

HOTEL/RECREATIONAL FACILITY  
(TITLE 30)

**UPDATE**  
LAS VEGAS BLVD S/SAHARA AVE

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ET-23-400129 (UC-0568-14)-ALL NET LAND DEVELOPMENT, LLC:**

**HOLDOVER USE PERMITS FOURTH EXTENSION OF TIME** to commence the following: **1)** a High Impact Project; **2)** a recreational facility (a multi-function events arena) and incidental uses; **3)** increased building height; **4)** retail sales and service; **5)** restaurants; **6)** on-premises consumption of alcohol; **7)** alcohol sales, beer & wine - packaged only; **8)** alcohol sales, liquor - packaged only; **9)** outdoor live entertainment; **10)** personal services (salon and spa); **11)** club; **12)** nightclub; **13)** food carts/booths; **14)** grocery store; **15)** kiosks/information (outdoor); **16)** offices; **17)** theater (Cineplex); **18)** outside dining, drinking, and cooking; **19)** farmer's markets; **20)** arcade; and **21)** motion picture production/studio.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduced setback to a parking structure from a residential use; **2)** waive the required landscaping when adjacent to a less intensive use; **3)** permit a variety of outdoor commercial/retail uses not within a permanent enclosed building; and **4)** non-standard improvements (fences/walls, planters, and landscaping) within the future right-of-way (Las Vegas Boulevard South).

**DESIGN REVIEWS** for the following: **1)** a recreational facility (multi-function events arena) with ancillary uses and structures and overall site design; **2)** hotel; **3)** retail establishments; **4)** theater (Cineplex); and **5)** parking structures on 27.0 acres in an H-1 (Limited Resort and Apartment) Zone.

Generally located between Las Vegas Boulevard South and Paradise Road, 900 feet south of Sahara Avenue within Winchester. TS/tpd/syp (For possible action)

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**RELATED INFORMATION:**

**APN:**

162-09-602-001; 162-09-602-005

**USE PERMITS:**

1. Allow a High Impact Project.
2. Allow a recreational facility (a multi-function events arena) and incidental uses.
3.
  - a. Increase building height (hotel) to 512 feet where 100 feet is permitted (a 412 increase).
  - b. Increase building height (arena) to 160 feet where 100 feet is permitted (a 60% increase).
4. Allow retail sales and service.
5. Allow restaurants.
6. Allow on-premises consumption of alcohol.

7. Allow alcohol sales, beer & wine - packaged only.
8. Allow alcohol sales, liquor - packaged only.
9. Allow outdoor live entertainment.
10. Allow personal services (salon and spa).
11. Allow a club.
12. Allow a nightclub.
13. Allow food carts/booths.
14. Allow a grocery store.
15. Allow kiosks/information (outdoor).
16. Allow offices.
17. Allow a theater (Cineplex).
18. Allow outside dining, drinking, and cooking.
19. Allow farmer's markets.
20. Allow an arcade.
21. Allow motion picture production/studio.

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce the side setback from a residential use (Turnberry Place Condominiums) for a parking structure to zero feet where 10 feet is required (a 100% reduction).
2. Waive required landscaping adjacent to a less intensive use (Turnberry Place Condominiums) per Figure 30.64-11.
3. Permit a variety of outdoor commercial/retail uses not within a permanent enclosed building when required to be within a permanent enclosed building.
4. Allow non-standard improvements (fences/walls, planters, and landscaping) within the future right-of-way (Las Vegas Boulevard South) where not permitted.

**LAND USE PLAN:**

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

**Project Description**

General Summary

- Site Acreage: 27
- Project Type: Events arena, hotel, retail establishments including food and beverage, theater (Cineplex), and grocery store
- Number of Stories: 44 (hotel)/4 (arena)/4 (parking structures)
- Building Height (feet): 160 (arena)/512 (hotel)/77 (theater/Cineplex)/up to 77 (retail that is proposed over multiple levels)/65 (north parking garage)/46 (south parking garage)
- Square Feet: 862,500 with up to 22,000 seats (event arena)/500 room hotel/300,000 (retail, food, beverage, and entertainment)
- Parking Required/Provided: 8,759/8,999

History & Request

This request is for a fourth extension of time to commence UC-0568-14 for the All Net Arena project. The project as originally approved (UC-0568-14) consists of the following:

1. Hotel with 500 suites. The hotel tower will be 44 stories with an overall height of 512 feet. The hotel tower has been submitted to the Federal Aviation Administration. The hotel will also contain accessory uses such as a restaurant with a private lounge, wedding chapel and reception area, a specialty clothing and jewelry boutique, along with a full service spa;
2. Victory Plaza, a 300,000 square foot retail, food, beverage, and entertainment pedestrian streetscape, will funnel visitors from Las Vegas Boulevard South into the overall site. The plaza will include lush landscaping, food and retail establishments with outdoor seating, and staging and consists of retail uses within several levels within the overall development. The 300,000 square feet consists of uses within enclosed buildings. There will also be outdoor uses and activities, such as outside dining, within the pedestrian streetscape but no functional square footage areas were included with this request. Victory Plaza is designed to transform to different themes in accordance with events, activities, holidays, and celebrations;
3. 16 screen Cineplex with movie theater;
4. Event arena (All Net Arena). The arena's interior will consist of 4 levels for a total of 862,500 square feet with a retractable roof. The overall height of the arena is 160 feet. The seating accommodations will include 22,000 for basketball, 21,600 for hockey, and 22,000 for concerts and conventions. Also included is a restaurant and night club. The facility will also include home and visiting locker rooms, a practice court, media facilities, training facilities, training offices, fitting rooms, official locker rooms and dining facility, event staging area, pre/post game area, coach and administrative offices, and laundry and dry-cleaning facility. The arena is designed to accommodate the National Basketball Association professional teams and events;
5. Two lower basement levels that contain support spaces, receiving docks, and parking (employees and valet). Level B-1 is the event floor level for the arena. The project also contains 2 parking structures which serve the property with access off Las Vegas Boulevard South and Paradise Road.

Modifications to the project including an additional tower and convention center, were approved by UC-0519-17, which an extension of time is also being requested for and is a companion item on this agenda. The contents within this section of the report describe the project as originally approved per UC-0568-14.

### Site Plans

The approved plans depict a multi-use facility that is anchored by an events arena, non-gaming hotel, and 300,000 square foot retail and restaurant plaza. The 300,000 square feet consists of uses within enclosed buildings. There will also be outdoor uses and activities, such as outside dining, within the pedestrian streetscape but no functional square footage areas were included with this request. The area along Las Vegas Boulevard South consists of landscaping and other improvements within the Las Vegas Boulevard South right-of-way with a 30 foot wide pedestrian realm immediately east of the right-of-way. Integrated into the pedestrian realm is an elevated pedestrian walkway that funnels pedestrians into the shopping plaza and eliminates conflicts between pedestrian and vehicular movements entering the site. In the northwest corner of the site, directly adjacent to the pedestrian realm, is 1 of the 2 proposed parking structures. Centrally located within the site are the 300,000 square foot retail and restaurant plaza and hotel.

In the northeast portion of the site is the events arena while the southeast portion of the site contains the second parking structure. The arena is set back 158 feet from Paradise Road. Along Paradise Road is a pedestrian realm that is up to 49 feet in width. The plans depict 1 primary ingress and egress point along Las Vegas Boulevard South with a secondary access point for the parking structure in the northwest portion of the site. There is 1 primary ingress and egress point along Paradise Road with 3 secondary access points to the parking garage in the southeast portion of the site. The primary entrance along Paradise Road lines up with an existing traffic signal on Karen Avenue and Paradise Road. The 3 secondary access points provide for bus/shuttle drop-off and pick-up queuing and service area ramp access.

### Pedestrian Circulation Plan & Landscaping

The pedestrian circulation plan depicts clear, continuous, and unobstructed pedestrian use areas with pedestrian connections throughout the entire site. The connections include, but are not limited to, sidewalks, walkways, stairways, and an elevated pedestrian walkway. Clear and unobstructed connections are also depicted between the site and Las Vegas Boulevard South and Paradise Road. Along Las Vegas Boulevard South is a minimum 30 foot wide pedestrian realm with a minimum 20 foot sidewalk/walkway that is unobstructed. The remaining pedestrian realm consists of enhanced landscaping and amenity zone with corresponding pedestrian furnishings. The western edge of the pedestrian realm, portions of which are within the future right-of-way, include pedestrian containment barriers/fence to preclude pedestrians from accessing the public right-of-way from the pedestrian area and potentially conflict with vehicular movements. The functional area that is generally considered the pedestrian realm is wider than 30 feet since portions extend into the future right-of-way of Las Vegas Boulevard South. Cross sections on file provide further detail on the pedestrian areas and connections. In some areas along Las Vegas Boulevard South, there is an 11 foot wide planting area along and within the future right-of-way followed by a 20 foot wide public sidewalk which is then followed by a 16 foot wide planting strip. Detail on the elevated pedestrian walkway depicts a 20 foot wide public sidewalk with 17 foot wide private sidewalk for a total combined pedestrian walkway width of 37 feet.

Along Paradise Road, the pedestrian realm varies in width from 25 feet to up to 49 feet. The unobstructed sidewalk is predominantly 20 feet in width but does narrow to 15 feet at the narrowest point. Portions of the pedestrian area, including pedestrian walkways and connections, between the Paradise Road right-of-way and the arena reach up to a width of 115 feet.

The top of the south parking structure, which is at the south property line, is depicted as a green roof. The green roof consists of shrubs and groundcover that includes ornamental grasses. The green roof is only for a portion of the roof where the Cineplex theater is off-set or staggered from the south wall of the parking structure.

One of the waivers is to not provide required landscaping between the south parking structure and south property line, per Figure 30.64-11, adjacent to an existing 8 foot to 10 foot high wall enclosing the less intensive residential condominium use (Turnberry Place).

### Use Permits

This project is a High Impact Project that was considered through a special use permit in the H-1 zone. Additionally, 2 of the structures within this project exceed the permitted 100 foot height

for buildings. Increased height, above 100 feet, was approved with a special use permit. The hotel is proposed at 512 feet while the arena is proposed at 160 feet in height. Since a shopping center is not a specific land use under Table 30.44-1, of the specific land uses within the area that will contain the 300,000 square foot retail and restaurant plaza. The 300,000 square feet consists of uses within enclosed buildings. There will also be outdoor uses and activities, such as outside dining, within the pedestrian streetscape but no functional square footage areas were included with this request.

The following outlines the uses anticipated for retail and restaurant plaza:

- Restaurants and bars (alcohol sales)
- Retail stores
- Grocery store
- Outdoor dining
- Arcade
- Outdoor live entertainment (positioned 500 feet from adjacent residential)
- Outdoor ice skating rink
- Night clubs
- Office
- Farmers market
- Movie production
- Food carts
- Kiosks

#### Waivers of Development Standards

Waiver of development standards #1 was to eliminate the required setback to the parking structure on the southeast portion of the site, adjacent to a residential use. The required setback is 10 feet, and the plans depict a zero foot setback.

Waiver of development standards #2 was to eliminate required landscaping along the southeast portion of the site adjacent to the residential use (Turnberry Place). The majority of the area is where the parking structure has a zero foot setback.

Waiver of development standards #3 was to conduct outdoor commercial/retail uses not within an enclosed building. Within the Victory Plaza area, there will be outdoor uses and activities, such as outside dining, within the pedestrian streetscape.

Waiver of development standards #4 was for a portion of the proposed landscaping and structures such as fences, benches, trash receptacles, and pedestrian barriers that are within a portion of the future right-of-way of Las Vegas Boulevard South.

#### Elevations

The approved plans for the arena depict a 160 foot high structure with a modern design consisting of aluminum and glass wall systems with solar screens. Throughout the various elevations, the arena will contain LED panels and lighting effect systems throughout. LED panels consist of light emitting diodes that function off the principle of electroluminescence and

will primarily function as signage. However, signage is not a part of this application and will be reviewed with a subsequent land use application. The roof, which is retractable, will also consist of a metal roof system.

The 512 foot high hotel has multiple surface planes with varying roof heights and consists primarily of aluminum and glass curtain wall system with solar panels.

The parking structure with theater (Cineplex) in the southeast portion of the site is an integrated structure with varying heights and materials. The parking structure, which is closest to Paradise Road and the south property line, is a maximum of 46 feet in height and will be enhanced with a decorative architectural perforated metal screen system. A picture representation of an existing building with the proposed metal screen system is depicted on the plans on file. The theater (Cineplex) portion of the overall building, which is off-set or staggered from the southern edge of the parking structure, is depicted at a maximum height of 77 feet. The plans depict metal panel systems with LED feature lighting, as well as aluminum and glass curtain wall systems with a stone panel element.

The parking structure on the northwest portion of the site, closest to Las Vegas Boulevard South, will consist of the same materials as the southern parking structure. However, the height for the northern parking structure will be 65 feet.

The retail and restaurant buildings are proposed over multiple levels that range up to 77 feet in height. The buildings consist of the following materials: 1) stone panels; 2) mullion less glass walls; 3) metal panels; and 4) solar shade systems with LED lighting.

All buildings, with the exception of the southern parking structure, comply with all applicable setbacks for the base zoning district, special setbacks along Las Vegas Boulevard South, and any applicable setbacks from arterial streets.

#### Signage

Signage is not a part of this request.

#### Previous Conditions of Approval

Listed below are the approved conditions for ET-22-400110 (UC-0568-14):

#### Current Planning

- Until September 6, 2023 to commence with any extension of time as a public hearing.
- Applicant is advised that the County may take action to pursuant to the Performance Agreement if the project has not commenced by the extended date; 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; 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 ET-20-400095 (UC-0568-14):

#### Current Planning

- 6 months to execute Performance Agreement with bond and Development Agreement or application will expire;
- Until September 6, 2022 to commence with any extension of time as a public hearing;
- 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 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 UC-0568-14 (ET-0087-17):

#### Current Planning

- Until September 6,2020 to commence, to run concurrent with UC-0519-17;
- Until September 6,2020 to review as a public hearing, to run concurrent with UC-0519-17;
- Submit a security 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 or abandoned;
- As part of the Development Agreement or as a separate agreement, applicant to submit a Decommissioning Plan acceptable to the County which specifies the actions to be taken by the Developer in the event construction of the project is stopped or abandoned with said plan to be submitted and approved prior to building permits for the stadium;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that an adopted Development Agreement is required prior to permits other than the permits allowed per original conditions; and a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; 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 UC-0568-14:

#### Current Planning

- 3 years to commence and review;
- Per revised plans presented at the 08/06/14 Board of County Commissioners' meeting;
- Landscape buffer between the southern parking garage and south property line per revised plans presented at the 08/06/14 Board of County Commissioners' meeting;
- Landscaping and pedestrian realms per plans on file;
- Lighting for signs to be addressed with a subsequent land use application including nits;
- Design review for lighting to address nits and shielding;
- Design review as a public hearing on final plans for the outdoor live entertainment area and to address uses, with associated details such as, but not limited to, address location of stages, any amplified sound, plaza cover, lighting, and involve neighbors such as but not limited to Turnberry Place and Towers, Skye, Allure, and Las Vegas Country Club for design and issues;
- Hours of operation for outdoor uses and live entertainment shall be up to 10:00 p.m. on weekdays and up to 12:00 a.m. on weekends;
- Provide notification to neighbors for all events;
- 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;
- As part of the Development Agreement, applicant to submit a Decommissioning Plan acceptable to the County which specifies the actions to be taken by the Developer in the event construction of the project is stopped or abandoned for 90 days or longer;
- Construct pedestrian bridge(s) (pedestrian grade separation) across Las Vegas Boulevard South and Paradise Road (east/west bridge easements) and identify easement areas on the plans;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised to coordinate with other entities and or agencies; 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; and that any change in circumstances or regulations may be justification for the denial of an extension of time.

#### Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance as a public hearing;
- Traffic study to include pedestrian analysis and flows and address turns on Paradise Road;
- Traffic study to also address: a) determine the required width of all public access walkway segments so that a minimum Level of Service "C" is achieved under peak pedestrian volumes, b) turnover analysis for the porte-cochere, c) identification and implementation of Traffic Demand Management (TDM) measures with a follow-up study



and presentation to the Board of County Commissioners (BCC) within 1 year of opening to the public;

- Traffic study to also include impact mitigation plan to also be reviewed by the Freeway and Arterial System of Transportation (FAST);
- Right-of-way dedication to Clark County to accommodate any physical improvements identified in the traffic study needed to accommodate vehicular and pedestrian volumes generated by the project;
- Full off-site improvements;
- Reconstruct any unused driveways with full off-sites;
- Developer to contribute financially to the possible future pedestrian grade separated bridge at Las Vegas Boulevard South and Sahara Avenue, percent of participation to be addressed in the traffic study and development agreement;
- Traffic study to analyze tile need for east/west pedestrian bridge(s) (pedestrian grade separation) across Las Vegas Boulevard South and Paradise Road and identify easement areas on the plans;
- Dedicate and construct bus turnouts and shelter areas as required by the Regional Transportation Commission;
- No buildings within the future right-of-way;
- No advertising within the right-of-way;
- Record a public pedestrian access easement;
- Maintain the required width of all public access walkway segments so that a minimum Level of Service "C" is achieved under peak pedestrian volumes;
- Applicant to execute and sign a License and Maintenance Agreement for any non-standard improvements within the right-of-way;
- Owner acknowledges that the proposed non-standard improvements are within a portion of the area planned for a "200 foot planned right-of-way" per Title 30 and the Clark County Transportation Element adopted on May 16, 2006;
- Future applications, whether individually or cumulatively (including this application), that are demonstrated to have a sufficient traffic impact upon Las Vegas Boulevard South may require the owner or its successors to grant easements or dedicate its proportionate share of all or portion(s) of the planned right-of-way on Las Vegas Boulevard South adjacent to its property according to the requirements of the Clark County Transportation Element and Title 30;
- Owners or its successors shall remove any non-standard improvements related to this application or any future application(s) within the planned right-of-way at its own expense, in the event dedication of the planned right-of-way is required.

#### 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; 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.

#### Building/Fire Prevention

- Applicant is advised that fire/emergency access must comply with the Fire Code as amended; permits and fire protection may be required for this facility; and to please contact Fire Prevention for further information at (702) 455-7316.

#### Clark County Water Reclamation District (CCWRD)

- Applicant is advised that there is an existing public 21 inch sanitary sewer line within an existing public sanitary sewer easement on the property, there is currently insufficient capacity in the 21 inch public sanitary sewers adjacent to the applicant's site; the drawings provided by the applicant proposed structures and intense landscaping over or in the near vicinity of the sewer line and within the easement; the public sewer easement does not allow encumbrances within its boundaries; CCWRD must have 24 hour access to maintain public sewer lines; the applicant is required to meet with CCWRD to resolve sanitary sewer easement and access issues and capacity issues; construction of an off-site sewer may be required as part of the applicant's project to reach a point of adequate capacity in the CCWRD collection system; and that at the time of construction of new improvements, CCWRD requires submittal of civil improvement plans and estimated wastewater flow rates to verify sewer point of connection and check for any changed conditions.

#### Applicant's Justification

The applicant states they have been working with various county departments for the last 9 months to commence the project by September 6, 2023, as outlined in the previous extension of time ET-22-400110 (UC-0568-14). Through this process a grading permit and a fence permit have been submitted to the Building Department. The applicant has received comments on both submittals and are hopeful that the permits will be issued soon. However, this request is to ensure that enough time is provided for the project to commence.

### Prior Land Use Requests

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ET-22-400110 (UC-0568-14)	Third extension of time for a High Impact Project	Approved by BCC	November 2022
ET-22-400109 (UC-0519-17)	Second extension of time for modifications to a High Impact Project (All Net Arena) and convention facilities/exposition halls	Approved by BCC	November 2022
AG-21-900180	Performance Agreement for All Net Arena	Accepted by BCC	April 2021
ORD-21-900147	Development Agreement for All Net Arena	Adopted by BCC	April 2021
UC-20-0546	The Loop (monorail), including a future station at the subject site	Approved by BCC	October 2021
ET-20-400095 (UC-0568-14)	Second extension of time for a High Impact Project (All Net Arena), hotel, recreational facility, retail sales and service, restaurants, outdoor live entertainment, outside dining, and motion picture production/studio	Approved by BCC	October 2020
ET-20-400096 (UC-0519-17)	First extension of time for modifications to a High Impact Project (All Net Arena) and convention facilities/exposition halls	Approved by BCC	October 2020
AG-19-900355	Discussion to receive a report on the status of the project	Approved by BCC	June 2019
AG-19-900277	Discussion regarding the condition of the site	Approved by BCC	May 2019
UC-0519-17	Modified a High Impact Project (All Net Arena) and proposed convention facilities/exposition halls	Approved by BCC	October 2017
UC-0568-14 (ET-0087-17)	First extension of time for a High Impact Project (All Net Arena), hotel, recreational facility, retail sales and service, restaurants, outdoor live entertainment, outside dining, and motion picture production/studio	Approved by BCC	September 2017
UC-0568-14 (WC-0127-14)	Waived conditions of a use permit requiring a Development Agreement to mitigate impacts of the project on 27 acres in an H-1 zone	Approved by BCC	December 2014
UC-0775-14	Recreational facility with accessory food, beverage, and retail sales, live entertainment and on-premises consumption of alcohol for the start and finish line of a 5k race - expired	Approved by BCC	October 2014

### Prior Land Use Requests

Application Number	Request	Action	Date
UC-0568-14	High Impact Project (All Net Arena), a hotel, recreational facility for increased building height, on-premises consumption of alcohol, outdoor live entertainment, farmer's markets, arcade and motion picture production studio	Approved by BCC	August 2014
AG-0441-11	Clarification of conditions of UC-0690-07 relating to temporary construction storage	Withdrawn	May 2011
VC-776-89 (RC-0061-11)	Revocation of variances for a freight staging area originally approved through VC-776-89	Withdrawn by BCC	December 2011
UC-0247-10	High Impact Project (sports arena)	Withdrawn by BCC	August 2010
RS-0012-10	Record of Survey for the property	Approved by ZA	March 2010
UC-0690-07	Temporary construction storage in conjunction with Fontainebleau Resort Hotel - expired	Approved by PC	July 2007
UC-0405-07	Temporary batch plant in conjunction with Fontainebleau Resort Hotel - expired	Approved by PC	June 2007
UC-1927-03	An expansion to a previously approved resort hotel (Palace of the Sea) - expired	Approved by PC	January 2004
UC-1699-02	A resort hotel (Voyager Resort) - expired	Approved by BCC	February 2003
VC-776-89	Variance to allow a temporary staging facility in the southeast corner of the Wet 'n' Wild parking lot	Approved by BCC	January 1990

### Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Entertainment Mixed-Use	H-1	Sahara Hotel
South	Entertainment Mixed-Use	H-1	Residential condominiums (Turnberry Tower) & developing resort hotel (Fontainebleau)
East	Entertainment Mixed-Use	H-1	Residential condominiums (Turnberry Towers) & Westgate Resort Hotel
West	Entertainment Mixed-Use	H-1	Hotel timeshare (Hilton Grand Vacations) & Rocking Rio

### Related Applications

Application Number	Request
ET-23-400128 (UC-0519-17)	A third extension of time for modifications to a High Impact Project (All Net Arena) and convention facilities/exposition halls 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.

This project was approved 9 years ago with very little progress towards commencement being made. There have been applications submitted to the Department of Public Works and the Building Department, an off-sites permit has been submitted, a drainage study has been approved, and an early grading permit is ready for issuance. The applicant has asked for 90 more days to get the early grading permit issued. However, given the extensive history of the project and previous grading of the site, staff has determined a second early grading permit for the perimeter of the site would not be considered as commencement, as the action should be towards the ultimate construction of the site. Additionally, commencement not only includes commencing construction but also progressing diligently to completion of the project. Since the filing of the requested extension of time a grading permit for the entire grading has been submitted for review; however, no architectural plans have been provided. For all these reasons, staff cannot support the 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**

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 Master Plan, Title 30, and/or the Nevada Revised Statutes.

## **PRELIMINARY STAFF CONDITIONS:**

#### **Comprehensive Planning**

If approved:

- Until September 6, 2024 to commence with any extension of time as a public hearing.
- Applicant is advised that the County may take action to pursuant to the Performance Agreement if the project has not commenced by the extended date; 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; 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.

**Clark County Water Reclamation District (CCWRD)**

- No comment.

**TAB/CAC:**

**APPROVALS: 22 cards**

**PROTEST: 33 cards, 2 letters**

**COUNTY COMMISSION ACTION:** November 8, 2023 – HELD – To 11/21/23 – per the applicant.

**APPLICANT:** ALL NET LAND DEVELOPMENT, LLC

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