

HOTEL/RECREATIONAL FACILITY
(TITLE 30)

UPDATE
LAS VEGAS BLVD S/SAHARA AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-23-400128 (UC-0519-17)-ALL NET LAND DEVELOPMENT, LLC:

HOLDOVER USE PERMITS THIRD EXTENSION OF TIME to commence the following: **1)** modifications to an approved High Impact Project (All Net Arena); and **2)** convention facilities/exposition halls.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduced on-site parking; and **2)** increased building height.

DESIGN REVIEWS for the following: **1)** modifications to an approved High Impact Project; **2)** hotel tower and associated low-rise and mid-rise buildings and structures; **3)** convention center facilities; and **4)** all other accessory and incidental buildings and 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/nai/syp (For possible action)

RELATED INFORMATION:

APN:

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

USE PERMITS:

1. Modifications to an approved High Impact Project (All Net Arena).
2. Proposed convention facilities/exposition halls.

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce on-site parking for a recreational facility (a multi-function events arena) to 7,513 spaces where 10,733 spaces are required per Table 30.60-1 (a 30% reduction).
2. Increase building height to 728 feet where a maximum height of 100 feet is the standard per Table 30.40-7 (a 628% increase).

LAND USE PLAN:

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Acreage: 27
- Project Type: Events arena, hotel, retail establishments, and convention facilities

- Number of Stories: 63 (proposed)
- Building Height (feet): 728 (proposed)
- Square Feet: 240,000 (conference center)/2,000 (rooms)
- Parking Required/Provided: 10,733/7,513

Request & History

This request is for a third extension of time to commence UC-0519-17 which approved modifications to UC-0568-14 for the All Net Arena project. UC-0568-14 was approved for the following: 1) 160 foot high, 862,500 square foot events arena with up to 23,000 seats; 2) 300,000 square feet of retail, food, beverage, and entertainment areas; 3) 44 story, 312 foot high hotel with 500 rooms; and 4) 77 foot high theater/Cineplex. UC-0519-17 was approved to expand and enlarge the project with the following: 1) 2,000 room, 63 story, 728 foot high hotel tower; 2) 240,000 square foot conference center; 3) 24 lane bowling alley; 4) 2,500 seat showroom; 5) 174,300 square feet of additional retail space; 6) increased theater/Cineplex space; and 7) wedding chapel within the hotel.

Site Plans

The approved plans depict a multi-use facility that is anchored by an events arena, non-gaming hotels, retail and restaurant plaza, and convention center facility. There will also be outdoor uses and activities, such as outside dining, within the pedestrian streetscape. 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 is the retail and restaurant plaza and 2 hotels. On the northeast portion of the site is the events arena while the southeast portion of the site contains the second parking structure. On the southern portion of the site, adjacent to the arena is a proposed 240,000 square foot convention center facility. 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 approved 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 actually 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 pedestrian access easement which is then followed by a 16 foot wide planting strip. Detail on the elevated pedestrian walkway depicts a 20 foot wide pedestrian access easement with 17 foot wide pedestrian walkway for a total combined pedestrian walkway width of 37 feet.

Along Paradise Road, the pedestrian realm varies in width from 25 feet up to 49 feet. The unobstructed pedestrian access easement 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, are up to a width of 115 feet. Non-standard improvements in the right-of-way were approved by UC-0568-14.

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 over a portion of the roof where the Cineplex theater is off-set or staggered from the south wall of the parking structure.

Elevations

The 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 and 728 foot high hotel towers have multiple surface planes with varying roof heights and consist 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 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.

The retail and restaurant buildings are proposed over multiple levels that range in height up to 77 feet. The buildings consist of the following materials: 1) stone panels; 2) mullionless glass walls;

3) metal panels; and 4) solar shade systems with LED lighting. All buildings, except for the southern parking structure, which was approved by UC-0568-14, 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 and will be addressed in a subsequent land use application.

Previous Conditions of Approval

Listed below are the approved conditions for ET-22-400109 (UC-0519-17):

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 substantial work towards completion within the time specified.

Public Works - Development Review

- Compliance with previous conditions.

Listed below are the approved conditions for ET-20-400096 (UC-0519-17):

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.

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 #0036-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

Listed below are the approved conditions for UC-0519-17:

Current Planning

- Until September 6, 2020 to commence to coincide with UC-0568-14;
- Until September 6, 2020 to review as a public hearing to coincide with UC-0568-14;
- Per revised plans dated October 12, 2017;
- Construction traffic to be directed to the north and center driveways away from the southern driveway nearest to Turnberry Place, provided this accommodation can be achieved safely and effectively;
- Construction hours shall be from 6:00 a.m. until 10:00 p.m. Monday through Saturday, any Sunday work must be done only within the interior of a completed building or structure, and once the construction is vertical, construction may be allowed before 6:00 a.m. and after 10:00 p.m., but all such work shall be limited solely to restocking supplies with no use of any large equipment or machinery;
- A Comprehensive Signage Package for the Arena and all other uses shall be approved as part of a subsequent public hearing, and the applicant is required to meet and work with the Turnberry Place residents prior to submittal of the Comprehensive Sign Package;
- No building permits shall be issued until a Decommissioning Agreement/Plan including a Bond or Cash in lieu of Bond performance security is submitted and approved by the Board of County Commissioners;
- The applicant must work with the County to ensure that water removed from the premises during construction is appropriately directed and disposed of as approved by the County, with the County to work with the applicant to secure a dewatering permit;
- Once the Arena is completed and in operation, hours of operation for any outdoor events shall be limited to, until 10:00 p.m. on Sunday through Thursday nights, and until 12:00 a.m. on Friday and Saturday nights, when either Monday or Friday is a recognized holiday, the operating hours on the nights before that holiday shall be extended to 12:00 a.m.;
- Applicant shall provide the President of the Turnberry Place Community Association with a schedule of the event(s) at least 10 working days prior to the event(s), additionally, if an NBA or similar team is secured for the premises, the operating hours may be increased to accommodate the schedule of the team(s) on game days;
- The roof of the Arena may be kept open to accommodate the event(s) as set forth in the condition above with noise decibel measurements taken at Turnberry Place during any event(s) at which the Arena roof is open for 6 months after opening, at the conclusion of this 6 month period, this condition shall be reviewed to ensure that allowing the roof open beyond the hours set forth in the condition above, does not exceed permissible noise levels, and has not presented an undue burden on the Turnberry Place residents;
- During any event(s) held at the Arena, 1 or more dedicated traffic control officers shall be provided by the operator(s) of the Arena to ensure that all residential traffic and all emergency vehicles have access to and from Turnberry Place;

- Incorporate the expanded and amended project elements as part of the already commenced Development Agreement process to mitigate impacts including but not limited to issues identified by the technical reports and studies, and issues identified by the Board of County Commissioners;
- 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;
- The surface area of the sidewalk/pedestrian access easement to consist of colors, patterns, texture and/or material different from the adjacent private walkways and plaza area with final design to be approved by staff;
- Final design of the pedestrian access easement/sidewalk along all streets to be reviewed and approved by staff;
- Provide breaks (gates) in fencing along Las Vegas Boulevard South for emergency services with the design to be coordinated with the Fire Department.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time or application for review; 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 swimming pools and water features will have to comply with Section 30.64.060.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Traffic study to include pedestrian analysis and flows;
- 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;
- Methods of protecting pedestrian realms adjacent to the public rights-of-way from vehicular hazards to be reviewed and approved by Public Works - Development Review;
- Full off-site improvements;

- Reconstruct any unused driveways with full off-sites;
- Developer to contribute financially to the possible future grade separated bridge at Las Vegas Boulevard South and Sahara Avenue, with the percent of participation to be addressed in the traffic study and development agreement;
- Traffic study to analyze the need for east-west pedestrian bridge(s) (pedestrian grade separation) across Las Vegas Boulevard South and Paradise Road adjacent to this site;
- Pedestrian easements to be identified on plans submitted for permits or licenses when said permits or licenses are for anything near the easements;
- Dedicate and construct bus turnouts and shelter areas as required by 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;
- 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 within the planned right-of-way related to any current or future applications 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;
- 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.

- 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.

Building/Fire Prevention

- Applicant is advised that fire/emergency access must comply with the Fire Code as amended; to show on-site fire lane, turning radius, and turnarounds; to show fire hydrant locations both on-site and within 750 feet; that this comment is in reference to a proposed Fire Department access plan created by the Cunningham Group for All Net Arena and Resort, which is (labeled Level 2 Victory Plaza +6) and dated September 13, 2017; and that this proposed access plan was reviewed and approved by the Fire Chief.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; and to please contact CCWRI at sewerlocation@cleanwaterteam.com and reference POC Tracking #0359-2017 to request your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

Applicant's Justification

Per the applicant, there is an active grading permit (BD23-30855) and an active permanent fencing permit (BD23-31264) with the Building Department. Both permits are close to issuance. The applicant also states that a traffic study, drainage study, economic impact study, dust permits, a development agreement, and a performance agreement have been recorded. Although the project has not commenced, the applicant states that debris has been removed along with 4 billboards being removed. Lastly, the applicant states that they have enough funding for this project to commence due to the Performance Bond that was posted of 12 million dollars with Clark County. The applicant is requesting an additional 90 day extension to commence the project.

Prior Land Use Requests

Application Number	Request	Action	Date
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 conveyance of facilities/exposition halls	Accepted 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

Prior Land Use Requests

Application Number	Request	Action	Date
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
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 at BCC	December 2011
UC-0247-10	High Impact Project (sports arena)	Withdrawn at BCC	August 2010

Prior Land Use Requests

Application Number	Request	Action	Date
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	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 Entertainment Mixed-Use	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 Place) & developing resort hotel (Fontainebleau)
East	Entertainment Mixed-Use	H-1	Residential condominiums (Turnberry Towers) & Westgate (formerly known as LVH) Resort Hotel
West	Entertainment Mixed-Use	H-1	Hotel timeshare (Hilton Grand Vacations) & Rocking Rio

Related Applications

Application Number	Request
ET-23-400129 (UC-0568-14)	A fourth extension of time for modifications to a High Impact Project 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.

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: 14 cards

PROTEST: 33 cards, 3 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, SUITE 650, LAS VEGAS, NV 89135