

RESORT HOTEL
(TITLE 30)

ELVIS PRESLEY BLVD/LAS VEGAS BLVD S

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-21-400078 (UC-0923-06)-JDR OWNER, LLC:

USE PERMITS THIRD EXTENSION OF TIME for the following: **1)** a resort hotel/casino consisting of 2,929 hotel rooms; **2)** 959 resort condominium units; **3)** public areas including all casino areas, showrooms, live entertainment areas, shopping center areas, indoor and outdoor dining areas, entertainment areas, offices, meeting and convention areas, back-of-house areas, and parking structures; **4)** increase the height of the high-rise tower; **5)** kitchens within the rooms; **6)** associated accessory and incidental commercial uses, buildings, and structures; **7)** a construction office and office within the parking structure; and **8)** deviations from development standards.

DEVIATIONS for the following: **1)** reduce the on-site parking requirements; **2)** reduce the number of loading spaces; **3)** permit tandem parking spaces; **4)** encroachment into airspace; and **5)** all other deviations as shown per plans on file.

DESIGN REVIEWS for the following: **1)** a resort hotel/casino and resort condominium high-rise tower; **2)** water features; and **3)** all other accessory and incidental buildings and structures on 24.5 acres in an H-1 (Limited Resort and Apartment) Zone.

Generally located on the northeast corner of Las Vegas Boulevard South and Elvis Presley Boulevard within Winchester. TS/jgh/jo (For possible action)

RELATED INFORMATION:

APN:

162-09-617-001; 162-09-617-002

USE PERMITS:

1. Permit a resort hotel/casino consisting of 2,929 hotel rooms.
2. Permit 959 resort condominium units.
3. Public areas including all casino areas, showrooms, live entertainment areas, shopping center areas, indoor and outdoor dining areas, entertainment areas, offices, meeting and convention areas, back-of-house areas, and parking structures.
4. Increase the height of the high-rise tower to 735 feet where 100 feet is the standard.
5. Kitchens within the rooms.
6. Associated accessory and incidental commercial uses, buildings, and structures.
7. A 9,400 square foot construction office and 20,000 square foot office within the parking structure.
8. All other deviations from development standards as shown on plans.

DEVIATIONS:

1. Reduce the number of parking spaces required from 7,870 parking spaces to 5,745 parking spaces (a 27% reduction).
2. Reduce the number of loading spaces from 68 spaces.
3. Allow for up to 30% of the required parking or 1,724 parking spaces to be tandem parking.
4. Encroachment into airspace.
5. All other deviations as shown per plans on file.

LAND USE PLAN:

WINCHESTER/PARADISE - COMMERCIAL TOURIST

BACKGROUND:**Project Description**

General Summary

- Site Address: 2777 Las Vegas Boulevard South
- Site Acreage: 24.5
- Project Type: Resort hotel
- Number of Guest Rooms: 3,719
- Building Height (feet): 735
- Square Feet: 8,931,452
- Parking Required/Provided: 5,779/5,787

History & Site Plan

UC-0932-06 was previously approved for a resort hotel/casino with various components and amenities, and included all associated accessory and incidental commercial uses, buildings, and structures. Since approval, the project has been revised by many subsequent applications, the ownership of the project has changed several times, and construction has stopped along various stages of construction throughout the years.

Today, the resort hotel/casino consists of 3,719 guest rooms and the parking required is 5,779 based on changes to Table 30.60-1, Schedule of Parking Requirements. street level plan for the resort will house several elements including the casino, bars and lounges, the hotel entrance and guest registration area, coffee shop, restaurants, several other retail centers, and a garden.

Landscaping

Previously approved plans depict a landscaped pedestrian realm area that is provided along both Las Vegas Boulevard South and Elvis Presley Boulevard, and includes outdoor patios, a detached sidewalk along Las Vegas Boulevard South, planting areas, enhanced paving, and several water features.

Elevations

Previously approved plans show the podium levels of the building will include EIFS wall finishes, block, metal wall panels, and glass wall systems. The high-rise portion of the building will consist of non-reflective glass screen walls over metal panels.

Previous Conditions of Approval

Listed below are the approved conditions for ET-18-400043 (UC-0932-06):

Current Planning

- Until May 5, 2021 to commence.
- 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 ADET-1365-17 (UC-0932-06):

Current Planning

- Until May 5, 2018 to commence to match the current expiration of PACs 06-47392, 07-07220, and 07-17708.
- Applicant is advised that future extensions of time must be heard by the Board of County Commissioners; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that any change in circumstances or regulations may be justification for the denial of an extension of time.

Listed below are the approved conditions for UC-0932-06:

Current Planning

- A development agreement as agreed upon by the applicant to mitigate and address issues identified by the Technical Reports and Studies;
- Expunge the following land use applications: UC-0250-04, UC-1168-01, UC-0955-01, UC-0065-01, and UC-2042-96;
- Coordinate with Clark County Traffic Engineering to reduce where possible the number of driveways along Elvis Presley Boulevard;
- Provide 5 feet of landscaping along Elvis Presley Boulevard, with remainder of setbacks used for detached sidewalk (approximately 10-foot total width of sidewalk) to be used as the pedestrian realm;
- Compliance with transportation element;
- All applicable standard conditions for this application type.
- Applicant is advised that approval of this application does not constitute or imply approval of a liquor or gaming license or any other County issued permit, license or approval; approval of this use permit only approves any relaxed standards that depart from the development and improvement standards required by Title 30 provided such relaxed standards completely comply with the approved plans on file; any change in circumstances or regulations may be justification for the denial of an extension of time; and that this application must commence within 2 years of approval date or it will expire.

Civil Engineering

- A roadway width of 85 feet from the centerline of Las Vegas Boulevard South, with a 15 foot wide detached sidewalk be provided;
- Excess right-of-way for Las Vegas Boulevard South may be landscaped by the applicant until such time that widening of Las Vegas Boulevard South occurs;
- Providing emergency access for Turnberry Place via Elvis Presley Boulevard in accordance with the agreement in place;
- Drainage study and compliance;
- Traffic study and compliance;
- Traffic study to also address: a) Evaluation of traffic control needs and determination of contributory shares of future traffic control devices, costs, and measures, b) Evaluation of access and circulation patterns proposed, c) Pedestrian safety needs, d) Determination of lane configurations at proposed project access points necessary to accommodate projected traffic volumes, e) Determine the required width of all public access walkway segments so that a minimum Level of Service "C" is achieved under peak pedestrian volumes, the minimum effective width on Las Vegas Boulevard South is 10 feet, f) Turnover analysis for the porte-cochere and recommendation of mitigation measures as applicable, g) Impacts to regional air quality due to traffic generated by this development, h) 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;
- Any physical improvements identified in the traffic study needed to accommodate vehicular and pedestrian volumes generated by the project may require additional right-of-way dedication to Clark County;
- Traffic study to also include impact mitigation plan to be reviewed by the staffs of Freeway and Arterial System of Transportation (FAST), Clark County Development Services, Civil Engineering Division and Clark County Public Works, Traffic Management Division with the plan to be approved by the BCC;
- Construct full off-site improvements with improvements meeting current County standards or an acceptable equivalent;
- Construct a fourth northbound through lane along the projects frontage on Las Vegas Boulevard South;
- Construct exclusive right turn lanes on Las Vegas Boulevard South and Elvis Presley Boulevard for projects' driveways that provide public access as required by the traffic study;
- Any median modifications to be coordinated with Clark County Public Works Beautification project;
- Right-of-way dedication required for all through and turn lanes;
- If sidewalk is outside of the right-of-way, execute agreements requiring the developer to maintain sidewalks and be responsible for any liability relating to the sidewalks and hold Clark County harmless;

- Any non-standard improvements within the right-of-way will require a License and Maintenance Agreement with Clark County;
- Grant necessary easements to Clark County for public access and roadway along Las Vegas Boulevard South to accommodate a proportionate share of a 100 foot half street;
- Project showing nonstandard improvements, including walls and water features within the additional easement area required by the master transportation plan along Las Vegas Boulevard South.
- Applicant is advised that upon widening of Las Vegas Boulevard South or the construction of other public access facilities, portions of their pedestrian realm and/or water features may have to be eliminated.

Department of Aviation

- No building permits shall be released for the project prior to the Department of Aviation notifying Zoning Plan Check that the applicant has received all necessary airspace approvals;
- Applicant is required to file a valid Federal Aviation Administration (FAA) Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA in accordance with 14 CFR Part 77;
- Alternatively, the applicant may submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- 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 30.48.120 of the Clark County Unified Development Code.
- Applicant, its successors, assigns, licensees, invitees, and tenants are advised 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, therefore, funds will not be available in the future should the applicant, its successors, assigns, licensees, invitees, and tenants wish to be purchased or soundproofed; 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; the Federal Aviation Administration (FAA) 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 homes purchased or soundproofed.

Applicant's Justification

The applicant indicates this is the third extension of time for UC-0923-06. This request is being filed with 8 other requests for extensions of time (on the same site) and is required because the current owners recently purchased the uncompleted project and need time to review and evaluate all existing land use approvals before commencing the project. The applicant is working towards progressing on the project by replacing all existing bond approvals and obtaining building

permits to continue construction. The applicant is requesting a 3 year extension of time and would like all approvals to run concurrently.

Prior Land Use Requests

| Application Number | Request | Action | Date |
|---------------------------|---|-----------------|---------------|
| DR-19-0428 | Changes and modifications to an approved resort hotel (Drew formally Fontainebleau) | Approved by BCC | July 2019 |
| ET-18-400040 (DR-0289-09) | Second extension of time for a redesign of a loading dock and cover | Approved by BCC | April 2018 |
| ET-18-400042 (UC-0489-08) | Second extension of time for deviations for roof signs and modified separation requirements | Approved by BCC | April 2018 |
| ET-18-400043 (UC-0932-06) | Second extension of time for the resort hotel | Approved by BCC | April 2018 |
| ET-18-400044 (UC-0233-07) | Second extension of time for a use permit to increase the number of resort condominiums with kitchens | Approved by BCC | April 2018 |
| ET-18-400045 (DR-0213-08) | Second extension of time to redesign east façade of parking garage/convention facility | Approved by BCC | April 2018 |
| ET-18-400046 (UC-0698-07) | Second extension of time to increase building height and square footage of project | Approved by BCC | April 2018 |
| ET-18-400047 (UC-1515-06) | Second extension of time for alternative landscaping on east property line | Approved by BCC | April 2018 |
| ET-18-400048 (UC-1242-06) | Second extension of time to allow modular buildings during construction of the resort hotel | Approved by BCC | April 2018 |
| ADET-1371-17 (DR-0213-08) | First extension of time to redesign east façade of parking garage/convention facility | Approved by ZA | December 2017 |
| ADET-1369-17 (UC-0698-07) | First extension of time to increase building height and square footage of project | Approved by ZA | December 2017 |
| ADET-1368-17 (DR-0289-09) | First extension of time to redesign loading dock area | Approved by ZA | December 2017 |
| ADET-1367-17 (UC-0489-08) | First extension of time for roof signs and modified separation requirements | Approved by ZA | December 2017 |
| ADET-1366-17 (UC-1515-06) | First extension of time for alternative landscaping on east property line | Approved by ZA | December 2017 |
| ADET-1365-17 (UC-0932-06) | First extension of time for the resort hotel | Approved by ZA | December 2017 |
| ADET-1364-17 (UC-0233-07) | First extension of time to increase the number of resort condominiums with kitchens | Approved by ZA | December 2017 |
| ADET-1363-17 (UC-1242-06) | First extension of time to allow modular buildings during construction of the resort hotel | Approved by ZA | December 2017 |
| AG-0889-17 | Consent to assignment and assumption of Fontainebleau Las Vegas Resort Development Agreement | Approved by BCC | August 2017 |

Prior Land Use Requests

| Application Number | Request | Action | Date |
|----------------------------|---|-----------------|---------------|
| WS-0370-15 | Extension to off-site bond improvements | Approved by BCC | November 2015 |
| SC-0207-15 | Renamed Riviera Boulevard to Elvis Presley Boulevard | Approved by PC | May 2015 |
| WS-0214-11 | Extension to off-site bond improvements | Approved by BCC | July 2011 |
| DA-0311-09 | Third amendment to development agreement | Approved by BCC | June 2009 |
| DR-0289-09 | Redesigned loading dock area | Approved by BCC | June 2009 |
| SC-0288-09 | Allowed an alternative floor/unit numbering system | Approved by PC | June 2009 |
| DA-0951-08 | Second amendment to development agreement | Approved by BCC | November 2008 |
| UC-0489-08 | Deviations for roof signs and modified separation requirements | Approved by BCC | June 2008 |
| DR-0213-08 | Redesigned east façade of parking garage/convention facility | Approved by BCC | April 2008 |
| DA-0949-07 | First amendment to development agreement | Approved by BCC | August 2007 |
| UC-0698-07 | Increased building height and square footage of project | Approved by BCC | July 2007 |
| DA-0343-07 | Development agreement for the site | Approved by BCC | April 2007 |
| UC-0233-07 | Increased the number of resort condominiums with kitchens | Approved by PC | April 2007 |
| UC-1515-06 | Alternative landscaping on east property line | Approved by BCC | December 2006 |
| UC-0932-06 (WC-0334-06) | Waiver of conditions to amend the development agreement condition for early permits | Approved by BCC | December 2006 |
| UC-1242-06 | Allowed modular buildings during construction of the resort hotel | Approved by PC | October 2006 |
| UC-0932-06 | Resort hotel | Approved by BCC | October 2006 |

* Subject project site also includes older land use applications which have been omitted from this report since they are not relevant to the subject project.

Surrounding Land Use

| | Planned Land Use Category | Zoning District | Existing Land Use |
|-------|----------------------------------|------------------------|--|
| North | Commercial Tourist | H-1 | Undeveloped (approved for a sports arena) |
| South | Commercial Tourist | P-F | Parking for the Las Vegas Convention Center |
| East | Commercial Tourist | H-1 | Turnberry Place (residential high-rise) |
| West | Commercial Tourist | H-1 & U-V | Circus Circus Resort Hotel & The Sky mixed-use development |

Related Applications

| Application Number | Request |
|---------------------------|---|
| ET-21-400074 (DR-19-0428) | An extension of time for a design review requiring changes and modifications to an approved resort hotel is a companion item on this agenda. |
| ET-21-400075 (DR-0289-09) | An extension of time for a design review requiring the redesign of a loading dock structure and cover for a resort hotel is a companion item on this agenda. |
| ET-21-400077 (UC-0489-08) | An extension of time for a use permit with deviations to development standards for signage is a companion item on this agenda. |
| ET-21-400079 (UC-0233-07) | An extension of time for a use permit to increase the number of resort condo units in conjunction with an approved resort hotel is a companion item on this agenda. |
| ET-21-400080 (DR-0213-08) | An extension of time for a design review for the exterior elevation of the east wall of the convention/parking facility of a previously approved resort hotel is a companion item on this agenda. |
| ET-21-400082 (UC-0698-07) | An extension of time for a use permit allowing increased building height and deviations to development standards is a companion item on this agenda. |
| ET-21-400083 (UC-1515-06) | An extension of time for a use permit to allow deviations to development standards in conjunction with a resort is a companion item on this agenda. |
| ET-21-400084 (UC-1242-06) | An extension of time for a use permit to allow office buildings (modular buildings) in an H-1 (Limited Resort and Apartment) zone 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

Current 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 request has been filed to allow the new owner to have more time to research prior land use applications and to obtain the necessary permits to complete the project. Staff has no objection to the 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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

- Until July 17, 2024 to commence;
- Prior to final Certificate of Occupancy, new land use applications for final uses and design to replace all prior land use applications.
- 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.

Public Works - Development Review

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Winchester - approval.

APPROVALS:

PROTEST:

APPLICANT: SHERYL KASS

CONTACT: CASSANDRA WORRELL, 520 S. FOURTH STREET, LAS VEGAS, NV 89101