OUTSIDE DISPLAY/LANDSCAPING     LAS VEGAS BLVD S/HARMON AVE
(TITLE 30)

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
UC-0758-13 – METROFLAG BP, LLC:

USE PERMITS for the following: 1) outside display of merchandise; and 2) allow outside display of merchandise to be located in front of the building in conjunction with existing modular retail buildings.

WAIVER OF DEVELOPMENT STANDARDS to provide alternative landscaping along a street frontage (Las Vegas Boulevard South) for an existing motel (Travelodge South Strip) and retail buildings on 5.3 acres in an H-1 (Limited Resort and Apartment) Zone in the MUD-1 Overlay District.

Generally located on the east side of Las Vegas Boulevard South, 100 feet south of Harmon Avenue within Paradise. MBS/pb/ml (For possible action)

RELATED INFORMATION:

APN:
162-21-301-003 & 020

LAND USE PLAN:
WINCHESTER/PARADISE - COMMERCIAL TOURIST

BACKGROUND:
Project Description
General Summary
- Site Acreage: 5.3
- Project Type: Outside display and alternative street landscaping
- Parking Required/Provided: 228/370 (includes Polo Towers, Grand Chateau, and Hawaiian Marketplace)

History
Clark County building records indicate the motel was constructed in 1963, and the retail buildings were installed in 2003. A use permit, UC-0034-11, to allow outside display of retail merchandise and waive landscaping was previously approved on this site and allowed to expire. A subsequent use permit, UC-0017-13, was approved in March 2013 subject to 180 days to commence and review and was also allowed to expire.

Site Plan
The plans depict existing retail stores on a site with 2 modular retail buildings and an existing motel (Travelodge South Strip). Outside display of retail merchandise is depicted in front of
both modular buildings within a 12 foot wide area. Access to the site is provided by a driveway from Las Vegas Boulevard South and a driveway from Harmon Avenue.

**Landscaping**

There is no landscaping on the site at this time. Code requires minimum landscaping per Figure 30.64-17 which is 10 feet of landscaping separated by a 5 foot wide sidewalk for a total area of 15 feet. This site is also located in the MUD-1 Overlay District which would require a pedestrian realm with additional sidewalks and amenity areas. The applicant is proposing to install 5 foot wide planters along Las Vegas Boulevard South adjacent to the front property line on the east side of the existing sidewalk. The planters will have 4 intermittent pedestrian openings and 2 driveways. A total of nine, 24 inch box palm trees and shrubs will be distributed throughout the planters.

**Signage**

Signage is not a part of this request.

**Applicant’s Justification**

The applicant indicates that the use was previously approved subject to 6 months to review and the landlord unintentionally forgot the deadline for the extension of time application. Therefore, this application has been submitted to re-apply for the same use as previously approved. The outside display of retail merchandise has been previously approved on the site and additional permanent landscaping is being provided instead of the temporary planters shown on the plans with the last application. The applicant is aware that the future widening of Las Vegas Boulevard South may impact the proposed improvements.

**Prior Land Use Requests**

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Request</th>
<th>Action</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>UC-0017-13</td>
<td>Allow outside display and alternative street landscaping - subject to 180 days to commence and review - expired</td>
<td>Approved by PC</td>
<td>March 2013</td>
</tr>
<tr>
<td>WS-0502-12</td>
<td>Allow a roof sign in conjunction with an existing motel (Travelodge South Strip)</td>
<td>Denied on appeal by BCC</td>
<td>November 2012</td>
</tr>
<tr>
<td>UC-0034-11</td>
<td>Allow tattoo, body piercing outside display of merchandise and eliminate landscaping - expired</td>
<td>Approved by PC</td>
<td>March 2011</td>
</tr>
<tr>
<td>UC-0237-07</td>
<td>Allow outside display of merchandise, eliminate street landscaping - expired</td>
<td>Approved by PC</td>
<td>April 2007</td>
</tr>
<tr>
<td>DR-0856-03</td>
<td>Relocated modular retail Building 1 - expired</td>
<td>Approved by BCC</td>
<td>July 2003</td>
</tr>
<tr>
<td>UC-1145-02</td>
<td>Shopping center expansion and parking reduction - expired</td>
<td>Approved by PC</td>
<td>October 2002</td>
</tr>
<tr>
<td>UC-0235-02</td>
<td>Expansion to retail center with a parking reduction - expired</td>
<td>Approved by PC</td>
<td>March 2002</td>
</tr>
<tr>
<td></td>
<td>Planned Land Use Category</td>
<td>Zoning District</td>
<td>Existing Land Use</td>
</tr>
<tr>
<td>---------------</td>
<td>---------------------------</td>
<td>----------------</td>
<td>----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>North</td>
<td>Commercial Tourist</td>
<td>H-1</td>
<td>Supper club (Harley Davidson Café), parking garage, Harmon Corner Shopping Center, and Planet Hollywood Resort Hotel</td>
</tr>
<tr>
<td>South</td>
<td>Commercial Tourist</td>
<td>H-1</td>
<td>Shopping center (Hawaiian Marketplace), hotel timeshare (Polo Towers), MGM Grand Resort Hotel</td>
</tr>
<tr>
<td>East</td>
<td>Commercial Tourist</td>
<td>H-1</td>
<td>Hotel timeshare (Grand Chateau)</td>
</tr>
<tr>
<td>West</td>
<td>Commercial Tourist</td>
<td>H-1</td>
<td>CityCenter Resort Hotel</td>
</tr>
</tbody>
</table>

**Clark County Public Response Office (CCPRO)**
ZV-13-12356 is an active complaint regarding landscaping and outdoor display.

**STANDARDS FOR APPROVAL:**
The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

**Analysis**

**Current Planning**

**Use Permit**
A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Comprehensive Plan. One of several criteria the applicant must establish is 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.

After inspecting the site, staff has determined that the display of outside merchandise has an adverse effect on the area. Several businesses within the retail structures currently have outside display of merchandise. Since the original approval for outside display in 2007, CityCenter has opened and other projects have been constructed (Harmon Shopping Center) which has enhanced the area. Staff finds the request for outside display unnecessary since the retail sales structures are in close proximity to the sidewalk and easily accessible to pedestrians.

The Board of County Commissioners retained the firm of Kimley-Horn and Associates, Inc. to conduct a study of pedestrian traffic within the Resort Corridor. The results of that study were released on November 21, 2012. The findings of the study indicate that the sidewalks along Las Vegas Boulevard South between the MGM Grand Resort Hotel and Harmon Boulevard, which includes the subject site, have unacceptable levels of congestion that negatively impact pedestrian traffic.

The outside display negatively impacts the pedestrian circulation in this area that the study has found to have unacceptable levels of congestion for pedestrian traffic. Therefore, staff does not support the request for outside display on a permanent basis. Although staff has concerns with the use on a permanent basis, allowing the display on a temporary basis until the new owners of
the property determine other alternative uses for the entire property as stated in their revised justification letter may be acceptable at this time.

**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 and value 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 cannot support this request for alternative landscaping along Las Vegas Boulevard South until the site is redeveloped. There is no timeline as to when the site will redevelop since no plans have been submitted or approved. Landscaping along this portion of the Las Vegas Boulevard South frontage is a much needed enhancement; however, the landscaping proposed by the applicant is a temporary improvement. The Hawaiian Marketplace on the adjacent site to the south has a pedestrian realm with enhanced landscaping, and the transition to the subject site is a drastic change. The properties to the north have also provided landscaping, although not to the same extent as the Hawaiian Marketplace to the south, and on a more permanent basis than proposed by the applicant. The reduced landscaping proposed by the applicant does not meet Policy 22.1 of the Winchester/Paradise Land Use Plan which states that enhanced landscaping (trees) at the perimeter and interior of parking areas should be encouraged to provide shade and visual relief, while maintaining view corridors to storefront areas. Furthermore, staff cannot support the design of the landscape areas with 4 pedestrian openings. Pedestrian access should be provided with the vehicular access points. This would allow additional landscape materials in the area.

Additionally, the existing sidewalk with the proposed landscaping is not adequate to support the existing pedestrian volumes at this location. This portion of Las Vegas Boulevard South should be developed with a proper pedestrian realm which would include a 15 foot wide sidewalk/pedestrian access easement, landscaping, and amenities, which creates a safe, pedestrian friendly design. Deferring the pedestrian realm on a permanent basis will negatively impact pedestrians walking along the subject site and other adjacent properties in the area on Las Vegas Boulevard South. Staff can only support a deferment on a temporary basis.

**Public Works – Development Review**
The site for this application has satisfied all current requirements for dedication along Las Vegas Boulevard South; therefore, no additional dedication or future Las Vegas Boulevard South right-of-way conditions are necessary. Staff does have concerns with the driveways and ingress/egress to/from this site. Any future development may require the ingress/egress to be updated and redesigned to meet current standards.

**Staff Recommendation**
Denial.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Plan, Title 30, and/or the Nevada Revised Statutes.
PRELIMINARY STAFF CONDITIONS:

Current Planning
If approved:
- 6 months to commence and review;
- Predominantly display an original stamped copy of this Notice of Final Action in the retail spaces adjacent to the outside display areas;
- Provide continuous length of landscaping with no pedestrian gaps as shown on the plans;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time.

Public Works – Development Review
- Future development may require the ingress/egress to be updated and redesigned to meet current standards.

Clark County Water Reclamation District (CCWRD)
- No comment.

TAB/CAC:
APPROVALS:
PROTESTS:

APPLICANT:  Metroflag BP, LLC
CONTACT:  Vedelago Petsch Architects, Inc., 3535 Executive Terminal Drive #310, Henderson, NV 89052