

OUTSIDE RETAIL/KIOSKS  
(TITLE 30)

HARMON AVE/LAS VEGAS BLVD S

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**AR-21-400125 (UC-20-0169)-BPS HARMON, LLC:**

**USE PERMIT FIRST APPLICATION FOR REVIEW** to allow retail sales and service as a primary use (outside).

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** allow retail sales and service not within a permanent enclosed building; **2)** reduce setbacks; and **3)** reduce parking.

**DESIGN REVIEWS** for the following: **1)** outside retail sales and service structures/kiosks; and **2)** shipping containers in conjunction with an existing shopping center on 2.2 acres in an H-1 (Limited Resort and Apartment) Zone.

Generally located on the northeast corner of Las Vegas Boulevard South and Harmon Avenue within Paradise. JG/jor/jo (For possible action)

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**RELATED INFORMATION:**

**APN:**

162-21-214-004; 162-21-214-005

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Allow outside retail sales and service where required to be within a permanent enclosed building per Section 30.44.005.
2.
  - a. Reduce the front setback for retail sales and service structures/kiosks to zero feet where 10 feet is the minimum setback per Table 30.40-7 (a 100% reduction).
  - b. Reduce the setback from a right-of-way (Harmon Avenue) for retail sales and service structures/kiosks to zero feet where 10 feet is the minimum setback per Section 30.56.040 (a 100% reduction).
3. Reduce parking to 139 spaces where 490 spaces are required per Table 30.60-1 and 159 spaces were previously approved per WS-1029-17 (a 72% reduction).

**LAND USE PLAN:**

WINCHESTER/PARADISE - COMMERCIAL TOURIST

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: 3717 Las Vegas Boulevard South
- Site Acreage: 2.2
- Project Type: Retail sales and service structures/kiosks and shipping containers

- Kiosk Height: 8 feet, 6 inches
- Square Feet: 167 (combined area of 4 kiosks)
- Parking Required/Provided: 490/139 (a reduction to 159 spaces was previously approved by WS-1029-17)

### History & Request

Retail sales and service structures/kiosks were previously approved in 2012, 2013, and 2014 and these land use applications have expired. Recently, UC-20-0169 was approved to allow retail sales on-site with the utilization of kiosks. UC-20-0169 was approved with a condition of approval of 1 year to review as a public hearing.

### Site Plan

The site plan depicts 4 retail sales and service structures (kiosks) set back zero to 3 feet from a pedestrian right-of-way along Harmon Avenue. Display materials are shown on all 4 sides of the kiosks. As a result, customers will be able to queue on all sides of the structures. A 10 foot wide pedestrian access easement, located on the subject property, runs along the east side of the kiosks, and a sidewalk located in the public right-of-way runs along the west side of the kiosks. Three palm tree planters are located between the kiosks, 2 of the palm trees are located on the subject site, and 1 of the palm trees is located in the public right-of-way. Escalators to a pedestrian bridge over Las Vegas Boulevard South are located over 20 feet to the northwest of the kiosks.

The remainder of the site consists of a shopping center located on the north side of the property and a parking area located on the east side of the property. Including the additional 167 feet of retail space and a future 7,000 square foot addition (not included in this application), 490 parking spaces are required where 139 parking spaces are provided and 159 parking spaces were previously approved. The reduction in parking spaces from what was previously approved is due to the addition of 10 shipping containers that occupy 20 parking spaces. The shipping containers are located in the rear of the building, and are not visible from the right-of-way or any adjacent properties. No additional kiosks, queuing areas, or signage are proposed with this request.

### Landscaping

No changes are proposed or required to the existing landscaping.

### Elevations

The kiosks are a maximum of 8 feet 6 inches in height. Exterior materials include metal, folding metal awnings, and display cases.

### Floor Plans

The area of each of the kiosks consist of approximately 31 square feet (2 kiosks), 64 square feet, and 72 square feet.

### Previous Conditions of Approval

Listed below are the approved conditions for UC-20-0169:

#### Current Planning

- 1 year to commence and review as a public hearing;
- Pedestrian access easement must be kept clear of any obstructions, including all customer queuing.
- Applicant is advised that all non-permitted signage (including but not limited to sandwich boards) must be removed; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; 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

- Structures shall not be permitted within the pedestrian access easement.

#### Building Department - Fire Prevention

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.
- Applicant is advised that fire/emergency access must comply with the Fire Code as amended; to show on-site fire lane, turning radius, and turnarounds; and to show fire hydrant locations on-site and within 750 feet.

#### 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.

### Signage

Each kiosk includes a variety of wall signs, which is within the size that is allowed in the H-1 zone. No additional signage is a part of this request.

### Applicant's Justification

Per the applicant, the retail structures (kiosks) have been operating with approved business licenses (2005119.0485-101, 2005596.044-101, 2005473.044-101, and 2005141.045-101). Furthermore, a condition of approval required the applicant to ensure that the pedestrian areas have been kept clear of signage and other physical obstructions. Submitted photos show that this condition has been met. The applicant is currently working with Current Planning staff to process a use permit, design review, and waivers of development standards (APR-21-100321) to retrofit the outdoor promenade with new kiosk structures for retail and food & beverage.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-20-0169	Allow retail sales and service as a primary use (outside), waivers to allow retail sales not within a permanent enclosed building, reduced setbacks, and reduced parking, and design reviews for outside retail sales and services structures, kiosks, and shopping containers	Approved by BCC	June 2020

### Prior Land Use Requests

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-19-0408	Recreational facility in conjunction with a shopping center	Approved by BCC	July 2019
VS-18-0155	Vacated and abandoned a public access easement (driveway)	Approved by PC	April 2018
WS-1029-17	Reduced parking, façade changes, and a mezzanine addition to the existing shopping center	Approved by BCC	January 2018
UC-0800-17	Allowed on-premises consumption of alcohol (service bar) in conjunction with an existing restaurant (Subway)	Approved by BCC	November 2017
UC-0224-17	Allowed on-premises consumption of alcohol (tavern/self-serve beer structure)	Approved by BCC	June 2017
WS-0069-17	Modified landscape planters and fencing within Harmon Avenue	Approved by BCC	March 2017
WS-0324-16	Shade structures, façade changes, and modified a comprehensive sign plan for a proposed restaurant (Taco Bell Cantina)	Approved by BCC	June 2016
ADR-0596-15	Shade structures within outside dining area (Subway)	Approved by ZA	July 2015
UC-0241-13 (ET-0068-14)	First extension of time to review outside retail sales structures until November 20, 2015 to review - expired	Approved by BCC	July 2014
UC-0241-13	Allowed additional commercial uses within a shopping center (list on file) and outside retail sales structures subject to 6 months to review outside retail sales structures	Approved by BCC	November 2013
UC-0008-12	Allowed commercial uses in H-1 zoning and permit outside retail sales - expired	Approved by BCC	March 2012
UC-0518-11	Allowed on-premises consumption of alcohol (tavern) in conjunction with a shopping center - the application included other land uses which were withdrawn without prejudice at the PC meeting	Approved By PC	December 2011
UC-0608-10	Redesigned a shopping center and pharmacy including the pedestrian bridge across Harmon Avenue	Approved by BCC	February 2011
TM-0025-10	Harmon Center commercial subdivision	Approved by PC	July 2010
UC-0174-10	Shopping center, pharmacy, packaged beer and wine sales, and packaged liquor sales, including waivers to reduce parking, parking lot landscaping and allowed tandem parking	Approved by BCC	June 2010

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North & East	Commercial Tourist	H-1	Planet Hollywood Resort Hotel & Miracle Mile Shopping Center
South	Commercial Tourist	H-1	Commercial building (former Harley Davidson Café) & parking garage
West	Commercial Tourist	H-1	CityCenter & Cosmopolitan Resort Hotel

**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 for an application for review 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 since the original approval.

Staff finds that the applicant has commenced retail sales operations on-site and the vendors have active and valid business licenses. Staff is not aware of any complaints filed with Clark County Public Response or the Metropolitan Police Department with regards to their operations. Photos were submitted to staff showing that the pedestrian areas have been cleaned up and no obstructions are within this area. Staff supports this request and 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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

**PRELIMINARY STAFF CONDITIONS:****Current Planning**

- Remove the time limit.

**Public Works - Development Review**

- Coordinate with Public Works - Traffic Management for the Las Vegas Boulevard South improvement project;
- Compliance with previous conditions.

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

- No comment.

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

**APPROVALS:**

**PROTEST:**

**APPLICANT:** BPS HARMON, LLC

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