

OFFICE BUILDING & PARKING GARAGE  
RESTAURANTS  
(TITLE 30)

RILEY ST/SUNSET RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WC-23-400053 (ZC-1333-02)-MCM TOWER, LLC:**

**WAIVER OF CONDITIONS** of a zone change not allowing the required parking behind buildings in conjunction with an office building and parking garage with restaurants on 4.2 acres in a C-2 (General Commercial) Zone in the CMA Design Overlay District.

Generally located on the north side of Sunset Road and the east side of Riley Street within Spring Valley. JJ/md/syp (For possible action)

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RELATED INFORMATION:

**APN:**

163-32-801-011

**LAND USE PLAN:**

SPRING VALLEY - CORRIDOR MIXED-USE

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 4.2
- Project Type: Office building & parking garage with restaurants
- Number of Stories: 9 (office building)/6 parking garage
- Building Height (feet): 133 (office building)/92 (parking garage)
- Square Feet: 209,577 (office building)/660,176 (parking garage)/19,547 (restaurants)
- Parking Required/Provided: 1,104/1,150

**History & Request**

The C-2 zoning for the subject property was approved via ZC-1333-02 by the Board of County Commissioners (BCC) in November 2002 for a retail building, convenience store with gasoline station (fuel pumps), and 2 future restaurant pad sites. The commercial development that was approved with the zone change was never constructed. The applicant is now proposing an office building and a parking garage with restaurants at the top level. A condition of ZC-1333-02 prohibits required parking to be behind buildings. This is a request to waive that condition.

### Site Plans

The plans depict a 9 story office building located on the south portion of the project site with the following setbacks: 1) 78 feet from the south property line adjacent to Sunset Road; 2) 26 feet from the east property line; 3) 17 feet from the west property line along Riley Street; and 4) 389 feet from the north property line. A detached, 6 story parking garage, with restaurants on the top level, is located immediately to the rear (north) of the office building and features the following setbacks: 1) 12.5 feet from the north property line; 2) 21 feet from the west property line adjacent to Riley Street; 3) 1.5 feet from the east property line; and 4) 261 feet from the south property line along Sunset Road. Access to the site is granted via a commercial driveway along Sunset Road and a driveway along Riley Street. A waiver of development standards is required to reduce the throat depth for the driveways along Sunset Road and Riley Street. Surface level parking is located immediately to the south of the office building, consisting of a row of parking spaces adjacent to Sunset Road. A single row of surface level parking spaces are located between the north side of the office building and the south side of the parking garage. A total of 1,104 parking spaces are required where 1,150 parking spaces are provided. Cross-access is provided to the commercial development to the east of the project site. Five foot wide detached sidewalks are located along Riley Street and Sunset Road, with enhanced paving at the driveway entrances per a condition of ZC-1333-02. A design review to increase finished grade is also a part of this request. The increase in finished grade occurs on the site's topography from south to north.

### Landscaping

The plans depict 15 foot wide landscape areas, with 5 foot wide detached sidewalks, located along Sunset Road and Riley Street. The street landscaping consists of trees, shrubs, and groundcover. A 3 foot high, decorative, split-face block wall is located within the street landscape areas for flood control/drainage purposes. Interior parking lot landscaping is located immediately to the south of the office building, along Sunset Road, and between the north side of the office building and the south side of the parking garage. Site amenities are provided throughout the site which include enhanced paving at pedestrian crossings, benches, ornamental trash receptacles, and light fixtures per a condition of ZC-1333-02.

### Elevations

The plans depict a 9 story office building with varying rooflines measuring 133 feet in height. The exterior of the office building consists of decorative metal panel systems, stone tile exterior clad, and an aluminum storefront window system. The colors of the office building consist of varying shades of gray with white and orange accents. All rooftop mounted equipment will be screened from public view and the right-of-way by parapet walls.

The plans also depict a 6 story parking garage, measuring between 65.5 to 92 feet in height, with varying rooflines. The exterior of the parking garage will consist of stucco and stone tile exterior clad. The top level of the garage features the 3 restaurant tenant spaces, which consist of a stucco exterior and an aluminum storefront window system. Decorative metal clad canopies, painted with an orange accent, are located above the outside dining areas. The color of the garage features varying shades of gray. A waiver of development standards is required to increase the building height for both the office building and parking garage.

### Floor Plans

The plans depict an office building consisting of 8 floors with open shell space measuring 209,577 square feet in area. Outdoor patios, measuring 8,404 square feet in area, are located around the first floor perimeter of the office building. The parking garage consists of 5 levels with a roof deck at the top level. Three restaurant spaces are located on the fifth level of the garage, with an area measuring 19,547 square feet. An outdoor dining area measuring 8,568 square feet is centrally located between the restaurant tenant spaces.

### Previous Conditions of Approval

Listed below are the approved conditions for ZC-1333-02:

#### Current Planning:

- Subject to no resolution of intent and staff preparing an ordinance to adopt the zoning; design review on the northerly restaurant site, and design review as a public hearing on the restaurant site located adjacent to Sunset Road;
- Providing a 15 foot wide landscape buffer along Sunset Road with medium trees, 24 inch box in size, with shrubs to cover 50% of the landscape area;
- No turf within the 15 foot landscape buffer area;
- A detached sidewalk along Sunset Road;
- Providing consistent architecture and landscaping throughout;
- To minimize the visual dominance of such a large gasoline canopy, canopy to have a pitched roof, consistent with convenience store, with architectural features to match the building;
- All sides of buildings to be finished to be consistent with the front of buildings;
- Store fronts to face streets;
- Trash enclosure to be stucco to match buildings;
- Providing cross access, ingress/egress and parking agreements;
- No required parking behind buildings;
- Enhanced paving at vehicular entrances and pedestrian crossings; and
- Site amenities such as benches, ornamental trash receptacles, light fixtures, or fountains.

#### Public Works – Development Review

- Right-of-way dedication to include 30 feet for Riley Street with related spandrel with Sunset Road;
- Full off-site improvements to include paved legal access;
- If the public sidewalk does not abut the back of curb and/or is meandering in design, applicant to either 1) dedicate the aforementioned rights-of-way, grant necessary pedestrian access easements and sign a License and Maintenance agreement for non-standard improvements located within the right-of-way, or 2) dedicate rights-of-way to back of curb, grant necessary pedestrian access and utility easements, and if applicable, vacate any previously dedicated excess rights-of-way to back of curb;
- Drainage and traffic studies and compliance;
- And all applicable standard conditions for this application type.

### Applicant's Justification

The applicant is proposing parking along the west Sunset Road frontage, as well as parking along the back of the building, in addition to the parking garage. This 2002 condition appears to be related to a previously planned commercial retail center, with the condition intending to encourage a shared parking policy for each proposed building. The condition does not apply to the use as proposed here.

### **Prior Land Use Requests**

| <b>Application Number</b>    | <b>Request</b>  | <b>Action</b>   | <b>Date</b>   |
|------------------------------|---|-----------------|---------------|
| ET-19-400139<br>(DR-0083-17) | First extension of time for the redesign of a previously approved commercial center with office uses - expired  | Approved by BCC | December 2019 |
| WS-19-0372                   | Increased the height of a freestanding sign - expired   | Approved by PC  | July 2019     |
| ET-18-400140<br>(VS-0068-16) | First extension of time to vacate portions of right-of-way being Sunset Road - recorded   | Approved by BCC | July 2018     |
| ET-18-400141<br>(UC-0067-16) | First extension of time to increase building height for a commercial center with waivers for increased lot coverage and alternative landscaping in conjunction with a commercial center consisting of offices, restaurants, and retail uses - expired | Approved by BCC | July 2018     |
| VS-0947-17                   | Vacated and abandoned easements - recorded  | Approved by PC  | December 2017 |
| DR-0083-17                   | Redesign of a previously approved commercial center with office uses - expired  | Approved by BCC | March 2017    |
| VS-0068-16                   | Vacated portions of right-of-way being Sunset Road - recorded   | Approved by BCC | March 2016    |
| UC-0067-16                   | Commercial center with waivers for increased lot coverage and alternative landscaping in conjunction with a commercial center consisting of offices, restaurants, and retail uses - expired   | Approved by BCC | March 2016    |
| VS-0192-06                   | Vacated easements and portions of right-of-way being Riley Street, Post Road, and Teco Avenue - recorded  | Approved by PC  | March 2006    |
| ZC-1333-02                   | Reclassified the project site to C-2 zoning for a shopping center consisting of a retail building, convenience store, gasoline station, and 2 restaurant pad sites  | Approved by BCC | November 2002 |

### **Surrounding Land Use**

|       | <b>Planned Land Use Category</b> | <b>Zoning District</b> | <b>Existing Land Use</b>                   |
|-------|----------------------------------|------------------------|--|
| North | Corridor Mixed-Use               | U-V                    | Mixed-use development with multiple family |
| South | Entertainment Mixed-Use          | C-2                    | Commercial development (Ikea)              |

**Surrounding Land Use**

|      | <b>Planned Land Use Category</b> | <b>Zoning District</b> | <b>Existing Land Use</b>   |
|------|----------------------------------|------------------------|--|
| East | Corridor Mixed-Use               | C-2                    | Recreational facility (pickle ball), restaurants, retail, offices, & a parking garage currently under construction |
| West | Corridor Mixed-Use               | C-2                    | Office buildings & undeveloped   |

**Related Applications**

| <b>Application Number</b> | <b>Request</b>   |
|---------------------------|--|
| WS-23-0211                | A waiver of development standards for increased building height, light fixtures heights, and modified driveway design standards in conjunction with an office building and parking garage with restaurants 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 intent of the previously approved condition was to ensure the required parking spaces for the commercial development were located in front of the buildings, in addition to the parking spaces being accessible for the entire complex and future development to the east. ZC-1333-02 was approved by the Board of County Commissioners in November 2002 for a zone change to reclassify the project site to C-2 zoning for a retail building, convenience store with gasoline station (fuel pumps), and 2 future restaurant pad sites. However, the commercial development that was approved with the zone change was never constructed and the applicant is now proposing an office building with a parking garage. Staff ordinarily does not support waiving conditions previously imposed by the Board of County Commissioners. Staff does not object to the required parking spaces for the development being located behind the office building. However, since staff is not supporting the requested waivers of development standards and design reviews associated with the development, staff recommends denial of this request.

**Staff Recommendation**

Denial.

Approval of the waiver of conditions request constitutes a finding by the Commission/Board that the condition will no longer fulfill its intended purpose.

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:**

**Public Works - Development Review**

If approved:

- No comment.

**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 #0160-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Spring Valley - denial.

**APPROVALS:**

**PROTEST:**

**APPLICANT:** MCM TOWER, LLC

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