

09/21/22 BCC AGENDA SHEET

RECREATIONAL FACILITY/RETAIL/OFFICE
(TITLE 30)

SUNSET RD/DURANGO DR

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-22-0433-SUNSET AND DURANGO PARTNERS PHASE 2, LLC:

USE PERMITS for the following: **1)** a recreational facility; **2)** live entertainment; **3)** reduce separation from on-premises consumption of alcohol establishments to a residential use; and **4)** reduce separation from outside dining to a residential use.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce separation from outdoor live entertainment to a residential use; and **2)** increase building height.

DESIGN REVIEWS for the following: **1)** recreational facility (pickle ball) with restaurants, retail, offices, and parking garage; and **2)** modifications to Phase 1 of this development on 9.7 acres in a C-2 (General Commercial) Zone in the CMA Design Overlay District.

Generally located on the north side of Sunset Road, 280 feet west of Durango Drive within Spring Valley. JJ/rk/syp (For possible action)

RELATED INFORMATION:

APN:

163-32-814-002; 163-32-814-003

USE PERMITS:

1. Recreational facility consisting of a pickle ball facility with multi-level indoor courts and grade level outside courts.
2. Live entertainment (e.g. live music, performances, single artist).
3. Reduce the required separation from on-premises consumption of alcohol establishments (supper clubs, taverns, and standalone small walk up bars) to a residential use to 37 feet where 200 feet is the standard per Table 30.44-1 (an 82% reduction).
4. Reduce the required separation from outside dining, drinking, and cooking establishments to a residential use to 37 feet where 200 feet is the standard per Table 30.44-1 (an 82% reduction).

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce the required separation from outdoor live entertainment (e.g. live music, performances, single artist) to a residential use to 37 feet where 500 feet is the standard per Table 30.44-1 (a 93% reduction).
2. Increase building height to 59 feet where a maximum of 50 feet is permitted per Table 30.40-4 (a 2% increase).

LAND USE PLAN:
SPRING VALLEY - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 8700 W. Sunset Road
- Site Acreage: 9.7
- Project Type: Recreational facility, restaurants, retail uses, and office uses
- Number of Stories: Up to 3 (recreational/restaurant/retail/office)/5 levels (garage)
- Building Height (feet): Up to 59
- Phase 2 (square feet): 47,701 (pickle ball)/13,275 (restaurant)/19,700 (retail)/13,000 (office)
- Phase 1 (square feet): 57,544 (retail)
- Parking Required/Provided – Phase 2: 375/387/600/712 (Phase 1 & 2)

Site Plan

This site was originally proposed for a shopping center consisting of multiple retail buildings, including a luxury movie theater (Galaxy) and a subterranean parking garage. The project is providing cross-access to the properties on the east and west sides of the site. Access to the site is shown off Sunset Road and Durango Drive.

Phase 2

The requested use permits and waivers of development standards apply to this phase of the project and do not extend to Phase 1. This phase consists of the previously approved movie theater which is located on the northern portion of the site. The current proposal consists of 2 proposed multi-level buildings consisting of a recreational facility (pickle ball) with indoor and outdoor courts, retail, restaurants including on-premises consumption of alcohol, live entertainment, offices, and a multi-level parking garage. Moreover, Building A will house the parking garage, retail uses, office uses, and the indoor pickle ball courts. At ground level, this building will also provide a bar with some outside dining/drinking areas. Building B will have a restaurant and the remaining outside dining/drinking areas. Behind Building B and between both buildings is the outdoor uses such as seating areas, yoga lawn, stage, walkup bar, bocce court, and outdoor pickle ball courts.

Phase 1

This phase consists of the previously approved shopping center and underground parking garage on the southern portion of the site. The current proposal consists of enlarging the sizes of the buildings and making slight shifts to the placement of the buildings on the site, in addition to removing the underground parking garage and associated driveway. The plans depict 3 buildings fronting Sunset Road, with 1 of the buildings being a restaurant with drive-thru; and two, 2 story retail buildings located near the center of the site. The 2 story retail buildings will have an extended central courtyard between the buildings where access to the subterranean parking garage was previously located. The buildings along Sunset Road will have patios and outside dining/drinking areas.

Landscaping

Phase 2

Trees, shrubs, and groundcover will be located throughout the entire property. The project will also provide a landscape buffer with trees spaced 15 feet apart along the developed multiple family complex to the north.

Phase 1

The plans depict a 15 foot wide street landscape area with a detached sidewalk along Sunset Road. An extended central courtyard between the buildings where access to the subterranean parking garage was previously located now shows hardscape and sidewalks.

Elevations

Phase 2

The proposed request will have combinations of 2 story and 4 story buildings ranging in height from 14 feet to 59 feet to the top of Building A. Both buildings will have a contemporary/modern architectural style with a variety of architectural elements. The exterior of the buildings will consist of a combination of stucco siding, metal and faux wood panels, reveal lines, and glass store fronts and windows. On top of Building B (above the restaurant) is a rooftop deck with outside dining and drinking.

Phase 1

The proposed shopping center will have combinations of 1 story and 2 story buildings. All buildings will have a contemporary/modern architectural style with a variety of architectural elements. The exterior of the building will consist of a combination of stacked CMU, decorative metal accents, smooth coat stucco finish, and glass store fronts and windows.

Floor Plans

Phase 2

The 2 buildings and outdoor pickle ball court area total 93,676 square feet. More specifically, Building A will house the parking garage, retail uses, office uses, and the indoor pickle ball courts, and totals 45,900 square feet (does not include the parking garage square footage). Building B will have a restaurant, the remaining outside dining areas, and totals 13,275 square feet. The outdoor uses such as seating areas, yoga lawn, stage, walkup bar, bocce court, and outdoor pickle ball courts total 34,501 square feet.

Phase 1

The plans depict 3 buildings fronting Sunset Road, with 1 of the buildings being a restaurant with drive-thru; and two, 2 story retail buildings located near the center of the site. All 5 buildings total 57,544 square feet.

Signage

Signage is not a part of this request.

Applicant's Justification

Phase 2

The applicant indicates the proposed recreational facility use with ancillary commercial uses is a special use in a C-2 zoning district. The request is entirely consistent with the intent of the C-2 zoning district and Corridor Mixed-Use planned land use designation, and in compliance with several goals and policies contained within the Master Plan. The applicant further states that the outside recreational facility is oriented so that it faces away from the residential use. Other existing site, building design, and operational elements that will ameliorate and mitigate possible negative impacts include the following: 1) the proposed area is not immediately adjacent to the residential use but rather separated by a block wall at the north property line with landscape buffering and a commercial drive aisle; 2) the proposed facility will include screening and buffering walls on the perimeter with enhanced landscaping; 3) portions of the proposed buildings will also function as screening; and 4) the facility will have hours of operation from 8:00 a.m. to midnight 7 days a week. Therefore, the combination of the above referenced elements provides for a mitigation of the required separation or building buffer and provides for a proposed facility that is a compatible use that can harmoniously coexist abutting the residential use with minimal impacts.

Phase 1

The applicant indicates the revised plans for Phase 1 are in full compliance with all provisions of WS-18-0093. The revised numbers represent a more accurate accounting of the final design of the project. The revised total building square footage is less than the original entitlement and less than the previous revision on file. Lastly, the project will comply with parking requirements for a shopping center.

Prior Land Use Requests

Application Number	Request	Action	Date
ET-21-400037 (VS-19-0025)	Extension of time for the vacation and abandonment of right-of-way for portions of Durango Drive and Sunset Road	Approved by PC	May 2021
ET-20-400084 (VS-18-0435)	Extension of time for the vacation and abandonment of easements	Approved by PC	September 2020
WS-19-0371	Comprehensive sign plan - expired	Approved by PC	July 2019
VS-19-0025	Vacated and abandoned right-of-way for portions of Durango Drive and Sunset Road - recorded	Approved by PC	March 2019
VS-18-0435	Vacated and abandoned easements - recorded	Approved by PC	July 2018
TM-18-500094	1 lot commercial subdivision	Approved by PC	July 2018
WS-18-0093	Shopping center consisting of multiple buildings, a movie theater, and subterranean parking garage	Approved by BCC	March 2018

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-0081-17	Reclassified the site to C-2 zoning for future commercial development	Approved by BCC	March 2017

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Urban Neighborhood (greater than 18 du/ac)	R-4	Multiple family residential
East	Corridor Mixed-Use	C-2	Retail Center
West	Corridor Mixed-Use	C-2	Undeveloped
South	Entertainment Mixed-Use	C-2	IKEA store

The subject site is within the Public Facilities Needs Assessment (PFNA) area.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis

Current Planning

Use Permits

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 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 character of the neighborhood, and other matters affecting the public health, safety, and general welfare.

A recreational facility, live entertainment, and the reduction in separation required for the on-premises consumption of alcohol and outside dining and drinking establishments to a residential use are only allowed in a C-2 zoning district with approval of a special use permit.

Staff has no concerns with most of the uses associated with this request, and the reduction in separation required for the on-premises consumption of alcohol and outside dining and drinking establishments (special use permits #1, #3, and 4); however, staff finds that the proposed live entertainment (e.g. live music, performances, single artist) could substantially impact the residential to the north with excessive noise levels. The intent of sound land use planning is to avoid, or significantly limit or mitigate, the impacts from these types of uses from nearby residential uses either through transitional space or by other means. Given the land use context of the existing multiple family development to the north, new uses that are introduced into an existing residential area should be carefully reviewed. There are policies established in the Master Plan that encourages sites to be compatible with adjacent land uses and off-site circulation patterns, especially when the adjacent land is a lower intensity. Furthermore, the live entertainment request does not satisfy County policies which encourages, in part, that new developments should be complementary and similar in scale and intensity to the surrounding land uses; therefore, staff cannot support use permit #2.

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

Given that the reduction in separation from live entertainment to a residential use is only 37 feet, and since the site design and development parameters are established and dependent on consideration of use permit #2, staff cannot support waiver of development standards #1.

Waiver of Development Standards #2

Staff does not have an objection to the increased building height as it should have minimal to no impact on the surrounding land uses. The increased building height is only for a minor portion of the overall building and is intended to accommodate the parking garage parapet. The parapet enhances the overall building design and provides for varying roof elements and is not for habitable area. In addition, the proposed building heights and building design are consistent and compatible with the approved building heights on the adjacent development. Therefore, staff does not anticipate any adverse impacts from the increased height and can support this waiver.

Design Review #1

Staff finds with proper design of the scale relationships between the various project components and nearby residential can help mitigate any potential adverse impacts to the residential development to the north. Except for the stage and proposed live entertainment, the site itself is well connected and convenient for pedestrian movement, and the parking areas are organized so they do not negatively impact the pedestrian circulation or surrounding land uses. The outside recreational facility is oriented so that it faces away from the residential use to the north. Furthermore, the proposed outdoor recreational area is offset from the residential use by a block wall at the north property line with a five and a half foot wide landscape buffer, and a commercial drive aisle in the rear portion of the development with a grade difference of approximately 15 feet, with the high side being the subject property. Therefore, staff can support design review #1.

Design Review #2

Staff finds the modifications made to the plans for Phase 1 are in full compliance with all conditions of the previous approval. Also, the siting of the buildings facing Sunset Road follows the Master Plan which encourages the siting of total building area at the street perimeter. Such siting strengthens the streetscape and helps to screen off-street parking areas; therefore, staff can support design review #2.

Staff Recommendation

Approval of use permits #1, #3, and #4, design reviews, and waiver of development standards #2; denial of use permit #2 and waiver of development standards #1.

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:

Current Planning

If approved:

- 2 years to commence;
- 2 years to review Phase 2 as a public hearing;
- Phase 2 live entertainment and outdoor recreation not to extend past 10:00 p.m.;
- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance.

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 #0305-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Spring Valley - approval (2 year review as a public hearing for live entertainment and sound attenuation; live entertainment not to start before 10:00 a.m. or extend past 10:00 p.m.; all outdoor live entertainment to be restricted to the proposed stage area; construction of stage to include sound mitigation materials; and increase landscaping along northern boundary wall to help shield adjacent residential from sound).

APPROVALS:

PROTESTS:

APPLICANT: DAPPER DEVELOPMENT

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