

RESORT CONDOMINIUM  
(TITLE 30)

LAS VEGAS BLVD S/SANDS AVE

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ET-22-400017 (UC-1721-06)-PALAZZO CONDO TOWER, LLC:**

**HOLDOVER USE PERMITS SIXTH EXTENSION OF TIME** to commence the following: **1)** resort condominiums in conjunction with an existing resort hotel (The Venetian); **2)** increased building height; **3)** associated accessory and incidental commercial uses, buildings, and structures; and **4)** deviations from development standards.

**DEVIATIONS** for the following: **1)** reduce on-site parking requirements; **2)** reduce the height setback ratio from an arterial street; **3)** encroachment into airspace; and **4)** all other deviations as shown on plans in file.

**DESIGN REVIEWS** for the following: **1)** a 632 foot high, high-rise resort condominium tower including kitchens in rooms; **2)** all associated accessory uses, retail areas, and amenity areas (The Venetian/Palazzo); and **3)** revisions to an already approved retail component associated with the Venetian/Palazzo (Walgreens) on a portion of 62.9 acres in an H-1 (Limited Resort and Apartment) Zone.

Generally located on the east side of Las Vegas Boulevard South and the south side of Sands Avenue within paradise. TS/jor/syp (For possible action)

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RELATED INFORMATION:

**APN:**

162-16-213-002 through 162-16-213-004; 162-16-213-006; 162-16-213-010 through 162-16-213-012; 162-16-213-021 through 162-16-213-047; 162-16-213-050; 162-16-213-051; 162-16-301-011; 162-16-311-003 through 162-16-311-006; 162-16-311-009; 162-16-311-011 through 162-16-311-012; 162-16-702-002

**USE PERMITS:**

1. Allow 280 resort condominiums with kitchens in rooms.
2. Increase building height to 632 feet where 100 feet is the standard in an H-1 Zone without use permit (a 532% increase).
3. Allow for accessory uses including commercial/retail restaurants, meeting rooms, and recreational areas.
4. Deviations from development standards.

**DEVIATIONS:**

1. Reduce the on-site parking requirement for the Palazzo Resort condominium tower from 178 spaces to 157 spaces (a 12% reduction).
2. Reduce the height setback ratio from Las Vegas Boulevard South to 100 feet where 200 feet is the standard (a 50% reduction).

3. Permit encroachment into airspace.
4. All other deviations as shown per plans on file.

### **LAND USE PLAN:**

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

### **BACKGROUND:**

#### **Project Description**

##### General Summary

- Site Address: 3377 Las Vegas Boulevard South
- Acreage: 63 (portion)
- Number of Units: 280 resort condominiums
- Project Type: High-rise resort tower including kitchens
- Building Height (feet): 632
- Parking Required/Provided: 11,990/12,025

##### Site Plan & History

The original application UC-1721-06 was approved by the Board of County Commissioners (BCC) in January 2007. The request consisted of use permits, deviations, and design reviews to allow construction of a 632 foot high resort condominium tower with retail areas. Construction was completed on the lower level retail portion of the project; however, construction on the condominium tower was halted with the downturn of the economy in 2008. The land use requests have been extended 5 times, the last of which was approved in April 2017 via ET-0021-17. The original plans depicted a resort condominium tower located on a portion of the west side of the existing resort hotel adjacent to Las Vegas Boulevard South. The approved tower included 280 resort condominium units as well as retail and restaurant uses. The resort condominium portion of the tower is located above the existing Walgreens and other commercial areas of the Palazzo Resort Hotel. No revisions to the previously approved site plans are proposed with this extension of time.

##### Elevations

The approved tower has an overall height of 632 feet with the first stories consisting of traditional design which includes brick facades, extended vertical windows, pillars, and other enhancements. Above the first stories and podium, the remainder of the tower consists of condominium units with modern glass and steel facade. Vertical fins and thick decorative cornice cap the top of the tower. No revisions to the previously approved elevations are proposed with this application.

##### Previous Conditions of Approval

Listed below are the approved conditions for UC-1721-06 (ET-0021-17):

##### Current Planning

- Until January 17, 2022 to commence.
- Applicant is advised that finalized Development Agreement is required prior to any additional permits; 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 from UC-1721-06 (ET-0053-15):

Current Planning

- Until January 17, 2017 to commence.
- Applicant is advised that finalized Development Agreement is required prior to any additional permits; 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 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.

Building/Fire Prevention

- Applicant is advised that the proposal has been reviewed and it does not conflict with Fire Code requirements.

Listed below are the approved conditions from UC-1721-06 (ET-0001-13):

Current Planning

- Until January 17, 2015 to commence;
- Crane used when construction recommences shall be removed months after or suspension of construction.
- Applicant is advised that finalized Development Agreement is required prior to any additional permits; 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.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that the property is already connected to existing public sanitary sewer; at the time of restart of construction of the unfinished condo tower, CCWRD requires submittal of civil improvement plans and estimated wastewater flow rates from all phases of the proposed project at build-out to verify sewer point-of-connection; connection fees at the current CCWRD rates will also need to be addressed at restart; and that CCWRD has no objection to the time extension.

Listed below are the approved conditions from UC-1721-06 (ET-0004-11):

#### Current Planning

- Until January 17, 2013 to commence;
- All applicable standard conditions for this application type.
- Applicant is advised to dismantle the cranes for the condominium tower until construction commences per conditions of DR-0562-10; finalize Development Agreement prior to any permits; 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 from UC-1721-06 (ET-0008-09):

#### Current Planning

- Until January 17, 2011 to commence;
- All applicable standard conditions for this application type.
- Applicant is advised 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 from UC-1721-06:

#### Current Planning

- Expunge UC-1191-06;
- Design review as public hearing for any significant changes to the plans;
- All applicable standard conditions for this application type.
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time; and that this application must commence within years of approval date or it will expire.

#### Civil Engineering

- Coordinate additional off-site improvements required by UC-2002-04 and revise off-site plans, if necessary.

#### 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 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 "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;

- If applicant does not obtain written concurrence to "Property Owner's Shielding Determination Statement," then applicant must also receive either Permit from the Director of Aviation or Variance from the Airport Hazard Areas Board of Adjustment prior to construction as required by Section 30.48 Part 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 AHABA Variance will be approved.

Applicant's Justification

Per the applicant, the project remains viable and relevant to the surrounding areas. Furthermore, the project continues to be screened to minimize any visual impacts from the unfinished portions of the project. In addition, the applicant is a party to an agreement for the acquisition of the property, along with the entire Venetian/Palazzo campus. With the anticipated change in ownership of the property, the land use entitlements should be maintained in order to provide some additional time for the new ownership process and assess the completion of the project or alternative options for the future development of the property which will provide first class facilities to the property and the Las Vegas Strip.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-1721-06 (ET-0021-17)	Fifth extension of time for 280 resort condominiums with kitchens	Approved by BCC	April 2017
UC-1721-06 (ET-0053-15)	Fourth extension of time for 280 resort condominiums with kitchens	Approved by BCC	September 2015
UC-1721-06 (ET-0001-13)	Third extension of time for 280 resort condominiums with kitchens	Approved by BCC	February 2013
UC-0591-12	Permit primary means of access to an outside November dining/drinking area from the exterior of the resort hotel and waiver of conditions of a use permit (UC-0214-12) limiting temporary events longer than 10 days to 1 event per year	Approved by BCC	November 2012
DR-0231-12	Animated sign and revisions to a previously approved comprehensive sign package	Approved by BCC	November 2012
UC-0214-12	Outdoor festival	Approved by BCC	June 2012
UC-0052-12	Animated sign and revisions to a previously approved comprehensive sign package	Approved by BCC	March 2012
UC-1721-06 (ET-0004-11)	Second extensions of time for 280 resort condominiums with kitchens - until January 17, 2013	Approved by BCC	March 2011
DR-0140-11	Redesigned and modifications to the exterior and interior of the existing resort hotel	Approved by BCC	May 2011
DR-0562-10	Sign package	Approved by BCC	January 2011

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
WS-0017-09	Reduced setback along Las Vegas Boulevard South and a design review for revisions/additions to a previously approved comprehensive sign package	Approved by BCC	February 2009
UC-1721-06 (ET-0008-09)	First extension of time for 280 resort condominiums with kitchens	Approved by BCC	February 2009
UC-0347-08	Allowed 421 resort condominiums with kitchens in the units where 280 were previously approved with UC-1721-06 - expired	Approved by BCC	May 2008
UC-1721-06	Original application for 280 resort condominiums with kitchens	Approved by BCC	January 2007

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Entertainment Mixed-Use	H-1	Wynn/Encore Resort Hotel
South	Entertainment Mixed-Use	H-1	Harrah’s Resort Hotel
East	Entertainment Mixed-Use	H-1	MSG Sphere, parking lot for Wynn, & portions of Palazzo/Venetian Resort Hotels
West	Entertainment Mixed-Use	H-1	T.I. & Mirage Resort Hotels

**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; however, a number of Code sections relating to resort hotels including resort condominiums have changed. The applicant finalized a Certificate of Completion for what currently exists today. However, the applicant has not diligently pursued completion of the project since its approval 16 years ago (UC-1721-06). Any new development on the site should be reviewed in accordance with current Title 30 Code regulations at the time new owners are interested in developing this parcel since Current Planning is presently undergoing an update on the Development Code. Since the applicant has not shown a significant progress towards completing the project, staff recommends denial.

**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 Master Plan, Title 30, and/or the Nevada Revised Statutes.

### **PRELIMINARY STAFF CONDITIONS:**

#### **Current Planning**

If approved:

- Until April 6, 2024 to commence.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

#### **Public Works - Development Review**

- Compliance with previous conditions.

#### **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.

**Fire Prevention Bureau**

- No comment.

**Clark County Water Reclamation District (CCWRD)**

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTEST:**

**COUNTY COMMISSION ACTION:** April 6, 2022 – HELD – To 05/04/22 – per the applicant.

**COUNTY COMMISSION ACTION:** May 4, 2022 – HELD – To 06/08/22 – per the applicant.

**APPLICANT:** PALAZZO CONDO TOWER, LLC

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