

04/02/25 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-25-400015 (UC-22-0698)-BR OVATION LIMITED PARTNERSHIP:

USE PERMITS FIRST EXTENSION OF TIME for the following: **1)** High Impact Project; **2)** mixed-use development; **3)** establish density; and **4)** establish height.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increase the height of exterior light fixtures (luminaries); and **2)** allow modified driveway design standards.

DESIGN REVIEWS for the following: **1)** High Impact Project; **2)** mixed-use development; and **3)** finished grade on 14.6 acres in a CC (Commercial Core) Zone.

Generally located on the south side of Arby Avenue and the west side of Gagnier Boulevard within Spring Valley. MN/nai/cv (For possible action)

RELATED INFORMATION:

APN:

176-04-412-002 through 176-04-412-004; 176-04-412-010

USE PERMITS:

1. High Impact Project.
2. Mixed-use development.
3. Establish a maximum density of 72 du/ac.
4. Establish a maximum height of 77 feet.

WAIVERS OF DEVELOPMENT STANDARDS:

1. Allow exterior light fixtures (luminaries) mounted on buildings up to 77 feet high where the line of the first story eave, or 14 feet above finished grade, whichever is lower, is the maximum height allowed per Section 30.48.670 (a 450% increase).
2.
 - a. Reduce throat depth for the central driveway on Arby Avenue to 87 feet where a minimum depth of 150 feet is required per Uniform Standard Drawing 222.1 (a 42% reduction).
 - b. Reduce the throat depth for a driveway on Arby Avenue to 55 feet where a minimum depth of 150 feet is required per Uniform Standard Drawing 222.1 (a 63.3% reduction).
 - c. Reduce the throat depth for a driveway on Arby Avenue to 63 feet where a minimum depth of 150 feet is required per Uniform Standard Drawing 222.1 (a 58% reduction).

DESIGN REVIEWS:

1. High Impact Project.
2. Mixed-use development.

- Increase finished grade to 57 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 58.3% increase).

LAND USE PLAN:

SPRING VALLEY - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 14.6
- Number of Units: 1,042
- Density (du/ac): 72
- Project Type: Mixed-use development
- Number of Stories: 5
- Building Height (feet): 77
- Square Feet: 16,000 (retail)/770,916 (multi-family buildings)
- Open Space Required/Provided: 6.1/6.1
- Parking Required/Provided: 1,674/1,728

History

A conforming zone boundary amendment for a proposed mixed-use development was approved via ZC-20-0094 by the Board of County Commissioners in June 2020. The previously approved mixed-use development consisted of a single building with 1,288 dwelling units and a density of 88.4 dwelling units per acre with a maximum building height of 200 feet. An additional 170,039 square feet of office space and 87,512 square feet of retail/restaurant space, respectively, were also approved with the zone change. The use permits, waivers, and design review components of ZC-20-0094 expired in June 2022; therefore, in 2022 the applicant proposed a new mixed-use development consisting of 4 multi-family buildings with a total of 1,042 dwelling units with a density of 72 dwelling units per acre and a maximum building height of 77 feet.

Site Plans

The approved plans depict a proposed 5 story mixed-use development consisting of 1,042 dwelling units with a density of 72 dwelling units per acre. Four freestanding multi-family structures, Buildings 1 through 4, are located at the northeast, northwest, southeast, and southwest corners of the project site. Buildings 1 and 4 each feature a retail component located on the first floor of each structure. 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
1	22	505	365	60
2	330	490	55	45
3	330	20	75	525

Building Setback from Property Lines (in feet)				
Building:	Property Line			
4	22	20	380	540

The proposed development is bisected by an east/west open space/promenade area measuring between 60 feet to 170 feet in width. A centrally located north/south driveway adjacent to Arby Avenue (north property line), measuring up to 60 feet in width, divides the east and west halves of the site. A waiver of development standards to reduce the throat depth to 87 feet was required for the centrally located driveway. A 5 foot wide attached sidewalk is located on both sides of the driveway servicing the development. Three additional driveways are proposed along Arby Avenue consisting of the following: 1) northwest corner of the project site (ingress/egress to the private street “Advanced Way”); 2) driveway entrance to building 1, consisting of an interior 5 level parking garage; and driveway entrance to building 4, also consisting of an interior 5 level parking garage. A waiver of development standards was also required to reduce the throat depth to 55 feet and 63 feet, respectively, for the driveway entrances to Buildings 1 and 4. The private street servicing the development, Advanced Way, measures a minimum of 25 feet in width circulating along the west and south sides of the development. A pedestrian realm measuring between 20 feet to 40 feet in width, including a 5 foot wide detached sidewalk, is located along Advanced Way. A pedestrian realm measuring between 20 feet to 25 feet in width, including a 5 foot wide detached sidewalk, is also located adjacent to Arby Avenue and Gagnier Boulevard. A single driveway entrance to Advanced Way is located at the southeast corner of the site, adjacent to Gagnier Boulevard. A design review to increase finished grade was also part of the original request. The site generally slopes from west to east, necessitating an increase in finished grade up to 42 inches in the middle of the site, and up to 57 inches for the eastern portion of the site.

The shared parking schedule was utilized to calculate the parking requirements for the mixed-use development. The applicant calculated a maximum 16,000 square feet for retail space. The tenant mix of retail and multi-family required 1,674 parking spaces where 1,728 parking spaces are provided. Parking spaces are uniformly distributed within the interior parking garages located within Buildings 1 through 4, while a total of 26 parallel parking spaces are located on both sides of the north/south driveway servicing the development. Two loading spaces are required for the retail portion of the development, with the first space being located within the parking garage for Building 1, and the second space located within the parking garage for Building 4. The loading spaces are located at the southeast and southwest corners of the parking garages for Buildings 1 and 4, respectively.

Landscaping & Open Space

The approved plans depict a pedestrian realm measuring between 20 feet to 25 feet in width, including a detached sidewalk, located adjacent to Arby Avenue and Gagnier Boulevard. A pedestrian realm measuring between 20 feet to 40 feet in width, including a 5 foot wide detached sidewalk, is also located along Advanced Way (private street). Twenty-four inch box trees, in addition to shrubs and groundcover, are planted within the street landscape and pedestrian realm areas.

The proposed development is bisected by an east/west open space/promenade area ranging between 60 feet to 170 feet in width, consisting of 2 courtyards with a total area measuring 110,000 square feet. Amenities within the courtyard area consist of 2 pools and spas, garden

beds, game courtyards, yoga terrace, and a picnic area with group fire pits. Additional open space areas include 4 clubhouses and 4 plazas.

Elevations

The approved plans depict four, 5 story buildings measuring up to 77 feet in height to the roofline. Building materials include a stucco exterior, decorative metal awnings, railings around balconies, and faux stone tiles. The mass of the buildings will be reduced by off-set surface planes and parapet walls along the roofline at varying heights. All rooftop mechanical equipment will be screened from public view and the right-of-way by parapet walls.

Floor Plans

Below is a table reflecting the approved retail areas and dwelling units featured within each building:

Dwelling Units and Retail Areas	
Building 1	
Dwelling Units	253 units
Retail Area	8,000 square feet
Building 2	
Dwelling Units	268 units
Building 3	
Dwelling Units	268 units
Building 4	
Dwelling Units	253 units
Retail Area	8,000 square feet

Previous Conditions of Approval

Listed below are the approved conditions for UC-22-0698:

Current Planning

- 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 service in the area;
- 3 percent of required parking spaces to have installed EV infrastructure;
- 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; 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

- Drainage study and compliance;

- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Westernmost driveway on Arby Avenue to be removed.
- Applicant is advised that off-site improvement permits may be required; that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals; and that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

Department of Aviation

- Applicant is advised that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed.

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.

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 #0009-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

Applicant's Justification

The applicant is requesting their first extension of time for UC-22-0698 for a 2 year extension. The applicant explained that due to high interest rates it has become difficult to commence this project. Also, there have not been significant changes in the area and the applicant's focus is on other affordable multi-family developments.

Prior Land Use Requests

Application Number	Request	Action	Date
VS-23-0282	Vacated and abandoned a portion of Butler Street to the south	Approved by PC	July 2023
VS-22-0699	Vacated and abandoned patent easements and right-of-way	Approved by BCC	February 2023
UC-22-0698	Use Permit, waiver of development standards, and design review for a high impact project and mixed-use development	Approved by BCC	February 2023

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-20-0094	Reclassified the site from C-2 to U-V zoning - use permits and design review - expired	Approved by BCC	June 2020
SC-18-0899	Name an unnamed private street to Advanced Way	Approved by PC	January 2019
DR-0066-08	Retail building - expired	Approved by PC	March 2008
DR-1421-07	Comprehensive sign package - expired	Approved by BCC	January 2008
TM-0174-07	Commercial subdivision	Approved by PC	July 2007
VS-0398-05	Vacated and abandoned easements and portions of right-of-way	Approved by PC	May 2005
ZC-0402-05	Reclassified the site to C-2 zoning	Approved by BCC	April 2005

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Business Employment	CG & IP	Shopping center
South	Business Employment	CG & IP	Office complex & undeveloped
East	Business Employment	CG	Assisted living facility
West	Corridor Mixed-Use	CG	Shopping center

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

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

Title 30 standards of approval for an extension of time state an application may be denied if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws, regulations, or policies affecting the subject property. Additionally, the applicant must demonstrate the project is progressing through the applicable development permit or licensing process.

Staff finds that proposed development remains appropriate for the site and the surrounding area. Additionally, while the only progress the applicant has made in terms of technical studies and permits is submitting a traffic study, this is the first extension of time, so staff can support the request. If significant progress is not made and a second extension of time is required, staff will not be able to support the request.

Public Works - Development Review

There have been no significant changes in this area. Staff has no objection to this extension of time.

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**

- Until February 22, 2027 to commence the application will expire unless extended with approval of an extension of time.
- Applicant is advised 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; the County has adopted a rewrite to Title 30 effective January 1, 2024, 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; 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

- Compliance with previous conditions.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Spring Valley - approval.

APPROVALS:

PROTEST:

APPLICANT: JANET GOYER

CONTACT: JANET GOYER, OVATION CONTRACTING, INC., 10650 W. CHARLESTON BOULEVARD, SUITE 150, LAS VEGAS, NV 89135