

06/21/23 BCC AGENDA SHEET

PASSENGER TERMINAL
(TITLE 30)

LAS VEGAS BLVD S/BUE DIAMOND RD

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-23-400049 (UC-20-0049)-DESERTXPRESS ENTERPRISES, LLC:

USE PERMITS SECOND EXTENSION OF TIME for the following: **1)** a passenger terminal (train station); **2)** retail sales; **3)** restaurants; and **4)** outside dining and drinking.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** elimination of freeway buffer; and **2)** encroachment into airspace.

DESIGN REVIEWS for the following: **1)** passenger terminal (train station); and **2)** alternative landscaping in conjunction with a passenger terminal on 110.7 acres in an H-1 (Limited Resort and Apartments) (AE-60 & AE-65) Zone.

Generally located on the west side of Las Vegas Boulevard South and the north side of Blue Diamond Road within Enterprise. MN/tpd/syp (For possible action)

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; 177-08-701-011; 177-08-701-012; 177-08-701-014; 177-08-799-009; 177-08-799-010

LAND USE PLAN:

ENTERPRISE - ENTERTAINMENT MIXED-USE

WAIVERS OF DEVELOPMENT STANDARDS:

1. Waive 6 foot high freeway buffer wall as required per Figure 30.64-4 (a 100% reduction).
2. Permit encroachment into airspace for a passenger terminal (train station) per Section 30.48.160.

DESIGN REVIEWS:

1. Passenger terminal (train station).
2. Alternative site landscaping per plans.

LAND USE PLAN:

ENTERPRISE - COMMERCIAL TOURIST

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 110.7
- Project Type: Transportation service terminal
- Number of Stories: 3 (train station)
- Building Height (feet): 60 (train station)
- Square Feet: 159,198 (train station)
- Parking Provided: 1,150

Site Plan

The original plan submitted shows a 2 story passenger terminal (train station) with a basement, a 7 story parking garage, a train platform area, and improvements to Robindale Road, Eldorado Lane, and Frank Sinatra Drive. A fire lane is depicted on the southern and the eastern edges of the passenger terminal building. The passenger terminal building extends over the length of Frank Sinatra Drive and provides pedestrian access to the train platforms. The parking garage was proposed to connect to the passenger terminal building by way of a 138 foot long covered pedestrian walkway which bisects the curbside arrival and departure area, but was removed prior to approval of the application and replaced by a surface parking lot. Three driveways from Eldorado Lane are shown on the revised plans. The western driveway is an entrance to the site, which splits into 3 drive aisles leading to the terminal. A central driveway is an exit from the terminal. The third, easternmost driveway is for both ingress and egress. A valet parking lot is located between the central and eastern driveways. An additional passenger pick-up/drop-off area is located on the south side of the terminal and a surface parking lot is located on the south side of Robindale Road. There are 4 existing billboards along the western side of the site along I-15. Access to the site will be from Las Vegas Boulevard South from either Robindale Road or Eldorado Lane.

Landscaping

The plan shows perimeter landscaping on the north side of Robindale Road extending north along Las Vegas Boulevard South, the south side of Robindale Road adjacent to the parking lot, and on the south side of Eldorado Lane. Internally, landscaping will be on both sides of the main divided access road from Eldorado Lane and in the median. The median area of the curbside arrival and departure area will be landscaped. A landscape strip extends on the west side of Frank Sinatra Drive between the roadway and the train platform.

Elevations

The conceptual plans show a 60 foot high, 2 story passenger terminal building with an insulated glass exterior with aluminum and metal accents. The passenger terminal building is about 700 feet long and crosses over the entire length of Frank Sinatra Drive and extends over a portion of the train platform.

Floor Plans

The first floor of the passenger terminal building includes a self-ticketing area, departure lobby, baggage claim, retail space, outdoor dining area, restrooms, office areas, and escalators/stairs.

The second floor of the passenger terminal includes retail space, restrooms, passenger waiting areas (lounges), security, and access to the escalators/stairs to the train platform.

Previous Conditions of Approval

Listed below are the approved conditions for ADET-22-900161 (UC-20-0049):

Current Planning

- Until March 04, 2023 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.

Listed below are the approved conditions for UC-20-0049:

Current Planning

- Per revised plans.
- 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 2 years of approval date or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Full off-site improvements;
- Traffic study and compliance;
- 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 and roadway easements to include 80 feet for Robindale Road, 60 feet for the frontage road, 30 feet for Eldorado Lane, and associated spandrels, as determined by Public Works - Map Team;
- 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.
- Applicant is advised that the plans do not contain enough detail to determine compliance with the Uniform Standard Drawings; that additional land use applications may be needed to address the Uniform Standard Drawings; and 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.

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;
- Incorporate exterior to interior noise level reduction into the building construction as required by Code for use.
- 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; 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 owners wish to have their buildings purchased or soundproofed.

Signage

Signage is not a part of this request.

Applicant's Justification

The development of the High Speed Train has various requirements, all needing to be addressed to produce a cohesive project. The train station will begin construction as soon as these moving parts are aligned. Required rights for full entitlements have been acquired and financing is being obtained. The applicant is requesting an extension of time to allow for these development stages to settle.

Prior Land Use Requests

Application Number	Request	Action	Date
ADET-22-900161 (UC-20-0049)	First extension of time for a passenger terminal for a train station	Approved by ZA	March 2022
ET-21-400070 (VS-19-0401)	First extension of time for a vacation of easements and rights-of-way	Approved by PC	June 2021

Prior Land Use Requests

Application Number	Request	Action	Date
UC-20-0049	Passenger terminal for a train station	Approved by BCC	March 2020
TM-19-500108	1 lot commercial subdivision	Approved by PC	July 2019
VS-19-0401	Vacated and abandoned patent easements and rights-of-way including Robindale Road (alignment), Moberly Avenue, a cul-de-sac bulb and attached right-of-way on Ensworth Street (alignment) south of Eldorado Lane	Approved by PC	July 2019
WS-19-0400	Non-standard improvements in the right-of-way	Approved by PC	July 2019
ZC-0620-11 (ET-0034-17)	First extension of time allowed future development, expanded Gaming Enterprise District, allowed a High Impact Project, and other commercial uses, 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
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	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, use permits to allow an expansion of the Gaming Enterprise District (eastern portion), allowed a High Impact Project, with deviations/waivers for reduced on-site parking and encroachment into airspace, 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
UC-0967-98	Off-premises signs	Approved by PC	August 1998

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Entertainment Mixed-Use	H-1	Undeveloped
South	Entertainment Mixed-Use	H-1 & R-E	Undeveloped
East	Entertainment Mixed-Use	H-1	Commercial use
West	Entertainment Mixed-Use	M-D	I-15

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.

Staff believes the applicant has taken steps to commence with the development as previously approved. The applicant has been working with various national and State entities to acquire the rights and land needed for this project to commence. The California Department of Transportation has reached an agreement with the applicant to use part of the Interstate 15 corridor for routes to surrounding cities. The proposed Environmental Assessment for this project has been circulated for public comment and is awaiting approval. An acquisition of additional grant funding is in process with collaboration between the applicant and the Nevada Department of Transportation. It is for these reasons that staff can support the extension of time request.

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 March 4, 2025 to commence.
- Applicant is advised that 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: Enterprise - approval.

APPROVALS:

PROTEST:

APPLICANT: DESERTXPRESS ENTERPRISES, LLC

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