



Paradise Town Advisory Board

Paradise Community Center

4775 McLeod Drive

Las Vegas, NV. 89121

May 9, 2023

7:00pm

Note:

- Items on the agenda may be taken out of order.
- The Board/Council may combine two (2) or more agenda items for consideration.
- The Board/Council may remove an item from the agenda or delay discussion relating to an item at any time.
- No action may be taken on any matter not listed on the posted agenda.
- All planning and zoning matters heard at this meeting are forwarded to the Board of County Commissioners' Zoning Commission (BCC) or the Clark County Planning Commission (PC) for final action.
- Please turn off or mute all cell phones and other electronic devices.
- Please take all private conversations outside the room.
- With a forty-eight (48) hour advance request, a sign language interpreter or other reasonable efforts to assist and accommodate persons with physical disabilities, may be made available by calling (702) 455-3530, TDD at (702) 385-7486, or Relay Nevada toll-free at (800) 326-6868, TD/TDD.
- Supporting material provided to Board/Council members for this meeting may be requested from Maureen Helm at 702-606-0747.
 - Supporting material is/will also available at the Clark County Department of Administrative Services, 500 S. Grand Central Parkway, 6th Floor, Las Vegas, Nevada 89155.
 - Supporting material is/will be available on the County's website at <https://clarkcountynv.gov/ParadiseTAB>

Board/Council Members: Susan Philipp-Chair
 Katlyn Cunningham-Vice Chair
 John Williams
 Kimberly Swartzlander
 Angelo Carvalho

Secretary: Maureen Helm, 702-606-0747, mhelmtab@gmail.com
 Business Address: Clark County Department of Administrative Services, 500 S. Grand Central Parkway, 6th Floor, Las Vegas, Nevada 89155

County Liaison(s): Blanca Vazquez, 702-455-8531, BVA@ClarkCountyNV.gov
 Business Address: Clark County Department of Administrative Services, 500 S. Grand Central Parkway, 6th Floor, Las Vegas, Nevada 89155

I. Call to Order, Pledge of Allegiance, Roll Call, and County Staff Introductions

II. Public Comment- This is a period devoted to comments by the general public about items on this agenda. No discussion, action, or vote may be taken on this agenda item. You will be afforded the opportunity to speak on individual Public Hearing Items at the time they are presented. If you wish to speak to the Board/Council about items within its jurisdiction but not appearing on this agenda, you must wait until the "Comments by the General Public" period listed at the end of this agenda. Comments will be limited to three (3) minutes. Please step up to the speaker's podium, if applicable, clearly state your name and address and please **spell** your last name for the record. If any member of

the Board/Council wishes to extend the length of a presentation, this will be done by the Chairperson or the Board/Council by majority vote.

- III. Approval of Minutes for April 25, 2023. (For possible action)
- IV. Approval of the Agenda for May 9, 2023 and Hold, Combine, or Delete any Items. (For possible action)
- V. Informational Items (for discussion only)
- VI. Planning and Zoning
 1. **UC-23-0157-ILUMINA FLAMINGO LP:**
USE PERMITS for the following: 1) allow office as a principal use (work-share/office spaces); and 2) health club.
DESIGN REVIEW for site changes for a previously approved multiple family residential development on 8.0 acres in an H-1 (Limited Resort and Apartment) (AE-60) Zone. Generally located on the south side of Flamingo Road, 260 feet west of Paradise Road within Paradise. JG/jor/syp (For possible action) **PC 6/6/23**
 2. **UC-23-0162-HERBST FAMILY LP II:**
USE PERMITS for the following: 1) restaurants; 2) outside dining and drinking; and 3) retail sales and service.
WAIVER OF DEVELOPMENT STANDARDS to eliminate the required 48 inch wide pedestrian access around the perimeter of the outside dining area.
DESIGN REVIEWS for the following: 1) restaurants with outside dining and drinking; and 2) retail uses in conjunction with a parking garage, warehouse, and convenience store with gasoline station on 4.1 acres in an M-1 (Light Manufacturing) (AE-60) Zone. Generally located on the south side of Dewey Drive, the north side of Russell Road, and the west side of Polaris Avenue within Paradise. MN/md/syp (For possible action) **PC 6/6/23**
 3. **WS-23-0166-POINTE FLAMINGO HOLDINGS, LLC:**
WAIVER OF DEVELOPMENT STANDARDS for parking lot landscaping.
DESIGN REVIEW for a convenience store on 0.9 acres in a C-2 (General Commercial) Zone. Generally located on the northeast corner of Flamingo Road and Eastern Avenue within Paradise. TS/sd/syp (For possible action) **PC 6/6/23**
 4. **ET-23-400030 (DR-20-0520)-SCHOOL BOARD OF TRUSTEES:**
DESIGN REVIEWS FIRST EXTENSION OF TIME for the following 1) finished grade; and 2) retaining walls in conjunction with a school on 8.0 acres in a P-F (Public Facility) Zone. Generally located on the north side of Cherokee Lane, 100 feet east of Algonquin Drive within Paradise. TS/tpd/syp (For possible action) **BCC 6/7/23**

5. **ET-23-400031 (ZC-19-0197)-SCHOOL BOARD OF TRUSTEES:**
DESIGN REVIEW SECOND EXTENSION OF TIME for an elementary school on 8.0 acres in a P-F (Public Facility) Zone. Generally located on the north side of Cherokee Lane, 100 feet east of Algonquin Drive within Paradise. TS/tpd/syp (For possible action) **BCC 6/7/23**
6. **UC-23-0173-PARBALL NEWCO, LLC:**
USE PERMITS for the following: 1) recreational facility with accessory commercial uses including, but not limited to shops, snack bars, lounges, and restaurants; 2) on-premises consumption of alcohol; and 3) all other deviations as depicted per plans on file.
DEVIATIONS for the following: 1) reduce setback; 2) reduce street landscaping; 3) reduce height/setback ratio; and 4) all other deviations as depicted per plans on file.
WAIVER OF DEVELOPMENT STANDARDS to reduce setback.
DESIGN REVIEWS for the following: 1) recreational facility with accessory commercial uses including, but not limited to shops, snack bars, lounges, and restaurants; and 2) finished grade in conjunction with an existing resort hotel (Horseshoe) on a portion of 30.0 acres within a 68.1 acre site in an H-1 (Limited Resort and Apartment) Zone. Generally located on the south side of Flamingo Road, 1,600 feet east of Las Vegas Boulevard South within Paradise. JG/md/syp (For possible action) **BCC 6/7/23**

VII. General Business

(For possible action)

- VIII. Comments by the General Public- A period devoted to comments by the general public about matters relevant to the Board/Council's jurisdiction will be held. No discussion, action, or vote may be taken on this agenda item. Comments will be limited to three (3) minutes. Please step up to the speaker's podium, if applicable, clearly state your name and address and please **spell** your last name for the record. If any member of the Board/Council wishes to extend the length of a presentation, this will be done by the Chairperson or the Board/Council by majority vote.

IX. Next Meeting Date: May 30, 2023.

X. Adjournment.

POSTING LOCATIONS: This meeting was legally noticed and posted at the following locations:
 Paradise Community Center- 4775 McLeod Dr.
<https://notice.nv.gov>



Paradise Town Advisory Board

April 25, 2023

MINUTES

Board Members: Susan Philipp-Chair-**EXCUSED**
Katlyn Cunningham- Vice-Chair **PRESENT**
John Williams -**PRESENT**
Kimberly Swartzlander- **PRESENT**
Angelo Carvalho- **PRESENT**

Secretary: Maureen Helm 702-606-0747 mhelmtab@gmail.com

Town Liaison: Blanca Vazquez 702-455-8531 bva@clarkcountynv.gov

I. Call to Order, Pledge of Allegiance, Roll Call(see above), County Staff Introductions

Rob Kaminski; Planning, Blanca Vazquez, Community Liaison, Vivian Kilarski
Beatriz Martinez

Meeting was called to order by Vice-Chair Cunningham, at 7:00 p.m.

II. Public Comment:
None

III. Approval of April 11, 2023 Minutes

Moved by: Carvalho
Action: Approve as submitted
Vote: 4-0 Unanimous

Approval of Agenda for April 25, 2023

Moved by: Williams
Action: Approved as submitted
Vote: 4-0 Unanimous

IV. Informational Items (For Discussion only)

V. Planning & Zoning

1. **WS-23-0129-CHURCH ROMAN CATHOLIC LAS VEGAS:**
WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase height; and 2) reduce building separation for proposed accessory structures.
DESIGN REVIEW for accessory structures in conjunction with an existing place of worship on 4.0 acres in an R-1 (Single Family Residential) Zone. Generally located on the west side of Pearl Street, 400 feet north of Tropicana Avenue within Paradise. JG/sd/ja (For possible action)
PC 5/2/23
MOVED BY- Williams
APPROVE-Subject to staff conditions
VOTE: 4-0 Unanimous

2. **AR-23-400033 (WS-20-0336)-3900 PARADISE RETAIL OWNER SPE, LLC:**
WAIVER OF DEVELOPMENT STANDARDS FIRST APPLICATION FOR REVIEW for a reduction of parking in an existing shopping center on 4.0 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located on the east side of Paradise Road, 640 feet south of Twain Avenue within Paradise. TS/dd/syp (For possible action)
PC 5/16/23
MOVED BY- Swartzlander
DENY
VOTE: 4-0 Unanimous

3. **DR-23-0142-FUSARO FAMILY TRUST & FUSARO, MICHAEL S. & MARIA M. TRS:**
DESIGN REVIEWS for the following: 1) proposed office/warehouse facility; and 2) finished grade on 1.5 acres in an M-D (Designed Manufacturing) (AE-65) Zone. Generally located on the east side of Annie Oakley Drive, 220 feet north of Post Road within Paradise. JG/rk/syp (For possible action)
PC 5/16/23
MOVED BY- Williams
APPROVE-Subject to staff conditions
VOTE: 4-0 Unanimous

4. **UC-23-0148-HARSCH INVESTMENT PPTYS-NV, LLC:**
USE PERMIT for on-premises consumption of alcohol establishment (supper club) within an existing office/warehouse and shopping center complex on 18.4 acres in an M-1 (Light Manufacturing) Zone in the Asian Design Overlay District. Generally located on the south side of Spring Mountain Road and the west side of Valley View Boulevard within Paradise. JJ/lm/syp (For possible action)
PC 5/16/23
MOVED BY- Williams
APPROVE-Subject to staff conditions
VOTE: 4-0 Unanimous

5. **UC-23-0146-FLAMINGO PALMS VILLAS:**
USE PERMIT to allow a resort condominium in conjunction with an existing condominium complex on 14.1 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located on the east side of Valley View Boulevard, 550 feet south of Flamingo Road within Paradise. MN/rk/syp (For possible action)
BCC 5/17/23
MOVED BY- Swartzlander
APPROVE-Subject to staff conditions
VOTE: 4-0 Unanimous

6. **VS-23-0133-CHURCH WALK LAS VEGAS NV INC:**
VACATE AND ABANDON a portion of a right-of-way being Sur Este Avenue located between Spencer Street and Bruce Street within Paradise (description on file). MN/al/syp (For possible action) **BCC 5/17/23**

MOVED BY- Swartzlander
APPROVE-Subject to staff conditions
VOTE: 3-0
Cunningham abstained from comment and vote

7. **ET-23-40024 (UC-21-0139)-CHURCH WALK LAS VEGAS NV INC:**
USE PERMIT FIRST EXTENSION OF TIME for the following: **1)** place of worship; **2)** daycare facility; and **3)** school (pre-school) on 3.6 acres in an R-E (Rural Estates Residential) Zone. Generally located on the east side of Spencer Street, 330 feet south of Eldorado Lane within Paradise. MN/al/syp (For possible action) **BCC 5/17/23**

MOVED BY- Swartzlander
APPROVE-Subject to staff conditions
VOTE: 3-0
Cunningham abstained from comment and vote

8. **WS-23-0132-CHURCH WALK LAS VEGAS NV INC:**
WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** landscaping to a less intensive use; **2)** alternative landscaping adjacent to a collector street; and **3)** permit a wall sign.
DESIGN REVIEWS for the following: **1)** place of worship with a daycare facility and pre-school; **2)** alternative parking lot landscaping; **3)** lighting plan; **4)** comprehensive sign plan; and **5)** finished grade on 3.6 acres in an R-E (Rural Estates Residential) Zone. Generally located on the east side of Spencer Street, 330 feet south of Eldorado Lane within Paradise. MN/al/syp (For possible action) **BCC 5/17/23**

MOVED BY- Swartzlander
APPROVE-Subject to staff conditions
VOTE: 3-0
Cunningham abstained from comment and vote

VI. General Business (for possible action)

LITTLE ETHIOPIA CULTURAL DISTRICT:

APPLICATION FOR REVIEW for the following:

- 1) Discuss the proposed cultural district geographic boundaries;
Twain, University Dr., 500 ft. from Decatur, 500 ft. East of Decatur
- 2) How the geographic area is distinguished by concentration of cultural resources that play a vital role in the lives and cultural development of the community;
Concentration of cultural resources that play a role in the lives and cultural development of the community;
A place to provide tutoring, mentoring youth to maintain their culture and religious faith.
- 3) Highlight any signature events or festivals that highlight the community's unique cultural identity;
Adding events and festivals that highlight the cultural identity. Share the cultural and history with Clark County residents and entertain the tourists who visit our city
- 4) Any other pertinent information within Paradise

MOVED BY- Williams
APPROVE
VOTE: 4-1 Swartzlander oposed

VII. Public Comment
None heard

VIII. Next Meeting Date
The next regular meeting will be May 9, 2023

IX. Adjournment
The meeting was adjourned at 9:10 p.m.

06/06/23 PC AGENDA SHEET

HEALTH CLUB AND OFFICE SPACES
(TITLE 30)

FLAMINGO RD/PARADISE RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-23-0157-ILUMINA FLAMINGO LP:

USE PERMITS for the following: 1) allow office as a principal use (work-share/office spaces); and 2) health club.

DESIGN REVIEW for site changes for a previously approved multiple family residential development on 8.0 acres in an H-1 (Limited Resort and Apartment) (AE-60) Zone.

Generally located on the south side of Flamingo Road, 260 feet west of Paradise Road within Paradise. JG/jor/syp (For possible action)

RELATED INFORMATION:

APN:

162-21-504-004; 162-21-504-014

USE PERMIT:

1. Allow office as a principal use (work-share/office spaces) in conjunction with a previously approved multiple family residential development per Table 30.44-1.
2. Allow a health club in conjunction with a previously approved multiple family residential development per Table 30.44-1.

DESIGN REVIEW:

Site changes for a previously approved multiple family residential development.

LAND USE PLAN:

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 377 E. Flamingo Road
- Site Acreage: 8
- New Number of Units: 350
- New Density (du/ac): 43
- Project Type: Multiple family residential development with office as a principal use (work-share/office space) and proposed health club
- New Number of Stories: 6 (maximum)
- New Building Height (feet): 87 (Building 1)/ 76 (Building 2)

- New Square Feet: 379,404 (Net for Building 1 and Building 2)/ 422,912 (Gross for Building 1 and Building 2) – excluding parking areas
- Open Space Required/Provided: 35,000/107,928
- Parking Required/Provided 819 (required)/709 (required shared parking)/591 (provided) where UC-22-0478 previously approved 745 (required)/590 (provided)

History, Request, & Site Modifications

The site was previously approved for a multiple family residential apartment complex via UC-22-0478. The approved plans depict an 8 acre site with a density of 45.9 dwelling units per acre. The project originally consisted of 368 dwelling units distributed within 2, multiple story buildings. The layout of the site consists of 2 buildings in the middle of the site with a central courtyard located between the buildings. Revised plans show that the applicant is now proposing 350 dwelling units, with a density of 43 dwelling units per acre. The layout of the 2 multiple story buildings with a central courtyard will remain the same. In addition, the applicant is requesting special use permits to incorporate a health club and work-share/office spaces within the complex. Per the applicant, the proposed health club will be open to the public. The design review is for site modifications per the submitted revised plans; and they are as follows:

- 350 units are proposed where 368 units were approved with UC-22-0478.
- Current design increased the total number of provided parking stalls from 590 parking spaces to 591.
- A shared parking table was submitted since the health club will be open to the public. The new parking count is 819 (required)/709 (required shared parking)/591 (provided) which is a 16% decrease from the previously approved 21% parking reduction (745 (required)/590 (provided) via UC-22-0478.
- Central access driveway from Flamingo Road reflects requested change to force entry toward the porte-cochere reducing the opportunity for congestion and increasing safety pursuant to discussions for approval of UC-22-0478.
- Underground garage access relocated from the east side of Building 1 to the west side of Building 1 to limit potential congestion with the Chick-Fil-A easement traffic.
- The access control gate along the west side from midway along Building 2 was relocated to the southwest corner of Building 1.
- An exit only drive was added to the west private driveway (Hospitality Circle) to provide better exiting at the relocated access control gate and to facilitate trash service at the trash compactor located at the corner of Building 1.
- Eighth floor of Building 1 was removed in order to meet the 75 foot maximum floor height for Type IHA construction and the overall building height reduced from 97 feet, 2 inches 2 to 87 feet. Building 2 remains at 76 feet high.
- Both Buildings 1 and 2 are 6 stories high.

Site Plans

The revised plans depict the 2 multiple story buildings are still in the middle of the site with a central courtyard located between the buildings. The project will provide 1, 2, and 3 bedroom units. The setbacks of the buildings have not changed and are still the following: 92 feet to the north property line (Flamingo Road); 78 feet to the south property line; 63 feet to the east property line; and 58 feet to the west property line.

There are 3 access points that remain the same and are the following: a drive aisle along Flamingo Road to the north, a driveway along Hospitality Circle to the west, and a shared internal drive aisle to the east. Internal circulation within the project consists of 24 foot wide drive aisles. A subterranean parking garage is provided under Building 1 and podium parking is provided for Building 2 (the back building). All other parking areas will consist of covered and surface parking spaces for both residents and visitors, which are provided around the perimeter of the property.

Lastly, the development will provide several amenities for residents, including a wellness center, clubhouse with office and meeting space, indoor and outdoor pools and spas, wine room, game room, yoga and pilates studios, tennis and badminton courts, restaurant, and resident lounge.

Landscaping

The approved landscape plans depict landscaping along Flamingo Road with a 20 foot wide landscape area behind an existing 5 foot wide attached sidewalk. A 5 foot to 10 foot wide landscape buffer per Figure 30.64-11 (1 row of trees spaced 20 feet apart) is proposed along the south, east, and west property lines. Interior to the site, open space and landscaping are equitably distributed throughout the development and consist of active and passive open space areas. The main recreation open space area is designed in a courtyard fashion near the center of the site. These amenities include a swimming pool, spa, cabanas, and deck with extensive landscaping. The amount of passive and active open space is depicted at 107,928 square feet where 35,000 square feet is required.

Elevations

Revised plans show that Building 1 is a 6 story structure with maximum heights up to 87 feet. Building 2 is a 6 story structure with maximum heights up to 76 feet. The exterior building materials include stucco concrete panel walls with multiple surface plane variations consisting of walls that are off-set with varying color schemes. Accents consist of pop-outs, wrought iron railing, stone veneer accents, and metal awnings located at various entrances.

Floor Plans

The revised plans show a mix of 1, 2, and 3 bedroom units consisting of 165, one bedroom units, 175, two bedroom units, and 10, three bedroom units. The project will include several amenities for residents, including a wellness center, clubhouse with office and meeting space, indoor and outdoor pools and spas, wine room, game room, yoga and pilates studios, tennis and badminton courts, restaurant area, and resident lounge. The proposed health club will be on the first floor of Building 1. Lastly, the proposed work-share/office spaces will also be located on the first floor of Building 1 on the northeast corner of the building.

Signage

Signage is not a part of this request.

Applicant's Justification

The property was approved for a 368 unit multiple family residential development with a restaurant and on-site consumption of alcohol by the Clark County Planning Commission on October 18, 2022 via application UC-22-0478 . As part of that application, a health club/wellness center was included within the development for residents. The applicant would like to utilize the health club for approximately 500 outside members. Members of health clubs do not occupy the use all at one time, but throughout the day. Therefore, the request to allow the health club to open to 500 additional members will not negatively impact future residents of the multiple family or the provided parking. In addition, the number of units has now decreased to 350 units. The prior land use approval included a waiver to reduce parking to 590 spaces where 725 spaces were required, a 21 % reduction. With the requested change to allow the health club to open to the general public, the applicant has utilized the shared parking schedule within the Code. The Applicant is also requesting a special use permit to allow for work-share/office space as a principal use. Work-share spaces have significantly cut down on the need to travel far for work while also bringing a new way to work and communicate with other professionals. The special use permits will allow the applicant to provide additional services to customers in the area, while still providing a first class residential and restaurant project near the Las Vegas Strip.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-22-0478	Multiple family residential development	Approved by PC	October 2022
UC-0541-05 (ET-0051-07)	First extension of time of a multiple level resort hotel and condominium project - expired	Approved by BCC	April 2007
UC-0541-05	Multiple level resort hotel and condominium project - expired	Approved by BCC	June 2005
UC-1604-04	Additions including a hotel tower and residential condominiums to the Key Largo Resort Hotel - demolished	Approved by BCC	October 2004

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Entertainment Mixed-Use	H-1	Retail & restaurants (Howard Hughes Center)
South	Entertainment Mixed-Use	H-1	Undeveloped
East	Entertainment Mixed-Use	H-1	Retail, restaurant, convenience store, & gasoline station
West	Entertainment Mixed-Use	H-1	Undeveloped

STANDARDS FOR APPROVAL:

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

Analysis

Comprehensive Planning

Use Permit & Design Review

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.

Staff finds that the proposed use permits are compatible to the previously approved uses on the site. The applicant provided revised plans which listed several modifications to the site, which necessitated a new design review for the entire development. The overall design of the site will provide a variety of on-site amenities and areas to allow activities dedicated to recreation, wellness, and work spaces within close proximity to the resident's units. The Land Use Plan for the site is Entertainment Mixed-Use and Section 3 for Growth Framework of the Master Plan states that primary land uses include a mix of retail, restaurant, lodging, office uses, and high density residential. The use permits and design review are also in line with the Master Plan Policy WP-1.3 for Corridor Residential under the Winchester/Paradise Goals and Policies, which encourages and supports the integration of multiple family residential uses in Entertainment Mixed-Use areas to support the expansion of housing options within close proximity of services, amenities, and jobs. Staff supports these requests.

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

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

- 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; 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

- Traffic study and compliance.

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.

Fire Prevention Bureau

- No comment.

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 #0021-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: SCHULMAN PROPERTIES, LLC

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



LAND USE APPLICATION

PLANNER COPY

DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

APPLICATION TYPE <input type="checkbox"/> TEXT AMENDMENT (TA) <input type="checkbox"/> ZONE CHANGE <input type="checkbox"/> CONFORMING (ZC) <input type="checkbox"/> NONCONFORMING (NZC) <input checked="" type="checkbox"/> USE PERMIT (UC) <input type="checkbox"/> VARIANCE (VC) <input checked="" type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WVS) <input checked="" type="checkbox"/> DESIGN REVIEW (DR) <input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR) <input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC) <input type="checkbox"/> WAIVER OF CONDITIONS (WC) (ORIGINAL APPLICATION #) <input type="checkbox"/> ANNEXATION REQUEST (ANX) <input type="checkbox"/> EXTENSION OF TIME (ET) (ORIGINAL APPLICATION #) <input type="checkbox"/> APPLICATION REVIEW (AR) (ORIGINAL APPLICATION #)	STAFF APP. NUMBER: <u>UC-23-0157</u> DATE FILED: <u>3/23/22</u> PLANNER ASSIGNED: <u>JOR</u> TAB/CAC: <u>Paradise</u> TAB/CAC DATE: <u>4/25/23</u> PC MEETING DATE: <u>5/16/23</u> BCC MEETING DATE: _____ FEE: <u>\$1350</u>
	PROPERTY OWNER NAME: <u>Illumina Flamingo, LP</u> ADDRESS: <u>360 S. Rosemary Avenue, Suite 400</u> CITY: <u>West Palm Beach</u> STATE: <u>FL</u> ZIP: <u>33401</u> TELEPHONE: <u>561-578-8700</u> CELL: _____ E-MAIL: <u>rbittner@nadg.com</u>
	APPLICANT NAME: <u>Schulman Properties, LLC</u> ADDRESS: <u>840 S. Rancho Drive, #4-572</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89106</u> TELEPHONE: <u>702-355-2363</u> CELL: _____ E-MAIL: <u>joe@lvdag.com</u> REF CONTACT ID #: _____
	CORRESPONDENT NAME: <u>Liz Olson - Kaempfer Crowell</u> ADDRESS: <u>1980 Festival Plaza Drive</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89135</u> TELEPHONE: <u>702-792-7000</u> CELL: _____ E-MAIL: <u>eolson@kcnvlaw.com</u> REF CONTACT ID #: _____

ASSESSOR'S PARCEL NUMBER(S): 162-21-504-004 and 014

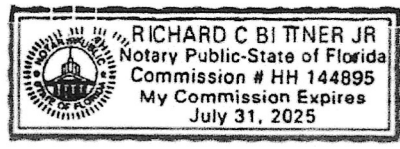
PROPERTY ADDRESS and/or CROSS STREETS: Flamingo/Paradise

PROJECT DESCRIPTION: _____

(I, We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code, that the information on the attached legal description, all plans, and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Clark County Comprehensive Planning Department, or its designee, to enter the premises and to install any required signs on said property for the purpose of advising the public of the proposed application.

[Signature] Michael Crosby, VP of Owner
 Property Owner (Signature)* Property Owner (Print)

STATE OF Florida
 COUNTY OF Palm Beach
 SUBSCRIBED AND SWORN BEFORE ME ON December 20 2022 (DATE)
 By Michael Crosby
 NOTARY PUBLIC: Richard C. Bittner, Jr



*NOTE: Corporate declaration of authority (or equivalent), power of attorney, or signature documentation is required if the applicant and/or property owner is a corporation, partnership, trust, or provides signature in a representative capacity.

KAEMPFER

CROWELL

ATTORNEYS AT LAW

LAS VEGAS OFFICE

ELISABETH OLSON
eolson@kcnvlaw.com
702.792.7000

March 22, 2023

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Fax: 775.327.2011

CARSON CITY OFFICE
510 West Fourth Street
Carson City, NV 89703
Tel: 775.884.8300
Fax: 775.882.0257

VIA UPLOAD:

CLARK COUNTY COMPREHENSIVE PLANNING DEPARTMENT
500 S. Grand Central Parkway
Las Vegas, Nevada 89115

UC-23-0157

Re: Justification Letter – Design Review and Special Use Permit for Health Club and Office Paradise Road and Flamingo Road Schulman Properties

PLANNER
COPY

To Whom It May Concern:

This firm represents Ilumina Flamingo LP (the “Applicant”) in the above referenced matter. The proposed project is located south of Flamingo Road and west of Paradise Road (the “Property”). The Property is more particularly described as Assessor’s Parcel Numbers 162-21-504-004 and 014. The Applicant is requesting a design review and special use permit to allow for office as a principal use and a health club open to the public as part of a previously approved multi-family residential development. The overall layout of the approved project has not changed, however, minor changes have been made as discussed in more detail below.

The Property was approved for a 368 unit multi-family residential development with a restaurant and on-site consumption of alcohol by the Clark County Planning Commission on October 18, 2022 via application UC-22-0478. As part of that application, a health club/wellness center was included within the development for residents. The Applicant would like to utilize the health club for approximately 500 outside members. Members of health clubs do not occupy the use all at one time. Rather, customers come and go throughout the day. Therefore, the request to allow the health club to open to 500 additional members will not negatively impact future residents of the multi-family or the provided parking.

The prior land use approval included a waiver to reduce parking to 590 spaces where 725 spaces were required, a 21% reduction. With the requested change to allow the health club to open to the general public, the Applicant has utilized the shared parking schedule within the Code. Below is a summary of the previously approved parking counts and the new parking counts utilizing the shared parking schedule:

TOTAL REQUIRED PARKING PER APPROVED PLAN	745
TOTAL REQUIRED PARKING USING SHARED SCHEDULE	707
TOTAL PROVIDED PARKING PER APPROVED PLAN	590
TOTAL PROVIDED PARKING PER PROPOSED PLAN	591
TOTAL APPROVED PARKING VARIANCE	20.8%
TOTAL PROPOSED PARKING VARIANCE	16.4%

Because the prior application was approved with a 21% parking reduction, the current request of 16.4% is less than the prior approval. Therefore, a new parking waiver is not required with this submittal.

The Applicant is also requesting a special use permit to allow for work-share/office space as a principal use. The Applicant would like to offer additional office space to members of the public as well as future residents. Following the pandemic, many employees have and are currently utilizing we-share space rather than a typical office building. Work-share spaces have significantly cut down on the need to travel far for work while also bringing a new way to work and communicate with other professionals in a smaller space.

As noted above, the overall layout and design of the Site remains essentially the same under approval for UC-22-0478. The minor revisions that have been made are listed below to accompany the design review request:

1. Current design increased the total number of parking stalls from 590 to 591.
2. Central access driveway from Flamingo Road reflects requested change to force entry toward the porte cochere reducing the opportunity for congestion and increasing safety pursuant to discussions for approval of UC-22-0478.
3. Underground garage access relocated from the East side of Building 1 to the west side of Building 1 to limit potential congestion with Chick-Fil-A easement traffic.
4. Relocated access control gate along the west side from midway along Building 2 to the southwest corner of Building 1.
5. Added an exit only drive to the west private driveway (Hospitality Circle) to provide better exiting at the relocated access control gate and to facilitate trash service at the trash compacter located at this corner of Building 1.
6. Eighth floor of Building 1 was removed in order to meet the 75 foot maximum floor height for Type IIIA construction and overall building height reduced from 97' -2" to 85 foot per code requirements.
7. Building 2 height has also been reduced slightly from the entitlements package per code requirements.

1

The requested special use permits will allow the Applicant to provide additional services to customers in the area, while still providing a first class residential and restaurant project near the Las Vegas Strip. We respectfully request consideration and support of this application. If you have any questions or need any additional information, please do not hesitate to let me know.

Sincerely,

KAEMPFER CROWELL



Elisabeth Olson

PLANNER
COPY

06/06/23 PC AGENDA SHEET

RESTAURANTS W/OUTSIDE DINING & DRINKING
& RETAIL
(TITLE 30)

POLARIS AVE/DEWEY DR

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
UC-23-0162-HERBST FAMILY LP II:

USE PERMITS for the following: 1) restaurants; 2) outside dining and drinking; and 3) retail sales and service.

WAIVER OF DEVELOPMENT STANDARDS to eliminate the required 48 inch wide pedestrian access around the perimeter of the outside dining area.

DESIGN REVIEWS for the following: 1) restaurants with outside dining and drinking; and 2) retail uses in conjunction with a parking garage, warehouse, and convenience store with gasoline station on 4.1 acres in an M-1 (Light Manufacturing) (AE-60) Zone.

Generally located on the south side of Dewey Drive, the north side of Russell Road, and the west side of Polaris Avenue within Paradise. MN/md/syp (For possible action)

RELATED INFORMATION:

APN:

162-29-401-013; 162-29-401-014; 162-29-401-016

LAND USE PLAN:

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 5625 Polaris Avenue and 3480 W. Russell Road
- Site Acreage: 4.1
- Project Type: Restaurants with outside dining and drinking/retail
- Number of Stories: 1
- Building Height (feet): 49.5 (parking garage)
- Square Feet: 3,170 (restaurant)/4,080 (restaurant with retail)/1,560 (outside dining and drinking)
- Parking Required/Provided: 240/645

History and Request

WS-20-0294 was previously approved by the Board of County Commissioners in August 2020 for a parking garage in conjunction with an existing warehouse and convenience store with

gasoline station. A subsequent application, UC-21-0412, was approved by the Planning Commission in October 2021 for a supper club on the first floor of the parking garage. The applicant is now requesting use permits for 2 restaurants with outside dining and drinking, in addition to retail uses, within the first floor of the garage. On-premises consumption of alcohol is not proposed with the restaurant uses associated with this request.

Site Plans

The plans depict 2 proposed restaurants located on the first floor in the southeast portion of an approved parking garage. An outside dining and drinking area is located immediately to the east of the restaurants with access to the restaurants provided by stairs and a ramp to the sidewalk along Polaris Avenue. The outside dining and drinking area is set back a minimum of 20 feet from the east property line, adjacent to Polaris Avenue. Vehicle access to the parking garage is granted via a single driveway located at the northwest corner of the site, adjacent to Dewey Drive. The previously approved parking garage included 713 parking spaces. However, the proposed restaurant improvements will eliminate 68 parking spaces within the interior of the garage. The previously approved supper club and the proposed restaurants and retail uses require 240 parking spaces where 645 parking spaces are provided within the garage. Two standard loading spaces are proposed within the parking lot, immediately south of the proposed restaurants and to the east of the existing convenience store and warehouse.

Landscaping

The plans depict a pedestrian realm located along Dewey Drive and Polaris Avenue that is consistent with the guidelines within the Stadium District Plan accepted by the Board of County Commissioners in June 2021. The plans maintain the existing 5 foot wide attached sidewalks located adjacent to Dewey Drive and Polaris Avenue, followed by a 5 foot wide landscape strip, another 10 foot wide walkway, and a 5 foot wide landscape strip. This pedestrian realm configuration creates a total of 15 foot wide walkways (5 foot wide sidewalk and a 10 foot wide walkway) combined with 10 feet of landscaping (2, 5 foot wide landscape strips).

Elevations

The plans depict a previously approved parking garage measuring up to 49.5 feet in height to the top of the parapet wall. The proposed restaurants are located on the first floor of the parking garage. The façade area for the proposed restaurants consist of a painted EIFS system, aluminum fascia, wall tile, ground face block, and a storefront system with glazing. The outside dining and drinking area is enclosed by the required protective metal railings and is located at a higher grade than the streetscape.

Floor Plans

The plans depict 2 proposed restaurants with an outside dining and drinking area along the streetscape area adjacent to Polaris Avenue. Restaurant 1 measures 3,170 square feet in area and is located at the southeast corner of the parking garage. Restaurant 2, which includes a proposed retail use, is adjacent to the north of restaurant 1 and measures 4,080 square feet in area. There are 2 main entrances through the garage for both restaurants. The outside/dining and drinking areas consists of 1,560 square feet and is shared between the 2 restaurants with a view of Allegiant Stadium.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states the proposed restaurants and retail are an appropriate and compatible use for the site, the adjacent area, and Allegiant Stadium to the east. The use is in a portion of the parking structure that was set aside for future development when the garage was designed and approved. The use is located on a portion of Polaris Avenue which is a collector street. The proposed outside dining and drinking areas are along the frontage of the previously approved supper club and the proposed restaurants/retail. The outside dining and drinking areas are in conjunction with the uses within portions of the parking garage that were also set aside for future development when the garage was designed and approved. The outside dining areas in conjunction with the supper club and restaurants/retail will enhance the Stadium Overlay District. The outside dining and drinking area is set back 20 feet from the east property line, adjacent to Polaris Avenue, and is at a 2 foot higher grade than the sidewalk and Polaris Avenue. A protective fence is provided that creates a barrier between patrons and the landscape area. In addition, both restaurants will not have on-premises consumption of alcohol. The design of the uses are appropriate, and complement and enhance the immediate and general area.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-23-0047	Increased building height; increased wall sign area; permit animated signage (video units) where not permitted; increased animated sign area; permitted roof signs; increased projecting sign area; and allowed a projecting sign to be animated with design reviews for modifications to an approved parking garage and a comprehensive sign plan for a parking garage, warehouse, and convenience store with gasoline station	Pending BCC action	May 2023
EF-22-400100 (WS-20-0294)	First extension of time for a design review for a parking garage	Approved by BCC	October 2022
VS-22-0182	Vacated and abandoned patent easements	Approved by PC	May 2022
UC-21-0412	Supper club on the first floor of a parking garage	Approved by PC	October 2021
WS-20-0294	Parking garage	Approved by BCC	August 2020
VC-0321-99	Turf landscaping	Approved by PC	April 1999
VC-1118-97	75 foot high freestanding sign	Approved by PC	August 1997
UC-0752-97	100 foot high flagpole	Approved by BCC	July 1997

Prior Land Use Requests

Application Number	Request	Action	Date
VC-0153-97	Reduced parking for a warehouse	Approved by PC	March 1997
ZC-1579-93	Reclassified the southern portion of the site to M-1 zoning for a convenience store with gasoline pumps and an office/warehouse	Approved by BCC	October 1993
ZC-0246-90	Reclassified the northern portion of the site and the parcel to the west to M-1 zoning for a warehouse and office building	Approved by BCC	October 1990

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Entertainment Mixed-Use	M-1	Undeveloped
South	Entertainment Mixed-Use	M-1	Convenience store with gasoline station
East	Entertainment Mixed-Use	H-1	Allegiant Stadium
West	Entertainment Mixed-Use & Public Use	M-1	NV Energy substation & parking lot

STANDARDS FOR APPROVAL:

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

Analysis

**Comprehensive 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 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.

The proposed restaurants with outside dining and drinking and retail uses are appropriate for the area surrounding Allegiant Stadium. The uses will provide additional amenities for patrons before and after events at the stadium. In addition, the uses will help transform the existing industrial area to an entertainment district, which is consistent with the goals of the Stadium District Plan.

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.

Staff typically does not support eliminating the requirement for the 48 inch wide pedestrian access around the perimeter of the outside dining and drinking area. However, the project site is currently under construction and is designed with an existing 5 foot wide sidewalk adjacent to Polaris Avenue, followed by a 5 foot wide landscape strip, another 10 foot wide walkway, and a 5 foot wide landscape strip adjacent to the outside dining and drinking areas. Furthermore, the outside dining and drinking area is enclosed with a 3.5 foot high protective metal railing located at a higher grade than the streetscape. Staff finds the pedestrian realm, that is currently under construction, is an acceptable alternative to the required 48 inch wide pedestrian access; therefore, recommends approval.

Design Reviews

The design of the restaurants with outside dining and drinking includes pedestrian access to Polaris Avenue. The pedestrian access, outside dining and drinking, and the proximity of the restaurants to the street creates a strong pedestrian connection for the evolving entertainment area and activates the pedestrian realm. In addition, the sidewalks and street landscaping are consistent with the design recommendations in the Stadium District Plan. As a result, staff can support these requests.

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

- 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; 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

- Traffic study and compliance.

Fire Prevention Bureau

- No comment.

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 #0139-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: TIMOTHY HERBST

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

DRAFT



LAND USE APPLICATION

DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

APPLICATION TYPE <input type="checkbox"/> TEXT AMENDMENT (TA) <input type="checkbox"/> ZONE CHANGE (ZC) <input checked="" type="checkbox"/> USE PERMIT (UC) <input type="checkbox"/> VARIANCE (VC) <input checked="" type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS) <input checked="" type="checkbox"/> DESIGN REVIEW (DR) <input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR) <input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC) <input type="checkbox"/> WAIVER OF CONDITIONS (WC) (ORIGINAL APPLICATION #) <input type="checkbox"/> ANNEXATION REQUEST (ANX) <input type="checkbox"/> EXTENSION OF TIME (ET) (ORIGINAL APPLICATION #) <input type="checkbox"/> APPLICATION REVIEW (AR) (ORIGINAL APPLICATION #)	STAFF APP. NUMBER: <u>UC-23-0162</u> DATE FILED: <u>7/20/23</u> PLANNER ASSIGNED: <u>MNO</u> TAB/CAC: <u>PARADISE</u> TAB/CAC DATE: <u>5/9/23</u> PC MEETING DATE: <u>6/6/23 @ 7:00 P.M.</u> @ 7:00 P.M. BCC MEETING DATE: <u>-</u> FEE: <u>\$1,835</u>
	PROPERTY OWNER NAME: <u>Herbst Family Limited Partnership II</u> ADDRESS: <u>5195 S. Las Vegas Blvd</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89119</u> TELEPHONE: <u>702.798.6400</u> CELL: _____ E-MAIL: <u>tpherbst@terribleherbst.com</u>
	APPLICANT NAME: <u>Timothy P. Herbst - Trustee Timothy</u> ADDRESS: <u>5195 S. Las Vegas Blvd</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89119</u> TELEPHONE: <u>702.796.6400</u> CELL: <u>702.327.0291</u> E-MAIL: <u>tpherbst@terribleherbst.com</u> REF CONTACT ID #: <u>N/A</u>
	CORRESPONDENT NAME: <u>Jay Brown/Lebene Ohene</u> ADDRESS: <u>520 South Fourth Street</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89101</u> TELEPHONE: <u>702-598-1429</u> CELL: <u>702.561.7070</u> E-MAIL: <u>lohene@brownlawlv.com</u> REF CONTACT ID #: <u>173835</u>

ASSESSOR'S PARCEL NUMBER(S): 162-29-401-016, 162-29-401-014, 162-29-401-013

PROPERTY ADDRESS and/or CROSS STREETS: Polaris Avenue & Russell Road

PROJECT DESCRIPTION: Two (2) proposed restaurants within an approved parking garage (WS-20-0294)

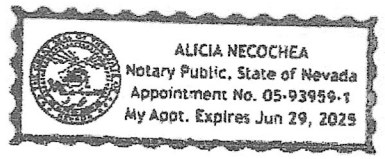
(I, We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code, that the information on the attached legal description, all plans, and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Clark County Comprehensive Planning Department, or its designee, to enter the premises and to install any required signs on said property for the purpose of advising the public of the proposed application.

Property Owner (Signature)* Timothy P. Herbst
 Property Owner (Print) _____

STATE OF Nevada
 COUNTY OF Clark

SUBSCRIBED AND SWORN BEFORE ME ON January 27 2023 (DATE)

By Timothy P. Herbst
 NOTARY PUBLIC: Alicia Necochea



*NOTE: Corporate declaration of authority (or equivalent), power of attorney, or signature documentation is required if the applicant and/or property owner is a corporation, partnership, trust, or provides signature in a representative capacity.

2

LAW OFFICE

Brown, Brown & Premsrirut

JAY H. BROWN
DAVID T. BROWN
PUOY K. PREMSRIRUT

AN ASSOCIATION OF PROFESSIONAL CORPORATIONS
520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101

TELEPHONE: (702) 384-5563
FACSMILE: (702) 385-1023
EMAIL: jbrown@brownlawiv.com

March 28, 2023

Clark County Comprehensive Planning
Current Planning Division
500 Grand Central Parkway
Las Vegas Nevada 89155

PLAIN
COPY

**RE: Justification Letter
Polaris Ave & Russell Rd.
Justification Letter: Special Use Permit; Waiver of Development Standards; and
Design Review for two (2) restaurants and retail and outside dining/drinking areas. –
Revision 2
Assessors' Parcel Numbers: - 162-29-401-013, 162-29-401-014 & 162-29-401-016.**

To Whom It May Concern:

On behalf of our Client, Herbst Family Limited Partnership II, we respectfully submit this application package for two (2) proposed restaurants and retail use within a previously approved Parking Garage (WS-20-0294). The proposed project is located within portions of an approved parking structure along Polaris Avenue across the street (west) from the Allegiant Stadium. The parcels included in the application are all zoned M-1 and consists of 4.03 acres. The approved parking structure is on a portion of the parcels included in the application.

Project Description:

The proposed restaurants and retail use are in a portion of the garage on the southern portion of the site on parcel number 162-29-401-014 and a portion of 162-29-401-016. The approved garage and proposed restaurants and retail are located to the west of the Allegiant Stadium.

The trash enclosure, loading spaces and other existing buildings and uses are located on parcel 162-29-401-016.

The proposed restaurants and outside dining areas are a total of 8,810 square feet and is located in the southeastern portion of the approved parking garage (WS-20-0294). One of the restaurant spaces will be used as a retail space. The primary vehicular access to the garage is from Dewey Drive on the north property line to the interior of the parking structure. The building is set back 20 feet from the north and east property lines. A total of 713 parking spaces (including motorcycle spaces) were approved for the property. The revised parking spaces are now a total of 645 spaces where 240 parking spaces are required for the three restaurants within the garage. The proposed restaurants require 80 spaces which are provided all within the garage. The parking calculation is at the higher restaurant parking count for the proposed restaurant/retail use.

2

Landscaping:

The streetscape and landscaping provided along Polaris Avenue are per Code and the recently approved Stadium Overlay District requirements which consists of the existing five (5) foot wide sidewalk, a five (5) foot wide of landscaping strip, a ten (10) foot wide sidewalk and an additional five (5) feet of landscaping along both Polaris Avenue and Dewey Drive. The landscape provided complies with Code requirements.

Floor Plan:

Restaurant 1 is a total of 3,170 square feet and is located on the southeast corner of the parking garage. Restaurant 2/Retail is adjacent to the north of restaurant 1 and has a total of 4,080 square feet. There are two main entrances through the garage for both restaurants. The outside/dining and drinking areas is a total of 1,560 square feet and are shared between the two restaurants with a view of the Allegiant Stadium.

Elevation:

The original approved parking garage (WS-20-0294) is 4 stories up to an overall height of 49 feet 4 inches to the top of the parapet. A new or subsequent application to increase the height of the building and signage is in process. (WS-23-0047) Vehicular access to the parking garage is from the north on Dewey Drive via controlled access gate within the first level of the garage. The proposed restaurants are in a portion of level 1 of the parking garage. The design of the façade of the garage area proposed for the subject restaurants consists of a painted EIFS system, aluminum fascia, wall tile, ground face block and a storefront system with glazing. The outside dining area is surround by the required protective metal railings and is located at a higher grade than the streetscape.

Special Use Permit:

- 1) **Two (2) proposed restaurants in a M-1 Zone.**

Justification

The proposed restaurants are an appropriate and compatible use for the site, the adjacent area, and the Allegiant Stadium to the east. The use is in a portion of the parking structure that was set aside for future development when the garage was designed and approved. The use is located on a portion of Polaris Avenue which is a collector street.

- 2) **To allow outside dining and drinking within an M-1 Zone.**

Justification:

The proposed outside dining and drinking areas are along the frontage of the previously approved supper club and the proposed restaurants/retail. The proposed use is appropriate and compatible for the site, the adjacent area, and the Allegiant Stadium to the east. The outside dining and drinking areas are in conjunction with the uses within portions of the parking garage

that were set aside for future development when the garage was designed and approved. The outside dining areas in conjunction with the supper club and restaurants/retail will enhance the Stadium Overlay District.

3) To allow a Retail Use as a primary use within an M-1 Zone.

Justification:

The proposed retail is a proposed use within the space an appropriate and compatible use for the site, the adjacent area, and the Allegiant Stadium to the east. The use is in a portion of the parking structure that was set aside for future development when the garage was designed and approved. The use is located on a portion of Polaris Avenue which is a collector street. The parking calculation is at the higher restaurant parking count for the proposed restaurant/retail use.

Waivers of Development Standard:

Waive the requirement for the required 48-inch minimum pedestrian access around the perimeter of the outside dining area.

Justification:

This request is necessary because the outside dining/drinking area located on the east side of the building adjacent to the Polaris Avenue Street frontage. The use is in a portion of the parking structure that was set aside for future development when the garage was designed and approved. This area is located 20 feet east and at a 2 (two) foot higher grade than the sidewalk and Polaris Avenue. A protective fence is provided that creates a barrier between patrons and the landscape area. In addition, both restaurants will not have on-premises consumption of alcohol.

Signage is not a part of this application.

Design Reviews:

Two (2) proposed restaurants with a retail space within an approved parking garage.

Justification:

The approved design elements enhance the portion of the façade of garage and breaks as the frontage of the building with the design elements that comply with requirement as outlined in Title 30. The design complements the Allegiant Stadium to the east, design of the street frontage, the previously approved Supper Club (UC-21-0412) and the proposed restaurants and retail use complies with the design elements of Stadium District. The use and design are appropriate, complements and enhances the immediate and general area.

LAW OFFICE

Brown, Brown & Premsrirut

AN ASSOCIATION OF PROFESSIONAL CORPORATIONS

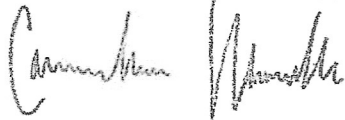
This proposed application is appropriate and compatible with the existing uses in the area and complies with the general goals and policies outlined in the Comprehensive Plan to enhance and complement existing uses.

We appreciate your consideration in the review and positive recommendation for the applications of the proposed restaurants and the façade.

Please contact me at 702-598-1409, if you have any questions or need additional information.

Sincerely,

BROWN, BROWN & PREMSRIRUT



Cassandra Worrell

Land Use and Development Coordinator

06/06/23 PC AGENDA SHEET

CONVENIENCE STORE
(TITLE 30)

EASTERN AVE/FLAMINGO RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-23-0166-POINTE FLAMINGO HOLDINGS, LLC:

WAIVER OF DEVELOPMENT STANDARDS for parking lot landscaping.

DESIGN REVIEW for a convenience store on 0.9 acres in a C-2 (General Commercial) Zone.

Generally located on the northeast corner of Flamingo Road and Eastern Avenue within Paradise TS/sd/syp (For possible action)

RELATED INFORMATION:

APN:

162-13-406-010

WAIVER OF DEVELOPMENT STANDARDS:

Waive parking lot landscaping (landscape island) where landscaping per Figure 30.64-14 is required.

LAND USE PLAN:

WINCHESTER/PARADISE - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 4090 S. Eastern Avenue
- Site Acreage: 0.9
- Project Type: Convenience store
- Number of Stories: 1
- Building Height (feet): 21
- Square Feet: 4,062
- Parking Required/Provided: 17/18

Site Plans

The plans depict a proposed convenience store with gasoline pumps located at the northeast corner of Flamingo Road and Eastern Avenue. Currently there is an existing commercial building and the applicant plans to demolish the structure and construct a new convenience store and gasoline pump station. Access is from both Flamingo Road and from Eastern Avenue. Cross access with the existing shopping center will remain along with other commercial businesses on-

site. The existing residential uses exceed the 200 feet separation. The fuel canopy will be located along Flamingo Road with the main convenience store located within the center portion of the parcel. Parking is shown along the southern exterior portion of the store and in other portions of the property. Additional parking is shown within the approved shopping center with cross access to other businesses. Parking lot landscaping is shown, and the applicant is requesting to eliminate a required landscape island.

Landscaping

The plans depict existing landscaping along Flamingo Road and Eastern Avenue. Landscaping is also shown within the parking lot with landscape islands shown at each end of customer parking along the front exterior of the store and in areas adjacent to ingress/egress points. A waiver is requested to eliminate a landscape island where customer parking is shown along the front exterior and exceeds the maximum of 6 spaces with the plans showing 11 spaces. Plantings will consist of shrubs, groundcover, and trees.

Elevations

The plans depict a new commercial building at 21 feet in height with a flat roofline and parapet walls. Materials include cement panels, aluminum store panels and canopy, stucco finish with store front windows with natural colors and corporate coloring for 7/11 stores.

Floor Plans

The plans depict a floor plan dedicated to retail sales and gasoline sales with an area depicted as retail, food prep area, cooler vault, backstop, sales area, utility room, and beer cave with restrooms available to the public.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states the proposed project is part of an existing commercial center and the plans detail the demolishing of the existing vacant retail building and will be replaced with a new 4,062 square foot convenience store with gas pumps that will operate 24 hours a day. The building will have an attractive modern look with faux wood paneling on the south and east facades, and a painted metal canopy on the west facing, in addition to multiple façade articulations, fenestrations and reveals. The canopy will hold 10 gas pumps with grey pillars that will match the convenience store. The canopy will be painted metal to match the branding of the convenience store company.

The existing landscaping and attached sidewalk along the right-of-ways to the south and west will remain. An existing NV Energy easement over the perimeter landscaping and parking along Flamingo Road prohibits large trees from being placed in this area. New landscaping will be placed on the pad for the convenience store consisting of 5 trees, shrubs, and groundcover.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-22-0390	Major training facility and office	Approved by PC	September 2022
DR-0797-04	Shopping center	Approved by BCC	June 2004

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North & East	Corridor Mixed-Use	C-2	Retail shopping center
West	Corridor Mixed-Use	C-1	Restaurant with drive-thru
South	Public Use	R-1	Place of worship

STANDARDS FOR APPROVAL:

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

Analysis**Comprehensive Planning**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 & Design Review

The elimination of a landscape island in the parking area will not have an adverse effect on the use of the shopping center. The reduction of a required landscape island is considered minimal and creates a row of parking spaces that is 11 spaces between landscape islands. Review of the plans and landscaping show proper placement of landscaping that will help enhance the existing parcel and create a more appealing line of sight along Flamingo Road. Staff considers the request to be minimal and does not affect patterns with internal traffic circulation nor affect cross access and leaves the use with 18 available parking spaces where 17 spaces are required.

In addition, the design of the proposed convenience store with gasoline pumps with a canopy feature variation in architectural enhancements that will contribute to breaking-up the mass of the commercial building. Staff can support this application.

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

- 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; 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

- Drainage study and compliance;
- Traffic study and compliance.

Fire Prevention Bureau

- No comment.

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 #0141-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:
APPROVALS:
PROTESTS:**

APPLICANT: POINTE FLAMINGO HOLDINGS, LLC

CONTACT: G. C. GARCIA, INC C/O GEORGE GARCIA, 1055 WHITNEY RANCH DRIVE, SUITE 210, LAS VEGAS, NV 89014



LAND USE APPLICATION

DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

APPLICATION TYPE <input type="checkbox"/> TEXT AMENDMENT (TA) <input type="checkbox"/> ZONE CHANGE <input type="checkbox"/> CONFORMING (ZC) <input type="checkbox"/> NONCONFORMING (NZC) <input type="checkbox"/> USE PERMIT (UC) <input type="checkbox"/> VARIANCE (VC) <input checked="" type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS) <input checked="" type="checkbox"/> DESIGN REVIEW (DR) <input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR) <input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC) <input type="checkbox"/> WAIVER OF CONDITIONS (WC) _____ (ORIGINAL APPLICATION #) <input type="checkbox"/> ANNEXATION REQUEST (ANX) <input type="checkbox"/> EXTENSION OF TIME (ET) _____ (ORIGINAL APPLICATION #) <input type="checkbox"/> APPLICATION REVIEW (AR) _____ (ORIGINAL APPLICATION #)	STAFF APP. NUMBER: <u>WS-23-0166</u> DATE FILED: <u>4/13/23</u> PLANNER ASSIGNED: <u>SUD</u> TAB/CAC: <u>Paradise</u> TAB/CAC DATE: <u>5/9/23</u> PC MEETING DATE: <u>6/6/23</u> BCC MEETING DATE: _____ FEE: <u>\$ 1,150</u>
	PROPERTY OWNER NAME: <u>POINTE FLAMINGO HOLDINGS L L C C/O D ALTERWITZ</u> ADDRESS: <u>8965 S EASTERN AVE # 360</u> CITY: <u>LAS VEGAS</u> STATE: <u>NV</u> ZIP: <u>89123-4893</u> TELEPHONE: <u>(702) 735 - 0061</u> CELL: _____ E-MAIL: <u>daryl@darylalterwitz.com</u>
	APPLICANT NAME: <u>POINTE FLAMINGO HOLDINGS L L C C/O D ALTERWITZ</u> ADDRESS: <u>8965 S EASTERN AVE # 360</u> CITY: <u>LAS VEGAS</u> STATE: <u>NV</u> ZIP: <u>89123-4893</u> TELEPHONE: <u>(702) 735 - 0061</u> CELL: _____ E-MAIL: <u>daryl@darylalterwitz.com</u> REF CONTACT ID #: _____
	CORRESPONDENT NAME: <u>G.C. GARCIA INC C/O MELISSA EURE</u> ADDRESS: <u>1055 WHITNEY RANCH DRIVE #210</u> CITY: <u>HENDERSON</u> STATE: <u>NV</u> ZIP: <u>89014</u> TELEPHONE: <u>702-435-9909</u> CELL: _____ E-MAIL: <u>ACOLE@GCGARCIINC.COM</u> REF CONTACT ID #: _____

ASSESSOR'S PARCEL NUMBER(S): 162-13-406-010

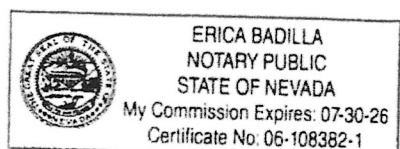
PROPERTY ADDRESS and/or CROSS STREETS: 4090 S EASTERN AVE (Eastern & Flamingo)

PROJECT DESCRIPTION: Design Review for a convenience store with gas pumps.

(I, We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans, and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Clark County Comprehensive Planning Department, or its designee, to enter the premises and to install any required signs on said property for the purpose of advising the public of the proposed application.

Daryl Alterwitz, Manager Daryl A Alterwitz, President of Manager
 Property Owner (Signature)* Property Owner (Print)

STATE OF Nevada
 COUNTY OF Clark
 SUBSCRIBED AND SWORN BEFORE ME ON September 6, 2023 (DATE)
 By Daryl Alterwitz, President of Manager.
 NOTARY PUBLIC: Erica Badilla



*NOTE: Corporate declaration of authority (or equivalent), power of attorney, or signature documentation is required if the applicant and/or property owner is a corporation, partnership, trust, or provides signature in a representative capacity.



February 10, 2023

Nancy Amundsen, Director
Clark County Current Planning
500 S. Grand Central Pkwy
Las Vegas, NV 89155

WS-23-0168

RE: Letter of Justification: Flamingo & Eastern, NEC (4090 S Eastern)
Request: Design Review and Waiver of Development Standards
APN#: 162-13-406-010

Dear Nancy,

On behalf of our client, Pointe Flamingo Holdings LLC, please accept this letter and attached as support and justification for a Design Review for a proposed Convenience Store with Gas Pumps and a Waiver of Development Standards. The project site is located on the northeast corner of Flamingo Road and Eastern Avenue (4090 S Eastern Ave) APN 162-13-406-010 on approximately 0.87 ± gross acres with a land use of Corridor Mixed Use (CM). The subject property and the adjoining properties to the north and east are zoned C-2. The properties to the west across Eastern Ave are C-1, and the properties to the south across Flamingo Rd are R-1 and C-2.

Design Review Distribution/Warehouse Center

The proposed project is inside an existing commercial center and would demolish the existing vacant Buffet @ Asia retail pad only to be replaced with a new 4,062 SF Convenience Store with Gas Pumps. The location will operate 24 hrs a day. The proposed building will vary between approximately 20 FT to just over 21 FT in height. The building will have an attractive modern look with faux wood paneling on the south and east facades, and a painted metal canopy on the west facing in addition to multiple façade articulations, fenestrations and reveals.

The canopy will hold ten gas pumps with grey pillars that will match the body of the convenience store. The canopy will be painted metal to match the branding of the convenience store company.

The site has a total of 18 parking spaces where 17 are required. There are also an additional 23 parking spaces available for use that are shared spaces for the proposed convenience store and the existing Starbucks to the east.

The existing landscaping and attached sidewalk along the right of ways to the south and west will remain. An existing NV Energy easement over the perimeter landscaping and parking along Flamingo prohibits large trees from being placed in this area. New landscaping will be placed on the pad for the convenience store consisting of five trees, shrubs and ground cover. A request for alternative landscaping is a part of this request as one of the required landscape fingers in front of the store has been removed, however the site meets the required number of trees.

Design Review Approval Criteria 30.16-9

1. The proposed development is compatible with adjacent development and development in the area, including buildings, structures or sites with a Historic Designation;

The proposed development is compatible with adjacent development and development in the area. The project proposed is on the corner of two arterial streets in an existing commercial center.

2. The proposed development is consistent with the applicable land use plan, this Title, and other regulations, plans and policies of the County;

The proposed development is consistent with the applicable land use plan, this Title, and other regulations, plans and policies of the County.

3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;

The site is on the corner of two arterial streets in an existing commercial center that is part of a larger commercial corridor. Site access and circulation do not negatively impact the adjacent roadways or neighborhood traffic.

4. Building and landscape materials are appropriate for the area and for the County;

The building and landscape material are appropriate for the area and for the County.

5. Elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance;

The elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance.

6. Appropriate measures are taken to secure and protect the public health, safety, and general welfare; and

Appropriate measures are taken to secure and protect the public health, safety, and general welfare.

7. FAA and other additional requirements and standards as established in Sections 30.16.210-30.16.240.

FAA and other additional requirements and standards that have been established will be met with the approval of the project. The site is not affected by noise contours.

Waiver of Development Standards

1. To allow for Alternative Standards for landscaping per Title 30.64.050 to permit no landscape finger in the parking area where one landscape finger is required.

The proposed project site is an existing commercial center. Potential parking spaces on either side of the drive aisle from the Eastern drive entry have been left out to decrease the potential for on-site traffic conflicts on this portion of the site per request of Public Works. By removing the parking lot finger from the south side of the building

and relocating the tree the site is still able to meet the required number of parking spaces. The tree from that finger was relocated to be adjacent to the trash enclosure so that the site still meets the required number of trees. In addition, removing the one required parking lot finger and tree along the south side of the building avoids the tree from blocking the brand visibility. For these reasons we respectfully request a Waiver to this Standard.

Waiver Approval Criteria:

- A. The use and value of the area adjacent to the property included in the waiver request will not be affected in a substantially adverse manner;

The proposed waiver will not affect the use and value of the area adjacent and will not affect the surrounding area in a substantially adverse manner.

- B. The use will not materially affect the health and safety of persons residing in, working in, or visiting the immediate neighborhood and will not be materially detrimental to the public welfare;

The proposed waiver will not materially affect the health and safety of persons residing in, working in, or visiting the immediate neighborhood and will not be materially detrimental to the public welfare.

- C. The granting of such application shall be in harmony with the general purpose, goals, objectives and standard of the Plan and of this Title; and

The project as proposed and the requested waiver are consistent with the purpose, goals and objective of the Plan and Title 30 as demonstrated by this letter and supporting documentation.

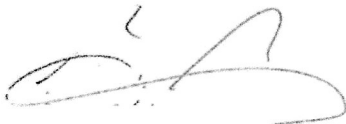
- D. The proposal will be adequately served by, and will not create an undue burden on any public improvements, facilities or services.

The proposed project will not create an undue burden on any public improvements, facilities or services.

SUMMARY JUSTIFICATION:

The proposed Convenience Store with gas pumps project is consistent with the County's development goals and compatible with the development pattern in the area. The redevelopment of this currently vacant building will provide jobs and economic growth and assist with the revitalization of this center. The project as proposed will not overwhelm infrastructure and services; and will not negatively affect the public health, safety and welfare. We respectfully request your favorable consideration of this request. Please do not hesitate to contact us if you have any questions or need additional information.

Sincerely,



George Garcia
Founder

06/07/23 BCC AGENDA SHEET

SCHOOL
(TITLE 30)

CHEROKEE LN/ALGONQUIN DR

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
ET-23-400030 (DR-20-0520)-SCHOOL BOARD OF TRUSTEES:

DESIGN REVIEWS FIRST EXTENSION OF TIME for the following 1) finished grade; and 2) retaining walls in conjunction with a school on 8.0 acres in a P-F (Public Facility) Zone.

Generally located on the north side of Cherokee Lane, 100 feet east of Algonquin Drive within Paradise. TS/tpd/syp (For possible action)

RELATED INFORMATION:

APN:
162-14-202-001

DESIGN REVIEWS:

1. Increase finished grade to 72 inches where 18 inches is the standard per Section 30.32.040 (a 300% increase).
2. Allow 6 foot high retaining walls with a 6 foot chain-link fence in a P-F Zone.

LAND USE PLAN:
WINCHESTER/PARADISE - PUBLIC USE

BACKGROUND:
Project Description

General Summary

- Site Address: 1560 Cherokee Lane
- Site Acreage: 8
- Project Type: Elementary school
- Number of Stories: 1 & 2
- Building Height (feet): Up to 40
- Square Feet: 100,531
- Parking Required/Provided: 62/158

Request

The site has been utilized as an elementary school (Ruby Thomas) since 1962. ZC-19-0197 was approved in May 2019 for P-F zoning to demolish and redesign the elementary school. The Design review request was to allow an increase to the finished grade, as well as, to allow 6 foot high retaining walls along the perimeter of the northeast portion of the site. A waiver of

development standards for the wall height is not required in a P-F zone; however, the wall must be reviewed through the design review process.

Site Plans

The previously approved plans depict a proposed elementary school consisting of 3 school buildings, a central plant, play areas, athletic courts, and parking areas. A single story main school building is located in the center of the site. Two, 2 story classroom school buildings are located to the south of the main building. A central plant is located to the west of the single story building. A courtyard with concrete paving and landscaping is located between the 3 buildings. A bus drop-off area is located to the south of the buildings adjacent to Cherokee Lane, and a parking lot is located to the north of the buildings. An 8,853 square foot turf play area is located to the northeast of the single story building, and a 17,900 square foot turf play area is located to the southeast of the 2 story building. A play area with athletic courts is located to the east of the 2 story building on the south side of the site. The site will have access to Cherokee Lane via 2 way driveways that circle the proposed elementary school facility.

The increase to the finished grade was requested for the northeast portion of the site, adjacent to residential neighbors to the north and east. At this time, the area has been left undeveloped but is proposed for the drive aisle and parking lot. Retaining walls up to 6 feet high are required in this location as well. The approved plans show a CMU retaining wall next to the neighbors existing fence/wall, with a 6 foot tall chain-link fence above.

Landscaping

The approved plans depict a minimum 10 foot wide landscape area adjacent to an attached sidewalk along Cherokee Lane. A 9 foot wide landscape area is located along the north, east, and west property lines. Interior parking lot landscaping is distributed throughout the parking lot and additional landscaping is located adjacent to the school buildings.

Previous Conditions of Approval

Listed below are the approved conditions for DR-20-0520:

Current Planning

- 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 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

- Update drainage study PW19-20379 to reflect current project plans.
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site.

- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

Building Department- Fire Prevention

- Applicant is advised that fire/emergency access must comply with the Fire Code as amended.

Applicant's Justification

Clark County School District is requesting a 2 year extension of time to the previously approved application. The applicant states due to unforeseen circumstances, construction had been previously delayed, but is expected to begin this June after the completion of the current school year. The applicant further states the design and construction of the school will accommodate the needs of the staff, students, and community.

Prior Land Use Requests

Application Number	Request	Action	Date
ET-21-400088 (ZC-19-0197)	First extension of time for a design review for a school	Approved by BCC	July 2021
DR-20-0520	Design review for finished grade and retaining walls in conjunction with a school	Approved by BCC	April 2021
ZC-19-0197	Reclassified 8 acres from R-1 to P-F zoning for a school and design review	Approved by BCC	May 2019

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North, South, East, & West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-1	Single family residential

Related Applications

Application Number	Request
ET-23-400031 (ZC-19-0197)	A second extension of time for a design review for a school is a related item on this agenda.

STANDARDS FOR APPROVAL:

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

Analysis

Comprehensive Planning

Title 30 standards of approval on an extension of time application 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 at the subject site since the original approval.

Staff believes the applicant has taken steps toward commencing the development of this school. The applicant has worked diligently with various departments for this project. A drainage study and an off-site permit have been issued for this site. It is for these reasons that staff can support this extension of time request.

Public Works - Development Review

There have been no significant changes in this area. Staff has no objection to this extension of time.

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

- Until April 7, 2025 to commence.
- 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; 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

- Compliance with previous conditions.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC:

APPROVALS:

PROTEST:

APPLICANT: CLARK COUNTY SCHOOL DISTRICT FACILITIES SERVICES
CONTACT: CLARK COUNTY SCHOOL DISTRICT - FACILITIES SERVICES, 1180
MILITARY TRIBUTE PL., HENDERSON, NV 89074

DRAFT



LAND USE APPLICATION

DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

APPLICATION TYPE <input type="checkbox"/> TEXT AMENDMENT (TA) <input type="checkbox"/> ZONE CHANGE (ZC) <input type="checkbox"/> USE PERMIT (UC) <input type="checkbox"/> VARIANCE (VC) <input type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS) <input type="checkbox"/> DESIGN REVIEW (DR) <input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR) <input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC) <input type="checkbox"/> WAIVER OF CONDITIONS (WC) (ORIGINAL APPLICATION #) <input type="checkbox"/> ANNEXATION REQUEST (ANX) <input checked="" type="checkbox"/> EXTENSION OF TIME (ET) DR-20-0520 (ORIGINAL APPLICATION #) <input type="checkbox"/> APPLICATION REVIEW (AR) (ORIGINAL APPLICATION #)	STAFF APP. NUMBER: <u>ET 23-400030</u> DATE FILED: <u>3/22/23</u> PLANNER ASSIGNED: <u>Tyler</u> TAB/CAC: <u>Paradise</u> TAB/CAC DATE: <u>05/09/23</u> PC MEETING DATE: _____ BCC MEETING DATE: <u>6/07/23</u> FEE: <u>Fee waived</u>
	PROPERTY OWNER NAME: <u>Clark County School Board of Trustees</u> ADDRESS: <u>1180 Military Tribute Place</u> CITY: <u>Henderson</u> STATE: <u>NV</u> ZIP: <u>89074</u> TELEPHONE: _____ CELL: _____ E-MAIL: _____
	APPLICANT NAME: <u>Clark County School District - Facilities Services</u> ADDRESS: <u>1180 Military Tribute Place</u> CITY: <u>Henderson</u> STATE: <u>NV</u> ZIP: <u>89074</u> TELEPHONE: _____ CELL: _____ E-MAIL: _____ REF CONTACT ID #: _____
	CORRESPONDENT NAME: <u>Paulette Marshall - CCSD Real Property Management</u> ADDRESS: <u>1180 Military Tribute Place</u> CITY: <u>Henderson</u> STATE: <u>NV</u> ZIP: <u>89074</u> TELEPHONE: <u>(702) 799-5214 ext. 5414</u> CELL: <u>(725) 265-0763</u> E-MAIL: <u>Marshp1@nv.ccsd.net</u> REF CONTACT ID #: _____

PLANNER COPY

ASSESSOR'S PARCEL NUMBER(S): 162-14-202-001
 PROPERTY ADDRESS and/or CROSS STREETS: 1560 Cherokee Lane, Las Vegas, NV 89169
 PROJECT DESCRIPTION: Replacement of Ruby Thomas Elementary School

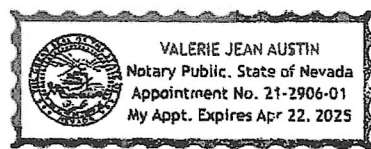
(I, We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans, and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Clark County Comprehensive Planning Department, or its designee, to enter the premises and to install any required signs on said property for the purpose of advising the public of the proposed application.

Mark Campbell Mark Campbell
 Property Owner (Signature)* Property Owner (Print)

STATE OF Nevada
 COUNTY OF Clark

SUBSCRIBED AND SWORN BEFORE ME ON February 14, 2023 (DATE)
 By Mark Campbell

NOTARY PUBLIC: Valerie Jean Austin



*NOTE: Corporate declaration of authority (or equivalent), power of attorney, or signature documentation is required if the applicant and/or property owner is a corporation, partnership, trust, or provides signature in a representative capacity.



CLARK COUNTY
SCHOOL DISTRICT

BOARD OF SCHOOL TRUSTEES

Evelyn Garcia Morales, President
Lola Brooks, Vice President
Irene Bustamante Adams, Clerk
Linda P. Cavazos, Member
Lisa Guzmán, Member
Katie Williams, Member
Brenda Zamora, Member

Jesus E. Jara, Ed.D., Superintendent

February 14, 2023

VIA UPLOAD

Clark County
Department of Comprehensive Planning
500 S. Grand Central Parkway
P.O. Box 551744
Las Vegas, NV 89155-1744

Re: Extension of Time Justification Letter, **DR-20-0520**

Pursuant to Section 30.16.200 of the Clark County (County) Title 30 Development Code, the Clark County School District (District) respectfully requests an Extension of Time on the Design Review approved in application **DR-20-0520** for the replacement of an existing elementary school, Ruby Thomas Elementary School (School), located at 1560 Cherokee Lane, Las Vegas, Nevada 89169; Assessor's Parcel Number 162-14-202-001.

The District is respectfully requesting a two-year extension of time on this land use application for the construction of the School. This will be the District's first extension of time requested. The Design Review application is due to expire April 7, 2023. Due to unforeseen circumstances, construction had been previously delayed but is expected to begin this June after the completion of the current school year.

The District continues to believe the design and construction of the School will accommodate the needs of the staff, students and community of this area. Thank you for your consideration of this request. Please do not hesitate to contact me with any questions at (702) 799-5214 extension 5414 or via email at Marshp1@nv.ccsd.net.

Sincerely,

A handwritten signature in cursive script that reads "Paulette Marshall".

Paulette Marshall, Coordinator II
Real Property Management
Clark County School District

Cc: Alan Imperial, CCSD – Project Manager
File

/pm

4

06/07/23 BCC AGENDA SHEET

SCHOOL
(TITLE 30)

CHEROKEE LN/ALGONQUIN DR

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-23-400031 (ZC-19-0197)-SCHOOL BOARD OF TRUSTEES:

DESIGN REVIEW SECOND EXTENSION OF TIME for an elementary school on 8.0 acres in a P-F (Public Facility) Zone.

Generally located on the north side of Cherokee Lane, 100 feet east of Algonquin Drive within Paradise. TS/tpd/syp (For possible action)

RELATED INFORMATION:

APN:

162-14-202-001

LAND USE PLAN:

WINCHESTER/PARADISE - PUBLIC USE

BACKGROUND:

Project Description

General Summary

- Site Address: 1560 Cherokee Lane
- Site Acreage: 8
- Project Type: Elementary school
- Number of Stories: 1 & 2
- Building Height (feet): Up to 40
- Square Feet: 100,531
- Parking Required/Provided: 62/158

Request

The site has been utilized as an elementary school (Ruby Thomas) since 1962. The existing school will be demolished and replaced with another elementary school and the purpose of this request was to review the plans for the proposed replacement school.

Site Plans

The approved plans depict a proposed elementary school consisting of 2 school buildings, a central plant, play areas, athletic courts, and parking areas. A single story main school building is located in the center of the site. A 2 story school building is located to the south of the main building. A central plant is located to the west of the single story building. A courtyard with concrete paving and landscaping is located between the 2 buildings. A bus drop-off area is located to the south of the buildings adjacent to Cherokee Lane and a parking lot is located to the

north of the buildings. An 8,853 square foot Pre-K and kindergarten turf play area is located to the northeast of the single story building and a 17,900 square foot turf play area is located to the southeast of the 2 story building. A play area with athletic courts is located to the east of the 2 story building on the south side of the site. The site will have access to Cherokee Lane via two-way driveways that circle the proposed elementary school facility.

Landscaping

The approved plans depict a minimum 10 foot wide landscape area adjacent to an attached sidewalk along Cherokee Lane. A 9 foot wide landscape area is located along the north, east, and west property lines. Interior parking lot landscaping is distributed throughout the parking lot and additional landscaping is located adjacent to the school buildings.

Elevations

The approved plans show the single story building has a varied roofline with a maximum height of 26 feet, while the 2 story building has a varied roofline with a maximum height of 40 feet. Both buildings will have similar facades that include flat roofs with parapet walls, split-face and smooth face CMU walls, and metal panels.

Floor Plan

The approved plans show the school buildings will include 57 classrooms plus administrative offices, resource center, multi-purpose room, and other ancillary rooms to serve the operations of the school. The first floor of the 2 story building is separated by an outdoor multi-purpose patio area and the second floor is connected by a patio area and resource center. The gross building area is approximately 100,531 square feet.

Signage

Signage is not a part of this request.

Previous Conditions of Approval

Listed below are the approved conditions for ET-21-400088 (ZC-19-0197):

Current Planning

- Until June 16, 2023 to commence.
- 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 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 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

- Compliance with previous conditions

Listed below are the approved conditions for ZC-19-0197:

Current Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning.

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that 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 the design review must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance.

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 #0103-2019 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

Applicant's Justification

Clark County School District is requesting a 2 year extension of time to the previously approved application. The applicant states due to unforeseen circumstances, construction had been previously delayed, but is expected to begin this June after the completion of the current school year. The applicant further states the design and construction of the school will accommodate the needs of the staff, students, and community.

Prior Land Use Requests

Application Number	Request	Action	Date
ET-21-400088 (ZC-19-0197)	First extension of time for a design review for a school	Approved by BCC	July 2021
DR-20-0520	Design review for finished grade and retaining walls in conjunction with a school	Approved by BCC	April 2021
ZC-19-0197	Reclassified 8 acres from R-1 to P-F zone for a school and design review	Approved by BCC	May 2019

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North, South, East, & West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-1	Single family residential

Related Applications

Application Number	Request
ET-23-400030 (DR-20-0520)	A first extension of time for a design review for finished grade and retaining walls in conjunction with a school is a related item on this agenda.

STANDARDS FOR APPROVAL:

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

Analysis

Comprehensive Planning

Title 30 standards of approval on an extension of time application 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 at the subject site since the original approval.

Staff believes the applicant has taken steps toward commencing the development of this school. The applicant has worked diligently with various departments for this project. A drainage study and an off-site permit have been issued for this site. It is for these reasons that staff can support this extension of time request.

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

- Until May 8, 2025 to commence.
- 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; 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

- Compliance with previous conditions.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC:
APPROVALS:
PROTEST:

APPLICANT: CLARK COUNTY SCHOOL DISTRICT FACILITIES SERVICES
CONTACT: CLARK COUNTY SCHOOL DISTRICT - FACILITIES SERVICES, 1180
MILITARY TRIBUTE PL., HENDERSON, NV 89074

DRAFT



LAND USE APPLICATION

DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

APPLICATION TYPE <input type="checkbox"/> TEXT AMENDMENT (TA) <input type="checkbox"/> ZONE CHANGE (ZC) <input type="checkbox"/> USE PERMIT (UC) <input type="checkbox"/> VARIANCE (VC) <input type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS) <input type="checkbox"/> DESIGN REVIEW (DR) <input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR) <input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC) <input type="checkbox"/> WAIVER OF CONDITIONS (WC) (ORIGINAL APPLICATION #) <input type="checkbox"/> ANNEXATION REQUEST (ANX) <input checked="" type="checkbox"/> EXTENSION OF TIME (ET) ZC-19-0197 (ORIGINAL APPLICATION #) <input type="checkbox"/> APPLICATION REVIEW (AR) (ORIGINAL APPLICATION #)	STAFF APP. NUMBER: <u>ET-23-400031</u> DATE FILED: <u>3/22/23</u> PLANNER ASSIGNED: <u>Tyler</u> TAB/CAC: <u>Paradise</u> TAB/CAC DATE: <u>5/09/23</u> PC MEETING DATE: _____ BCC MEETING DATE: <u>6/07/23</u> FEE: <u>Fee Waived</u>
	PROPERTY OWNER NAME: <u>Clark County School Board of Trustees</u> ADDRESS: <u>1180 Military Tribute Place</u> CITY: <u>Henderson</u> STATE: <u>NV</u> ZIP: <u>89074</u> TELEPHONE: _____ CELL: _____ E-MAIL: _____
	APPLICANT NAME: <u>Clark County School District - Facilities Services</u> ADDRESS: <u>1180 Military Tribute Place</u> CITY: <u>Henderson</u> STATE: <u>NV</u> ZIP: <u>89074</u> TELEPHONE: _____ CELL: _____ E-MAIL: _____ REF CONTACT ID #: _____
CORRESPONDENT NAME: <u>Paulette Marshall - CCSD Real Property Management</u> ADDRESS: <u>1180 Military Tribute Place</u> CITY: <u>Henderson</u> STATE: <u>NV</u> ZIP: <u>89074</u> TELEPHONE: <u>(702) 799-5214 ext. 5414</u> CELL: <u>(725) 265-0763</u> E-MAIL: <u>Marshp1@nv.ccsd.net</u> REF CONTACT ID #: _____	

PLANNER COPY

ASSESSOR'S PARCEL NUMBER(S): 162-14-202-001

PROPERTY ADDRESS and/or CROSS STREETS: 1560 Cherokee Lane, Las Vegas, NV 89169

PROJECT DESCRIPTION: Replacement of Ruby Thomas Elementary School

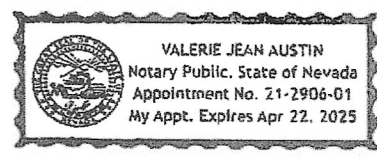
(I, We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans, and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Clark County Comprehensive Planning Department, or its designee, to enter the premises and to install any required signs on said property for the purpose of advising the public of the proposed application.

Mark Campbell Mark Campbell
 Property Owner (Signature)* Property Owner (Print)

STATE OF Nevada
 COUNTY OF Clark

SUBSCRIBED AND SWORN BEFORE ME ON February 14, 2023 (DATE)
 By Mark Campbell

NOTARY PUBLIC: Valerie Jean Austin



*NOTE: Corporate declaration of authority (or equivalent), power of attorney, or signature documentation is required if the applicant and/or property owner is a corporation, partnership, trust, or provides signature in a representative capacity.

23-400031



CLARK COUNTY
SCHOOL DISTRICT

BOARD OF SCHOOL TRUSTEES

Evelyn Garcia Morales, President
Lola Brooks, Vice President
Irene Bustamante Adams, Clerk
Linda P. Cavazos, Member
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Jesus F. Jara, Ed.D., Superintendent

FACILITIES SERVICES UNIT, *Real Property Management*

1180 MILITARY TRIBUTE PLACE • HENDERSON, NV 89074 • (702) 799-5214

February 14, 2023

VIA UPLOAD

Clark County
Department of Comprehensive Planning
500 S. Grand Central Parkway
P.O. Box 551744
Las Vegas, NV 89155-1744

Re: Extension of Time Justification Letter, **ZC-19-0197**

Pursuant to Section 30.16.200 of the Clark County (County) Title 30 Development Code, the Clark County School District (District) respectfully requests an Extension of Time on the Design Review approved in the Zone Change application **ZC-19-0197** for the replacement of an existing elementary school, Ruby Thomas Elementary School (School), located at 1560 Cherokee Lane, Las Vegas, Nevada 89169; Assessor's Parcel Number 162-14-202-001.

The District is respectfully requesting a two-year extension of time on this land use application for the construction of the School. This will be the District's second extension of time requested. The previous extension of time for this Zone Change application is due to expire June 16, 2023. Due to unforeseen circumstances, construction had been previously delayed but is expected to begin this June after the completion of the current school year. This extension of time is being submitted in an abundance of caution.

The District continues to believe the design and construction of the School will accommodate the needs of the staff, students and community of this area. Thank you for your consideration of this request. Please do not hesitate to contact me with any questions at (702) 799-5214 extension 5414 or via email at Marshp1@nv.ccsd.net.

Sincerely,

Paulette Marshall, Coordinator II
Real Property Management
Clark County School District

Cc: Alan Imperial, CCSD – Project Manager
File

/pm

RECREATIONAL FACILITY
(TITLE 30)

LAS VEGAS BLVD S/FLAMINGO RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-23-0173-PARBALL NEWCO, LLC:

USE PERMITS for the following: 1) recreational facility with accessory commercial uses including, but not limited to shops, snack bars, lounges, and restaurants; 2) on-premises consumption of alcohol; and 3) all other deviations as depicted per plans on file.

DEVIATIONS for the following: 1) reduce setback; 2) reduce street landscaping; 3) reduce height/setback ratio; and 4) all other deviations as depicted per plans on file.

WAIVER OF DEVELOPMENT STANDARDS to reduce setback.

DESIGN REVIEWS for the following: 1) recreational facility with accessory commercial uses including, but not limited to shops, snack bars, lounges, and restaurants; and 2) finished grade in conjunction with an existing resort hotel (Horseshoe) on a portion of 30.0 acres within a 68.1 acre site in an H-1 (Limited Resort and Apartment) Zone.

Generally located on the south side of Flamingo Road, 1,600 feet east of Las Vegas Boulevard South within Paradise. JG/md/syp (For possible action)

RELATED INFORMATION:

APN:

162-21-102-003 through 162-21-102-005; 162-21-102-009; 162-21-202-005 ptn

DEVIATIONS:

1. Reduce the front setback to 2 feet where a minimum setback of 10 feet is required per Table 30.40-7 (an 80% reduction).
2.
 - a. Reduce the street landscape width along Flamingo Road to 2 feet where a minimum landscape width of 15 feet is required behind an existing attached sidewalk per Section 30.64.030 (an 86.7% reduction).
 - b. Eliminate street landscaping along a portion of Flamingo Road where a minimum landscape width of 15 feet is required behind an existing attached sidewalk per Section 30.64.030 (a 100% reduction).
3. Reduce height/setback ratio from an arterial street (Flamingo Road) to 2 feet where 18 feet is required per Figure 30.64-4 (an 88.9% reduction).
4. All other deviations as depicted per plans on file.

WAIVER OF DEVELOPMENT STANDARDS:

Reduce the setback from the future right-of-way (Flamingo Road) to 2 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 (an 80% reduction).

DESIGN REVIEWS:

1. Recreational facility with accessory commercial uses including but not limited to shops, snack bars, lounges, and restaurants.
2. Increase finished grade to 57 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 58.4% increase).

LAND USE PLAN:

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

BACKGROUND:**Project Description****General Summary**

- Site Address: 3645 Las Vegas Boulevard South
- Site Acreage: 30 (project site)/68.1 (overall)
- Project Type: Recreational facility
- Number of Stories: 3
- Building Height (feet): 58
- Square Feet: 39,995
- Parking Required/Provided: 5,308/7,262

Site Plans

The plans depict a proposed 3 story recreational facility located on a portion of a 30 acre site. The recreational facility features a "Game of Thrones" theme that includes a motion ride, themed rooms from the television series, and retail space for merchandise. The recreational facility is located immediately to the east of the Horseshoe Resort and features the following setbacks: 1) 12 feet from the north property line and 2 feet from the roadway easement adjacent to Flamingo Road; 2) 710 feet to the south property line; 3) 86 feet to the east property line; and 4) 1,620 feet to the southwest property line adjacent to Las Vegas Boulevard South. A deviation is required to reduce the front setback, in addition to a waiver of development standards reducing the setback from the future right-of-way adjacent to Flamingo Road. Immediately to the west of the recreational facility is an extended pedestrian plaza that connects to Flamingo Road. The plaza is constructed with stamped stone decorative concrete and utilizes fixed bollards to separate the plaza from the vehicle drive aisle farther to the west. Access to the site is granted from 2 existing commercial driveways, adjacent to Flamingo Road, located at the northeast and northwest corner of the property. During construction, 160 parking spaces will be permanently removed from the project site. A total of 5,308 parking spaces are required for the subject properties where 7,262 parking spaces are provided.

Landscaping

The plans depict a street landscape area ranging in width from 10 feet to 34 feet adjacent to Flamingo Road, behind an existing 5 foot wide attached sidewalk. The street landscape area consists of a combination of small, medium, and large trees in conjunction with shrubs and groundcover. A deviation is necessary to reduce the width of the street landscape area to a minimum of 2 feet as a future roadway easement, measuring 10 feet in width, is required along Flamingo Road. A second deviation is required as portions of the street landscape area along

Flamingo Road are eliminated to accommodate existing and proposed above ground utilities. Interior site landscaping consisting of trees, shrubs, and groundcover are also located within the extended pedestrian plaza.

Elevations

The plans depict a recreational facility with varying rooflines measuring between 17 feet to 58 feet in height to the top of the parapet wall. The exterior design of the building will have enhanced architectural elements including overhanging shade structures and accent structure supports with contrasting color schemes including matte and flat black and vertical and horizontal LED panel trim. Rooftop mounted equipment will be screened from the right-of-way and public view by parapet walls. A deviation to reduce the height setback ratio from Flamingo Road is required as the building encroachment into the setback begins at a height of 35 feet.

Floor Plans

The plans depict a recreational facility measuring 39,995 square feet in area consisting of 3 levels, including a basement. The basement level consists of 3,494 square feet. The first level measures 27,465 square feet and includes a bar and dining area, kitchen, retail space, various themed rooms, and the ride seating/wall for the motion ride. The second and third floors measure 4,493 square feet and 4,503 square feet, respectively and include the ride seating/wall for the motion ride in addition to storage space, equipment rooms, and the ride control room.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states with the special use permit approvals, a plethora of uses are allowed including but not limited to restaurant, retail sales, immersive entertainment, motion rides, and on-premises consumption of alcohol and non-packed liquor sales, and services. Special use permits for the above-mentioned uses are appropriate for the following reasons: (1) the site is zoned H-1; (2) the site is within the Strip Corridor; (3) the uses are in conjunction with an existing resort hotel; and (4) the uses are consistent and compatible with existing uses not only on the site but more broadly along the Las Vegas Resort Corridor. The applicant indicates the reason for the design review request to increase the grade is to comply with the Clark County Regional Flood Control requirements resulting in the finished floor elevation to be 2 times the depth of flow on Flamingo Road on the northwest side of the building. Public Works has requested an additional 10 feet of right-of-way dedication along Flamingo Road. With this additional dedication, related waivers and deviations are requested for the front yard setback, right-of-way setback, and height setback ratio. A deviation to the street landscaping requirement is necessary to accommodate the additional 10 feet of right-of-way dedication for Flamingo Road.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-23-0057	Increased building height, encroachment into airspace with design reviews for a pedestrian bridge and modifications to an existing resort hotel (Horseshoe)	Approved by BCC	April 2023
UC-22-0638	Modifications to an approved comprehensive sign package with an increase to the number and area of directional signs	Approved by BCC	January 2023
VS-22-0281	Vacated and abandoned a pedestrian access easement	Approved by BCC	June 2022
UC-22-0280	Two, 4 story retail buildings with alternative street landscaping and reduced building setback	Approved by BCC	June 2022
DR-22-0177	Freestanding sign in conjunction with a resort hotel (Horseshoe Hotel)	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-20-0547	Monorail with waivers to not provide a franchise agreement and reduced parking	Approved by BCC	October 2021
UC-20-0546	Project of regional significance for a monorail with a waiver to not provide a franchise agreement	Approved by BCC	October 2021
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

Prior Land Use Requests

Application Number	Request	Action	Date
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	H-1	Drai's Beachclub & Nightclub
South	Entertainment Mixed-Use	H-1	Planet Hollywood Resort Hotel
East	Entertainment Mixed-Use	H-1	Motion picture production studio, parking lots, & undeveloped
West	Entertainment Mixed-Use	H-1	Bellagio Resort Hotel

STANDARDS FOR APPROVAL:

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

Analysis

Comprehensive 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 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.

The project site is located within an area designated for Entertainment Mixed-Use. The Resort Corridor is the primary activity center where hotels, casinos, entertainment uses, general business, professional and public offices, commercial uses, and multiple family residential uses are located. Staff finds that the proposed use complies with the general goals and policies of the Master Plan which encourages land uses that are complementary and of similar scale and intensity. The proposed uses are compatible with the existing developments in the surrounding area and place no additional demands on the site in terms of required parking, landscaping, or other design features. Therefore, staff can support these requests.

Waiver of Development Standards & Deviation #1

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.

The applicant is required to allocate an additional 10 feet of right-of-way to Flamingo Road in the form of a roadway easement. Once the dedication of right-of-way occurs, the building will be set back 2 feet from the sidewalk and 7 feet from the roadway. Staff has no objection to these requests.

Deviation #2

The reduction to street landscaping varies in width from 2 feet, located at the northeast corner of the building adjacent to the roadway easement, to 13 feet, located at the northwest corner of the site next to the extended pedestrian plaza. A combination of 46 small, medium, and large trees will be planted along Flamingo Road, where 17 trees are required. Staff typically does not support reductions to the street landscape area; however, the proposed reduction should not have a negative or detrimental impact on the surrounding area.

The portions of the subject property without street landscaping occurs at the northeast and northwest portions of the site, immediately adjacent to Flamingo Road. However, these areas are necessary to accommodate existing and future above ground utilities. The elimination of street landscaping in these areas should not have a negative or detrimental impact on the surrounding area. Therefore, staff can support this request.

Deviation #3

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. Varying building height, breaking-up the mass of the building, and shifting building placement can provide appropriate transitions between differing building scales and intensities. Although the height setback ratio reduction along Flamingo Road is significant, the encroachment into the setback begins at a height of 35 feet up to a maximum building height of 58 feet. Staff finds the encroachment into the setback should not negatively impact the surrounding land uses and adjacent properties. Therefore, staff recommends approval of this request.

Design Review#1

The design of proposed elevations break-up the mass of the building through height variations and articulation. Policy WP-1.1 of the Master Plan encourages a diversity of land uses along major corridors at densities that support pedestrian activity and transit use, especially along Las Vegas Boulevard South. Staff finds the proposed recreational facility is appropriate for the area, is compatible with the surrounding land uses, and complies with the goals and policies from the Master Plan. Therefore, staff recommends approval.

Public Works - Development Review

Design Review #2

This design review represents the maximum grade difference within the boundary of this application. This information is based on preliminary data to set the worst case scenario. Staff will continue to evaluate the site through the technical studies required for this application. Approval of this application will not prevent staff from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approval.

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.

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

- 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; 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; 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

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Grant a 10 foot wide roadway easement for Flamingo Road;
- Grant a 3 foot wide streetlight and traffic control device easement;
- Any areas with existing signage to have a roadway reservation instead of an easement.

- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

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.

Fire Prevention Bureau

- 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.

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 #0142-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:
APPROVALS:
PROTESTS:**

APPLICANT: GOT LAS VEGAS GROUP, LLC
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April 3, 2023

VIA UPLOAD

CLARK COUNTY COMPREHENSIVE PLANNING
500 S. Grand Central Parkway, 1st Floor
Las Vegas, Nevada 89106

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***Re: Revised Justification Letter – Design Reviews for (1) Recreational Facility to an Existing Resort Hotel & (2) Increase in Grade, Special Use Permits for the following: Recreational Facility Including But Not Limited To Shops, Snack Bars, Lounges and Restaurants, and On-Premises Consumption of Alcohol; Waiver of Development Standards for Setback from Right-of-Way; and Deviations for 1) Landscaping Width, 2) Front Setback, and 3) Height Setback Ratio
A portion of APN: 162-21-102-009 (Flamingo Road/Koval Lane)***

To Whom It May Concern:

Please be advised our office represents the Applicant in the above-referenced matter. The Applicant is proposing to develop a recreational facility on a portion of property located near the southwest corner of Flamingo Road and Koval Lane, more particularly described as APN: 162-21-102-009 (the "Site"). The entire Site is approximately 29.96 acres and is where the Horseshoe (formerly Bally's Resort Hotel) is located. The Applicant is proposing to redevelop a portion of the Site that is currently being used as a parking lot. As such, the Applicant is requesting a design review and associated special use permits to establish the new use.

DESIGN REVIEW FOR AND SPECIAL USE PERMITS

The Applicant is proposing to construct a recreational facility on a portion of the Site located between the existing hotel (the employment center) and Flamingo Road. Access to the proposed recreational facility would be from existing driveway entrances on Flamingo Road west of the proposed building. The recreational facility building will be three (3) levels above grade plus one level below grade. The maximum height of the building will be approximately 58-feet although the building will primarily range in heights between 18-feet to 48-feet. The total square footage of the building is 43,438 square feet including the basement level. Each floor square footage is as follows: basement level: 3,271; first level: 31,294; second level: 4,437; and third level: 4,437. Much of the activity will be located on the first level. The first level will include a bar/dining area, kitchen, retail space, various themed rooms, and the ride seating/screen

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wall for the motion ride. The exterior design of the building will have enhanced architectural elements including overhanging shade structures and accent structure supports with contrasting color schemes including matte and flat black and vertical and horizontal LED panel trim.

Although the proposed recreational facility is removing 160 surface parking spaces, the Site is still exceeding required parking. The required parking for the entire resort hotel is 5,316 parking spaces which is inclusive of the required 174 parking spaces for the new concept. The Site is providing 7,262 parking spaces. The existing driveways to the west and east of the project are not within the scope of this application and therefore no changes are being proposed.

The Site is zoned H-1 with an existing resort hotel. With special use permit approvals, a plethora of uses are allowed including but not limited to restaurant, retail sales, immersive entertainment, motion rides, and on-premises consumption of alcohol and non-packed liquor sales, and services. Special use permits for the above-mentioned uses are appropriate for the following reasons: (1) the Site is zoned H-1, (2) the Site is within the Strip Corridor, (3) the uses are in conjunction with an existing resort hotel, and (4) the uses are consistent and compatible with existing uses not only on the Site but more broadly along the Las Vegas Resort Corridor.

DESIGN REVIEW FOR INCREASE GRADE

The Applicant is requesting a maximum grade of 57-inches which is 21-inches over the allowed 36-inch grade. The reason for the design review request to increase the grade is to comply with the Clark County Regional Flood Control requirements resulting in the finished floor elevation to be two (2) times the depth of flow on Flamingo Road on the northwest side of the building.

WAIVER OF DEVELOPMENT STANDARDS

• **Setback From Right-Of-Way**

In working closely with staff for the project, Public Works has requested an additional 10 feet of right-of-way dedication along Flamingo Road. With this additional dedication, related waivers and deviations are requested. The Applicant requests a waiver of development standards to reduce the setback for the proposed recreation facility to two (2) feet, where a minimum of ten (10) feet is required from the right-of-way on Flamingo Road, per section 30.56.040, and figure 30.56-2.

DEVIATION FOR LANDSCAPING

The Applicant requests a deviation to reduce the street landscaping width as a result of the future 10-foot dedication. As shown on the site plans, when the future right-of-way is dedicated, the Applicant will be providing two (2) feet of street landscaping at its shortest point along Flamingo Road, where 20 feet is required.

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DEVIATIONS FOR FRONT SETBACK AND HEIGHT SETBACK

The Applicant similarly requests setback deviations related to the additional, future right-of-way dedication. The Applicant requests to reduce the front yard setback from Flamingo Road for the recreation facility to two (2) feet at its shortest point, where a minimum of ten (10) feet is required. Additionally, the Applicant requests to reduce the height setback ratio from Flamingo Road. Where 18 feet is required per 30.56-4 and 30.56-20, the Applicant requests to provide two (2) feet at its shortest point.

We thank you in advance for your time and consideration of the application. Should you have any questions, please feel free to contact me.

Very truly yours,

KAEMPFER CROWELL



Jennifer Lazovich

/ajc/mkr/amp

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