

**ATTACHMENT A  
WINCHESTER TOWN ADVISORY BOARD  
ZONING AGENDA  
TUESDAY, 6:00 P.M., DECEMBER 27, 2016**

01/18/17 BCC

1. **UC-1223-07 (ET-0170-16) – MCRI FUNDING CORPORATION:**  
**USE PERMITS THIRD EXTENSION OF TIME** to commence 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 in the MUD-1 Overlay District. Generally located on the south side of Convention Center Drive and the west side of Paradise Road within Winchester. CG/co/mcb (For possible action)
  
2. **WS-0237-08 (AR-0171-16) – MRCI FUNDING CORPORATION:**  
**WAIVERS OF DEVELOPMENT STANDARDS FOURTH APPLICATION FOR REVIEW** of the following: 1) permit a use not conducted within a permanent enclosed building where required; and 2) on-site paving requirements.  
**DESIGN REVIEW** for an outdoor tent on 1.4 acres in an H-1 (Limited Resort and Apartment) Zone in the MUD-1 Overlay District. Generally located on the south side of Convention Center Drive and the west side of Paradise Road within Winchester. CG/co/mcb (For possible action)

RESORT HOTEL  
(TITLE 30)

CONVENTION CENTER DR/PARADISE RD

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-1223-07 (ET-0170-16) – MCRI FUNDING CORPORATION:**

**USE PERMITS THIRD EXTENSION OF TIME** to commence 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 in the MUD-1 Overlay District.

Generally located on the south side of Convention Center Drive and the west side of Paradise Road within Winchester. CG/co/mcb (For possible action)

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**RELATED INFORMATION:**

**APN:**

162-09-806-001, 005 thru 008, & 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 and 250 resort condominiums
- Project Type: Resort hotel with resort condominiums
- Number of Stories: 42
- Building Height: 670 feet
- Parking Required/Provided: 5,666/3,917 (30% reduction)

Site Plan

The original application was a request to expand the Gaming Enterprise District 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

A 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 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; 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 conditions approved with 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 conditions approved with 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 conditions approved with 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 conditions approved with 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 turn lanes, 30 feet on Debbie Reynolds Drive to back of curb, and Paradise Road to accommodate a bus turn 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 turn 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 turn 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 FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved.

**Applicant's Justification**

The applicant states that the proposed project is entirely consistent and compatible with what has been approved and constructed in the area. The area remains unchanged since approval of the original application in December 2007, and remains an appropriate area for this type of resort hotel use. As staff indicated on previous approvals, the request for the expansion of the Gaming Overlay is appropriate and compatible as the area is master planned for gaming. The original approval was granted just before a debilitating recession. The market is now coming back and the applicant would like to maintain these entitlements to preserve the opportunity to develop the property in the future.

**Prior Land Use Requests**

Application Number	Request	Action	Date
UC-1223-07 (ET-0127-13)	Third extension of time for the resort hotel with resort condos	Approved by BCC	February 2014
WS-0237-08 (ET-0046-11)	Second extension of time for outdoor tent for a temporary event	Approved by BCC	June 2011
UC-1223-07 (ET-0045-11)	Second extension of time for the resort hotel with resort condos	Approved by BCC	June 2011
UC-1223-07 (ET-0321-09)	First extension of time for the resort hotel with resort condos	Approved by BCC	January 2010
WS-0237-08 (ET-0322-09)	First extension of time for outdoor tent for a temporary event	Approved by PC	January 2010
WS-0237-08	Allow an outdoor tent for a temporary event	Approved by PC	April 2008
UC-1223-07	Original application, included an expansion of 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	Allow a 39 story, 300 hotel room, 300 resort condominium resort hotel (The Beach) on the northeast corner of the subject site - expired	Approved by BCC	August 2006

**Surrounding Land Use**

	Planned Land Use Category	Zoning District	Existing Land Use
North	Public Facility	P-F	Parking lot for the Las Vegas Convention Center
South	Commercial Tourist	H-1	Wynn Golf Course
East	Public Facility	P-F	Las Vegas Convention Center
West	Commercial Tourist	H-1	Undeveloped

**Related Applications**

Application Number	Request
WS-0237-08 (AR-0171-16)	A request for the fourth extension of time for outdoor tent for a temporary event is a related 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. 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. The property is zoned H-1 and is designated Commercial Tourist in the Winchester/Paradise Land Use Plan. The location of the project is in an area considered an extension of "The Strip" and the project complies with the overall goals and policies of the land use plan for "The Strip" that supports high intensity resort developments that cater to tourists and are pedestrian friendly. Therefore, staff can support an extension of time on this application.

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

## **PRELIMINARY STAFF CONDITIONS:**

#### **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.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** MRCI Funding Corporation

**CONTACT:** Kaempfer-Crowell, Tom Amick, 1980 Festival Plaza Drive, Suite 650, Las Vegas, NV 89135

DRAFT

OUTDOOR TENT  
(TITLE 30)

CONVENTION CENTER DR/PARADISE RD

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-0237-08 (AR-0171-16) – MRCI FUNDING CORPORATION:**

**WAIVERS OF DEVELOPMENT STANDARDS FOURTH APPLICATION FOR REVIEW** of the following: 1) permit a use not conducted within a permanent enclosed building where required; and 2) on-site paving requirements.

**DESIGN REVIEW** for an outdoor tent on 1.4 acres in an H-1 (Limited Resort and Apartment) Zone in the MUD-1 Overlay District.

Generally located on the south side of Convention Center Drive and the west side of Paradise Road within Winchester. CG/co/mcb (For possible action)

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RELATED INFORMATION:

**APN:**

162-09-806-005 & 006

**LAND USE PLAN:**

WINCHESTER/PARADISE – COMMERCIAL TOURIST

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: 365 Convention Center Drive and 3175 Paradise Road
- Site Acreage: 1.4
- Project Type: Permit a use within a tent and paving requirements
- Tent Height: 25 feet
- Square Feet: 900
- Parking Required/Provided: 6/6

**Site Plans**

The original plans were approved for a 1 story, 900 square foot temporary outdoor tent located at the center of the site, which is currently undeveloped. The plans also showed an HVAC and generator unit located adjacent to the tent to support activities within the tent. Six parking spaces were approved along the west property line. The subject site is the former location of "The Beach" nightclub. The location held a non-restricted gaming license, prior to being closed and subsequently demolished in 2006.

**Elevations**

The original plans approved a 1 story, up to 25 foot high tent.

### Previous Conditions of Approval

List below are the conditions approved with WS-0237-08 (ET-0126-13):

#### Current Planning

- Until December 19, 2016 to review subject to 3 additional 1-day events only.
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time.

List below are the conditions approved with WS-0237-08 (ET-0046-11):

#### Current Planning

- Until December 19, 2013 to commence subject to 1-day events only;
- 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.

List below are the conditions approved with WS-0237-08 (ET-0322-09):

#### Current Planning

- Until May 5, 2011 to commence subject to 1-day events only;
- 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.

List below are the conditions approved with WS-0237-08:

#### Current Planning

- 1 day event only, excluding set-up and take-down time;
- Dust mitigation to be provided per Department of Air Quality and Environmental Management standards;
- Gates to remain open during event operation;
- 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.

### Applicant's Justification

The applicant states that the temporary tent structure is required to conduct a 1 day gaming operation on the site in order to preserve the existing grandfathered non-restricted gaming license on the site. The site was licensed for non-restricted gaming prior to the adoption of Senate Bill 208, which limited the location of non-restricted gaming establishments. The applicant must operate a gaming operation on the subject site within 18 months of license abandonment. It is anticipated that additional 1 day gaming operations will be required on the property before it is developed.

**Prior Land Use Requests**

Application Number	Request	Action	Date
WS-0237-08 (ET-0126-13)	Third extension of time for outdoor tent for a temporary event	Approved by BCC	February 2014
UC-1223-07 (ET-0127-13)	Third extension for the resort hotel with resort condominiums	Approved by BCC	February 2014
WS-0237-08 (ET-0046-11)	Second extension of time for outdoor tent for a temporary event	Approved by BCC	June 2011
UC-1223-07 (ET-0045-11)	Second extension 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 for outdoor tent for a temporary event	Approved by PC	January 2010
WS-0237-08	Original application to allow an outdoor tent for a temporary event	Approved by PC	April 2008
UC-1223-07	Expand 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	Allow a 39 story, 300 hotel room, 300 resort condominium resort hotel (The Beach) on the northeast corner 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 parking lot
South	Commercial Tourist	H-1	Residence Inn by Marriott
East	Public Facilities	P-F	Las Vegas Convention Center
West	Commercial Tourist	H-1	Piero's Italian restaurant

**Related Applications**

Application Number	Request
UC-1223-07 (ET-0170-16)	A request for a fourth application for review for a resort hotel with resort condominiums is a related 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 for an application to review 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. Temporary gaming activities were previously permitted for 1 day only on the site to comply with business license regulations. Since approval of the original application in April 2008, there have been no reports to Clark County Public Response concerning use of the property for the 1 day temporary events featuring the gaming operation required to maintain the non-restricted gaming license on the site. Staff does not have a practical problem extending this request to maintain the use during this interim period.

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

**PRELIMINARY STAFF CONDITIONS:**

**Current Planning**

- Until December 19, 2018 to review subject to 3 additional 1 day events only.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application to review; 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**

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** MCRI Funding Corporation

**CONTACT:** Kaempfer-Crowell, Tom Amick, 1980 Festival Plaza Drive, Suite 650, Las Vegas, NV 89135