

09/05/23 PC AGENDA SHEET

NON-STANDARD IMPROVEMENTS  
(TITLE 30)

ELDORADO LN/LAS VEGAS BLVD S

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ET-23-400105 (WS-19-0400)-DESERTXPRESS ENTERPRISES, LLC:**

**WAIVERS OF DEVELOPMENT STANDARDS FIRST EXTENSION OF TIME** for the following: **1)** landscaping; and **2)** allow non-standard improvements within the right-of-way in conjunction with future development on a portion of 110.0 acres in an H-1 (Limited Resort and Apartment) (AE-60 & AE-65) Zone in the MUD-1 and MUD-2 Overlay Districts.

Generally located on the south side of Eldorado Lane and the west side of Las Vegas Boulevard South within Enterprise. MN/mh/syp (For possible action)

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RELATED INFORMATION:

**APN:**

177-08-601-001 through 177-08-601-006; 177-08-601-008; 177-08-701-001 through 177-08-701-004; 177-08-701-008 through 177-08-701-012; 177-08-701-014 ptn

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Waive on-site landscaping where required per Table 30.64-2.
2. Allow proposed non-standard improvements (landscaping) within the right-of-way (Las Vegas Boulevard South) where not permitted per Chapter 30.52.

**LAND USE PLAN:**

ENTERPRISE - ENTERTAINMENT MIXED-USE

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 110 (portion)
- Project Type: Non-standard improvements (landscaping) within the right-of-way

Site Plan

The approved plans depict future development on a 110 gross acre site. The applicant previously received approval of a 1 lot commercial subdivision on the subject property and proposed to dedicate rights-of-way along Las Vegas Boulevard South and Eldorado Lane. The applicant proposed to install detached sidewalks (5 feet wide) and a 5 foot wide landscape area in the right-of-way along Las Vegas Boulevard South.

### Landscaping

The approved landscape plans show the planting palette includes the following: 36 inch box canopy trees, 24 inch box trees for screening, 1 gallon minimum shrubs, 1 gallon minimum groundcover, and 5 gallon minimum vines.

### Signage

Signage is not a part of this request.

### Previous Conditions of Approval

Listed below are the approved conditions for WS-19-0400:

#### Current Planning

- 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 this application must commence within 4 years of approval date or it will expire.

#### Public Works – Development Review

- Drainage study and compliance;
- Full off-site improvements;
- Traffic study shall be required with future development;
- Right-of-way dedication and/or grant easements for Las Vegas Boulevard South to accommodate a proportionate share of a 200 foot wide right-of-way;
- Right-of-way dedication to include 80 feet for Robindale Road, 60 feet for the frontage road, 30 feet for Eldorado Lane, and associated spandrels;
- If required by the Regional Transportation Commission (RTC), construct a standard bus stop with a 5 foot by 25 foot bus shelter pad easement behind the sidewalk on the west side of Las Vegas Boulevard South, just south of and as close to practical to both the Eldorado Lane and Robindale Road alignments;
- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way;
- Owner acknowledges that the proposed non-standard improvements (buildings, structures, and improvements) are within a portion of the area planned for a 200 foot wide right-of-way per Title 30 and the Clark County Transportation Element;
- Owners or its successors shall remove any non-standard improvements (buildings, structures, and improvements) related to this application or any future applications within the planned right-of-way at its own expense, in the event dedication of the planned right-of-way is required.
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that the CCWRD is unable to verify sewer capacity based on this zoning application; you may find instruction for submitting a Point of Connection (POC) request on the District's website; and that a CCWRD approved POC must be included when submitting civil improvement plans.

Applicant’s Justification

The applicant indicates that progress has been made toward the development of the approved high-speed rail system. Agreements have been made with multiple government agencies in California as the project continues toward commencement. A public notice and comment process is still underway as the applicant continues to work with the involved agencies to receive the necessary permits. The applicant is also coordinating with the Nevada Department of Transportation (NDOT) to apply for federal financial grants. A drainage study, grading design, and traffic study have also been completed. The applicant requests a 2 year extension of time to complete the ongoing permit processes and continue toward the formal commencement of the project.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ET-23-400049 (UC-20-0049)	Second extension of time for a passenger terminal at a train station	Approved by BCC	June 2023
ADET-22-900161 (UC-20-0049)	First extension of time for a use permit for a passenger terminal at a train station	Approved by ZA	March 2022
ET-21-400070 (VS-19-0401)	First extension of time to vacate and abandon easements of interest to Clark County	Approved by PC	June 2021
UC-20-0049	Passenger terminal at a train station	Approved by BCC	March 2020
WS-19-0400	Waived landscaping and to allow non-standard improvements within the right-of-way in conjunction with future development	Approved by PC	July 2019
VS-19-0401	Vacated and abandoned easements of interest to Clark County	Approved by PC	July 2019
TM-19-500108	1 lot commercial subdivision	Approved by PC	July 2019
ZC-11-0620 (ET-0034-17)	First extension of time to allow future development, expand the Gaming Enterprise District, allow a High Impact Project, and other commercial uses; with waivers and deviations for reduced parking and encroachment into airspace, and design reviews for all applicable uses on-site - expired	Approved by BCC	May 2017

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-0620-11 (WC-0156-12)	Waived the dedication of frontage road per the Transportation Element and replaced it with the reservation of frontage road per the Transportation Element - expired	Approved by BCC	March 2013
TM-0071-12	1 lot commercial subdivision - expired	Approved by PC	September 2012
ZC-0620-11	Reclassified 110 acres from R-E, C-1, M-D, H-1, and H-2 zoning to H-1 (AE-60 & AE-65) zoning; with use permits to allow an expansion of the Gaming Enterprise District (eastern portion), allow a High Impact Project, with deviations/waivers for reduced on-site parking (including non-gaming) and encroachment into airspace; and design reviews for a resort hotel, high rise towers and hotel condominiums, convention center, and mid/low-rise buildings; zoning is permanent, all other applications - expired	Approved by BCC	April 2012

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Entertainment Mixed-Use	H-1	Undeveloped
South	Entertainment Mixed-Use	H-1 & R-E	Undeveloped
East	Entertainment Mixed-Use	H-1	Shopping center & restaurants
West	Entertainment Mixed-Use	M-D	Warehouses

**Related Applications**

<b>Application Number</b>	<b>Request</b>
ET-23-400104 (VS-19-0401)	A second extension of time to vacate and abandon patent easements and rights-of-way is a companion 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.

The applicant has made progress toward the commencement of the project by completing a drainage study (PW19-14302) and structural study (PW19-16750) with the Public Works Department, along with several other studies and reviews with other governmental agencies. Due to this demonstrated progress and the significant scope of the project, staff can support an extension of time for 2 years.

**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 July 2, 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:** Enterprise - approval.

**APPROVALS:**

**PROTEST:**

**APPLICANT:** DESERTXPRESS ENTERPRISES, LLC

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