



Winchester Town Advisory Board

Winchester Dondero Cultural Center

3130 S. McLeod Dr.

Las Vegas, NV 89121

July 11, 2023

6:00pm

AGENDA

Note:

- Items on the agenda may be taken out of order.
- The Board/Council may combine two (2) or more agenda items for consideration.
- The Board/Council may remove an item from the agenda or delay discussion relating to an item at any time.
- No action may be taken on any matter not listed on the posted agenda.
- All planning and zoning matters heard at this meeting are forwarded to the Board of County Commissioners' Zoning Commission (BCC) or the Clark County Planning Commission (PC) for final action.
- Please turn off or mute all cell phones and other electronic devices.
- Please take all private conversations outside the room.
- With a forty-eight (48) hour advance request, a sign language interpreter or other reasonable efforts to assist and accommodate persons with physical disabilities, may be made available by calling (702) 455-3530, TDD at (702) 385-7486, or Relay Nevada toll-free at (800) 326-6868, TD/TDD.
- Supporting material provided to Board/Council members for this meeting may be requested from Valerie Leiva at (702) 468-9839.
 - Supporting material is/will also available at the Clark County Department of Administrative Services, 500 S. Grand Central Parkway, 6th Floor, Las Vegas, Nevada 89155.
 - If there are additional locations where supporting materials are available, insert them here. If not, delete this bullet.
 - Supporting material is/will be available on the County's website at specific Board/Council website.

Board/Council Members: John Delibos, Chairperson
 Dorothy Gold, Vice Chairperson
 Judith Siegel
 Robert Mikes
 April Mench

Secretary: Valerie Leiva, (702) 468-9839, and valerieleivaccnv@outlook.com
 Business Address: Clark County Department of Administrative Services, 500 S. Grand Central Parkway, 6th Floor, Las Vegas, Nevada 89155

County Liaison(s): Beatriz Martinez: Beatriz.Martinez@clarkcountynv.gov
 Business Address: Clark County Department of Administrative Services, 500 S. Grand Central Parkway, 6th Floor, Las Vegas, Nevada 89155

I. Call to Order, Invocation, Pledge of Allegiance, and Roll Call

II. Public Comment- This is a period devoted to comments by the general public about items on this agenda. No discussion, action, or vote may be taken on this agenda item. You will be afforded the opportunity to speak on individual Public Hearing Items at the time they are presented. If you wish to speak to the Board/Council about items within its jurisdiction but not appearing on this agenda, you must wait until the "Comments by the General Public" period listed at the end of this agenda. Comments

will be limited to three (3) minutes. Please step up to the speaker's podium, if applicable, clearly state your name and address and please **spell** your last name for the record. If any member of the Board/Council wishes to extend the length of a presentation, this will be done by the Chairperson or the Board/Council by majority vote.

- III. Approval of Minutes for June 27, 2023. (For possible action)
- IV. Approval of the Agenda for July 11, 2023 and Hold, Combine, or Delete any Items. (For possible action)
- V. Informational Items

VI. Planning and Zoning

1. **SC-23-0311-JDR OWNER, LLC:**

STREET NAME CHANGE: to name a private street/drive as Avenue Fontainebleau for a previously approved resort hotel (Fontainebleau) on 22.7 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located on the east side of Las Vegas Boulevard South and the north side of Elvis Presley Boulevard within Winchester. TS/rr/syp (For possible action)

BCC: 08/02/23

2. **UC-23-0310-JDR OWNER, LLC:**

USE PERMITS for the following: **1)** high impact project; **2)** resort hotel; **3)** public areas including the casino, showrooms, theater, live entertainment, retail, indoor and outdoor dining and drinking, offices, convention areas, and parking structures; **4)** associated accessory and incidental commercial uses, buildings, and structures including retail areas, dining, theater, spa/salon, fitness center, wedding chapel, and convention facilities; **5)** kitchens within guestrooms; **6)** nightclub; **7)** a construction office and office within the parking structure; **8)** recreational facility; **9)** live entertainment; **10)** all special uses as listed on file; and **11)** deviations as depicted per plans on file.

DEVIATIONS for the following: **1)** increase building height; **2)** reduce height/setback ratio; **3)** reduce setbacks; **4)** encroachment into airspace; **5)** reduce loading spaces; **6)** alternative landscaping and pedestrian realm; **7)** permit tandem parking spaces; **8)** allow primary means of access to a nightclub to not be through the interior of the resort hotel; and **9)** all other deviations as depicted per plans on file.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce setback; and **2)** allow non-standard improvements within the right-of-way.

DESIGN REVIEWS for the following: **1)** high impact project; **2)** redesign of a loading dock structure and cover; **3)** resort hotel with all associated and accessory uses, structures, and incidental buildings and structures; and **4)** changes and modifications to a resort hotel on 22.7 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located on the north side of Elvis Presley Boulevard and the east side of Las Vegas Boulevard South within Winchester. TS/md/syp (For possible action)

BCC: 08/02/23

VII. General Business

- VIII. Comments by the General Public- A period devoted to comments by the general public about matters relevant to the Board/Council's jurisdiction will be held. No vote may be taken on a matter not listed

on the posted agenda. Comments will be limited to three (3) minutes. Please step up to the speaker's podium, if applicable, clearly state your name and address and please **spell** your last name for the record. If any member of the Board/Council wishes to extend the length of a presentation, this will be done by the Chairperson or the Board/Council by majority vote.

IX. Next Meeting Date: July 25, 2023.

X. Adjournment.

POSTING LOCATIONS: This meeting was legally noticed and posted at the following locations:
Winchester Dondero Community Center: 3130 S McLeod Dr., Las Vegas, NV 89121
<https://notice.nv.gov>



Winchester Town Advisory Board

June 27, 2023

MINUTES

Board Members: John Delibos – Chair – Present
Dorothy Gold – Vice Chair – Absent
Judith Siegel – Absent
Robert O. Mikes, Jr – Present
April Mench - Present

Secretary: Sam Crunkilton 702-854-0878 wwtabsecretary@gmail.com

Town Liaison: Beatriz Martinez 702-455-0560 beatriz.martinez@clarkcountynv.gov

- I. Call to Order, Pledge of Allegiance, Roll Call, (see above) County Staff Introductions:
Beatriz Martinez, Town Liaison, Judith Rodriguez-Planner, & Sam Crunkilton, Secretary;
The meeting was called to order at 6:00 p.m.
- II. Public Comment
None
- III. Approval of May 30, 2023 Minutes
Moved by: Delibos
Approved
Vote: 3-0 Unanimous
- IV. Approval of the Agenda for June 27, 2023
Moved by: Delibos
Approved
Vote: 3-0 Unanimous
- V. Informational Items
None

BOARD OF COUNTY COMMISSIONERS

JAMES B. GIBSON, Chair

JUSTIN C. JONES – MARILYN KIRKPATRICK – WILLIAM MCCURDY II – ROSS MILLER – MICHAEL NAFT – TICK SEGERBLOM
KEVIN SCHILLER County Manager

VI. Planning & Zoning:

07/18/23 PC

VII. **UC-23-0285-E-J CLUB, LLC:**

USE PERMITS for the following: **1)** alcohol sales, liquor – packaged only; **2)** alcohol sales, beer and wine – packaged only; and **3)** day spa

DESIGN REVIEWS for the following: **1)** a liquor store; and **2)** a day spa in conjunction with an existing commercial/industrial building on 1.1 acres in an M-1 (Light Manufacturing) Zone. Generally located on the west side of Sammy Davis Jr. Drive, approximately 550 feet south of Circus Drive within Winchester. TS/jgh/syp (For possible action)

Approved with staff conditions
Moved by Delibos
Vote 3-0

VIII. **WS-23-0284-CONCEPCION WHITNEY MILIAN:**

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** allow a non-decorative fence; and **2)** increase fence height within the front yard in conjunction with a single family residence on 0.2 acres in an R-1 (Single Family Residential) Zone. Generally located on the south side of Capistrano Avenue, approximately 170 feet west of Burnham Avenue within Winchester. TS/dd/syp (For possible action)

Approved with staff conditions
Moved by Delibos
Vote

3-0

IX. General Business

None

X. Public Comment

None

VIII. Next Meeting Date

The next regular meeting will be July 11, 2023

XI. Adjournment

The meeting was adjourned at 6:17 p.m.

08/02/23 BCC AGENDA SHEET

STREET NAME CHANGE
(TITLE 30)

LAS VEGAS BLVD S/ELVIS PRESLEY BLVD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

SC-23-0311-JDR OWNER, LLC:

STREET NAME CHANGE: to name a private street/drive as Avenue Fontainebleau for a previously approved resort hotel (Fontainebleau) on 22.7 acres in an H-1 (Limited Resort and Apartment) Zone.

Generally located on the east side of Las Vegas Boulevard South and the north side of Elvis Presley Boulevard within Winchester. TS/rr/syp (For possible action)

RELATED INFORMATION:

APN:

162-09-617-001; 162-09-617-002

LAND USE PLAN:

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 2777 Las Vegas Boulevard South
- Site Acreage: 22.7
- Project Type: Street name change

Site Plan

The plan indicates that the proposed Avenue Fontainebleau is the main vehicular drive/private street into the hotel resort. It is located along the north side of the subject property where it intersects with Las Vegas Boulevard South.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states that the justification for naming the vehicular drive/private street is to clearly identify to customers, vendors, and guests the main entry into the resort. The applicant further states that this action will facilitate the safe entry of vehicles from Las Vegas Boulevard South. The applicant states that the proposed naming complies with the street naming and addressing requirements and policies outlined in Appendix A of Title 30. The street will provide direction

within the development with the necessary, required, purpose and objective to eliminate any safety concerns for emergency services (e.g., police, fire, ambulance) that are called to the development.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-23-0235	Deviations to reduce height/setback ratio, increased projection of wall signs, increased the height of directional signs, increased the area of directional signs, reduced setback, allowed temporary signs, and deviations as shown per plans on file, waivers to reduce setback from the right-of-way, and a design review for a comprehensive sign package in conjunction with an approved resort hotel	Approved by BCC	June 2023
UC-21-0726	Nightclub, deviations for landscaping, waiver for setbacks for the resort hotel	Approved by BCC	February 2022
ET-21-400083 (UC-1515-06)	Third extension of time for alternative landscaping on the east property line	Approved by BCC	July 2021
ET-21-400084 (UC-1242-06)	Third extension of time to allow modular buildings during construction of the resort hotel	Approved by BCC	July 2021
ET-21-400080 (UC-0213-08)	Third extension of time to redesign east façade of parking garage/convention facility	Approved by BCC	July 2021
ET-21-400082 (UC-0698-07)	Third extension of time to increase building height and square footage of the project	Approved by BCC	July 2021
ET-21-400077 (UC-0489-08)	Third extension of time for deviations for roof signs and modified separation requirements	Approved by BCC	July 2021
ET-21-400078 (UC-0932-06)	Third extension of time for the resort hotel	Approved by BCC	July 2021
ET-21-400079 (UC-0233-07)	Third extension of time for a use permit to increase the number of resort condominiums with kitchens	Approved by BCC	July 2021
ET-21-400074 (DR-19-0428)	First extension of time for changes and modifications to an approved resort hotel	Approved by BCC	July 2021
ET-21-400075 (DR-0289-09)	Third extension of time for a redesign of a loading dock and cover	Approved by BCC	July 2021
DR-19-0428	Changes and modifications to an approved resort hotel	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
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

Prior Land Use Requests

Application Number	Request	Action	Date
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 the project	Approved by BCC	April 2018
ET-18-400047 (UC-1515-06)	Second extension of time for alternative landscaping on the 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
DR-0213-08 (ADET-1371-17)	First extension of time to redesign east façade of parking garage/convention facility	Approved by ZA	December 2017
UC-0698-07 (ADET-1369-17)	First extension of time to increase building height and square footage of the project	Approved by ZA	December 2017
DR-0289-09 (ADET-1368-17)	First extension of time to redesign the loading dock area	Approved by ZA	December 2017
UC-0489-08 (ADET-1367-17)	First extension of time for roof signs and modified separation requirements	Approved by ZA	December 2017
UC-1515-06 (ADET-1366-17)	First extension of time for alternative landscaping on the east property line	Approved by ZA	December 2017
UC-0932-06 (ADET-1365-17)	First extension of time for the resort hotel	Approved by ZA	December 2017
UC-0233-07 (ADET-1364-17)	First extension of time to increase the number of resort condominiums with kitchens	Approved by ZA	December 2017
UC-1242-06 (ADET-1363-17)	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
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

Prior Land Use Requests

Application Number	Request	Action	Date
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 the 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 the 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
UC-1591-04	Temporary batch plant - expired	Approved by PC	October 2004

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Entertainment Mixed-Use	H-1	Undeveloped (approved for a sports arena)
South	Entertainment Mixed-Use	H-1 & P-F	Las Vegas Convention Center
East	Entertainment Mixed-Use	H-1	Turnberry Place (residential high-rise)
West	Entertainment Mixed-Use	H-1 & U-V	Circus Circus Resort Hotel & The Sky mixed-use development

Related Applications

Application Number	Request
UC-23-0310	A use permit, waiver of development standards, and design review for Fontainebleau 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

The combined Fire Communications Center has provided comments denying the proposed street name, Avenue Fontainebleau. According to comments provided, the maximum number of characters allowed in a street name, including spaces, is 15. Additionally, the name would contain 2 suffixes once the end suffix is attached. According to the comments, this denial is based on the regulations required by 911 and by the United States Postal Service. In addition, staff cannot support this application because the Las Vegas Valley Street Naming and Address Assignment Policy only allows for the naming of dedicated streets and does not support naming drive aisles. Due to these reasons, staff cannot support approval of this application.

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:

Comprehensive Planning

If approved:

- Subject to Avenue Fontainebleau.
- Applicant is advised that the developer is responsible for installing street signs to County standards; and 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.

Public Works - Development Review

- No comment.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: SHERYL KASS

CONTACT: CASSANDRA WORRELL, 520 S. FOURTH STREET, LAS VEGAS, NV 89101



LAND USE APPLICATION
DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

APPLICATION TYPE <input type="checkbox"/> TEXT AMENDMENT (TA) <input type="checkbox"/> ZONE CHANGE (ZC) <input type="checkbox"/> USE PERMIT (UC) <input type="checkbox"/> VARIANCE (VC) <input type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS) <input type="checkbox"/> DESIGN REVIEW (DR) <input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR) <input checked="" type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC) <input type="checkbox"/> WAIVER OF CONDITIONS (WC) (ORIGINAL APPLICATION #) <input type="checkbox"/> ANNEXATION REQUEST (ANX) <input type="checkbox"/> EXTENSION OF TIME (ET) (ORIGINAL APPLICATION #) <input type="checkbox"/> APPLICATION REVIEW (AR) (ORIGINAL APPLICATION #)	STAFF APP. NUMBER: <u>SC-23-0311</u> DATE FILED: <u>5/31/23</u> PLANNER ASSIGNED: _____ TAB/CAC: <u>Winchester</u> TAB/CAC DATE: <u>7/11/23</u> PC MEETING DATE: _____ BCC MEETING DATE: <u>8/2/23</u> FEE: _____
	PROPERTY OWNER NAME: <u>JDR Owner LLC</u> ADDRESS: <u>19950 West County Club Drive, 110th Floor</u> CITY: <u>Aventura</u> STATE: <u>FL</u> ZIP: <u>33180</u> TELEPHONE: <u>305-682-4256</u> CELL: <u>N/A</u> E-MAIL: <u>skass@fbdev.com</u>
	APPLICANT NAME: <u>Sheryl Kass</u> ADDRESS: <u>19950 West County Club Drive, 110th Floor</u> CITY: <u>Aventura</u> STATE: <u>FL</u> ZIP: <u>33180</u> TELEPHONE: <u>305-682-4256</u> CELL: _____ E-MAIL: <u>skass@fbdev.com</u> REF CONTACT ID #: _____
CORRESPONDENT NAME: <u>Jay Brown/Lebene Ohene</u> ADDRESS: <u>520 South Fourth Street</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89106</u> TELEPHONE: <u>702-598-1429</u> CELL: <u>702-561-7070</u> E-MAIL: <u>Lohene@brownlawlv.com</u> REF CONTACT ID #: <u>173835</u>	

ASSESSOR'S PARCEL NUMBER(S): 162-09-617-001 & 162-09-617-002
 PROPERTY ADDRESS and/or CROSS STREETS: Las Vegas Blvd S. & Elvis Presley Blvd.
 PROJECT DESCRIPTION: Street Naming (Private Street Naming) PRIVATE DRIVE

(I, We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans, and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Clark County Comprehensive Planning Department, or its designee, to enter the premises and to install any required signs on said property for the purpose of advising the public of the proposed application.

Sheryl Kass Sheryl Kass
 Property Owner (Signature)* Property Owner (Print)

STATE OF Florida
 COUNTY OF Miami-Dade
 SUBSCRIBED AND SWORN BEFORE ME ON 2/15/2023
 By Sheryl Kass
 NOTARY PUBLIC: [Signature]



*NOTE: Corporate declaration of authority (or equivalent), power of attorney, or signature documentation is required if the applicant and/or property owner is a corporation, partnership, trust, or provides signature in a representative capacity.

Brown, Brown & Premsrirut

JAY H. BROWN
DAVID T. BROWN
PUOY K. PREMSRIRUT

AN ASSOCIATION OF PROFESSIONAL CORPORATIONS
520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101

TELEPHONE: (702) 384-5563
FACSMILE: (702) 385-1023
EMAIL: jbrown@brownlawlv.com

May 22, 2023

SC-23-0311

Clark County Comprehensive Planning
Current Planning Division
500 Grand Central Parkway
Las Vegas, Nevada 89155

**Re: JDR Owner, LLC (also known as Fontainebleau Development, LLC)
Justification Letter - Street Naming (Private Street Naming)**

Assessors' Parcel Numbers: 162-09-617-001 & 162-09-617-002

To Whom It May Concern:

On behalf of our Client, JDR Owner, LLC, please accept this application package for the proposed street name for a private street/drive. This application package is for the proposed naming of a private street that intersects with Las Vegas Boulevard South. The resort hotel which is under construction and slated to open in December 2023 is on a total of 24.5 acres and is zoned H-1. The project is located on the east side of Las Vegas Boulevard South and on the north side of Elvis Presley Boulevard and was originally approved by the Clark County Board of County Commissioners by action on UC-0932-06 in October 2006. A myriad of other applications for additions, changes, revision, modifications, and amendments were approved for the site with the most recent application for changes and modification by the current owner by action on UC-21-0726 in February 2022.

The justification for naming the main vehicular access drive/private street into the resort is to primarily identify the main drive and entry into the resort. This request will facilitate the safe entry from Las Vegas Boulevard South to the resort site. This drive/private street is located along the northern property line of the resort and intersects with Las Vegas Boulevard. Naming this main access drive/private street will clearly identify the main access/entry to the resort and complies with the Street

Naming and Addressing requirements and policies outlined in “Appendix A” of the Code. The street will provide direction within the development with the necessary, required, purpose and objective to eliminate any safety concerns for emergency services (e.g., Police, Fire Ambulance) that are called to the development. The proposed street name will help customers, vendors, and guests to easily identify and provide directions to the main entry of the resort.

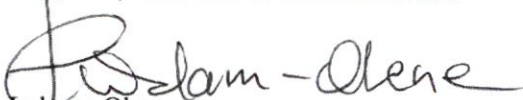
Therefore, this request is necessary and required for safety reasons to provide directions and identify the main entry into the resort site from Las Vegas Boulevard.

The original approvals and subsequent modifications will allow for the completion of the resort. This development is appropriate and compatible with existing uses in the immediate and adjacent areas and along the Las Vegas “Strip.” The completion of the project will further enhance the characteristic and aesthetics of the general area and site and contribute to bringing more pedestrians, customers, and guests to the northern portion of Las Vegas Boulevard South, create and bring more synergy of this portion of “The Strip.”

We appreciate your review, consideration and positive recommendation of the application as submitted. Please contact me at 702-598-1429 if you have questions or clarification of the submittal.

Sincerely,

BROWN, BROWN & PREMSRIRUT



Lebene Ohene
Land Use and Development Consultant

RESORT HOTEL
(TITLE 30)

LAS VEGAS BLVD S/ELVIS PRESLEY BLVD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-23-0310-JDR OWNER, LLC:

USE PERMITS for the following: **1)** high impact project; **2)** resort hotel; **3)** public areas including the casino, showrooms, theater, live entertainment, retail, indoor and outdoor dining and drinking, offices, convention areas, and parking structures; **4)** associated accessory and incidental commercial uses, buildings, and structures including retail areas, dining, theater, spa/salon, fitness center, wedding chapel, and convention facilities; **5)** kitchens within guestrooms; **6)** nightclub; **7)** a construction office and office within the parking structure; **8)** recreational facility; **9)** live entertainment; **10)** all special uses as listed on file; and **11)** deviations as depicted per plans on file.

DEVIATIONS for the following: **1)** increase building height; **2)** reduce height/setback ratio; **3)** reduce setbacks; **4)** encroachment into airspace; **5)** reduce loading spaces; **6)** alternative landscaping and pedestrian realm; **7)** permit tandem parking spaces; **8)** allow primary means of access to a nightclub to not be through the interior of the resort hotel; and **9)** all other deviations as depicted per plans on file.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce setback; and **2)** allow non-standard improvements within the right-of-way.

DESIGN REVIEWS for the following: **1)** high impact project; **2)** redesign of a loading dock structure and cover; **3)** resort hotel with all associated and accessory uses, structures, and incidental buildings and structures; and **4)** changes and modifications to a resort hotel on 22.7 acres in an H-1 (Limited Resort and Apartment) Zone.

Generally located on the north side of Elvis Presley Boulevard and the east side of Las Vegas Boulevard South within Winchester. TS/md/syp (For possible action)

RELATED INFORMATION:

APN:

162-09-617-001; 162-09-617-002

DEVIATIONS:

1. Increase building height to 735 feet where a maximum height of 100 feet is permitted per Table 30.40-7 (a 635% increase).
2. Reduce height/setback ratio from an arterial street (Las Vegas Boulevard South) to 29 feet where 75 feet is required per Figure 30.56-4 (a 61.3% reduction).
3. a. Reduce the required special setback for Las Vegas Boulevard South to zero feet where 25 feet from the back of curb or 10 feet back of property line, whichever is greater, is required per Section 30.56.060 (a 100% reduction).

- b. Reduce the front and side street (corner setbacks to zero feet where a minimum setback of 10 feet is required per Table 30.40-7 (a 100% reduction).
4. Permit encroachment into airspace.
5. Reduce the number of loading spaces to 17 spaces where 59 spaces are required per Table 30.60-6 (a 71.2% reduction).
6.
 - a. Allow alternative landscaping and a pedestrian realm along the street frontage (Las Vegas Boulevard South) where required per Table 30.56-2, Table 30.64-2, Figure 30.64-17, and Figure 30.64-18.
 - b. Allow alternative landscaping and a pedestrian realm along the street frontage (Elvis Presley Boulevard) where required per Table 30.56-2, Table 30.64-2, Figure 30.64-17, and Figure 30.64-18.
7. Allow for up to 30% of the required parking or 1,738 parking spaces to be tandem parking.
8. Allow the primary means of access to a nightclub from the exterior of the resort hotel where the primary means of access must be through the interior of the resort hotel per Table 30.44-1.
9. Allow all other deviations as depicted per plans on file.

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce the setback from the right-of-way (Las Vegas Boulevard South and Elvis Presley Boulevard) to zero feet where a minimum setback of 10 feet shall be maintained between a street or future right-of-way line and a structure per Section 30.56.040 (a 100% reduction).
2. Allow non-standard improvements (landscaping, bollards, landscape walls and structures, and portions of the porte-cochere) within the right-of-way (Las Vegas Boulevard South and Elvis Presley Boulevard) where not permitted per Chapter 30.52.

LAND USE PLAN:

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 2777 Las Vegas Boulevard South
- Site Acreage: 22.7
- Project Type: Resort hotel
- Guest Rooms: 3,743
- Number of Stories: 63
- Building Height (feet): 735
- Square Feet: 8,931,452
- Parking Required/Provided: 5,795/5,805

History & Request

UC-0932-06 was approved by the Board of County Commissioners (BCC) in October 2006 for a resort hotel (Fontainebleau) with various components and amenities, and included all associated

accessory and incidental commercial uses, buildings, and structures. The project has been revised by subsequent applications, including UC-21-0726 and DR-19-0428 that were approved by the BCC in July 2019 and February 2022, respectively, for changes and modifications to the resort hotel. Construction of the resort hotel began in February 2007 but was stopped in 2009 during the economic recession when the project went into bankruptcy. The current owners of the site are working to complete the project. The following condition was imposed by the BCC on ET-21-400078 (UC-0932-06): prior to final Certificate of Occupancy, new land use applications for final uses and design to replace all prior land use applications. The current proposal consists of a use permit for a resort hotel (Fontainebleau), which also includes additional use permits, deviations, waivers of development standards, and design reviews to replace the previously approved land use applications consisting of UC-0932-06, UC-1242-06, UC-1515-06, UC-0233-07, UC-0698-07, DR-0213-08, UC-0489-08, DR-0289-09, DR-19-0428 and UC-21-0726. A waiver of development standards for non-standard improvements within the right-of-way (Las Vegas Boulevard South and Elvis Presley Boulevard), including landscaping, landscape walls and structures, bollards, and portions of the porte-cochere are also requested with this application. The following use permits are requested in conjunction with the resort hotel: 1) alcohol sales, liquor (packaged only); 2) art gallery/studio; 3) club; 4) antiques; 5) copy center; 6) dry cleaner office; 7) electronic equipment sales and service; 8) food cart/booth; 9) kiosk/information (outdoor); 10) locksmith; 11) office; 12) photographic studio; 13) postal services; 14) recording studio; and 15) watch/small clock repair.

Site Plan

The applicant is requesting approval for modifications to the previously approved resort hotel (Fontainebleau - also known as Project Blue). The building has been partially constructed and was designed with a single tower that is elevated upon a podium level with varying heights on the west side of the site nearest to Las Vegas Boulevard South. The east side of the site is the location of the convention center and the above grade parking garage for the resort which has been incorporated into the building design, with the valet parking being provided below the podium level. Access to the site is provided from Las Vegas Boulevard South and Elvis Presley Boulevard. The resort hotel requires 5,795 parking spaces where 5,805 parking spaces are provided. A request to reduce the setback for the installation of bollards along Las Vegas Boulevard South and a portion of the southwest corner of Elvis Presley Boulevard is necessary to match the alignment of the existing bollards installed by Clark County along Las Vegas Boulevard South.

Landscaping

A pedestrian realm ranging between 43 feet to 68 feet in width, consisting of outdoor patio areas, enhanced paving, and planting areas, in conjunction with a meandering sidewalk, is located along Las Vegas Boulevard South. The meandering sidewalk along Las Vegas Boulevard South ranges between 11 feet to 18.5 feet in width. A pedestrian realm ranging between 22 feet to 47 feet in width, consisting of outdoor patio areas, enhanced paving, and planting areas, in conjunction with a meandering sidewalk, is located along Elvis Presley Boulevard. The meandering sidewalk along Elvis Presley Boulevard ranges between 10 feet to 29 feet in width. A series of bollards will also be installed at the southwest corner of the site, adjacent to Elvis Presley Boulevard. A landscape area, measuring between 6 feet to 11.5 feet in width, is located immediately adjacent to the right-of-way, providing a buffer between the street and the sidewalk.

The southeast corner of the project site, adjacent to Elvis Presley Boulevard, features a pedestrian realm with an attached sidewalk measuring a minimum of 6 feet in width. The plans also depict approved water features located within the interior of the project site. A non-animated water feature with public art is depicted at the southwest corner of the project site.

Elevations

The resort was approved for a maximum height of 735 feet with the high-rise portion of the building consisting of 63 stories. No major changes are being made to the height or exterior elevations of the buildings. However, there are several minor changes to the elevations of the resort hotel that are reflected on the plans submitted with this application, and are described as follows: 1) North façade - this façade was partially completed and the proposed plans depict a redesign of the porte-cochere. A redesign of the northern low and mid-rise portions of the building to complete the façade, including the shape and material (steel and aluminum panels), are also proposed. 2) South façade - this portion was substantially completed. The proposed plans depict material and colors for the completion of the façade, landscaping, and pedestrian realm which are revisions and modifications to the previously approved application, DR-19-0428. The bridge connection to the south, across Elvis Presley Boulevard to the Las Vegas Convention Center site is removed with this request and was not a previous condition of approval. The materials and colors will revert to the original approvals with additional architectural enhancements. 3) East façade - this façade was substantially completed and the design and materials will not change. The glass panels that became dislodged over the last several years will be replaced with the same color schemes and remain as previously approved in 2008. 4) West façade - this portion was partially completed. The proposed plans depict material and colors for the completion of the façade, landscaping, and pedestrian realm which are revisions and modifications to the previously approved application, DR-19-0428. The materials and colors will revert to the original approvals with additional architectural enhancements.

Floor Plans

The plans depict a total of 3,743 guest rooms where a maximum of 3,719 guest rooms were depicted on the previous plans (DR-19-0428). The plans indicate all rooms will now be guest rooms and that condominium units will no longer be provided with the project. The resort hotel has a total area of 8,931,452 square feet which includes the guest rooms, gaming areas, showrooms, live entertainment areas, shopping center, indoor and outdoor dining areas, offices, meeting and convention areas, and back of house areas. No major changes are proposed to the area of the building with this request; however, locations for various uses and floor areas within the hotel have been rearranged to reflect changes in the market and specific goals of the new owners. The nightclub (with its associated day club), as presently designed, is located on the upper level podium of the resort hotel and is only accessed through the interior of the building.

Signage

Signage is not a part of this request. A comprehensive sign package was recently approved by the Board of County Commissioners via UC-23-0235 in June 2023.

Applicant's Justification

The applicant states the requests for the use permits, deviations, waivers of development standards, and design reviews will allow the completion of the resort, enhance this portion of Las

Vegas Boulevard South. The request to reduce setbacks will allow the installation of bollards along the street frontage to match the other bollards installed by the County. This application is necessary because the bollards will be installed as part of the installation and construction of the landscaping and completion of the pedestrian realm along the street frontage by the applicant and not Clark County. The original approvals with the subsequent modifications will allow for the completion of the resort. The development is appropriate and compatible with existing uses in the immediate and adjacent areas and along the Las Vegas “Strip.” The completion of the project will further enhance the characteristic and aesthetics of the general area and site and contribute to bringing more pedestrians, customers, and guests to the northern portion of Las Vegas Boulevard South, create and bring more synergy of this portion of “The Strip.”

Prior Land Use Requests

Application Number	Request	Action	Date
UC-23-0235	Deviations to reduce height/setback ratio, increased projection of wall signs, increased the height of directional signs, increased the area of directional signs, reduced setback, allowed temporary signs, and deviations as shown per plans on file, waivers to reduce setback from the right-of-way, and a design review for a comprehensive sign package in conjunction with an approved resort hotel	Approved by BCC	June 2023
UC-21-0726	Nightclub and deviations as shown per plans on file, deviations for alternative landscaping and pedestrian realm, allowed primary means of access to a nightclub to not be through the interior of the resort hotel, reduced setback, and all other deviations as depicted per plans on file, waiver to reduce setback for structures (bollards) and a design review for changes and modifications to an approved resort hotel	Approved by BCC	February 2022
ET-21-400083 (UC-1515-06)	Third extension of time for alternative landscaping on the east property line	Approved by BCC	July 2021
ET-21-400084 (UC-1242-06)	Third extension of time to allow modular buildings during construction of the resort hotel	Approved by BCC	July 2021
ET-21-400080 (UC-0213-08)	Third extension of time to redesign east façade of parking garage/convention facility	Approved by BCC	July 2021
ET-21-400082 (UC-0698-07)	Third extension of time to increase building height and square footage of the project	Approved by BCC	July 2021
ET-21-400077 (UC-0489-08)	Third extension of time for deviations for roof signs and modified separation requirements	Approved by BCC	July 2021
ET-21-400078 (UC-0932-06)	Third extension of time for the resort hotel	Approved by BCC	July 2021

Prior Land Use Requests

Application Number	Request	Action	Date
ET-21-400079 (UC-0233-07)	Third extension of time for a use permit to increase the number of resort condominiums with kitchens	Approved by BCC	July 2021
ET-21-400074 (DR-19-0428)	First extension of time for changes and modifications to an approved resort hotel	Approved by BCC	July 2021
ET-21-400075 (DR-0289-09)	Third extension of time for a redesign of a loading dock and cover	Approved by BCC	July 2021
DR-19-0428	Changes and modifications to an approved resort hotel	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
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 the project	Approved by BCC	April 2018
ET-18-400047 (UC-1515-06)	Second extension of time for alternative landscaping on the 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
DR-0213-08 (ADET-1371-17)	First extension of time to redesign east façade of parking garage/convention facility	Approved by ZA	December 2017
UC-0698-07 (ADET-1369-17)	First extension of time to increase building height and square footage of the project	Approved by ZA	December 2017
DR-0289-09 (ADET-1368-17)	First extension of time to redesign the loading dock area	Approved by ZA	December 2017
UC-0489-08 (ADET-1367-17)	First extension of time for roof signs and modified separation requirements	Approved by ZA	December 2017
UC-1515-06 (ADET-1366-17)	First extension of time for alternative landscaping on the east property line	Approved by ZA	December 2017
UC-0932-06 (ADET-1365-17)	First extension of time for the resort hotel	Approved by ZA	December 2017
UC-0233-07 (ADET-1364-17)	First extension of time to increase the number of resort condominiums with kitchens	Approved by ZA	December 2017
UC-1242-06 (ADET-1363-17)	First extension of time to allow modular buildings during construction of the resort hotel	Approved by ZA	December 2017

Prior Land Use Requests

Application Number	Request	Action	Date
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
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 the 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 the 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
UC-1591-04	Temporary batch plant - expired	Approved by PC	October 2004

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Entertainment Mixed-Use	H-1	Undeveloped (approved for a sports arena)
South	Entertainment Mixed-Use	P-F	Parking for the Las Vegas Convention Center
East	Entertainment Mixed-Use	H-1	Turnberry Place (residential high-rise)
West	Entertainment Mixed-Use	H-1 & U-V	Circus Circus Resort Hotel & The Sky mixed-use development

Related Applications

Application Number	Request
SC-23-0311	A request for a street name change to name a private street/drive as Avenue Fontainebleau in conjunction with a resort hotel (Fontainebleau) 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
Use Permits**

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the 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 resort hotel, in addition to the various accessory and incidental uses, is defined as a High Impact Project (HIP) as it includes more than 1,200 guest rooms and will generate 8,000 or greater average daily trips, as defined by the Institute of Transportation Engineers. The purpose of the Limited Resort and Apartment District (H-1) is to provide for the development of gaming enterprises, compatible commercial, and mixed commercial and residential uses, and to prohibit the development of incompatible uses that are detrimental to gaming enterprises. Policy 5.1.3 of the Master Plan emphasizes tourism, conventions, trade shows, and gaming as one of the region’s economic pillars. Staff finds the request for the resort hotel (Fontainebleau) with all associated accessory uses complies with the aforementioned policy and is appropriate based on the site’s location on Las Vegas Boulevard South, the H-1 zoning designation, and the Las Vegas Boulevard Gaming Corridor. Therefore, staff can support these requests.

Deviations #1 & #2

Policy 6.2.1 of the Master Plan aims to ensure the design and intensity of new development is compatible with the surrounding area and uses in terms of height, scale, and the overall mix of uses. The requested height increase is similar to, and consistent with, other resort hotel requests

that have been approved within the immediate area. Varying building height, breaking-up the mass of the building, and shifting building placement can provide appropriate transitions between differing building scales and intensities. Although the height setback ratio reduction along Las Vegas Boulevard South is significant, the encroachment into the setback begins at a height of 122 feet. Staff finds the encroachment into the setback should not negatively impact the surrounding land uses and adjacent properties. Therefore, staff recommends approval of these requests.

Deviation #5

Staff finds the reduction to the number of loading spaces should have minimal to no impact on the proposed resort hotel development. The majority of the loading spaces are located in the rear of the development, adjacent to the loading docks serving the back of house areas for the resort hotel. The proposed number of loading spaces should adequately serve the resort hotel and the associated uses; therefore, staff recommends approval.

Deviation #6

Staff does not object to the proposed alternative landscaping and pedestrian realm design along Las Vegas Boulevard South. The addition of the proposed bollards, immediately adjacent to the right-of-way, will provide an additional buffer and protection between pedestrians and vehicles traveling along the street. The alternative landscaping and pedestrian realm are compatible with other developed properties along Las Vegas Boulevard South. Therefore, staff recommends approval.

Staff can support the request for the alternative landscaping and pedestrian realm along Elvis Presley Boulevard. The pedestrian realm along Elvis Presley Boulevard measures a minimum of 1,300 feet in length. A landscape area, measuring between 6 feet to 11.5 feet in width, is located immediately adjacent to Elvis Presley Boulevard, separating the right-of-way from the meandering pedestrian sidewalk. A series of bollards will also be installed at the southwest corner of the site, adjacent to Elvis Presley Boulevard. Staff finds the alternative landscaping and pedestrian realm, in conjunction with the proposed bollards, will provide an additional buffer and protection between pedestrians and vehicles traveling along the street. The alternative landscaping and pedestrian realm are compatible with other developed properties along Las Vegas Boulevard South. Therefore, staff recommends approval.

Deviation #7

Tandem parking spaces are necessary to ensure the proper function of the valet service area and are commonly utilized within resort hotels. The request to utilize up to 30 percent of the required parking spaces for tandem spaces should not have a negative impact on the resort hotel; therefore, staff recommends approval.

Deviation #8

Staff does not object to permitting the primary means of access to the nightclub through the exterior of the hotel. The nightclub, as presently designed, is located on the upper level podium of the resort hotel and is only accessed through the interior of the building. However, this request will allow for future options similar to that of other nightclubs in resort hotels located

within the Resort Corridor. The requested deviation should have no impact on the surrounding land uses and properties; therefore, staff recommends approval.

Waivers 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.

Waiver of Development Standards #1 & Deviation #3

Staff does not object to the reduced setback for the proposed bollards along Las Vegas Boulevard South and the portion of Elvis Presley Boulevard. The bollards are consistent with the existing formation and design along Las Vegas Boulevard South, and will provide additional safety and protection for pedestrians from the adjacent right-of-way. Therefore, staff recommends approval of these requests.

Design Reviews

The design of the resort hotel and accessory uses consist of a contemporary design that is aesthetically pleasing and architecturally diverse, which is appropriate for the surrounding area. The street landscape area along Las Vegas Boulevard South, which consists of a detached sidewalk, complies with the Master Plan which encourages detached sidewalks and shade to provide a safe and comfortable environment for pedestrians. The majority of Elvis Presley Boulevard also includes a detached sidewalks, in compliance with the Master Plan. Policy WP-1.1 of the Master Plan encourages a diversity of land uses along major corridors at densities that support pedestrian activity and transit use, especially along Las Vegas Boulevard South. A multitude of accessory commercial uses are provided in conjunction with the resort hotel including, but not limited to, retail uses, restaurants and bar areas. Staff finds the proposed resort hotel is appropriate for the area, is compatible with the surrounding land uses, and complies with multiple goals and policies from the Master Plan; therefore, recommends approval.

Public Works - Development Review

Waiver of Development Standards #2

The applicant is responsible for maintenance and up-keep of any non-standard improvement; the County will not maintain any landscaping, bollards, landscape walls and structures, portions of the porte-cochere placed in the right-of-way. Staff can support waiver of development standards #2 but the applicant must execute and sign a License and Maintenance Agreement for any non-standard improvements within the right-of-way.

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

PRELIMINARY STAFF CONDITIONS:

Comprehensive Planning

- Expunge the following applications: SC-0288-09; UC-0932-06; UC-1242-06; UC-1515-06; UC-0233-07; UC-0698-07; DR-0213-08; UC-0489-08; DR-0289-09; DR-19-0428; and UC-21-0726;
- 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 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;
- 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;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised the installation and use of cooling systems that consumptively use water will be prohibited; 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; 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 this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that the property is already connected to the CCWRD sewer system; and that if any existing plumbing fixtures are modified in the future, then additional capacity and connection fees will need to be addressed.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: SHERYL KASS

CONTACT: CASSANDRA WORRELL, 520 S. FOURTH STREET, LAS VEGAS, NV 89101



LAND USE APPLICATION

DEPARTMENT OF COMPREHENSIVE PLANNING

PLANNER COPY

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

<p style="text-align: center;">APPLICATION TYPE</p> <p><input type="checkbox"/> TEXT AMENDMENT (TA)</p> <p><input type="checkbox"/> ZONE CHANGE (ZC)</p> <p><input checked="" type="checkbox"/> USE PERMIT (UC)</p> <p><input type="checkbox"/> VARIANCE (VC)</p> <p><input checked="" type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS)</p> <p><input checked="" type="checkbox"/> DESIGN REVIEW (DR)</p> <p><input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR)</p> <p><input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC)</p> <p><input type="checkbox"/> WAIVER OF CONDITIONS (WC)</p> <p>(ORIGINAL APPLICATION #)</p> <p><input type="checkbox"/> ANNEXATION REQUEST (ANX)</p> <p><input type="checkbox"/> EXTENSION OF TIME (ET)</p> <p>(ORIGINAL APPLICATION #)</p> <p><input type="checkbox"/> APPLICATION REVIEW (AR)</p> <p>(ORIGINAL APPLICATION #)</p>	STAFF	<p>APP. NUMBER: <u>UC-23-0310</u> DATE FILED: <u>5/31/23</u></p> <p>PLANNER ASSIGNED: _____</p> <p>TAB/CAC: <u>Winchester</u> TAB/CAC DATE: <u>7/11/23</u></p> <p>PC MEETING DATE: _____</p> <p>BCC MEETING DATE: <u>8/2/23</u></p> <p>FEE: <u>\$1025</u></p>
	PROPERTY OWNER	<p>NAME: <u>JDR Owner LLC</u></p> <p>ADDRESS: <u>19950 West County Club Drive, 110th Floor</u></p> <p>CITY: <u>Aventura</u> STATE: <u>FL</u> ZIP: <u>33180</u></p> <p>TELEPHONE: <u>305-682-4256</u> CELL: <u>N/A</u></p> <p>E-MAIL: <u>skass@fbdev.com</u></p>
	APPLICANT	<p>NAME: <u>Sheryl Kass</u></p> <p>ADDRESS: <u>19950 West County Club Drive, 110th Floor</u></p> <p>CITY: <u>Aventura</u> STATE: <u>FL</u> ZIP: <u>33180</u></p> <p>TELEPHONE: <u>305-682-4256</u> CELL: _____</p> <p>E-MAIL: <u>skass@fbdev.com</u> REF CONTACT ID #: _____</p>
	CORRESPONDENT	<p>NAME: <u>Jay Brown/Lebene Ohene</u></p> <p>ADDRESS: <u>520 South Fourth Street</u></p> <p>CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89106</u></p> <p>TELEPHONE: <u>702-598-1429</u> CELL: <u>702-561-7070</u></p> <p>E-MAIL: <u>Lohene@brownlawlv.com</u> REF CONTACT ID #: <u>173835</u></p>

ASSESSOR'S PARCEL NUMBER(S): 162-09-617-001 & 162-09-617-002

PROPERTY ADDRESS and/or CROSS STREETS: Las Vegas Blvd S. & Elvis Presley Blvd.

PROJECT DESCRIPTION: SUP, DR, and WS for a Resort Hotel & all allowable uses & accessory & incidental uses

(I, We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans, and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Clark County Comprehensive Planning Department, or its designee, to enter the premises and to install any required signs on said property for the purpose of advising the public of the proposed application.

Sheryl Kass Sheryl Kass
 Property Owner (Signature)* Property Owner (Print)

STATE OF Florida
 COUNTY OF Miami-Dade

SUBSCRIBED AND SWORN BEFORE ME ON 2/15/2023
 By Sheryl Kass

NOTARY PUBLIC: Bianca J. Cesar



***NOTE:** Corporate declaration of authority (or equivalent), power of attorney, or signature documentation is required if the applicant and/or property owner is a corporation, partnership, trust, or provides signature in a representative capacity.

LAW OFFICE

UC-23-0310

Brown, Brown & Premsrirut

JAY H. BROWN
DAVID T. BROWN
PUOY K. PREMSRIRUT

AN ASSOCIATION OF PROFESSIONAL CORPORATIONS
520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101

TELEPHONE: (702) 384-5563
FACSMILE: (702) 385-1023
EMAIL: jbrown@brownlawlv.com

May 15, 2023

Clark County Comprehensive Planning
Current Planning Division
500 Grand Central Parkway
Las Vegas, Nevada 89155

**PLANNER
COPY**

**Re: JDR Owner, LLC (also known as Fontainebleau Development, LLC)
Justification Letter – Condensed Application per Staff**

- **Special Use Permits**
- **Deviations**
- **Waiver of Development Standards**
- **Design Reviews**

Assessors' Parcel Numbers: 162-09-617-001 & 162-09-617-002

To Whom It May Concern:

On behalf of our Client, JDR Owner, LLC, please accept this application package to comply with an advisory on the approval of UC-21-0726 stating “new land use applications for final uses and design to replace all prior land use application”. This application will include all associated and required for a Resort Hotel. The required applications will include Special Use Permits, Waivers of Standards and Design Reviews for a previously approved Resort Hotel (originally named Fontainebleau and previously also known as The Drew/Project Blue). This application package includes a proposed naming of a private street that intersects with Las Vegas Boulevard South. The resort hotel which is under construction and slated to open in December 2023 is on a total of 24.5 acres and is zoned H-1. The project is located on the east side of Las Vegas Boulevard South and on the north side of Elvis Presley Boulevard and was originally approved by the Clark County Board of County Commissioners by action on UC-0932-06 in October 2006. A myriad of other applications for additions, changes, revision, modifications, and amendments were approved for the site with the most recent application for

changes and modification by the current owner by action on UC-21-0726 in February 2022. A comprehensive sign package is currently in process for the resort hotel (UC-23-0235), scheduled for the July 5, 2023, Board of County Commissioner's meeting.

Project Scope:

This request combines the required and original approvals with the subsequent modifications and additions of uses to result in one overall approval for the resort hotel. Another application is in process for one overall sign package for the resort. All previous land applications are active with the approval of extensions of times for the site in July 2021 with conditions requiring an administrative review to verify that the Applicant has substantially completed improvements and until July 17, 2024, to commence. Some of the previous applications, although active, will not be included since these are not necessary for or required for this overall application.

The Resort Hotel was previously approved at a maximum height of 735 feet, being the high-rise tower portion of the building and is sixty-three (63) stories. This request is for changes and modification to the most recent approval (DR-19-0428) for the site and includes the addition of uses that were not previously approved such as a Day Club (Pool) on a portion of the pool deck on the ninth (9th) floor and a Night Club within the building adjacent to the Day Club. This request also changes, modifies, and completes the facades along the north side of the building with a re-design of the porte cochere; the façade of the building along the Las Vegas Boulevard frontage; a re-design of the landscaping and pedestrian realms along the Las Vegas Boulevard South and Elvis Presley Boulevard. The rockery fencing along the street frontages is eliminated with this modification and a bollard system is proposed along Las Vegas Boulevard South to match the County system constructed along the Las Vegas "Strip". The east façade of the building, which is the parking garage and portion of convention area will remain as originally approved (DR-0213-08) with all the glass replaced as designed and approved. The previously approved resort condominiums (UC-0698-07) are no longer part of the application. The resort hotel only consists of hotel rooms.

Please see the attached list for additional uses within the resort.

Landscaping:

The alternative landscaping and pedestrian realm proposed along Las Vegas Boulevard South consists of a minimum 15 foot wide meandering sidewalk with landscaping on both sides of the sidewalk. Cross sections are provided to depict the design of the landscaping and the pedestrian realm which deviates from Code standards. The landscaping and pedestrian realm along Elvis Presley Boulevard consists of a minimum 15 foot wide meandering sidewalk with landscaping that meanders with the sidewalk.

Elevations:

The construction of the project is almost completed on the plans with no changes to the height proposed to the building facades as either previously approved or modified with the approval of UC-21-0726. The primary modifications to the resort tower as previously are to the north, south and west sides of the building. All glass that popped out on the tower is now replaced and the additional enhancements to the north, west and south facades are being completed. The east façade will remain the same as approved by action on DR-0213-08 in April 2008.

Floor Plans:

The previously approved Resort Hotel has a total of 8,931,452 square feet which includes the guest rooms, gaming areas, showrooms, live entertainment areas, shopping center, indoor and outdoor dining areas, offices, meeting, and convention areas and non-public (back-of house areas). The floor areas of the building (low-rise, mid-rise and tower) are substantially completed; therefore, no major changes are proposed to the different floor areas of the building with this request; however, the locations of various uses within the resort are rearranged to reflect changes in the market and specific desires and goals of the current owners. This includes the deviation to allow 30% tandem (valet) parking spaces within the garage which is shown on the plans. Also included is the deviation to reduce the number of

required loading spaces all approved by action on the original approval (UC-0932-06).

Signage is not a part of this application.

Special Uses.

- 1) High Impact project
- 2) Resort hotel/casino, including all required and accessory/incidental areas (areas accessible to the public - including all casino areas, showrooms, entertainment areas, commercial areas, retail, restaurants, bar areas, spas indoor/outdoor areas including dining area, convention areas, kitchens within rooms, night/day club. (See the attached separate list for uses requiring special use permits and a list of accessory/incidental uses).
- 3) A night/day club.
- 4) Allow deviations from development Standards as shown per plans on file.

Deviations to Development Standards:

- 1) Allow alternative landscaping and pedestrian realm along the street frontage (Las Vegas Boulevard South).
- 2) Alternative landscaping along the east façade of the site (UC-1515-06).
- 3) Allow alternative landscaping and pedestrian realm along the street frontage (Elvis Presley Boulevard).
- 4) Allow the primary means of access to a nightclub from the exterior of the hotel, where the primary means of access must be through the interior of the resort.
- 5) Reduce the setback for structures (bollards, landscape walls etc.) to zero feet where a 10 foot minimum setback is required.
- 6) Reduce on-site parking requirements.
- 7) Reduce the number of required loading spaces.
- 8) Permit tandem parking spaces.

- 9) Allow encroachment into the airspace.
- 10) Reduce the height setback ratio for portions for the hotel mid-rise and high-rise portions adjacent to Elvis Presley Boulevard up to 29 feet where a setback of 75 feet is the required with the encroachment occurring at a height of 122 feet above grade level.
- 11) Permit all deviations per plans on file.

Justification:

These requests will allow the completion of the Resort, enhance this portion of Las Vegas Boulevard South, and bring more synergy to the northern portion of the Las Vegas “Strip.”

Justification:

This request is to allow the formal approval of the Day and Night Clubs as shown per the plans submitted on file. The use permit application will also allow deviations per the plans on file. This request is appropriate and compatible as allowed for a Resort Hotel and to allow the completion of the project.

Waivers of Development Standards:

1. Increase the height of the hotel tower to 735 feet where 100 feet is the standard.
2. Reduce the required setback to the right-of-way (bollard, public art sculpture and landscape structures, portions of the porte cochere along the street frontage (Las Vegas Boulevard South) to zero feet where a 10 foot setback is the standard.
3. Allow non-standard improvement within the right-of-way (landscaping; bollards, landscape walls and structures; portions of the porte cochere).

Justification:

This request is to allow the installation of bollards along the street frontage to match the other bollards installed by the County. This application is necessary because the bollards will be installed as part of the installation and construction of

the landscaping and completion of the pedestrian realm along the street frontage by the Applicant and not the County.

Design Reviews:

- 1) Resort Hotel with 3,743 rooms.
- 2) Alternative Landscaping along the east façade.
- 3) Redesigned of a Resort Hotel (modifications of the north, south and west facades)
- 4) Increase building height and modifications to the resort (UC-0698-07)
- 5) Maintain the design of the east façade of parking garage/convention facility as approved per (DR-08-0213).
DR-0213-08)
- 6) Design of loading dock area DR-0289-09).
- 7) Review of public art sculpture along the street frontage.
- 8) Allow all modification to the approved resort.

The most recent modification, changes, and approval for the Resort Hotel by action on (as follows and is the most recent modification to the site (UC-21-0726).

North Façade: This portion was partially completed. The proposed plans depict a re-design of the porte cochere and northern low and mid-rise portions of the building to complete the façade (please see comparison notes and plans for details). This change included the shape and material (steel and aluminum panels).

South Façade: This portion is substantially completed at this time. The proposed plans depict material and colors for the completion of façade, landscaping, and pedestrian realm which are a revision and modification of the 2019 approval. The bridge connection to the south, across Elvis Presley Drive to the Las Vegas Convention Center site per a previous approval site was eliminated from these most recent plans. The materials and colors will revert to the original approvals with additional enhancements (please see comparison notes and plans for details).

East Façade: This façade is completed as originally approved. The design and materials, and lighting did not change. All the glass that popped out is replaced with the same color schemes and will remain as previously approved in 2008.

West Façade: This portion was partially completed and is under construction at this time. The proposed plans depict material and colors for the completion of façade, landscaping, and the pedestrian realm which are revisions and modifications of the 2019 approval. The materials and colors will revert to the original approvals with additional enhancements (please see comparison notes and plans for details).

This application indicates that the project as approved and subsequent modifications and revisions proposed complies with the approvals to date for the project which is almost completed. The project as previously approved and as modified/revised complies with all the goals and policies outlined in the Master Plan for development in the Entertainment Mixed-Use areas and the Resort Corridor for the development of a Resort Hotel as defined in Title 30.

The original approvals with the subsequent modifications will allow for the completion of the resort. The development is appropriate and compatible with existing uses in the immediate and adjacent areas and along the Las Vegas "Strip." The completion of the project will further enhance the characteristic and aesthetics of the general area and site and contribute to bringing more pedestrians, customers, and guests to the northern portion of Las Vegas Boulevard South, create and bring more synergy of this portion of "The Strip."

We appreciate your review, consideration and positive recommendation of the application as submitted. Please contact me at 702-598-1429 if you have questions or clarification of the submittal.

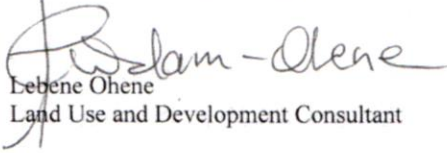
LAW OFFICE

Brown, Brown & Premsrirut

AN ASSOCIATION OF PROFESSIONAL CORPORATIONS

Sincerely,

BROWN, BROWN & PREMSRIRUT

A handwritten signature in cursive script that reads "Lebene Ohene". The signature is written in dark ink and is positioned above the printed name and title.

Lebene Ohene

Land Use and Development Consultant