site improvement permits may be required.

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.
- 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 #0436-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC:

APPROVALS: 1 card

PROTESTS: 1 card

COUNTY COMMISSION ACTION: January 17, 2024 – HELD – To 04/03/24 – per the applicant.

APPLICANT: RAY KOROGHLI

CONTACT: CASSANDRA WORRELL, 520 S. FOURTH STREET, LAS VEGAS, NV 89101