

RESORT HOTEL
(TITLE 30)

UPDATE
DESERT INN RD/PARADISE RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-22-0564-MRC 1 FUNDING CORPORATION:

USE PERMITS for the following: **1)** expand the Gaming Enterprise District; **2)** high impact project; **3)** resort hotel; **4)** resort condominiums; **5)** public areas including all casino areas, showrooms, live entertainment, shopping center, indoor and outdoor dining, offices, meeting/convention space, back-of-house areas, and parking structures; **6)** associated accessory and incidental commercial uses, buildings, and structures; **7)** kitchens within guest rooms; and **8)** deviations as depicted per plans on file.

DEVIATIONS for the following: **1)** increased building height; **2)** reduce height/setback ratio; **3)** encroachment into airspace; and **4)** all other deviations as shown per plans on file.

DESIGN REVIEWS for the following: **1)** a resort hotel with a high rise tower and kitchens in rooms; and **2)** all other accessory and incidental buildings and structures on 14.5 acres in an H-1 (Limited Resort and Apartment) Zone.

Generally located on the northwest corner of Desert Inn Road and Paradise Road within Winchester. TS/gc/syp (For possible action)

RELATED INFORMATION:

APN:

162-09-806-001; 162-09-806-005 through 162-09-806-008; 162-09-806-011

DEVIATIONS:

1. Increase building height to 593 feet where a maximum of 100 feet is permitted per Table 30.40-7 (a 493% increase).
2. Reduce height/setback ratio from arterial streets (Desert Inn Road and Paradise Road) to 20 feet where 196 feet is required per Figure 30.56-4 (an 89.8% reduction).
3. Permit encroachment into airspace.
4. Permit all other deviations as shown per plans on file.

LAND USE PLAN:

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

BACKGROUND:

Project Description

General Summary

- **Site Address:** 3175, 3225, & 3275 Paradise Road and 325 & 365 Convention Center Drive

- **Site Acreage:** 14.5
- **Number of Rooms:** 3,250 (resort hotel)/250 (resort condominiums)
- **Project Type:** Resort hotel
- **Number of Stories:** 38
- **Building Height (feet):** 593
- **Square Feet:** 4,283,012 (not including parking levels)
- **Parking Required/Provided:** 3,965/3,967

History

A similar project was approved on this site in December 2007 (UC-1223-07) and has been approved for multiple extensions of time. Due to the number of extensions of time, the applicant was directed to apply for a new use permit. Although the proposed project is similar, the project has been reduced in height from what was previously approved, due to changes in the flight pattern since 2007, in order to gain a “determination of no hazard to air navigation” from the FAA.

Gaming Enterprise District Expansion

A place of worship (Guardian Angel Cathedral) located to the west prevents the expansion of the Gaming Enterprise District over the entire site. In order to meet the 1,500 foot separation from the place of worship, the boundary line for the expansion runs in a parallel line approximately 278 feet to the east of Debbie Reynolds Drive on the north side of the site and 263 feet from the right-of-way line on the south side of the site. All the project areas to the west of this line should be outside the Gaming Enterprise District, and per the plans, are occupied by the convention center and central plant. None of the required elements for the resort hotel are located within this area of the site.

Site Plans

The plans show a resort hotel (Marriott Resort Hotel) with 3,250 hotel rooms and 250 resort condominiums on a 14.5 acre site. The building is set back approximately 20 feet from the property lines along the perimeter streets and is designed as a “T” shaped high rise tower that sits on a podium base where the casino, theater, pool deck, and other amenities are located. The convention center and meeting rooms are located on the northwest portion of the site, and the central plant is located on the southwest portion of the site approximately 10 feet to 22 feet from the Metropolis Condominium property. Access to the site is from Desert Inn Road, Debbie Reynolds Drive, and Convention Center Drive leading to a porte-cochere at the center of the site. Bus turnouts are located along Paradise Road and Desert Inn Road. A total of 3,967 parking spaces are provided, where 3,965 parking spaces are required, and are located on the ground level and within 4 subterranean levels.

Landscaping

The pedestrian realm along the perimeter streets is 20 feet wide and consists of a 5 foot wide landscape area, a 10 foot wide walkway, and another 5 foot wide landscape area. The pedestrian realm narrows to 15 feet at the bus turnouts but still maintains the minimum 10 foot wide walkway. Benches and trash receptacles are provided along the pedestrian realm. An enhanced

landscape buffer is provided along the shared property line between the site and the Metropolis Condominium property.

Elevations

The plans depict a 38 story (not including the 4 subterranean parking levels), 593 foot high resort hotel building. The podium base is 96 feet high and the convention center portion of the building is 188 feet high. Building material for the resort hotel consist of glazed aluminum curtain and window walls, EIFS, aluminum composite panels, pre-cast concrete panels, metal louvers, and storefront window systems.

Floor Plans

The plans show 3,250 hotel rooms, 250 resort condominiums, 882,750 square feet of convention space, and 999,050 square feet of podium space including but not limited to 75,000 square feet of casino area, 63,000 square feet of casino/hotel lobby/circulation area, 182,950 square feet of retail/dining/entertainment space, a 55,400 square foot theater, and 151,000 square feet of pool/spa/salon area. The central plant is 50,400 square feet. A typical hotel room is approximately 500 square feet.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states that the proposed project will not unduly impact public services, consumption of natural resources, and the quality of life enjoyed by the surrounding neighborhood. Furthermore, the applicant states that the project is compatible with what has been approved and constructed in the area and the project will continue to support the redevelopment that has been going on in the area.

Prior Land Use Requests

Application Number	Request	Action	Date
AR-21-400171 (WS-0237-08)	Sixth application for review for outdoor temporary events subject to removing the time limit	Approved by BCC	December 2021
AR-20-400124 (UC-0899-14)	Fourth application for review for temporary outdoor events without a licensed business on-site subject to removing the time limit	Approved by BCC	December 2020
AR-20-400044 (UC-0899-14)	Third application for review for temporary outdoor events without a licensed business on-site	Approved by BCC	July 2020
AR-18-400265 (WS-0237-08)	Fifth application for review for an outdoor tent for a temporary event	Approved by BCC	February 2019
ET-18-400267 (UC-1223-07)	Fifth extension of time for the resort hotel with resort condominiums - until December 19, 2021 to commence	Approved by BCC	February 2019
AR-18-400234 (UC-0899-14)	Second application for review for temporary outdoor commercial events without a licensed business on-site	Approved by BCC	December 2018

Prior Land Use Requests

Application Number	Request	Action	Date
WS-0237-08 (AR-0171-16)	Fourth application for review for an outdoor tent for a temporary event	Approved by BCC	January 2017
UC-1223-07 (ET-0170-16)	Fourth extension of time for the resort hotel with resort condominiums	Approved by BCC	January 2017
UC-0899-14 (AR-0003-16)	First application for review for temporary outdoor events without a licensed business on-site (during conventions)	Approved by BCC	March 2016
UC-0899-14	Allowed temporary outdoor events without a licensed business on-site (during conventions)	Approved by BCC	February 2015
WS-0237-08 (ET-0126-13)	Third application for review for an outdoor tent for a temporary event (2 extensions of time to commence were approved prior to this review)	Approved by BCC	February 2014
UC-1223-07 (ET-0127-13)	Third extension of time for the resort hotel with resort condominiums	Approved by BCC	February 2014
WS-0237-08 (ET-0046-11)	Second extension of time to commence an outdoor tent for a temporary event	Approved by BCC	June 2011
UC-1223-07 (ET-0045-11)	Second extension of time for the resort hotel with resort condominiums	Approved by BCC	June 2011
UC-1223-07 (ET-0321-09)	First extension of time for the resort hotel with resort condominiums	Approved by BCC	January 2010
WS-0237-08 (ET-0322-09)	First extension of time to commence an outdoor tent for a temporary event	Approved by BCC	January 2010
WS-0237-08	Allowed an outdoor tent for a temporary event	Approved by BCC	April 2008
UC-1223-07	Expanded the Gaming Enterprise District, a resort hotel consisting of 3,250 hotel rooms, and 250 resort condominiums	Approved by BCC	December 2007
UC-0786-06	Allowed a 39 story, 300 hotel room, 300 resort condominium resort hotel (The Beach) on the northeast corner of the subject site	Approved by BCC	August 2006

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Public Use & Entertainment Mixed-Use	P-F & H-1	Las Vegas Convention Center (West Hall) & Piero's Italian Restaurant
South	Entertainment Mixed-Use	H-1	Wynn Resort Hotel Golf Course
East	Public Use	P-F	Las Vegas Convention Center
West	Entertainment Mixed-Use	H-1	Metropolis Condominiums & approved hotel (Majestic)

Related Applications

Application Number	Request
ET-21-400170 (UC-1223-07)	A sixth extension of time to expand the Gaming Enterprise District for a high impact project, resort hotel consisting of 3,250 hotel rooms and 250 resort condominiums is a related item on this agenda.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis

Current Planning

Use Permits

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 Master Plan. One of several criteria the applicant must establish is that 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.

Staff finds the expansion of the Gaming Enterprise District meets all Title 30 separation requirements and is appropriate and compatible since the area is master planned for Entertainment Mixed-Use. The proposed resort hotel, in addition to the various accessory and incidental uses, is defined as a High Impact Project (HIP) as it includes more than 1,200 guest rooms and will generate 8,000 or greater average daily trips, as defined by the Institute of Transportation Engineers. The purpose of the Limited Resort and Apartment District (H-1) is to provide for the development of gaming enterprises, compatible commercial, and mixed commercial and residential uses, and to prohibit the development of incompatible uses that are detrimental to gaming enterprises. Policy 5.1.3 of the Master Plan emphasizes tourism, conventions, trade shows, and gaming as one of the region's economic pillars. Staff finds the request for a resort hotel with all associated accessory uses complies with the aforementioned policy and is appropriate based on the site's location in the Resort Corridor, the H-1 zoning designation, and proximity to other similar developments in the area. Therefore, staff can support these requests.

Deviations

Policy 6.2.1 of the Master Plan aims to ensure the design and intensity of new developments are compatible with the surrounding area and uses in terms of height, scale, and the overall mix of uses. The requested height increase is similar to, and consistent with, other resort hotel and hotel requests that have been approved within the immediate area. Varying building height, breaking-up the mass of the building, and shifting building placement can provide appropriate transitions between differing building scales and intensities. Although the height setback ratio reduction along Desert Inn Road and Paradise Road is significant, the encroachment into the setback begins at a height of 104 feet and 132 feet, respectively. Staff finds the encroachment into the setback should not negatively impact the surrounding land uses and adjacent properties. Therefore, staff recommends approval of these requests.

Design Reviews

The proposed design of the resort hotel and accessory uses consist of a contemporary design that is aesthetically pleasing and architecturally diverse, which is appropriate for the surrounding area. The street landscape area along the perimeter streets, which consists of detached sidewalks, complies with the Master Plan which encourages detached sidewalks and shade to provide a safe and comfortable environment for pedestrians. Staff finds the proposed resort hotel is appropriate for the area, is compatible with the surrounding land uses, and complies with multiple goals and policies from the Master Plan; therefore, recommends approval.

This application does not include approvals for a pedestrian bridge, but it is understood that a future request for pedestrian bridges will be submitted after an airspace agreement is separately approved with the County. One of these bridges will be located on the northeast corner of the site crossing over Convention Center Drive along with another bridge crossing Paradise Road. An additional bridge will be located on the southeast corner of the site crossing over Paradise Road. An area should be reserved as a landing area for the future pedestrian bridge, including an area where pedestrians will gather before accessing the bridge. Staff is requiring as a condition of approval that a 50 foot setback from the property line be reserved on the northeast corner of the site to facilitate this area.

Department of Aviation

The development will penetrate the 100:1 notification airspace surface for Harry Reid International Airport. Therefore, as required by 14 CFR Part 77, and Section 30.48.120 of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

More importantly, the development will penetrate the Part 77 airspace surface (Airport Airspace Overlay District), as defined by Section 30.48.100 of the Clark County Unified Development Code. Therefore, as required by Section 30.16.210(12)(D) of the Clark County Unified Development Code, final action cannot occur until the FAA has issued an airspace Determination of No Hazard and the Department of Aviation has reviewed the determination. (Note that Section 30.16.210(12)(D) requires that the FAA Determination of No Hazard shall be submitted 2 weeks prior to final approval for any proposed structure that intrudes into Airport Airspace Overlay District [see Chapter 30.48 Part B].)

The FAA has issued several different aeronautical study numbers (ASN) for this project, 2022-AWP-1041(through 1046)-OE and 2022-AWP-14471(and 14472)-OE, which state, "any height exceeding (the height of the specified point) above ground level, will result in a substantial adverse effect and would warrant a Determination of Hazard to Air Navigation." Heights referenced in the ASN's are for the building heights, as specified in the land use plans, and do not include the heights of cranes or other temporary construction equipment.

The property lies just outside the AE-60 (60-65 DNL) noise contour for the Harry Reid International Airport and is subject to continuing aircraft noise and over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade the Harry Reid International Airport facilities to meet future air traffic demand.

Staff Recommendation

Approval. This item has been forwarded to the Board of County Commissioners' meeting for final action.

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.

STAFF CONDITIONS:

Current Planning

- **Applicant is advised that the project will not officially be within the Gaming Enterprise District until a nonrestricted gaming license is issued.**

PLANNING COMMISSION ACTION: December 6, 2022 – APPROVED – Vote: Unanimous Absent: Castello

Current Planning

- Expunge UC-1223-07;
- Prior to the issuance of building permits, mitigate the 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 or commit to mitigating the impacts of the project by entering into a Development Agreement with Clark County;
- Allow the following permits prior to the adoption of the Development Agreement: all grading, including excavation and underground utilities, construction below grade level, and structural first lift with initial foundation work and structures above grade;
- Prior to the issuance of building and grading permits, enter into a Performance Agreement with Clark County which includes a Decommissioning Plan specifying the actions to be taken by the Developer or County in the event construction of the project is stopped or abandoned;
- Bond or other form of financial security, acceptable to Clark County shall be provided with the Performance Agreement as security of the full and complete fulfillment of the decommissioning actions identified in the Decommissioning Plan;
- A 50 foot minimum setback from right-of-way at the intersection of Convention Center Drive and Paradise Road to create an open plaza area at this intersection;
- Determination of No Hazards and a finding of no significant impact on aircraft activity at Harry Reid International Airport for all constructions cranes (as recommended by the FAA in paragraph 7 in Aeronautical Study Numbers: 2022-AWP-1041-OE through 2022-AWP-1046-OE dated 9/7/2022 on page 7);
- Applicant is required to have an approved FAA Form 7460-2 prior to the issuance of building permits;
- Applicant is advised the "Determination of No Hazard to Air Navigation (Correction)" for Aeronautical Study Numbers 2022-AWP-1041-OE through 2022-AWP-1046-OE expires on March 7, 2024 unless:
 - The construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office;

- Extended, revised, or terminated by the issuing office;
- The construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- 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; the installation and use of cooling systems that consumptively use water will be prohibited; the Liquor and Gaming Board does not allow kitchens in conjunction with an unrestricted gaming license; 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; 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.
- Applicant is advised that the development must comply with the Uniform Standards Drawings and Title 30.

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;
- 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 many factors may be considered before the issuance of a permit or variance, including, but not limited to, lighting, glare, graphics, etc.;
- 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;
- Due to the FAA's Determination of Hazard for any heights exceeding the points specified within the ASN's, all cranes and temporary equipment will require separate FAA airspace determinations that provide "Determinations of No Hazard to Air Navigation." A Crane/Temporary Equipment plan that includes the separate FAA airspace determinations must be submitted and approved by the Department of Aviation before any building permits are issued.
- 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; and the FAA's airspace determinations include expiration dates; issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed.

Fire Prevention Bureau

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.
- Applicant is advised requests for suppression resources will be forthcoming from the Fire Chief in addition to the access requirements; that fire/emergency access must comply with the Fire Code as amended; that permits, operational permits, fire protection may be required for this facility; and to contact Fire Prevention for further information at (702) 455-7316.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0125-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Winchester - approval.

APPROVALS: 12 cards

PROTESTS: 10 cards, 1 letter

APPLICANT: MRC 1 FUNDING CORPORATION

CONTACT: JENNIFER LAZOVICH, KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DRIVE, SUITE 650, LAS VEGAS, NV 89135