

**UPDATE**

RESORT HOTEL GED EXPANSION  
(TITLE 30)

FASHION SHOW DR/LAS VEGAS BLVD S

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ET-21-400176 (UC-0045-16)-WESTWYNN, LLC:**

**HOLDOVER USE PERMIT SECOND EXTENSION OF TIME** to expand/enlarge the Gaming Enterprise District by approximately 2.5 acres in conjunction with an approved resort hotel (Alon) on 34.6 acres in an H-1 (Limited Resort and Apartment) Zone.

Generally located between Sammy Davis Jr. Drive and Las Vegas Boulevard South and between Fashion Show Drive and Wilbur Clark Desert Inn Road within Winchester and Paradise. TS/sd/jo (For possible action)

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RELATED INFORMATION:

**APN:**

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

**LAND USE PLAN:**

WINCHESTER/PARADISE – ENTERTAINMENT MIXED-USE

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 3120 Las Vegas Boulevard South
- Site Acreage: 34.6 (overall)/2.5 (portion)
- Number of Rooms: 1,100
- Project Type: Resort hotel with associated uses and structures
- Building Height (feet): 357 (maximum)
- Building Stories: 26 (resort tower)/17 (VIP tower)
- Square Feet: 3,397,721 (total)
- Parking Required/Provided: 2,303/2,303

Site Plans

This request is for a second extension of time request to expand/enlarge the boundary of the Gaming Enterprise District (GED) to cover the entire site of the approved Alon Resort Hotel. In October 2015, the Board of County Commissioners approved UC-0492-15 for the Alon Resort Hotel on a total of 34.6 acres. The western approximate 485 feet of this site was located outside of the existing Las Vegas Boulevard Gaming Corridor. The area located outside of the Las Vegas Boulevard Gaming Corridor included a portion of the parking garage which is part of the required parking for the site. The original application was filed so that all accessory uses for the

resort hotel, including the parking, would be located within the GED. The approved resort hotel has not commenced; therefore, this second extension of time was filed.

The approved resort hotel is located between Las Vegas Boulevard South and Sammy Davis Jr. Drive, and between Resorts World Drive/Wilbur Clark Desert Inn Road, and Fashion Show Drive. The approved expansion area of the GED is the western portion of the site located within approximately 485 feet of Sammy Davis Jr. Drive.

The approved plans for the resort hotel 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 is 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 taxi pick-up and drop-off area is located under a canopy that extends to Las Vegas Boulevard South. This taxi pick-up and drop-off area varies in width from approximately 24 feet to 36 feet, which allows for a queuing lane for taxis, a bypass lane, and a lane for passenger pick-up and drop-off. The plans show that this taxi pick-up and drop-off area is located along the east side of the sidewalk/pedestrian access easement along Las Vegas Boulevard South. The plan depicts a median strip with a fence separating the lanes of the proposed taxi pick-up and drop-off area from the travel lanes of Las Vegas Boulevard South. There is an existing modular office building located on the southeast corner of the site which will be demolished pursuant to permit BD-18-11971 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 zero feet from Las Vegas Boulevard South. All other portions of the resort hotel will be set back approximately 50 feet from Las Vegas Boulevard South. The high-rise towers and low-rise area are designed 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.

#### Landscaping

The approved plans depict landscape areas consisting 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 plans indicate that the sidewalk/pedestrian access easement will have a pattern within the walkway which will be different from the plaza area in order to distinguish the private and public easement areas from each other. 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 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 264 feet and the resort tower is 357 feet. The mid-rise and low-rise portions of the building ranges from approximately 25 feet in height to approximately 80 feet.

### Floor Plans

The approved plans show a 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).

### Previous Conditions of Approval

Listed below are the approved conditions for ET-18-400113 (UC-0045-16):

#### Current Planning

- Until April 20, 2021 to commence;
- Expunge Current Planning condition for staff to prepare an ordinance to expand/enlarge the Gaming Enterprise District.
- 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 UC-0045-16:

#### Current Planning

- Staff to prepare an ordinance to expand/enlarge the Gaming Enterprise District.

#### 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;
- 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 public health, safety or welfare, or it is in the best interest of the public, and the applicant acknowledges that the modification or removal of the taxi drop-off area will be at the applicant's sole cost and expense.

#### Building/Fire Prevention

- Applicant is advised that fire/emergency access must comply with the Fire Code as amended; permits may be required; and that fire protection may be required for this facility and to contact Fire Prevention for further information at (702) 455-7316.

#### Applicant’s Justification

The applicant states that due to 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
UC-22-0267	Temporary construction storage for construction of the Madison Square Gardens (MSG) Sphere	Approved by BCC	June 2022
WS-21-0035	Increase fence height for perimeter fence	Approved by BCC	March 2021
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	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	Entertainment Mixed-Use	H-1	Resorts World Resort Hotel Site (formally Echelon Resort Hotel) & NV Energy electrical substation
South	Entertainment Mixed-Use	H-1	Fashion Show Mall
East	Entertainment Mixed-Use	H-1	Wynn & Encore Resort Hotels, place of worship, & retail center
West	Entertainment Mixed-Use & Corridor Mixed-Use	H-1 & M-1	Parking lot, Trump Tower, office building and parking garage, & adult cabaret (Déjà Vu Showgirls)

## Related Applications

Application Number	Request
ET-21-400175 (UC-0492-15)	An extension of time for use permits with waivers and design reviews for a High Impact Project/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

#### Comprehensive Planning

Title 30 standards of approval on an extension of time application state that such an application may be denied or have additional conditions imposed if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws or policies affecting the subject property. Using the criteria set forth in Title 30, no substantial changes have occurred at the subject site since the original approval.

**While the proposed development continues to be a consistent and compatible use with existing and planned land uses in the area, staff is not supporting the companion application (ET-21-400175 (UC-0192-15)) due to a change in applicable rules and regulations, lack of progress, and overall time that has passed since originally approved 7 years ago. For these reasons, staff cannot support the subject request.**

### Staff Recommendation

#### Denial.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

### PRELIMINARY STAFF CONDITIONS:

#### Comprehensive Planning

##### If approved:

- Until April 20, 2026 to commence.
- Applicant is advised that **the land subject to this application will not officially be within the Gaming Enterprise District until the gaming establishment has been issued a nonrestricted gaming license**; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

**Public Works - Development Review**

- Compliance with previous conditions.

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

- No comment.

**TAB/CAC:** Paradise - approval. **Winchester - approval (for 2 years).**

**APPROVALS:**

**PROTEST:**

**COUNTY COMMISSION ACTION:** January 5, 2022 – HELD – To 02/02/22 – per the applicant.

**COUNTY COMMISSION ACTION:** February 2, 2022 – HELD – To 03/02/22 – per the applicant.

**COUNTY COMMISSION ACTION:** March 2, 2022 – HELD – To 04/06/22 – per the applicant.

**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.

**COUNTY COMMISSION ACTION:** June 8, 2022 – HELD – To 07/20/22 – per the applicant.

**COUNTY COMMISSION ACTION:** July 20, 2022 – HELD – To 08/17/22 – per the applicant.

**COUNTY COMMISSION ACTION:** August 17, 2022 – HELD – To 09/21/22 – per the applicant.

**COUNTY COMMISSION ACTION:** September 21, 2022 – HELD – To 10/19/22 – per the applicant.

**COUNTY COMMISSION ACTION:** October 19, 2022 – HELD – To 11/16/22 – per the applicant.

**COUNTY COMMISSION ACTION:** November 16, 2022 – HELD – To 01/04/23 – per the applicant.

**COUNTY COMMISSION ACTION:** January 4, 2023 – HELD – To 02/22/23 – per the applicant.

**COUNTY COMMISSION ACTION:** February 22, 2023 – HELD – To 04/05/23 – per the applicant.

**COUNTY COMMISSION ACTION:** April 5, 2023 – HELD – To 05/17/23 – per the applicant.

**APPLICANT:** WESTWYNN, LLC

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