

07/07/21 BCC AGENDA SHEET

BUILDING HEIGHT
(TITLE 30)

ELVIS PRESLEY BLVD/LAS VEGAS BLVD S

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-21-400082 (UC-0698-07)-JDR OWNER, LLC:

USE PERMITS THIRD EXTENSION OF TIME for the following: **1)** increased building height; and **2)** deviations from development standards.

DEVIATIONS for the following: **1)** reduce the on-site parking requirements; and **2)** all other deviations as shown per plans on file.

DESIGN REVIEW for modifications to a previously approved resort hotel (The Drew Las Vegas) 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.
 - a. Increase the height of the podium to 111 feet (west facade along Las Vegas Boulevard South) where previously approved at 81 feet.
 - b. Increase the height of the podium to 164 feet (south facade along Elvis Presley Boulevard) where previously approved at 137 feet.
 - c. Increase the height of the parking garage east facade to 213.5 feet (south end) and 218.5 feet (north end) along the east wall line. Farther west on the roof the height for a mechanical cooling tower and acoustic screen wall is up to 258.5 feet.
2. Permit deviations from development standards.

DEVIATIONS:

1. Reduce the amount of required parking spaces from 8,855 spaces to 6,198 spaces, (a 30% reduction) where previously approved as a 27% reduction.
2. Permit 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.

UC-0698-07 was previously approved to increase the total floor area from 7,046,928 square feet (as approved by UC-0932-06) to 8,204,320 square feet, increase the height of 2 podium structures, and reduce the number of required parking. The increase in floor area was due to the addition of a second level below grade parking garage, an increase in floor area within the structures, and a miscalculation of floor area from the original application. To compensate for the increase in floor area, the applicant requested a corresponding reduction in parking from 8,865 parking spaces to 6,196 parking spaces which amounted to a 30% reduction.

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. The 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.

Elevations

The previously approved plans illustrated an increase to the height of both the podium structure and the attached parking garage; the maximum height of the podium on the west side of the site adjacent to Las Vegas Boulevard South is 111 feet, and the south facade along Elvis Presley Boulevard is 164 feet. The east facade of the parking garage, closest to Turnberry, incorporated terracing of the building design. The exterior elevation treatments were consistent with the previous approval by the use of EIFS treatments, aluminum architectural louvers, and a glass curtain wall system.

Floor Plans

The previously approved project contains 2,898,488 square feet for the hotel tower, 2,578,945 square feet of casino, convention, retail, dining, showroom, and all other related facilities, 2,409,880 square feet for the parking garage, 266,160 square feet for the pool decks, central plant, and theater lofts, and 140,847 square feet for elevators and stairways, for a total project floor area of 8,204,320 square feet.

Previous Conditions of Approval

Listed below are the approved conditions for ET-18-400046 (UC-0698-07):

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-1369-17 (UC-0698-07):

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-0698-07:

Current Planning

- An amendment to the Development Agreement to resolve additional impacts created by the addition of the 1,247,392 square feet of floor area;
- Design review as a public hearing for significant changes to the plans;
- The convention/parking facility lighting will be designed so as to minimize any impact on the Turnberry property while still meeting Illuminating Engineering Society (IES) recommendations for safety and security purposes, all lighting shall be shielded and directed downwards so as not to directly shine on the adjacent Turnberry property;
- The parking garage guardrail/knee-wall shall be constructed so as to prevent vehicle lights from shining into the Turnberry property;
- No vehicles will be allowed to drive on or park on top of the convention/parking facility;
- Exhaust fans shall not discharge off the east side of the convention/parking facility nor shall any mechanical equipment be located between the convention/parking facility and the Turnberry property except for occasional operation of emergency generators;
- The height of the convention/parking facility will not exceed 230 feet and any portion of the above application requesting approval of any height in excess of 230 feet is to be withdrawn, for purposes of this application, and for the clarification of all parties, this 230 feet is to be measured from the southeast corner of the site adjacent to the sidewalk on Elvis Presley Boulevard, technically described as datum point 2051.5 feet AMSL, further, no application is to be filed at any time in the future seeking an increase in the height of the convention/parking facility above this 230 feet;

- There will be a follow-up design review as a public hearing on the exterior appearance of the east wall of the convention/parking facility facing the Turnberry property, this design review shall seek input from the Turnberry property as to the exterior appearance of the wall, which exterior appearance shall be compatible with the presently planned structural design of the convention/parking facility, consistent with overall architectural design of the Fontainebleau and/or Turnberry project, and shall not exceed one million dollars;
- The exterior truck ramp on the convention/parking facility, as shown on the approved plans, shall be eliminated, subject to Clark County approval, the loading dock driveway on the exterior of the convention/parking facility shall be covered save and except for the ingress and egress portions of this driveway, if the covering of this driveway is approved by Clark County, and subject to then meeting applicable LEED (Leadership in Energy and Environmental Design) standards, this covering shall itself be covered with artificial turf as determined by the applicant, the ingress and egress portions of this driveway while not covered shall be walled subject to Clark County approval and subject to existing site and architectural/structural conditions, any change to LEED certification shall be included in the development agreement to include the amended savings;
- The roof of the convention/parking facility shall be properly maintained and kept free of debris and clutter;
- The recreational vehicle parking, bus services and all trash receptacles shall be kept below grade level and shall be interior to the convention/parking facility;
- 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 2 years of approval date or it will expire.

Civil Engineering

- Compliance with UC-0932-06.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant indicates this is the third extension of time for UC-0698-07. 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

Prior Land Use Requests

Application Number	Request	Action	Date
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
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

Prior Land Use Requests

Application Number	Request	Action	Date
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-21-400078 (UC-0923-06)	An extension of time for a use permit to allow a personal service business, retail sales, permanent makeup, and wall signage in conjunction with an existing office complex 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-21-400083 (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

- Compliance with previous conditions.

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