

10/06/21 BCC AGENDA SHEET

RESORT HOTEL/CASINO
(TITLE 29)

UPDATE
DURANGO DR/MAULE AVE

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
UC-21-0387-NP DURANGO, LLC:

HOLDOVER USE PERMITS for the following: **1)** allow outdoor dining and drinking establishments in conjunction with restaurant uses; and **2)** deviations to development standards.

DEVIATIONS for the following: **1)** modify parking stall dimensions; and **2)** all other deviations as shown per plans on file.

WAIVER OF DEVELOPMENT STANDARDS for modified driveway design standards.

DESIGN REVIEWS for the following: **1)** final plans on the site and building design for a previously approved resort hotel/casino with ancillary uses and structures; and **2)** water features on approximately 50.0 acres in an H-1 (Limited Resort and Apartment) P-C (Planned Community Overlay District) Zone within the Rhodes Ranch Master Planned Community.

Generally located between the 215 Beltway and Maule Avenue on the west side of Durango Drive within Spring Valley. JJ/rk/jo (For possible action)

RELATED INFORMATION:

APN:
176-05-601-028

DEVIATIONS:

1. Modify parking stall dimensions in the parking garage to 9 feet by 18 feet where a typical stall is required to be 9 feet by 19 feet in Title 29.
2. Permit all other deviations as shown per plans on file.

WAIVER OF DEVELOPMENT STANDARDS:

Reduce throat depth for driveways on Roy Horn Way to zero feet and 94 feet where a minimum of 150 feet is the standard per Uniform Standard Drawing 222.1 (a 100% and 37% reduction, respectively).

LAND USE PLAN:

SPRING VALLEY - MAJOR DEVELOPMENT PROJECT (RHODES RANCH) - LIMITED RESORT

BACKGROUND:

Project Description

General Summary

- Site Address: N/A

- Site Acreage: 50
- Number of Rooms: 211 hotel rooms (Phase 1); 241 hotel rooms (Phase 2)
- Project Type: Resort hotel/casino
- Building Height (feet): Up to 216
- Square Feet: 83,178 (Phase 1 – casino space); 92,911 (Phase 2 – casino space)
- Parking Required/Provided: 2,338/3,853 (Phase 1 and 2 combined)

Site History

The existing H-1 zoning on this site was approved through ZC-1282-06 in November 2006 with a subsequent clarification that was approved through UC-0726-08 in May 2008. However, portions of the site have been zoned H-1 and approved for a resort hotel/casino since January 1997. Therefore, this site location has been approved and anticipated to contain a resort hotel/casino for 24 years.

The zone change was approved on 70 acres and consisted of the following: 1) 195,600 square feet of casino space; 2) 1,040 hotel rooms; 3) 216 foot high hotel tower; 4) 63,000 square foot theatre complex; 5) 58,000 square feet of retail uses; 6) 64 bowling lanes; 7) 54,000 square feet of fast food; 8) 19,200 square feet of restaurant space; 9) 94,200 square foot shopping center; and 10) other ancillary uses (water features) and parking structures. The use permit was approved to modify the previously approved resort hotel/casino with additional office and retail area on 70 acres and consisted of the following: 1) 120,000 square feet of casino space; 2) 726 rooms; 3) two hotel towers with a maximum height of 216 feet; 4) 139,071 square feet of retail uses; and 5) other ancillary uses (water features) and parking structures.

Current Project Description

The subject development site is zoned H-1 and located on the west side of Durango Drive between the 215 Beltway and Maule Avenue. More specifically, the Stations Casino site consists of the eastern 50 acres with the western 20 acres being not a part and intended to function as a future transitional land use to the resort hotel/casino.

The proposed project will be developed in 2 phases, Phase 1 will consist of the following: 1) 83,178 square feet of casino space; 2) 211 hotel rooms; 3) single 216 foot high hotel tower; 4) restaurants, food hall, and banquet space; and 5) other ancillary uses (water features) and parking structure. Phase 2 will add an additional 241 hotel rooms with a second 216 foot high tower for a total room count at full buildout of 452 rooms. The casino space will increase to 92,911 square feet, with additional banquet space, entertainment/theatre space, entertainment/parking structure, and additional lobby area. As part of this request, the 2 towers have been designed to make them more slender with less bulk on the site. As with Phase 1, there will be adequate parking for the full buildout of the project. According to the applicant there is currently no established timeline between Phase 1 and 2.

The additional design review is for proposed water features distributed throughout the site. The water features have been previously approved but because the site is smaller and site layout is different than previously considered, a new design review is being requested. The applicant is proposing 5 water features that consist of the following: 1) cascading water element over stepped features into a low shallow basin with low vertical jets and an art element; and 2) terraced basins

with various spill ways and decorative features, and planter islands that will be integrated in the various water bodies. The average water feature heights will be between 24 inches and 36 inches. The total area for all 5 water features is 4,838 square feet where 13,283 square feet is allowed. Therefore, they are substantially below what would be permissible for the proposed resort hotel.

As part of a resort hotel/casino in the H-1 zoning district, and Title 29, certain development standards may be modified through deviation rather than design review or variance. With the current proposal Stations Casino is requesting a deviation for parking space dimensions within a parking structure/garage to 9 feet by 18 feet rather than the required 9 feet by 19 feet required by Title 29.

Elevations

The hotel towers will be built in 2 phases and are approximately 16 stories high, with a maximum height up to 216 feet. Both hotel buildings have an overall contemporary architectural design consisting of painted concrete tilt-up panels, bronze tinted glass, decorative metal design elements, faux wood plank accents, and vertical and horizontal lines. There is surface plane variation and design schemes that give the building a contemporary modern look. The low-rise buildings (parking garages) will be painted to match and compliment the colors of the high-rise towers. The primary materials consist of precast concrete tilt-up panels. Additionally, all buildings will comply with the required setbacks.

Signage

Signage is not a part of this request.

Applicant’s Justification

The applicant indicates that the proposed project is substantially less intense than what was originally approved with ZC-1282-06 and less intense than what was approved with UC-0726-08. The project fully complies with setbacks, parking, and buffering, and the use is consistent with the intent of the H-1 zoning district. As part of both phases the project will incorporate enhanced pedestrian walkway, circulation, and orientation plans as well as functional bicycle accessibility. The proposed project is in full compliance with all previous conditions of approval from ZC-1282-06 and UC-0726-08. Lastly, the proposed project will complete the much needed full off-site improvements for the last remaining segments of Roy Horn Way, Durango Drive, and Maule Avenue which will facilitate traffic movement and provide for a seamless improved streetscape.

Prior Land Use Requests

Application Number	Request	Action	Date
ET-18-400190 (UC-0726-08)	Fourth extension of time for a resort hotel/casino with accessory retail commercial	Approved by BCC	October 2018
UC-0726-08 (ET-0073-15)	Third extension of time for a resort hotel/casino with accessory retail commercial	Approved by BCC	November 2015
UC-0726-08 (ET-0082-13)	Second extension of time for a resort hotel/casino with accessory retail commercial	Approved by BCC	October 2013

Prior Land Use Requests

Application Number	Request	Action	Date
UC-0726-08 (ET-0134-10)	First extension of time for a resort hotel/casino with accessory retail commercial	Approved by BCC	October 2010
UC-0726-08	Original application for a revised resort hotel/casino with accessory retail commercial	Approved by BCC	September 2008
ZC-1282-06	Reclassified the site to H-1 zoning for a resort hotel/casino	Approved by BCC	November 2006

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	N/A	N/A	215 Beltway
South	Commercial Tourist; Major Development Project – Commercial General & Major Development Project – Mixed Use	H-1, C-2, & R-3	Multiple family residential, retail center & single family residential
East	Commercial General & Residential Urban Center	C-2 & R-4	Undeveloped
West	Residential Suburban & Residential High & Mixed Use	R-2 & R-3	Single family residential

Related Applications

Application Number	Request
ET-21-400117 (UC-0726-08)	Fifth extension of time for a resort hotel/casino with accessory retail commercial is a companion item on this agenda.
VS-21-0388	Vacation of easements and rights-of-way 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 29.

Analysis

Current Planning

Use Permits

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 29 and the Comprehensive Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

The proposed use of this site for a hotel/casino and ancillary uses have previously been approved. Portions of the site have been zoned H-1 and approved for a resort hotel/casino since January 1997. Therefore, this site location has been approved and anticipated to contain a resort hotel/casino for 24 years. Staff believes the design of the overall site is compatible not only on-

site but also in the general vicinity. The Stations Casino site consists of the eastern 50 acres with the western 20 acres being not a part and intended to function as a future transitional land use between the existing residential further west and the resort hotel/casino. Finally, there are adequate spatial separations, parking areas, and enhanced landscaping and buffering from the perimeter of the project site to adequately provide for visual and acoustical buffering between uses in the area.

Waiver of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

Design Reviews

This request is to address final plans on the site and building design for a previously approved resort hotel/casino with ancillary uses and structures. Staff finds site circulation, building orientation and overall layout meets the objectives and standards of the Clark County Master Plan and Title 29. The design of the buildings complies with the requirements of Code for architectural elements to enhance the project and the development provides appropriate buffers and setbacks, as encouraged by Urban Specific Policy 53. As for the decorative water features, the total area for all 5 water features is 4,838 square feet where 13,283 square feet is allowed. Therefore, they are substantially below what would be permissible for the proposed resort hotel.

Finally, the proposed use and site location achieve the following: 1) the proposed uses are in harmony with the purpose, goals, objectives and standards of the Clark County Master Plan and Title 29; 2) the proposed uses will not have substantial or undue adverse effects on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare; and 3) the proposed use will be adequately served by public improvements, facilities, and services and will not impose an undue burden.

Public Works - Development Review

Waiver of Development Standards

Staff can support the request to reduce the throat depth for the driveways on Roy Horn Way since the design of the site allows for vehicles to enter the site without any immediate impediments to safety.

Department of Aviation

Federal Aviation Regulations (14 CFR, Part 77) require that the Federal Aviation Administration (FAA) be notified before the construction or alteration of any building or structure that will exceed a slope of 100:1 for a distance of 20,000 feet from the nearest point of any airport runway or for any structure greater than 200 feet in height. Therefore, as required by 14 CFR Part 77, and Section 30.48.120 of the Clark County Unified Development Code, the FAA must be notified of the proposed construction or alteration.

APN 176-05-601-028 is subject to certain deed restrictions which 1) prohibit uses incompatible with airport operations including those presented in this land use application from being developed, and 2) prohibit these parcels from being used to enhance incompatible uses on adjacent parcels. Applicant must contact the Clark County Department of Real Property Management to apply for a Deed Restriction Modification to amend existing deed restrictions which prohibit said use. Permits will not be issued, and maps will not be recorded until all required fees associated with the amended deed restrictions, which would permit currently prohibited uses included in this application, have been paid and the new CC&Rs are recorded. If applicant fails to pay the required deed modification fees and record the new CC&Rs, then permits for uses prohibited by existing recorded deed restrictions must not be issued and mapping of uses prohibited by existing recorded deed restrictions must not be recorded.

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 29, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

- Public hearing for a comprehensive master sign plan and site lighting;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that a standard development agreement will be required as a condition of any application for the 1,000 residential units; 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 the 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;
- If required by the Regional Transportation Commission (RTC), dedicate and construct right-of-way for bus turnout including passenger loading/shelter areas in accordance with RTC standards;
- Coordinate with Public Works - Design Division for the Maule/Badura Connection improvement project;
- Dedicate any right-of-way and easements necessary for the Maule/Badura Connection improvement project;
- Coordinate with Public Works - Director's Office for the Beltway Frontage Road improvement project;

- Dedicate any right-of-way and easements necessary for the Beltway Frontage Road improvement project;
- Coordinate with Public Works - Traffic Management for the Traffic Signal Systems improvement project;
- Dedicate any right-of-way and easements necessary for the Traffic Signal Systems improvement project;
- 30 days to submit a Separate Document to the Map Team for any required right-of-way and easement dedications;
- 90 days to record required right-of-way and easement dedications.

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;
- 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 or a "Property Owner's Shielding Determination Statement" has been issued by the Department of Aviation;
- Compliance with most recent recorded airport-related deed restrictions for APN 176-05-601-028.
- 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; 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: Spring Valley - approval (applicant to look at alternative ingress/egress to move primary entrance to Durango Drive).

APPROVALS: 22 cards

PROTESTS: 11 cards

COUNTY COMMISSION ACTION: September 22, 2021 – HELD – To 10/06/21 – per the applicant.

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