

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-25-400007 (ZC-0947-08)-COYOTE SPRINGS NEVADA, LLC:

ZONE CHANGE SECOND EXTENSION OF TIME to reclassify a 125.0 acre portion of 989 acres from an R-U (Rural Open Land) Zone and a C-2 (Commercial General) within a P-C (Planned Community) Overlay District to an H-1 (Limited Resort and Apartment) within a P-C (Planned Community) Overlay District for a resort/hotel casino and related uses.

USE PERMITS for the following: **1)** expansion of the Gaming Enterprise District (GED); **2)** a resort hotel consisting of 330 rooms; **3)** increase the height of the resort hotel and casino; **4)** public areas including all casino, retail, restaurant, bar/lounge, live entertainment, indoor and outdoor dining, spa/health club, convention and back-of-house areas, and a parking garage; **5)** associated accessory and incidental commercial uses, buildings, and structures; and **6)** deviations from development standards on 40.0 acres in an H-1 (Limited Resort and Apartment) within a P-C (Planned Community) Overlay District.

DEVIATIONS for the following: **1)** provide an alternative landscape on parking areas; **2)** reduce the number of required loading and unloading spaces; and **3)** all other deviations as shown per plans on file.

WAIVER OF DEVELOPMENT STANDARDS to reduce throat depth.

DESIGN REVIEWS for the following: **1)** a resort hotel and casino; and **2)** all other accessory and incidental buildings and structures on 40.0 acres in an H-1 (Limited Resort and Apartment) P-C (Planned Community) Overlay District in the Coyote Springs Master Planned Community.

Generally located on the north side of Twin Eagle Parkway, 1,200 feet east of Coyote Springs Parkway within the Northeast County Planning Area. MK/jm/kh (For possible action)

RELATED INFORMATION:

APN:

009-15-411-001; 009-22-101-008; 009-15-601-001 ptn; 009-23-101-001 ptn; 009-25-511-001 ptn

USE PERMITS:

1. Allow an expansion/enlargement of the Gaming Enterprise District on a 40.0 acre site.
2. Allow a resort hotel consisting of 330 hotel rooms.
3. Increase the height of the resort hotel and casino to 200 feet where 100 feet is the standard (a 100% increase).
4. Allow public areas including all casino, retail, restaurant, bar/lounge, live entertainment, indoor and outdoor dining, spa/health club, convention and back of house areas, and a parking garage.
5. Allow associated accessory and incidental commercial uses, buildings, and structures.
6. Allow deviations from development standards.

DEVIATIONS:

1. Provide an alternative landscape on parking areas.
2. Reduce the number of required loading and unloading spaces from 15 to 11 loading spaces (a 27% reduction).
3. All other deviations as shown per plans on file.

WAIVER OF DEVELOPMENT STANDARDS:

Reduce the throat depth to 80 feet where 150 feet is allowed (a 47% reduction).

LAND USE PLAN:

NORTHEAST COUNTY - MAJOR PROJECT (COYOTE SPRINGS)

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

- Site Address: N/A
- Site Acreage: 125 acre portion of 989 acres
- Project Type: Master Planned Community

Project Description

The Coyote Springs Planning Area consists of 13,100 acres located approximately 55 miles north of the Las Vegas Valley at the intersection of US 93 and SR 168 and lies within the Northeast Clark County Land Use Plan. The Coyote Springs Planning Area has an approved Public Facilities Needs Assessment and an approved Development Agreement. The original application consisted of the following land use applications: a conforming zone change, a use permit to allow the expansion of the Gaming Enterprise District, resort hotel and casino, increase height and all related uses, a design review for the resort hotel and casino, and a waiver of development standards to reduce throat depth.

Zone Change

The original request was for a conforming zone change on 125 acres to allow H-1 zoning for a commercial tourist site. The site is designated as Commercial Tourist in the approved Coyote Springs Specific Plan.

Use Permits

The original request showed an expansion/enlargement of the Gaming Enterprise District on 40 acres in order to allow the construction of a resort hotel and casino consisting of 330 rooms. The applicant provided a survey of the vicinity per the requirements of Title 30, indicating there were no existing developed residential districts within a 500 foot radius, no places of worship or educational uses within a 1,500 foot radius, and no residential developments, places of worship, or educational facilities adversely affected within the 2,500 foot radius of the site. The applicant stated that in the original application that there is a potential school within the 2,500 foot radius but the location has not been selected as the final site for the school, and even if it were a school site, it would not be impacted because of the circulation pattern of the resort and gaming site and logical access from the south. The applicant intends to develop an upscale resort and gaming area to be easily accessed from the "Town Square" area or elsewhere in Coyote Springs, with

convenient access to and from nearby golf and recreation amenities. The resort hotel and casino will be consistent with other resorts and higher-end retail experiences. In addition, the use permit is to allow the height increase of the resort hotel and casino to approximately 200 feet. The approved plans also showed various deviations from the required development standards as follows: provide alternative parking landscaping per plans; reduce the required number of loading spaces; and provide modified development standards for trash enclosures. The proposed resort hotel and casino will have approximately 714,000 square feet of floor area, which includes the pool/deck areas. The site will provide a total of 11 loading spaces (4 loading docks, 2 trash docks, and five, 10 foot by 25 foot surface loading spaces for smaller vehicles). The proposed facility will provide a central area that will allow the loading docks and trash docks in 1 centralized location. In addition, the applicant states the delivery operation is usually scheduled to avoid conflicts within the loading bays.

Design Review

The approved resort hotel and casino will have a "Northern Nevada Ranch" architectural style and consist of a 14 level, 195 foot high building with an attached 6 level parking garage. The resort hotel will consist of the following accommodations: 330 hotel rooms, 553,490 square feet of public spaces, including casino, restaurant, retail, theater/showroom, and bar/lounge area, 52,725 square feet of convention space, and 107,645 square feet of back of house areas. The building will contain a total of 713,860 gross square feet. Exterior elevations depict materials consisting of a weathered metal standing seam roof, Corten steel fascia, tempered glass, pre-cast concrete and stone veneer. A varying roofline with building facade to provide required screening of mechanical equipment is shown on the plans. The applicant previously submitted the FAA Determination of No Hazard, 2008-AWP-6226-OE. Signage was not included with the original application nor were there manmade decorative water features shown on the plans.

Circulation

The original plans showed the resort hotel will provide 4,100 parking spaces, which is more than the required 3,812 parking spaces. Parking for the resort is provided in a 6 level parking garage and surface parking spaces around the proposed building. Since the 40 acres of the proposed resort hotel and casino are in the center of the 125 acre site, the plans show access from several points. The main entrances will be from Denali Summit Avenue on the north, Twin Eagles Parkway on the south, and East Axial Road and West Axial Road on the east and west, respectively. The vehicular access and circulation of the internal 40 acre site for the resort hotel is connected to the above mentioned streets. The main entrance is shown on the north side with a porte-cochere that serves as the primary drop-off/pick-up area for the resort hotel. There is an additional driveway/street named Pine Valley located on the south side of the hotel leading to another porte-cochere. The plans show a proposed central area for loading and unloading activities, and a trash enclosure area. Pedestrian realms are provided around the resort hotel with a minimum width of 20 feet including a 10 foot wide sidewalk and an amenity zone varying from 5 feet to 10 feet wide.

Waiver of Development Standards

The original request included reduced the throat depth for 1 driveway (Pasa Tiempo) from Bear Trail to the resort hotel, where the length of the driveway is approximately 80 feet. From the analysis report provided by Jacobs Engineering, this waiver of throat depth was not expected to

have a negative impact to on-site traffic circulation. In departing the resort hotel, 2 outbound lanes are provided: 1 for right turning vehicles from the main entrance of the hotel, and a separate lane for left turns from the parking area west of the resort hotel.

Pursuant to NRS 463.3086 and Title 30 requirements the applicant provided documentation indicating the proposed project will not adversely affect any residential development or any structure used primarily for religious services or public or private schools within 2,500 feet. The applicant provided a certified survey with the original application showing compliance with this requirement.

Previous Conditions of Approval

Listed below are the approved conditions for ZC-0947-08 (ET-0184-16):

Current Planning

- Until December 17, 2024 to complete.
- Applicant is advised that 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-0947-08:

Major Projects - Planning

- A resolution of intent for 8 years to complete;
- Modify the Development Agreement to account for this project;
- Coyote Springs Investment (CSI) and any successor in interest (together, "CSI") and Nellis AFB will cooperate to produce and record a document, in form and substance agreeable to both parties, which memorializes the nature and scope of military flight operations over the developed area;
- The parties acknowledge that light emanating from structures in the developed area has the potential to disrupt nearby military night flight operations, therefore, upon receipt from Nellis AFB of articulated light mitigation standards, for the type of military flight operations expected to be conducted over the developed area, CSI will undertake to meet such standards throughout the developed area prior to submittal of lighting and signage design review plans to Clark County;
- CSI will disclose the nature and scope of military flight operations over the developed area to hotel guests and hotel workers, in a form and substance agreeable to both parties;
- The parties acknowledge that noise from sonic booms and low-level flight operations generated by military aircraft operating over or near the developed area may cause adverse impacts, and that parties agree to meet and discuss a disclosure for this situation;
- Design review as a public hearing on significant changes to the plans;
- Compliance with the Coyote Springs Development Agreement;

- Design review for signage and lighting for the site;
- Pursuant to NRS 113.080, the master developer or its assignees will be required to disclose the location of a resort hotel and casino (Gaming Enterprise District) to all potential buyers;
- Pedestrian realm per plans in file;
- All applicable standard conditions for this application type.
- Applicant is advised that 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; approval of this use permit only approves any relaxed standards that depart from the development and improvement standards required by Title 30 provided such relaxed standards completely comply with the approved plans on file; and that any change in circumstances or regulations may be justification for the denial of an extension of time.

Major Projects - Engineering

- Drainage study and compliance;
- Drainage study to address all phases of proposed grading, including analysis and plans;
- Site specific traffic study and compliance;
- Traffic study to address location of southerly entry/porte-cochere location;
- Civil Engineering to approve redesign of southerly entry/porte-cochere location;
- Full off-sites to include paved legal access;
- Fire Department approval of all streets;
- Compliance with UC-0161-07.

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 the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; the 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; and that the FAA's airspace determinations include expiration dates and that the separate airspace determinations will be needed for construction cranes or other temporary equipment.

Applicant's Justification

The applicant states that in late 2016 the property owners began completion of necessary infrastructure to build and sell homes and are requesting an additional 8 year extension of time due to litigation with the State.

Prior Land Use Requests

Application Number	Request	Action	Date
TM-22-500102	8 large lots	Approved by BCC	June 2022
TM-18-500081	8 large lots	Approved by PC	July 2018
ET-17-400156 (ZC-0156-05)	Extension of time for zone change to R-2 and C-2 (Planned Community Overlay), use permit for modified street standards, waiver for right-of-way dedications	Approved by BCC	February 2018
ZC-0947-08 (ET-0184-16)	Extension of time for zone change to H-1, use permits for GED expansion, resort hotel, increased hotel height, public areas, incidental commercial uses, and deviations from development standards, deviations for alternative parking landscaping, reduced numbers of loading/unloading spaces, and others shown on plans, waiver for throat depth, and design review for resort hotel and casino and accessory and incidental buildings and structures	Approved by BCC	February 2017
UC-0337-10	Established modified development standards	Approved by PC	September 2010
SC-0183-10	Street name change	Approved by PC	June 2010
ET-0193-09	Extension of time for waivers for increased wall height, street standards, reduced landscape width, eliminate landscape swale, reduced wall off-set, and reduced street setbacks	Approved by PC	August 2009
ZC-0947-08	Zone change to H-1, use permit to expand GED, resort hotel, hotel height, public areas, accessory and incidental uses of buildings and structures, deviations from development standards, deviations for alternative parking landscaping, reduction of loading/unloading spaces, and all deviations shown on plans, and design review for resort hotel and casino and accessory and incidental buildings and structures	Approved by BCC	December 2008
WS-0934-08	Waiver to allow modified street sections	Approved by PC	November 2008
ZC-0933-08	Zone change to R-2 (P-C) and C-2 (P-C)	Approved by BCC	November 2008

Prior Land Use Requests

Application Number	Request	Action	Date
SC-0835-08	Street name change	Approved by PC	October 2008
MP-0760-08	Major project second update to Coyote Springs Master Planned Community	Approved by BCC	September 2008
TM-0120-08	Residential and common lots	Approved by PC	October 2008
WS-0414-08	Waivers for off-site improvement standards including technical impact analysis, improvement plans, utility improvement plans, and landscaping	Approved by BCC	June 2008
ZC-0278-08	Zone change to R-2 (P-C) and C-2 (P-C), use permit for number of model homes and design review for model homes	Approved by BCC	June 2008
UC-0282-08	Increased building height, recreation center and outside dining in conjunction with a general store, waivers for reduced parking spaces, alternative parking lot landscaping, flags, and reduced throat depth, and design review for commercial development and manmade water features	Approved by BCC	June 2008
TM-0063-08	Residential and commercial lots	Approved by BCC	June 2008

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North, South, East, & West	Major Projects	H-1, R-U, R-2, R-3, & C-2 (P-C)	Undeveloped

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**

Title 30 standards of approval for an extension of time state an application may be denied 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, regulations, or policies affecting the subject property. Additionally, the applicant must demonstrate the project is progressing through the applicable development permit or licensing process.

Due to litigation with the State and an active Development Agreement, staff can support this request for an extension on time.

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 December 17, 2032 to complete.
- Applicant is advised 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 the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

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: COYOTE SPRINGS NEVADA, LLC

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