

01/05/22 BCC AGENDA SHEET

RESORT HOTEL
(TITLE 30)

LAS VEGAS BLVD S/FASHION SHOW DR

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-21-400175 (UC-0492-15)-WESTWYNN, LLC:

USE PERMITS SECOND EXTENSION OF TIME for the following: **1)** High Impact Project; **2)** resort hotel; **3)** public areas including the casino, showrooms, live entertainment, retail center, indoor and outdoor dining, entertainment, offices, convention, back-of-house, and parking structures; **4)** increase the height of high-rise towers; **5)** associated accessory and incidental commercial uses, buildings, and structures; and **6)** deviations from development standards.

DEVIATIONS for the following: **1)** reduce on-site parking requirements; **2)** allow primary access to outside dining and drinking areas, restaurants, retail buildings and uses from the exterior of a resort hotel; **3)** encroachment into airspace; **4)** alternative landscaping; and **5)** all other deviations as shown per plans on file.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduced setbacks; and **2)** non-standard improvements (landscaping and fencing) within the right-of-way.

DESIGN REVIEWS for the following: **1)** High Impact Project; **2)** resort hotel and all associated and accessory uses; **3)** hotel towers and associated low-rise and mid-rise buildings and structures; **4)** low-rise and mid-rise buildings including retail, restaurants, public and back-of-house areas; **5)** water features (man-made lake and decorative water fountains); and **6)** all other accessory and incidental buildings and structures on 34.6 acres in an H-1 (Limited Resort and Apartment) Zone in the MUD-1 Overlay District.

Generally located on the northwest corner of Las Vegas Boulevard South and Fashion Show Drive within Winchester and Paradise. TS/sd/jo (For possible action)

RELATED INFORMATION:

APN:

162-09-403-004; 162-16-101-009; 162-16-101-011

USE PERMITS:

1. A High Impact Project being a resort hotel.
2. Permit a resort hotel with 1,100 rooms with 2 high-rise towers.
3. Permit public areas including the casino, showrooms, live entertainment, retail center, indoor and outdoor dining, entertainment, offices, convention, back-of-house areas, and parking structures.
4. Increase the height of high-rise towers up to a maximum of 350 feet where 100 feet is the standard (a 250% increase).
5. Permit all associated accessory and incidental commercial uses, buildings, and structures.
6. Permit all deviations from development standards.

DEVIATIONS:

1. Reduce on-site parking requirements from 3,291 spaces to 2,303 spaces at full build-out (a 30% reduction).
2. Allow primary access to outside dining and drinking areas, restaurants, and retail buildings and uses from the exterior of a resort hotel.
3. Permit encroachment into the airspace.
4. Permit modified landscaping areas along Las Vegas Boulevard South and Sammy Davis Jr. Drive where landscaping per Figure 30.64-17 is required.
5. Permit all other deviations as shown per plans on file.

WAIVERS OF DEVELOPMENT STANDARDS:

1.
 - a. Reduce the special setback from the back of curb along Las Vegas Boulevard South to a minimum of 15 feet where 25 feet is required (a 40% reduction).
 - b. Reduce the special setback from a future property line along Las Vegas Boulevard South to zero feet where a minimum of 10 feet is required (a 100% reduction).
 - c. Reduce the setback from a future right-of-way along Las Vegas Boulevard South to zero feet where a minimum of 10 feet is required (a 100% reduction).
 - d. Reduce the front setback to a future property line to zero feet where a minimum of 10 feet is required in an H-1 zone (a 100% reduction).
2.
 - a. Allow non-standard improvements (landscaping and fences) within the right-of-way of Las Vegas Boulevard South where not permitted.
 - b. Allow non-standard improvements (entry canopy, landscaping, and fences) within the future right-of-way of Las Vegas Boulevard South where not permitted.

LAND USE PLAN:

WINCHESTER/PARADISE - COMMERCIAL TOURIST

BACKGROUND:**Project Description**

General Summary

General Summary

- Site Address: 3120 Las Vegas Boulevard South
- Site Acreage: 34.6
- Number of Rooms: 1,100
- Project Type: Resort hotel with associated uses and structures
- Building Height (feet): 350 maximum
- Building Stories: 26 (resort tower)/17 (VIP tower)
- Square Feet: 3,397,721 total
- Parking Required/Provided: 2,303/2,303

Site Plans

The original request was for a new resort hotel on the former site of the Frontier Resort Hotel which was demolished in 2007. The site has frontage along Las Vegas Boulevard South, Sammy Davis Jr. Drive, Resorts World Drive/Wilbur Clark Desert Inn Road, and Fashion Show Drive. The approved plans depict access to this site from Sammy Davis Jr. Drive, Fashion Show Drive, and Resorts World Drive. The access from Resorts World Drive is to a VIP drop-off area

located on the northeast corner of the building. The access from Sammy Davis Jr. Drive will provide access for deliveries and to parking facilities at the rear of the property. The access from Fashion Show Drive will be the main entrance to the resort hotel. The plans also depict a taxi pick-up and drop-off area centrally located along the Las Vegas Boulevard South frontage. The plans show that the taxi pick-up and drop-off area is located along the west side of the sidewalk/pedestrian access easement along Las Vegas Boulevard South with 3 driveways that cross through the sidewalk/pedestrian access easement. There is an existing modular office building located on the southeast corner of the site which will be demolished to accommodate the proposed resort hotel.

The resort hotel building is centrally located on the eastern portion of the site and consists of 2 high-rise towers and the mid-rise and low-rise portions of the building. The resort building with associated structures and facilities are set back a minimum of 40 feet from Fashion Show Drive, 200 feet from Sammy Davis Jr. Drive, 25 feet from Wilbur Clark Desert Inn Road, and 15 feet from Las Vegas Boulevard South. The plans depict a canopy at the taxi pick-up and drop-off area which is 15 feet from Las Vegas Boulevard South. All other portions of the resort hotel will be set back approximately 57 feet from Las Vegas Boulevard South. The high-rise towers and low-rise area are built around a central swimming pool and a man-made lake. Adjacent to the man-made lake is an additional swimming pool for VIP guests. The plans depict an event area (lawn) located on the northeast corner of the site. The event lawn will be used to hold special events and activities such as receptions, dinners, and other forms of entertainment such as concerts or speaking events. The plan also depicts an easement for a future pedestrian bridge located on the northeast corner of the site. This easement is intended for a future pedestrian bridge that will cross Resorts World Drive to the north and/or Las Vegas Boulevard South to the east.

The applicant also requested and was approved to allow initial work on the site prior to approval of a development agreement and/or compliance with other conditions which may be imposed. Specifically the applicant requested to be allowed to do utility exploration and relocation, general site clean-up and removal of existing landscaping, site fencing, and site pot holing, excavation, leveling, and rough grading.

Landscaping

All the approved landscape areas consist of trees, shrubs, and/or groundcover from the Southern Nevada Regional Planning Coalition's approved plant list. The landscape plan depicts a 15 foot wide sidewalk/pedestrian access easement with a 3 foot wide shy distance along most of the Las Vegas Boulevard South frontage. The plans indicate that groundcover plant material will be located adjacent to the shy spaces adjacent to the sidewalk/pedestrian access easement. Additional pockets of landscaping will be provided within plaza areas that are west of the sidewalk/pedestrian access easement along Las Vegas Boulevard South between the walkway and the various buildings and structures. Retail buildings with shops accessed from the plaza area at the front of the resort hotel are located along the sidewalk/pedestrian access easement. These retail shops and some landscaping will separate the plaza area from the sidewalk/pedestrian access easement. The areas along Sammy Davis Jr. Drive and Fashion Show Drive will have 5 foot wide attached sidewalks along these street frontages with landscape areas of varying widths adjacent to the sidewalks. Additional landscape areas are located

adjacent to the buildings, the on-site driveways, and within the surface parking area. The application includes requests to allow fence, walls, landscaping, and other non-standard structures within portions of the rights-of-way.

Elevations

The approved plan depicts a resort hotel consisting of 2 high-rise towers, mid-rise and low-rise facilities, and a parking garage. The high-rise towers, mid-rise, and low-rise portions of the building have flat roofs behind parapet walls. The high-rise towers are designated as a VIP tower and the resort tower on the plans. The VIP tower has a height of 230 feet and the resort tower is 350 feet in height. The mid-rise and low-rise portions of the building ranges from approximately 25 feet in height to approximately 80 feet.

Floor Plans

The total building area for the project is 3,397,721 square feet. The plans depict the resort hotel will have a total of 1,100 rooms, 340,586 square feet of public space which includes a 27,776 casino area, and 471,466 square feet of non-public area. The plans also depict 84,808 square feet of conventions facilities. The public area within the resort hotel will include a casino, ballroom, showroom, bars, restaurants, and retail areas. The exterior of the resort hotel will be a combination of decorative metal, glass, stone and painted concrete. The 1,100 rooms will consist of 900 guest rooms in the resort tower, 188 guest rooms in the VIP tower, 6 bungalows, and 6 maisonettes (suites).

Water Features

The plans depict a swimming pool area to the west of the resort tower and a man-made lake to the south of the VIP tower. The man-made lake has a surface area of 124,285 square feet. There is an additional pool area to the north of the man-made lake for the guests staying in the VIP tower. The plans also depict 4 water features of approximately 12 square feet each located within the private plaza area along the east side of the site, which is adjacent to the sidewalk/pedestrian access easement.

Previous Conditions of Approval

Listed below are the approved conditions for ET-18-400092 (UC-0492-15):

Current Planning

- Until April 20, 2021 to commence;
- Expunge waiver of development standards #1 to reduce parking since it is no longer necessary.
- 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

- Applicant to perform and have recorded a Record of Survey to determine underlying title rights in relationship to "as built" improvements on Las Vegas Boulevard South;
- Compliance with previous conditions.

Listed below are the approved conditions for UC-0492-15:

Current Planning

- Enter into a Development Agreement as agreed upon by the applicant 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;
- Allow the following permits prior to the adoption of the Development Agreement: all grading, including excavation, underground utilities, foundation, and first lift;
- Bond or other security is acceptable to Clark County for excavation prior to Development Agreement or decommissioning plan;
- Submit a 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;
- Provide a Decommissioning Plan prior to permits for unfinished construction, including the removal of building materials should construction of the project be discontinued with said plan to be submitted and approved prior to building permits for the resort hotel;
- Submit an application within 6 months to expand the Gaming Enterprise District to include the portions of the site not within the Gaming Enterprise District;
- Redesign or relocate the taxi queuing lane, taxi drop-off and pick-up area along Las Vegas Boulevard South to reduce conflicts between the sidewalk/pedestrian access easement and vehicular access;
- For the area under the canopy adjacent to the taxi pick-up and drop-off area, maintain a minimum 15 foot wide sidewalk/pedestrian access easement with a minimum 5 foot wide shy distance limiting the encroachment of any structures to the pedestrian access sidewalk/easement;
- Maintain a minimum 15 foot wide sidewalk/pedestrian access easement with an appropriate shy distance along the entire Las Vegas Boulevard South street frontage limiting the encroachment of any structures to the pedestrian access sidewalk/easement;
- 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 sidewalk/pedestrian access easement along Las Vegas Boulevard South to be reviewed and approved by staff;
- Final design of the landscape areas adjacent to Las Vegas Boulevard South, Fashion Show Drive, and Industrial Road (Sammy Davis Jr. Drive) to be reviewed and approved by staff;
- Provide pedestrian scale non-commercial signs along Las Vegas Boulevard South adjacent to the sidewalk/pedestrian access easement with all signs and sign locations to be approved by staff;
- Private breaks (gates) in fencing along Las Vegas Boulevard South for emergency services use with design to be coordinated with the Fire Department;
- Provide locations within parking areas and at the entrances of the facility to be used as staging areas for emergency service vehicles with locations to be coordinated with the Fire Department;

- No entrances on the east side of the retail buildings which are located on the east side of the private pedestrian plaza adjacent to Las Vegas Boulevard South;
- No walk-up service windows within 100 feet of the future right-of-way line of Las Vegas Boulevard South;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the project shall comply with requirements of Title 30.64.060 (Water Features); 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 or as may be amended by future land use applications; approval of this application does not constitute or imply approval of a liquor or gaming license or any other County issued permits, licenses, or approvals; 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;
- Full off-site improvements;
- Dedication of additional right-of-way to meet the 200 foot requirement for Las Vegas Boulevard South;
- Provide barriers/fence within the center median of Las Vegas Boulevard South;
- Detached sidewalk will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control;
- Execute a license and maintenance agreement for any non-standard improvements within right-of-way except for any proposed construction fence;
- 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;
- Applicant to execute an agreement with Clark County Public Works for the modification or removal of the taxi drop-off area adjacent to Las Vegas Boulevard South if Clark County determines that the taxi drop-off area causes an emergency, threat, or hazard to the public’s health, safety or welfare, or it is in the best interest of the public, applicant acknowledges that the modification or removal of the taxi drop-off area will be at the applicant's sole cost and expense.

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

- Location of Fire Command Center to be approved by the Clark County Fire Department;
- Access to the Fire Command Center from a fire lane must be provided;
- Provide parking for Fire Department rescue units and staff vehicles with location to be approved by the Fire Department.
- Applicant is advised that the Fire Department cannot support the site plan attached to this application due to the insufficient on-site fire access lanes provided for the project; the minimum width of 24 feet for fire lanes has not been provided; fire lanes over 150 feet in length must provide a turnaround; no turnarounds are shown for the fire lane accessing the receiving area; fire lanes are not provided within required distances to buildings; the Fire Department requests a meeting with the applicant prior to having this application move forward; and to please contact Assistant Fire Chief Fulton Cochran at (702) 455-7062 to schedule this meeting.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised to meet with CCWRD at their earliest convenience; CCWRD requires submittal of civil improvement plans and estimated wastewater flow rates from all phases of the proposed project at build-out before sewer point-of-connection can be approved; active odor control treatment of wastewater liquid and vapor will be required as part of this project; all on-site sewers shall be private; public sewers shall only be allowed in the public streets; at the time of construction CCWRD will also require submittal of civil improvement plans and estimated vendor wastewater flow rates from the water feature(s) before sanitary sewer point-of-connection can be either allowed or approved; submitted data shall include type of water feature (pool, fountain, splash pad, etc.) and volume and frequency of discharge of water (filter backwash amount, equipment vault sump pump rate and frequency, discharge force main size, fountain basin overflow discharge amount, total anticipated monthly discharge volume); a narrative of normal operation/maintenance activities during a typical month is required; submittal of required data does not guarantee capacity in CCWRD collection system; and that full

engineering review and evaluation including an estimate of complete water feature dewater flow rate is required.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states the pandemic in early 2020, development plans for this property, as well as other property owned by Wynn and its affiliates, were delayed. Wynn would like to substantially complete its other projects prior to commencing the development of the property. Therefore, Wynn requests a 5 year extension of the approvals.

Prior Land Use Requests

| Application Number | Request | Action | Date |
|------------------------------|---|-----------------|----------------|
| ET-18-400113 (UC-0045-16) | Extension of time for a use permit to expand the Gaming Enterprise District and modify plans for an approved resort hotel | Approved by BCC | June 2018 |
| ET-18-400092 (UC-0492-15) | Extension of time for use permits with waivers and design reviews for a High Impact Project/resort hotel (Alon) | Approved by BCC | June 2018 |
| AG-0744-16 | Performance Agreement and Decommissioning Plan | Accepted by BCC | October 2016 |
| UC-0045-16 | Expanded the Enterprise Gaming District in conjunction with an approved resort hotel (Alon) | Approved by BCC | April 2016 |
| UC-0492-15 | High Impact Project/resort hotel (Alon) | Approved by BCC | October 2015 |
| UC-0491-15 | Offices within an existing modular building | Approved by BCC | September 2015 |
| UC-0013-12 | Temporary offices within an existing modular building - expired | Approved by BCC | March 2012 |
| UC-0471-11 | Allowed an art gallery with retail sales and an outdoor display area - expired | Approved by PC | November 2011 |
| UC-1378-07 | Resort Hotel (The Plaza) - expired | Approved by BCC | March 2008 |
| DR-0944-06 | Modular building for a temporary sales center in conjunction with Trump Tower | Approved by PC | August 2006 |
| UC-1476-04 | Temporary sales center in conjunction with Trump Tower - expired | Approved by BCC | September 2004 |

Surrounding Land Use

| | Planned Land Use Category | Zoning District | Existing Land Use |
|-------|----------------------------------|------------------------|---|
| North | Commercial Tourist | H-1 | Resorts World Resort Hotel Site (formally Echelon Resort Hotel) & NV Energy electrical substation |
| South | Commercial Tourist | H-1 | Fashion Show Mall |

Surrounding Land Use

| | Planned Land Use Category | Zoning District | Existing Land Use |
|------|---|------------------------|---|
| East | Commercial Tourist & Institutional | H-1 | Wynn & Encore Resort Hotels, place of worship, & retail center |
| West | Commercial Tourist & Commercial General | H-1 & M-1 | Parking lot, Trump Tower, office building and parking garage, & Adult Cabaret (Déjà Vu Showgirls) |

Related Applications

| Application Number | Request |
|---------------------------|--|
| ET-21-400176 (UC-0045-16) | An extension of time for a use permit to expand the Gaming Enterprise District and modify plans for an approved resort hotel 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.

The proposed development continues to be a consistent and compatible use with existing and planned land uses in the area. Due to the complexity of High Impact Projects and resort hotels it is not uncommon for these types of projects to require additional time to commence the development process. The applicant had requested a first extension of time for the original application, ET-18-400092 (UC-0492-15), which approved the resort hotel. Since the project continues to be consistent and compatible with existing and planned land uses in the area, it is still appropriate to expand the GED for the entire site of the approved resort hotel. Therefore, staff can support this request.

Public Works - Development Review

There have been no significant changes in this area. Staff has no objection to this extension of time.

Department of Aviation

The development still penetrates the 100:1 notification airspace surface for LAS 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 still penetrates 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 that is still valid and the Department of Aviation has reviewed the latest 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].

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 April 20, 2026 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.

Public Works - Development Review

- Compliance with previous conditions.

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;
- 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 and is still valid.
- 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 that the FAA's airspace determinations include expiration dates and that separate airspace determinations will be needed for construction cranes or other temporary equipment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC:

APPROVALS:

PROTEST:

APPLICANT: WESTWYNN, LC

CONTACT: ELIZABETH SOROKAC, REISMAN SOROKAC, 8965 S. EASTERN AVENUE, SUITE 382, LAS VEGAS, NV 89123