

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-24-0102-CMR REALTY, LLC:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increase building height; and **2)** allow modified driveway design standards.

DESIGN REVIEWS for the following: **1)** alternative landscape plan; and **2)** a commercial complex on 7.1 acres in a CG (Commercial General) Zone.

Generally located 135 feet south of Spring Mountain Road and the west side of Procyon Street within Paradise. JJ/md/ng (For possible action)

RELATED INFORMATION:

APN:

162-17-201-003; 162-17-201-004; 162-17-201-006 through 162-17-201-010

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase building height to 67 feet where a maximum structure height of 50 feet is allowed per Section 30.02.14B (a 34% increase).
2. Reduce throat depth to 26 feet where a minimum of 150 feet is required per Uniform Standard Drawing 222.1 and Section 30.04.08 (an 82.7% reduction).

DESIGN REVIEWS:

1. Alternative landscape plan for street landscaping along Valley View Boulevard.
2. Commercial complex.

LAND USE PLAN:

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 3525 through 3613 Procyon Street; 3588 through 3612 Valley View Boulevard
- Site Acreage: 7.1
- Project Type: Commercial complex with parking garage
- Number of Stories: 2 (Buildings A through F)/4 (parking garage)
- Building Height (feet): 67 (Buildings A through F)/53 (parking garage)
- Square Feet: 34,000 (Building A)/17,200 (Building B)/15,000 (Building C)/17,000 (Building D)/16,400 (Building E)/16,400 (Building F)
- Sustainability Measures Required/Provided: 7 points/7 points
- Parking Required/Provided: 275/694*

*Structured parking, underground parking, and parking within, above, or beneath the building(s) it serves shall not count against the maximum parking requirement.

Site Plans

The plans depict a proposed commercial complex consisting of 6 buildings, A through F, and a 4 story parking garage located between Valley View Boulevard and Procyon Street, 135 feet south of Spring Mountain Road. Buildings A (inverted “L” shape) and B are located at the southeast portion of the site, along Procyon Street, while Buildings E and F are located at the southwest portion of the site, along Valley View Boulevard. Buildings C and D are centrally located within the site, between Buildings A and B and Buildings E and F. Buildings A through F are connected through a series of metal shade canopies, with a total shaded area measuring 63,098 square feet. The parking garage is located at the northeast portion of the commercial complex, along Procyon Street. Below is a table reflecting the building setbacks from the north, south, east, and west property lines of the site:

| Building Setback from Property Lines (in feet) | | | | |
|-------------------------------------------------------|----------------------|-------------|--------------|-------------|
| Building: | Property Line | | | |
| | North | East | South | West |
| Building A | 255 | 86.5 | 205 | 151 and 396 |
| Building B | 518 | 96 | 80 | 392 |
| Building C | 59 | 273 | 205 | 214 |
| Building D | 183 | 276 | 80 | 212 |
| Building E | 60 | 455 | 205 | 33.5 |
| Building F | 185 | 459 | 80 | 27.5 |
| Parking Garage | 12.5 | 14 | 474 | 10 |

Access to the development is granted via a single commercial driveway at the northeast corner of the site, adjacent to Procyon Street. This commercial driveway serves as an ingress and egress point to the parking garage, requiring a waiver of development standards to reduce the throat depth to 51 feet and 26 feet on the ingress and egress sides of the driveway, respectively. A second commercial driveway is provided along the west portion of the site, adjacent to Valley View Boulevard. A 2 way east/west vehicle drive aisle, connecting to Valley View Boulevard and measuring 24 feet in width, is located to the north of Buildings C and E. This vehicle drive aisle transitions into a 2 way roundabout, located to the west of Building A, directing vehicle traffic northbound to the second ingress and egress points for the parking garage. The proposed development requires 275 parking spaces where 694 parking spaces are provided, increasing the required number of parking spaces for the site by 152.4 percent. However, per an exception within Code, structured parking, underground parking, and parking within, above, or beneath the building(s) it serves shall not count against the maximum parking requirement. The plans depict 159 surface level parking spaces and 536 parking spaces within the parking garage. Surface level parking spaces are located to the east of Buildings A and B and to the south of Buildings B, D, and F. Electric vehicle spaces are located to the south along Buildings B and D and are also located on the first floor, south side of the parking garage. A 2 way north/south interior vehicle drive aisle measuring 24 feet in width is located between Buildings C and D and Buildings E and F. Five foot wide existing attached sidewalks are located adjacent to Valley View Boulevard and Procyon Street.

Landscaping

The plans depict a landscape area measuring between 14 to 15 feet in width, located behind an existing 5 foot wide attached sidewalk adjacent to Procyon Street. A street landscape area measuring between 15 to 21.5 feet in width is located behind an existing 5 foot wide attached sidewalk adjacent to Valley View Boulevard. The required number of trees, shrubs, and groundcover are provided within the street landscape area. However, the applicant is requesting an alternative landscape plan as a group of 3 trees, along Valley View Boulevard, are planted 36 feet on center where 30 feet on center is the maximum per Code. The commercial complex requires 33 street trees where 33 trees are provided. A total of 27 trees are required within the interior of the parking lot where 28 trees are provided. A 6 foot high CMU block wall with a landscape area measuring 8 feet in width, including trees planted 20 feet on center, are located along the south property line of the development. A 6 foot high CMU block wall with a landscape area measuring between 6 to 14 feet in width, including trees planted 20 feet on center, are located along the northwest property line of the site. A third landscape area, located along the west property line and immediately south of the parking garage, measures 30 feet in width consisting of a double row of trees in a staggered formation, planted 30 feet on center. A total of 60 trees are required for street and interior parking lot landscaping where 114 trees are provided within the interior and along the perimeter of the development. Per the plans, the landscape tree canopy coverage measures 77,346 square feet.

Elevations

A waiver of development standards is required to allow a maximum building height of 67 feet. Below is a table reflecting the height and materials for each building:

| Building Information | | |
|-----------------------------|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Building: | Height | Materials |
| Building A | 67 | All buildings will consist of the following exterior materials: Metal shade canopies, EIFS, composite wood panels, sandstone tile, decorative metal panels, vision glass and spandrel glass for a unified architectural theme throughout the development. All buildings incorporate the use of varying rooflines. |
| Building B | 67 | |
| Building C | 67 | |
| Building D | 67 | |
| Building E | 67 | |
| Building F | 67 | |

The typical elevation for buildings A through F measures 46 feet to the top of the parapet wall, with the exception of the metal shade canopies that measure 67 feet to the apex of the structure. The 4 story parking garage, constructed of concrete, measures up to 53 feet in height to the top of the elevator shaft. The exterior of the garage consists of 4 sided architecture on all elevations featuring varying rooflines and composite wood panels that create a patterned design, eliminating a blank concrete façade.

Floor Plans

Below is a table reflecting the building area for each structure:

| Floor Area for Proposed Uses | | |
|-------------------------------------|--------------------------|---------------------------|
| Building: | Uses | Area (Square Feet) |
| Building A | Commercial and/or office | 34,000 |
| Building B | Commercial and/or office | 17,200 |
| Building C | Commercial and/or office | 15,000 |
| Building D | Commercial and/or office | 17,000 |
| Building E | Commercial and/or office | 16,400 |
| Building F | Commercial and/or office | 16,400 |

The plans depict an open shell space for Buildings A through F, with the final interior layouts to be determined by the future tenants.

Applicant's Justification

The applicant states the project site is master planned Entertainment Mixed-Use which allows for height up to 100 feet if zoned CR. Therefore, the proposed 67 feet is significantly lower than what the site could potentially construct. Moreover, height increases in the immediate area have recently been approved. Most recently, the RM50 multiple family project along Valley View Boulevard and Pioneer Avenue, is precedent in the area for building height. The proposed throat depth reduction is appropriate based on the layout of the driveway along Procyon Street. While the applicant is requesting a reduction, there is significant additional driving space once a car either immediately turns west to enter the parking garage or proceeds south along Buildings A and B. With this additional space, any potential stacking within the right-of-way is mitigated. The development of commercial on the site, rather than industrial as currently zoned, is a more appropriate use adjacent to the other commercial shopping center, as well as to the future hotel beyond that. The additional commercial uses will also bring the added community uses to support the existing and recently approved multiple family developments in the immediate area.

Prior Land Use Requests

| Application Number | Request | Action | Date |
|---------------------------|-----------------------------------------------------------------------|-----------------|---------------|
| UC-23-0126 | Monorail | Approved by BCC | May 2023 |
| UC-0425-15 | Expansion and modifications to an existing recycling center - expired | Approved by PC | August 2015 |
| UC-0450-14 | Recycling center - expunged | Approved by PC | July 2014 |
| UC-0386-11 | Recycling center - expunged | Approved by PC | November 2011 |
| UC-0447-10 | Light manufacturing with outside storage of pallets - expired | Approved by PC | October 2010 |
| UC-0546-09 | Recycling center - expunged | Approved by PC | October 2009 |

Prior Land Use Requests

| Application Number | Request | Action | Date |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------|-----------------|---------------|
| UC-1046-07 | Recycling center – expired | Approved by PC | November 2007 |
| ZC-0437-06 | Reclassified a 2.1 acre portion of the project site to U-V (Urban Village) zoning for a mixed-use development – expired | Approved by BCC | May 2006 |
| ZC-1416-05* | Reclassified a 2.3 acre portion of the project site from a C-2 zone to H-1 zone for a hotel condominium | Approved by BCC | November 2005 |
| WS-0841-05* | Increase building height for a hotel condominium - expired | Approved by PC | July 2005 |
| ZC-1883-04* | Reclassified a 2.3 acre portion of the project site from a C-2 zone and M-1 zone to a C-2 zone for a hotel | Approved by BCC | December 2004 |
| NZC-1775-04 | Reclassified a 5 acre portion of the project site to U-V zoning for a mixed-use development project - expired | Approved by BCC | February 2005 |
| DR-1902-03* | Addition to an existing office/warehouse building including a new parking lot – expired | Approved by PC | January 2004 |

*These applications included only APNs 162-17-201-009 & 162-17-201-011.

Surrounding Land Use

| | Planned Land Use Category | Zoning District (Overlay) | Existing Land Use |
|-------|----------------------------------|----------------------------------|-----------------------------------------------------------------------------------------|
| North | Entertainment Mixed-Use | IL | Cannabis cultivation & production facility |
| South | Entertainment Mixed-Use | IL & CR | Outside storage & vacant commercial building |
| East | Entertainment Mixed-Use | IL | Industrial & warehouse buildings |
| West | Entertainment Mixed-Use | CG, IL, & RM32 | Office/warehouse & shopping center complex, multiple family development, & restaurants. |

Related Applications

| Application Number | Request |
|---------------------------|------------------------------------------------------------------------------------------------------------------|
| ZC-24-0100 | A zone change to reclassify the subject property from IL and CR to CG zoning is a companion item on this agenda. |
| TM-24-500027 | A tentative map for a 1 lot commercial subdivision is a companion item on this agenda. |
| VS-24-0101 | A request to vacate and abandon government patent easements is a companion item on this agenda. |

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request is consistent with the Master Plan and is in compliance with Title 30.

Analysis

Comprehensive Planning

Waivers of Development Standards

The applicant shall have the burden of proof to establish that the proposed request is appropriate for its proposed location by showing the following: 1) the use(s) of the area adjacent to the subject property will not be affected in a substantially adverse manner; 2) the proposal will not materially affect the health and safety of persons residing in, working in, or visiting the immediate vicinity, and will not be materially detrimental to the public welfare; and 3) the proposal will be adequately served by, and will not create an undue burden on, any public improvements, facilities, or services.

Waiver of Development Standards #1

The maximum height of the parking garage is 46 feet, with the exception of 53 feet measuring to the top of the elevator shaft. Staff can support the height increase to the parking garage to accommodate the required elevator shaft. Buildings A through E typically measure 48 feet in height to the top of the parapet wall. However, there are a series of angled and curved metal shade canopies which extend to a maximum height of 67 feet. Staff can support the request to increase the height of the canopies as the structures add visual interest to the buildings in addition to increasing shade coverage within the interior of the site. This request is also consistent with the previously approved building height of 67 feet for the commercial complex (ZC-23-0868) east of the site, across Procyon Street, and the multiple family development (ZC-22-0384) measuring 65 feet in height under construction at the southwest corner of Desert Inn Road and Polaris Avenue. Staff finds the request to increase building height is compatible with previously approved developments within the surrounding area and should not impact the surrounding land uses. Therefore, staff recommends approval.

Design Reviews

Development of the subject property is reviewed to determine if 1) it is compatible with adjacent development and is harmonious and compatible with development in the area; 2) the elevations, design characteristics and others architectural and aesthetic features are not unsightly or undesirable in appearance; and 3) site access and circulation do not negatively impact adjacent roadways or neighborhood traffic.

Design Review #1

The purpose of an alternative landscape plan is to provide an opportunity for innovative landscape alternatives that meet and/or exceed the quality and/or quantity of the Code required landscaping. Furthermore, an alternative landscape plan may be approved when the proposed landscape design does not meet Code requirements, but proposes innovate, high-quality alternatives that enhance the physical environment of the suite and the surrounding area to a greater extent than could otherwise be achieved by Code.

The applicant is requesting an alternative landscape plan as a group of 3 trees, along Valley View Boulevard, are planted 36 feet on center where 30 feet on center is the maximum per Code. The commercial complex requires 33 street trees where 33 trees are provided. A total of 27 trees are required within the interior of the parking lot where 28 trees are provided. Staff finds the alternative landscape plan complies with Policy 3.6.1 of the Master Plan, which aims to mitigate the urban heat island effect in new development through site design that provides shade and reduces the footprint of hardscaped areas. A total of 60 trees are required for street and interior parking lot landscaping where 114 trees are provided within the interior and along the perimeter of the development. Therefore, staff can support the design review for the alternative landscape plan.

Design Review #2

The commercial complex complies with Goal WP-3 which encourages the revitalization of established employment centers and commercial corridors in Winchester/Paradise. Several industrial and commercial buildings occupy the project site and will be demolished with the proposed development. Staff finds the commercial complex complies with Policy 6.1.6 which encourages infill and redevelopment within unincorporated Clark County. The design of the commercial buildings feature variations in building height contributing to breaking-up the mass of the structures, in addition to contrasting colors and exterior materials. The layout of the commercial complex and parking lot is functional, and the overall design of the site is compatible with the previously approved commercial development (ZC-23-0868) to the east of the site, across Procyon Street, and the existing land uses within the surrounding area. The development also complies with Policy 6.2.2 which encourages sustainable site design and development practices. Sustainability measures have been integrated into the design of the site and buildings, including but not limited to water efficient landscaping, cool roof materials, additional perimeter trees, sidewalk and amenity shading. Therefore, staff recommends approval of the design review.

Public Works - Development Review

Waiver of Development Standards #2

Staff has no objection to the reduced throat depth for the commercial driveway on Procyon Street. Although the throat depth does not comply with the minimum standards, staff finds the depth allows vehicles to safely access the site.

Department of Aviation

The development will penetrate the 100:1 notification airspace surface for Harry Reid International Airport. Therefore, as required by 14 CFR Part 77, and Section 30.02.26B.3(ii) of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

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

- Certificate of Occupancy and/or business license shall not be issued without approval of an application for a zoning inspection.
- Applicant is advised within 4 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; 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; changes to the approved project will require a new land use application; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Reconstruct any unused driveways with full off-site improvements.
- Applicant is advised that off-site improvement permits may be required.

Department of Aviation

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.02.26B of the Clark County Unified Development Code. Applicant is advised that many factors may be considered before the issuance of a permit or variance, including, but not limited to, lighting, glare, graphics, etc.;
- No building permits should be issued until applicant provides evidence that a "Determination of No Hazard to Air Navigation" has been issued by the FAA or a "Property Owner's Shielding Determination Statement" has been issued by the Department of Aviation.
- Applicant is advised that the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments; and that the FAA's airspace determinations include expiration dates and that separate airspace determinations will be needed for construction cranes or other temporary equipment.

Fire Prevention Bureau

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.
- Applicant is advised that fire/emergency access must comply with the Fire Code as amended.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0121-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Paradise - approval.

APPROVALS:

PROTESTS:

APPLICANT: 3500-3675 PROCYON, LLC

CONTACT: KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DRIVE, 650, LAS VEGAS, NV 89135