05/18/22 BCC AGENDA SHEET

RESORT HOTEL (TITLE 30) CONVENTION CENTER DR/PARADISE RD

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
ET-21-400170 (UC-1223-07)-MRC I FUNDING CORPORATION:

HOLDOVER USE PERMITS SIXTH EXTENSION OF TIME for the following: **1)** a High Impact Project; **2)** an expansion of the Gaming Enterprise District; **3)** a resort hotel consisting of 3,250 hotel rooms; **4)** 250 resort condominiums; **5)** public areas including all casino areas, showrooms, live entertainment, shopping center, indoor and outdoor dining, offices, meeting/convention, back-of-house areas, and parking structures; **6)** increase the height of the high-rise towers and structures; **7)** associated accessory and incidental commercial uses, buildings, and structures; and **8)** deviations from development standards.
DEVIATIONS for the following: **1)** reduce on-site parking; **2)** reduce the height setback ratios; **3)** encroachment into airspace; and **4)** all other deviations as shown per plans on file.
DESIGN REVIEWS for the following: **1)** a resort hotel/casino with high-rise towers including kitchens in rooms; and **2)** all other accessory and incidental buildings and structures on 15.0 acres in an H-1 (Limited Resort and Apartment) Zone.

Generally located on the south side of Convention Center Drive and the west side of Paradise Road within Winchester. TS/nr/jo (For possible action)

RELATED INFORMATION:

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

USE PERMITS:
1. Allow a High Impact Project.
2. Allow an expansion of the Gaming Enterprise District.
3. Allow a resort hotel (Marriott) consisting of 3,250 hotel rooms.
4. Allow 250 resort condominiums.
5. Allow public areas including all casino areas, showrooms, live entertainment, shopping center (retail and restaurants), indoor and outdoor dining, offices, meeting/convention, back-of-house areas, and parking structures.
6. Increase the height of the high-rise towers up to 670 feet where 100 feet is the standard (a 570% increase).
7. Allow all associated accessory and incidental commercial uses, buildings, and structures.
8. Allow for deviations from development standards.

DEVIATIONS:
1. a. Reduce required on-site parking from 5,666 spaces to 3,917 spaces (a 30% reduction).

b. Reduce required loading spaces from 23 spaces to 18 spaces (a 12% reduction).

2. a. Reduce the height setback ratio on Paradise Road from 200 feet to 20 feet with intrusions occurring at 140 feet above grade.
   b. Reduce the height setback ratio on Desert Inn Road from 200 feet to 20 feet with intrusions occurring for a small portion of the building at 104 feet above grade and recurring at 372 feet above grade.
3. Permit encroachments into the airspace.
4. Permit all other deviations as shown per plans on file.

LAND USE PLAN:
WINCHESTER/PARADISE - COMMERCIAL TOURIST

BACKGROUND:
Project Description
General Summary

- Site Address: List on file
- Site Acreage: 15
- Number of Units: 3,250 hotel rooms & 250 resort condominiums
- Project Type: Resort hotel with resort condominiums
- Number of Stories: 42
- Building Height (feet): 670
- Parking Required/Provided: 5,666/3,917 (a 30% reduction)

Site Plan
The original application was a request to expand the Gaming Enterprise District on the east side of the property, to facilitate the construction of a High Impact Project. The project is the Marriott Resort Hotel, consisting of 6,279,180 square feet of total area. Public access to the site is provided via curb cuts on Convention Center Drive, Desert Inn Road, and Debbie Reynolds Drive. There is no vehicular access provided from Paradise Road. A curb cut for an entrance to the employee parking area is provided from Debbie Reynolds Drive. A 30 percent parking reduction was approved to reduce the overall parking for the resort.

Landscaping
The approved pedestrian realm consisting of a minimum of 20 feet is provided along all street frontage areas and includes a detached sidewalk. The pedestrian realm consists of a minimum 10 foot wide amenity zone, planted with trees and shrubs, located adjacent to the back of curb, a minimum 10 foot wide sidewalk, and a minimum 5 foot wide supplemental area adjacent to the structures.

Elevations
The approved exterior elevations for the high-rise tower involve the use of a glazed aluminum window wall system, EIFS applications, aluminum composite panels, and a metal louver system on the parking garage elevations. The low-rise convention center portion of the building consists of pre-cast concrete panels and aluminum composite panels.

Floor Plans

The approved plans depict 75,000 square feet of casino area; 182,950 square feet of retail, restaurant, and entertainment floor area; 150,000 square feet of exhibit area; 400,000 square feet of meeting rooms associated with the convention center; 24,000 square feet of theater area; a 71,500 square foot spa and salon; 283,000 square feet of circulation areas; 1,046,116 square feet of back-of-house areas; 2,196,114 square feet of floor area associated with the hotel rooms and resort condominiums; 20,000 square feet of loading areas; a 50,400 square foot central plant; and 1,705,100 square feet of floor area in the 5 level parking garage for the total floor area of the project.

Previous Conditions of Approval

Listed below are the approved conditions for ET-18-400267 (UC-1223-07):

Current Planning:

- Until December 19, 2021 to commence.
- Applicant is advised that a Development Agreement was a condition of approval on the first extension of time and is required to ensure that any increased impact for public services and infrastructure is mitigated and adequate amenities are provided; 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 UC-1223-07 (ET-0170-16):

Current Planning

- Until December 19, 2018 to commence.
- Applicant is advised that a Development Agreement was a condition of approval on the first extension of time and is required to ensure that any increased impact for public services and infrastructure is mitigated and adequate amenities are provided; 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 UC-1223-07 (ET-0127-13):

Current Planning

- Until December 19, 2016 to commence.

- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time.

Public Works-Development Review

- Compliance with previous conditions

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that at the time of development 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 for the hotel casino; 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; there are existing public 21 inch and 8 inch sanitary sewer lines on the property; as part of the applicant's project, at the time of development CCWRD will require the developer to vacate and abandon the on-site public sewers that are no longer being actively used as part of the development; developer relocation of existing public sanitary sewers will require full engineering review and evaluation; all new sewers must meet CCWRD design standards and have adequate capacity as determined by CCWRD; rerouted sewers must have capacity at least equal to the existing sewer plus any net additional flows resulting from the proposed project; CCWRD will not vacate existing right-of-way or public utility/sewer easements until all rerouted or replacement sewers are constructed, inspected, and accepted by CCWRD; and that CCWRD has no objection to the extension of time.

Listed below are the approved conditions for UC-1223-07 (ET-0045-11):

Current Planning

- Until December 19, 2013 to commence;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection;
- All applicable standard conditions for this application type.
- Applicant is advised that a Development Agreement was a condition of approval on the first extension of time and is required to ensure that any increased impact for public services and infrastructure is mitigated and adequate amenities are provided; and that any change in circumstances or regulations may be justification for the denial of an extension of time.

Public Works-Development Review

- Compliance with previous conditions

Listed below are the approved conditions for UC-1223-07 (ET-0321-09):

Current Planning

- Until December 19, 2011 to commence;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection;

- All applicable standard conditions for this application type.
- Applicant is advised that this application is subject to a Development Agreement; and that any change in circumstances or regulations may be justification for the denial of an extension of time.

Civil Engineering

- Compliance with previous conditions.

Listed below are the approved conditions for UC-1223-07:

Current Planning

- 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;
- Grading, excavation, foundations, structures up to 35 feet high but not within 45 feet of any public rights-of-way, underground utilities, mechanical, electrical and plumbing undergrounds, and dewatering permits may be issued prior to final approval of the Development Agreement;
- Developer to hold a neighborhood meeting with the Metropolis Condominium owners;
- Design review as a public hearing for significant changes to the plans;
- Decorative fencing or barriers shall be installed around this site to prohibit pedestrian access across Paradise Road, Desert Inn Road, and Convention Center Drive;
- A 50 foot minimum setback from right-of-way at the intersection of Convention Center Drive and Paradise Road to create an open plaza area at the intersection;
- Pedestrian realms per plans on file;
- 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; 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

- Compliance with Development Agreement with Clark County, if required;
- Right-of-way dedication and construction of the following: Convention Center Drive to accommodate dual tum lanes, 30 feet on Debbie Reynolds Drive to back of curb, and Paradise Road to accommodate a bus tum out and additional through lanes;
- Construct full off-site improvements with construction of off-sites on Paradise Road to be coordinated with Public Works;
- Detached sidewalk will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control, which may require a vacation of excess right-of-way or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way;

- Dedication and construction of bus turnouts including passenger loading shelter areas in accordance with Regional Transportation Commission standards on Paradise Road and a combination bus turnout/turning lane on Desert Inn Road;
- Drainage study and compliance;
- Traffic study and compliance;
- Traffic study to also address: a) any additional right-of-way dedications to Clark County as required by the traffic study to accommodate any tum lanes, physical improvements, and pedestrian volumes generated by this project, b) the required width of all public walk way segments so that a minimum Level of Service "C" is achieved under peak pedestrian volumes, c) turnover analysis for the porte-cochere and recommendation of mitigation measures as applicable, d) on-site circulation, e) identification and implementation of Traffic Demand Management (TDM) measures, f) traffic impact mitigation plan to be reviewed by the staffs of Regional Transportation Commission, Freeway and Arterial System of Transportation (FAST), Clark· County Development Services Civil Engineering Division and Clark County Public Works, g) air quality analysis to the Department of Air Quality and Environment Management (DAQEM), h) on-site turnaround analysis to be provided for loading docks on Debbie Reynolds Drive, and i) congestion and circulation;
- Driveway location and widths on Convention Center Drive to be approved by Clark County Civil Engineering Division;
- Developer to participate in the construction of the pedestrian bridges with financial cooperation and collaboration from Las Vegas Convention Authority and coordinate the design and construction with Clark County Public Works;
- Developer shall provide pavement markings and signs to create a continuous two-way left tum lane (TWLTL) centered on the ultimate street centerline of Debbie Reynolds Drive along the project's frontage;
- Reconstruct any unused driveways with full off-sites;
- Vacate any unnecessary rights-of-way and/or easements;
- Any applicable vacations to be recordable prior to building permit issuance or applicable map submittal;
- Any signs to remain a minimum of 10 feet from right-of-way and maintain clearance from site visibility zone.

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 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 F AA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved.

Signage
Signage is not a part of this request.

Applicant's Justification
The applicant requests another year extension to work on a development plan for the site.

Prior Land Use Requests

Application Number	Request	Action	Date
AR-21-400171 (WS-0237-08)	Sixth application for review for outdoor temporary events	Approved by BCC	December 2021
AR-20-400044 (UC-0899-14)	Third application for review for temporary outdoor events without a licensed business on site	Approved by BCC	July 2020
AR-18-100265 (WS-0237-08)	Third application for review of an outdoor tent for a temporary event	Approved by BCC	February 2019
ET-18-400267 (UC-1223-07)	Fifth extension of time for the expansion of the Gaming Enterprise District, a resort hotel consisting of 3,250 hotel rooms, and 250 resort condominiums	Approved by BCC	February 2019
AR-18-400234 (UC-0899-14)	Second application for review for temporary outdoor commercial events without a licensed business on site	Approved by BCC	December 2018
WS-0237-08 (AR-0171-16)	Second application for review of an outdoor tent for a temporary event	Approved by BCC	January 2017
UC-1223-07 (ET-0170-16)	Fourth extension of time for the expansion of the Gaming Enterprise District, a resort hotel consisting of 3,250 hotel rooms, and 250 resort condominiums	Approved by BCC	January 2017
UC-0899-14 (AR-0003-16)	First application for review for temporary outdoor events without a licensed business on site (during conventions)	Approved by BCC	March 2016
UC-0899-14	Allowed temporary outdoor events without a licensed business on-site (during conventions)	Approved by BCC	February 2015
WS-0237-08 (ET-0126-13)	First application for review of an outdoor tent for a temporary event (2 extensions of time to commence were approved prior to this review)	Approved by BCC	February 2014
UC-1223-07 (ET-0127-13)	Third extension of time for the resort hotel with resort condominiums	Approved by BCC	February 2014
WS-0237-08 (ET-0046-11)	Second extension of time to commence an outdoor tent for a temporary event	Approved by BCC	June 2011

Prior Land Use Requests

Application Number	Request	Action	Date
UC-1223-07 (ET-0045-11)	Second extension of time for the resort hotel with resort condominiums	Approved by BCC	June 2011
UC-1223-07 (ET-0321-09)	First extension of time for the resort hotel with resort condominiums	Approved by BCC	January 2010
WS-0237-08 (ET-0322-09)	First extension of time to commence an outdoor tent for a temporary event	Approved by BCC	January 2010
WS-0237-08	Original application to allow an outdoor tent for a temporary event	Approved by BCC	April 2008
UC-1223-07	Expanded the Gaming Enterprise District, a resort hotel consisting of 3,250 hotel rooms, and 250 resort condominiums	Approved by BCC	December 2007
UC-0786-06	Allowed a 39 story, 300 hotel room, 300 resort condominium resort hotel (The Beach) on the northeast comer of the subject site	Approved by BCC	August 2006

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Public Facilities	P-F	Las Vegas Convention Center Expansion
South	Commercial Tourist	H-1	Residence Inn by Marriot
East	Public Facilities	P-F	Las Vegas Convention Center
West	Commercial Tourist	H-1	Piero's Italian restaurant

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.

Since the original approval, several applications have been approved in the surrounding area, including the convention center expansion, and a new non-gaming hotel to the west. The project still complies with all separations from residential, educational, and religious uses and other commercial tourist developments, and is in close proximity to the Wynn and Encore Resort Hotels. However, no technical studies for the project have been submitted to date. In addition, the County is in the process of updating the zoning Code and the new development will need to

meet the updated development standards. Staff finds that the sixth request for an extension of time with no progress being made is excessive and does not support the application.

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

More importantly, the development 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
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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning
If approved:
- Until December 19, 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.

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

Fire Prevention Bureau
- No comment.

Clark County Water Reclamation District (CCWRD)
- No comment.

TAB/CAC:
APPROVALS:
PROTEST:

COUNTY COMMISSION ACTION: December 22, 2021 – HELD – To 05/18/22 – per the applicant.

APPLICANT: MRC I FUNDING, LLC
CONTACT: KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DR., STE 650, LAS VEGAS, NV 89135