

12/04/24 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**AR-24-400116 (UC-17-1096)-VENETIAN VENUE PROPCO, LLC:**

**WAIVER OF DEVELOPMENT STANDARDS FIRST APPLICATION FOR REVIEW** to reduce on-site parking for an events center/music venue/recreational facility (Sphere), the Venetian and Palazzo Resort Hotels, and the Sands Expo Center on 18.51 acres in a CR (Commercial Resort) Zone.

Generally located on the south side of Sands Avenue, 150 feet east of Koval Lane within Paradise. TS/dd/kh (For possible action)

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RELATED INFORMATION:

**APN:**

162-16-702-002

**WAIVER OF DEVELOPMENT STANDARDS:**

Reduce on-site parking for a recreational facility/events center (Sphere), the Venetian and Palazzo Resort Hotels, and the Sands Expo Center to 12,405 spaces where 13,910 spaces are required per Table 30.60-1 (a 10.8% reduction).

**LAND USE PLAN:**

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 3848 Koval Lane
- Site Acreage: 18.51
- Project Type: Parking reduction
- Parking Required/Provided: 13,910/12,405 (for the Sphere, Palazzo and Venetian Resort Hotels, and The Sands Expo Center)

History & Request

In February of 2018 the Board of County Commissioners approved application UC-17-1096, which allowed for the construction of the Sphere and its related infrastructure. The request was to establish a recreational facility/events center on the site which would operate in conjunction with the Palazzo and Venetian Resort Hotels and the Sands Expo Center. The main purpose of the proposed facility is a music venue for concerts and is also used as a theater.

The applicant originally proposed to combine the parking for the proposed facility with the existing Palazzo and Venetian Resort Hotels and the Sands Expo Center, which required a

waiver of development standards to reduce the parking. Since the site and the existing resort hotels and Expo Center are not contiguous properties, separate land use applications were submitted for each site. This application is for the Sphere. The proposed facility, the Palazzo and Venetian Resort Hotels, and the Sands Expo Center combined are required to have 13,910 parking spaces and the parking provided for these uses is 12,405 parking spaces; which includes 304 on-site parking spaces and 12,101 existing parking spaces for the resort hotels and Expo Center.

As a condition of approval for UC-17-1096, a review for the parking reduction was required no earlier than 6 months after the first concert took place, along with a report for parking utilization and any mitigation measures that were put in place to address any parking problems. The applicant has submitted their report on parking utilization and is requesting to have their approved parking reviewed. There was no review required for the construction of the Sphere or its related infrastructure.

### Site Plan

The previously approved plans show the Sphere is located on the northern portion of the parcel. To the south and southeast of the facility is a parking area consisting of 304 parking spaces. Access to the site is provided by a single driveway from Sands Avenue on the northeast corner of the site; from 3 proposed driveways from Westchester Drive, a private street along the south property line; and a proposed pedestrian bridge within the Sands Avenue right-of-way that connects to the Sands Expo Center.

### Previous Conditions of Approval

Listed below are the approved conditions for UC-17-1096:

#### Current Planning

- A 3 year time limit (but no earlier than 6 months after the first concert) for review of the parking with the applicant to submit a report on parking utilization and presenting mitigating measures to address any parking problems;
- Enter into a Development Agreement to mitigate impacts of the project including but not limited to issues identified by the technical reports and studies, and issues identified by the Board of County Commissioners;
- Parking reduction is limited to 13.82% for this project and the final build-out of the Sands Resort Complex as a whole, with each phase having specified associated reductions, if any phase is not pursued, the parking reduction will be adjusted for only the phase(s) built;
- Allow the following permits prior to the adoption of the Development Agreement: all dewatering, grading, underground utilities, foundation, structural first lift with foundation;
- Provide a bond or other security acceptable to Clark County for excavation prior to Development Agreement or Decommissioning Plan;
- Submit a performance bond acceptable to the County in an amount sufficient to provide a screen wall and/or restore the site including removal of construction materials, site

stabilization and revegetation as necessary should construction of the project be discontinued;

- Provide a Decommissioning Plan prior to permits for unfinished construction, including the removal of building materials should construction of the project be discontinued with said plan to be submitted and approved prior to building permits for the events center/recreational facility;
- Maintain a minimum 15 foot wide sidewalk/pedestrian access with an appropriate shy distance along the Sands Avenue street frontage limiting the encroachment of any structures to the pedestrian access sidewalk;
- The surface area of the sidewalk/pedestrian access along Sands Avenue to consist of colors, patterns, texture and/or material different from the adjacent private walkways and plaza area with final design to be approved by staff;
- Final design of the sidewalk/pedestrian access along Sands Avenue to be reviewed and approved by staff;
- Provide breaks (gates) in fencing along Sands Avenue for emergency services use with design to be coordinated with the Fire Department;
- Provide locations within parking areas and at the entrances of the facility to be used as staging areas for emergency service vehicles with locations to be coordinated with the Fire Department;
- To avoid parking conflicts, the Sands Expo Center and the Madison Square Garden Project cannot schedule major concurrent events at the same time, major events must be scheduled for different times and or dates;
- 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 and application for review; 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;
- Developer must coordinate with Public Works for an exchange or vacation of airspace in the right-of-way or other consideration in support of the pedestrian bridge;
- Final alignment and design of the pedestrian bridge shall be approved by Public Works;
- Execute a license and maintenance agreement for any non-standard improvements within right-of-way;
- Right-of-way dedications per the traffic study;
- If required by Regional Transportation Commission, dedicate and construct right-of-way for bus turnout including passenger loading/shelter areas in accordance with Regional Transportation Commission standards.
- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

Department of Aviation

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.48 Part B of the Clark County Unified Development Code;
- 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.

Building Department - Fire Prevention

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

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; and to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0112-2017 to obtain your POC exhibit.

Applicant's Justification

The applicant states that the first concert took place at the Sphere recreational facility in September of 2023, and that a full report on parking utilization has been provided for the Board of County Commissioners and staff to review. Additionally, the applicant states they have entered into parking agreements with the adjacent Wynn Resorts properties and Hughs Center. The applicant has tracked several modes of transportation used by guests visiting the Sphere and have subsequently reported an underutilization of provided parking. Furthermore, they report that guests at the Sphere are more often using ride share programs rather than driving themselves to events and parking on-site.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
WS-24-0366	Eliminated sound level maximums for the Sphere	Approved by BCC	September 2024

### Prior Land Use Requests

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-23-0501	Use permit, deviations, and design review for a previously approved comprehensive sign package for the Sphere	Approved by BCC	October 2023
WS-20-0145	Eliminated sound level maximums for the Sphere - expired	Approved by BCC	April 2020
DA-18-0852	Negotiated development agreement	Approved by BCC	December 2018
WC-18-400194 (UC-1096-17)	Waived the condition of a use permit requiring a 15 foot sidewalk/pedestrian access easement	Approved by BCC	December 2018
UC-18-0651	Sphere monorail station	Approved by BCC	December 2018
WS-18-0218	Modifications to an approved recreational facility (Sphere) and pedestrian bridge with an increase in building height and wall/animated sign area	Approved by BCC	May 2018
UC-1096-17	Recreational facility, fairground, retail sales, restaurants, live entertainment, theater, and museum for the Sphere	Approved by BCC	February 2018
WS-1095-17	Waivers for reduced setbacks, parking, and design review for a pedestrian bridge system	Approved by BCC	February 2018
ET-17-400162 (UC-0059-06)	Sixth extension of time to commence an exposition hall/convention facility, increased building height and on-premises consumption of alcohol with a design review for an exposition hall/convention facility	Approved by BCC	February 2018
ET-17-400161 (WS-0386-07)	Fifth extension of time to commence reduced setbacks with a design review for a public and private pedestrian bridge system	Approved by BCC	February 2018
ET-17-400160 (WS-1258-07)	Fifth extension of time to commence a reduction in on-site parking requirements with a design review for modifications to a previously approved convention facility	Approved by BCC	February 2018
WS-0386-07 (ET-0155-15)	Fourth extension of time to commence reduced setbacks with a design review for a public and private pedestrian bridge system	Approved by BCC	December 2015
UC-0059-06 (ET-0154-15)	Fifth extension of time to commence an exposition hall/convention facility, increased building height and on-premises consumption of alcohol with a design review for an exposition hall/convention facility	Approved by BCC	December 2015
WS-1258-07 (ET-0153-15)	Fourth extension of time to commence a reduction in on-site parking requirements with a design review for modifications to a previously approved convention facility	Approved by BCC	December 2015

### Prior Land Use Requests

Application Number	Request	Action	Date
UC-0104-14	Temporary construction yard for projects in conjunction with the Venetian and Palazzo Resort Hotels with design reviews for a temporary construction storage yard and an agricultural gardening/greenhouse facility	Approved by BCC	April 2014
WS-1258-07 (ADET-1041-14)	Administrative extension of time to reduce on-site parking requirements with a design review for modifications to a previously approved convention facility	Approved by ZA	December 2014
WS-0386-07 (ADET-1042-14)	Administrative extension of time to reduce setbacks with a design review for a public and private pedestrian bridge system	Approved by ZA	December 2014
UC-0059-06 (ADET-1040-14)	Administrative extension of time for an exposition hall/convention facility, increased building height and on-premises consumption of alcohol with a design review for an exposition hall/convention facility	Approved by ZA	December 2014
WS-1258-07 (ET-0079-12)	Second extension of time to commence a reduction in on-site parking requirements with a design review for modifications to a previously approved convention facility	Approved by BCC	August 2012
UC-0059-06 (ET-0078-12)	Third extension of time to commence an exposition hall/convention facility, increased building height and on-premises consumption of alcohol with a design review for an exposition hall/convention facility	Approved by BCC	August 2012
WS-0386-07 (ET-0058-12)	Second extension of time to commence reduced setbacks with a design review for a public and private pedestrian bridge system	Approved by BCC	August 2012
WS-1258-07 (ET-0337-09)	First extension of time to commence a reduction in on-site parking requirements with a design review for modifications to a previously approved convention facility	Approved by BCC	January 2010
UC-0059-06 (ET-0122-10)	Second extension of time to commence an exposition hall/convention facility, increased building height and on-premises consumption of alcohol with a design review for an exposition hall/convention facility	Approved by BCC	September 2010
WS-0386-07 (ET-0126-09)	First extension of time to commence a reduction in setbacks with a design review for a public and private pedestrian bridge system	Approved by BCC	June 2009
TM-0099-08	Commercial subdivision on 18.6 acres	Approved by PC	June 2008

### Prior Land Use Requests

Application Number	Request	Action	Date
UC-0059-06 (ET-0163-08)	First extension of time to commence an exposition hall/convention facility, increased building height and on-premises consumption of alcohol with a design review for an exposition hall/convention facility	Approved by BCC	July 2008
WS-1258-07	Reduced on-site parking requirements with a design review for modifications to a previously approved convention facility	Approved by BCC	December 2007
WS-0386-07	Reduced setbacks with a design review for a public and private pedestrian bridge system	Approved by BCC	May 2007
UC-1601-04 (ET-0159-06)	Second extension of time to review a parking lot with waivers of development standards to permit off-site parking and modified landscape standards with a design review for an off-site parking lot for an existing resort hotel (Venetian) - expired	Approved by BCC	June 2006
UC-0059-06	Exposition hall/convention facility, increased building height and on-premises consumption of alcohol with a design review for an exposition hall/convention facility	Approved by BCC	July 2006
UC-1601-04 (ET-0079-05)	First extension of time to review a parking lot with waivers of development standards to permit off-site parking and modified landscape standards with a design review for an off-site parking lot for an existing resort hotel (Venetian)	Approved by PC	May 2005
UC-1601-04 (WC-0078-05)	Waiver of conditions of a use permit requiring the applicant maintain all existing landscaping (except turf)	Approved by PC	May 2005
UC-1601-04	Parking lot with waivers of development standards to permit off-site parking and modified landscape standards with a design review for an off-site parking lot for an existing resort hotel (Venetian)	Approved by BCC	October 2004
VS-1215-04	Vacated and abandoned portions of right-of-way being Central Park Circle and Central Park Drive	Approved by BCC	August 2004

### Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Entertainment Mixed-Use	CR	Wynn Golf Course
South	Entertainment Mixed-Use	CR	Storage yard & multi-family residential
East	Entertainment Mixed-Use	CR	Parking lot & Hughes Center

### Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
West	Entertainment Mixed-Use	CR	Wynn parking garage & Sands Expo Center

### Related Applications

Application Number	Request
AR-24-400115 (WS-17-1095)	An application for review for a reduction in parking is a companion item on this agenda.
AR-24-400117 (WS-18-0218)	An application for review for animated signage is a companion item on this agenda.

### STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request is consistent with the Master Plan and is in compliance with Title 30.

### Analysis

#### Comprehensive Planning

A review for parking was required by WS-17-1095. The applicant has demonstrated how the project is not impacting parking or the surrounding streets. The applicant has addressed the concern from the application which required the application for review.

Based on the event schedule and the parking data provided from the events hosted, staff finds that the parking reduction has not had a significant impact on the property or its partner facilities. From the data provided by the applicant, it is clear that a large portion of customers going to and coming from the Sphere and the surrounding properties are utilizing rideshare programs; on any given night, the number of rideshare vehicles is reported to be anywhere from the high 700's to the mid 2,000's. Comparatively, the number of cars parked at the properties' garages on event nights ranges from 100 to 800. Additionally, the applicant states they have entered into a shared parking agreement with the Wynn Resort and Hughs Center, which helps to mitigate the lack of required parking throughout the site on major event dates. For these reasons, staff can support this request with the removal of the time limit.

#### Public Works - Development Review

There have been no significant changes in this area. Staff has no objection to this application for review.

#### 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**

- Remove the time limit.

**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:** MSG LAS VEGAS, LLC

**CONTACT:** DAVID BROWN, DAVID BROWN ESQ., 520 S. FOURTH STREET, 2ND FLOOR, LAS VEGAS, NV 89101